

## **BILL ANALYSIS**

S.B. 1588  
By: Blanco  
Public Health  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

There is a critical emergency medical services (EMS) staffing shortage in Texas, leaving the remaining EMS personnel around the state stretched thin. This shortage has the potential to negatively affect a patient's quality of care and EMS's response rate. Furthermore, since 2020, there has been a sharp decline in EMS training program enrollment, signaling that no increase in personnel is to be expected for the foreseeable future. On April 6, 2020, and in response to the growing acute EMS personnel shortages throughout the state, the Department of State Health Services announced its request for and the Office of the Governor's approval of a temporary EMS personnel staffing waiver. The waiver granted local medical directors of licensed EMS providers the authority to permit the deployment of qualified, but not formally certified, personnel to drive licensed EMS vehicles. The personnel staffing waiver was reauthorized every six months, until it finally expired on November 25, 2022. S.B. 1588 seeks to permanently grant licensed EMS providers the authority to recruit and utilize qualified, but not formally certified, personnel to drive their vehicles.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

S.B. 1588 amends the Health and Safety Code to revise the requirement for the Department of State Health Services (DSHS) to grant a variance to an emergency medical services (EMS) provider in the following manner:

- removes as a condition of eligibility for the variance that the EMS provider be exempt from the payment of EMS fees either for using EMS volunteers exclusively to provide emergency prehospital care or for compensating physicians who provide medical supervision and not more than five full-time staff or their equivalent;
- removes the requirement for DSHS to grant a variance from minimum equipment standards;
- removes the specification that the services an EMS provider may provide under a variance are basic life-support services; and
- specifies that the area in which an EMS provider may provide services under a variance is in the service area for which the provider is the sole provider.

S.B. 1588 removes the authorization for the executive commissioner of the Health and Human Services Commission to adopt by rule a variance application filing fee capped at \$30. The bill

additionally removes the requirement that the letter that must be submitted to DSHS by the commissioners court of the county or the governing body of the municipality in which an EMS provider applying for a variance intends to operate an EMS vehicle state that there is no other EMS provider in the service area. The bill specifies that, for purposes of that letter submission, the operation of an EMS vehicle in the applicable county or municipality is in the provision of EMS in a service area of the county or municipality.

S.B. 1588 applies only to a variance application submitted on or after the bill's effective date.

**EFFECTIVE DATE**

September 1, 2023.