

By: Morales of Maverick

H.B. No. 5117

A BILL TO BE ENTITLED

AN ACT

relating to variances from Department of State Health Services
rules governing the provision of emergency medical services.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 773.052(a), (c), (d), and (f), Health
and Safety Code, are amended to read as follows:

(a) An emergency medical services provider with a specific
hardship may apply to the department for a variance from a rule
adopted under this chapter. ~~[The executive commissioner by rule
may adopt a fee of not more than \$30 for filing an application for a
variance.]~~

(c) The department shall grant to an emergency medical
services provider who is the [a] sole provider for a service area a
variance from the minimum staffing standards [for staffing and
equipment] for the provision of [basic life support] emergency
medical services in that service area [if the provider is an
emergency medical services provider exempt from the payment of fees
under Section 773.0581].

(d) An applicant for a variance under Subsection (c) must
submit a letter to the department from the commissioners court of
the county or the governing body of the municipality in which the
provider intends to operate an emergency medical services vehicle
in the provision of emergency medical services in a service area of
the county or municipality. ~~[The letter must state that there is no~~

~~other emergency medical services provider in the service area.]~~

(f) The department shall issue an emergency medical services license to a provider granted a variance under this section. The license is subject to annual review by the department. A provider is encouraged to upgrade staffing ~~[and equipment]~~ to meet the minimum standards set by the rules adopted under this chapter.

SECTION 2. Section [773.052](#), Health and Safety Code, as amended by this Act, applies only to a variance application submitted on or after the effective date of this Act. A variance application submitted before the effective date of this Act is governed by the law applicable to the application on the date the application was submitted, and that law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2023.