



Report on Emergency Medical Services Complaints and Investigations

**As Required by
Health and Safety Code, Section
773.0605**



TEXAS
**Health and Human
Services**

**Texas Department of
State Health Services**

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Table of Contents

Table of Contents	ii
Executive Summary	1
1. Introduction	2
2. Background	3
3. Complaints Related to EMS Providers	4
4. Complaints Related to EMS Personnel	6
5. Complaints Related to EMS Education Programs.....	8
6. Complaints Related to EMS Educators	9
7. Complaint Resolution Data	10
8. Conclusion	11
List of Acronyms	12
Appendix A. Age of each open complaint regarding EMS Providers as of August 31, 2018.....	13
Appendix B. Age of each open complaint regarding EMS Personnel as of August 31, 2018.....	17
Appendix C. Age of each open complaint regarding EMS Education Programs as of August 31, 2018.....	26
Appendix D. Age of each open complaint regarding EMS Educators as of August 31, 2018.....	27

Executive Summary

This report is provided by the Department of State Health Services (DSHS) in accordance with the requirements of Texas Health and Safety Code, [Section 773.0605](#). The legislation requires that DSHS annually report statistical information regarding each complaint received.

Emergency Medical Services (EMS) is an essential component of health care in Texas, one used by visitors and Texans alike. DSHS licensing and oversight of EMS personnel and providers helps ensure that EMS care provided in Texas is safe and meets expected standards. Oversight activities include addressing complaints and conducting investigations, both of which are important measures of quality assurance in the ongoing assessment of emergency medical services.

For fiscal year 2018, DSHS licensed 67,894 EMS personnel and 762 EMS providers who have 4,918 licensed vehicles. DSHS opened a total of 1,801 complaint investigations divided among the following license types: 149 on EMS providers, 1,638 on EMS personnel, six on EMS education programs, and eight on educators. The majority of complaints concerned standards of care for EMS providers and criminal history complaints for personnel. As of August 31, 2018, a total of 90 disciplinary actions were taken, 19 on EMS providers and 71 on EMS personnel.

At the close of the fiscal year on August 31, 2018, a total of 243 complaint investigations remained open for all EMS license categories. The age of all open cases ranges from 1 to 360 days.

These services are important because it is crucial for the public to have confidence in EMS. Texas maintains an active system to receive and investigate complaints regarding EMS providers, personnel, and related functions. Overall, the number of complaints received and the number for which disciplinary action is necessary are relatively low. DSHS will continue to manage this system to ensure that EMS providers and personnel are appropriately licensed and certified and that complaints are investigated and addressed in a manner that instills public confidence in EMS.

1. Introduction

Texas Health and Safety Code, [Section 773.0605](#) requires the Department of State Health Services (DSHS) to track and record any complaints received regarding emergency medical services (EMS) providers and EMS personnel, as well as the investigations and disciplinary actions initiated by DSHS under the Emergency Health Care Act. DSHS must track and refer complaints outside its jurisdiction to other agencies. Statute also requires DSHS to annually report specific information related to complaints, investigations, and disciplinary actions.

This report includes data on complaints received, investigations concluded, and disciplinary actions taken between September 1, 2017, and August 31, 2018. Complaints are reports received in writing or verbally, or initiated by DSHS staff that allege a licensee has violated one or more of the statutes and/or rules governing the practice of EMS. A complaint determined to be jurisdictional is given to the EMS program to investigate. If the investigation shows that a violation occurred, disciplinary action may be initiated. This disciplinary action can range from a letter of reprimand to revocation of a license and may include assessment of an administrative penalty.

This Report is divided into sections by each of the four license types: EMS provider; EMS personnel; EMS education programs; and EMS program instructors, examiners, or course personnel. If a complaint about a provider includes a complaint about their personnel, the portion of the complaint dealing with personnel is detailed as a separate complaint under the EMS personnel license.

Each section presents data as of August 31, 2018. The data include: the number of complaints received during the fiscal year, source of the complaint, primary reason and basis alleged for each complaint, number of cases left open at the end of the fiscal year, reason cases were closed including those closed with no action taken, and the number of disciplinary actions taken during the fiscal year. For purposes of this report, complaints are organized into general categories based on the primary allegation identified in the complaint. When a single complaint includes several allegations, it is categorized by the most significant or serious alleged violation. A complaint may be closed with no action taken for a variety of reasons, including such things as an allegation that is non-jurisdictional for DSHS under Chapter 773, a complaint that is withdrawn by the complainant, or if the evidence from the investigation determined that no violation occurred.

2. Background

The Emergency Medical Services (EMS) system is an essential component of health care in Texas, one used by visitors and Texans alike. The Department of State Health Services licenses and oversees EMS personnel and providers, which helps ensure that EMS care in Texas is safe and meets expected standards. Oversight activities include addressing complaints and conducting investigations, both important measures of quality assurance in the ongoing assessment of emergency medical services.

[Health and Safety Code Chapter 773.041](#) requires that an entity must hold a license issued by DSHS as an EMS provider to operate, conduct, or advertise EMS in Texas. This section also requires that any person practicing as EMS personnel be certified or licensed.

Additionally, Chapter 773 authorizes DSHS to investigate a violation, and revoke, suspend, reprimand, or refuse to renew a license or certificate of the following license types:

- EMS provider;
- EMS personnel;
- EMS education program; or
- EMS program instructor, examiner, or course coordinator.

Currently in Texas, there are over 67,894 licensed personnel and 762 EMS providers who have 4,918 licensed vehicles.

3. Complaints Related to EMS Providers

[Health and Safety Code, Section 773.003](#) defines an emergency medical service (EMS) provider as a person who uses or maintains EMS vehicles and medical equipment, and personnel to provide emergency medical services. A "person", for purposes of this chapter, is defined in [Health and Safety Code, Section 773.041](#) as an individual, corporation, organization, government, governmental subdivision or agency, business, trust, partnership, association, or any other legal entity licensed to do business as an ambulance service transporting sick or injured persons that ride on a stretcher. Entities that are EMS providers employ an EMS administrator, who is not considered to be EMS personnel.

The Department of State Health Services (DSHS) received 149 complaints regarding EMS providers between September 1, 2017 and August 31, 2018, each resulting in DSHS investigations. Of these complaints, 62 were brought by a consumer, 73 were brought by another source, and 14 were initiated by DSHS in the absence of an external complaint, generally based on criminal history of the licensee.

Table 1 lists the primary reasons and basis for each complaint and investigation related to EMS providers.

Table 1: Primary Reason and Basis for Each Complaint and Investigation Related to EMS Providers

Reason and Basis	Count
Abuse/Neglect/Exploitation	6
Confidentiality	2
EMS Drug Diversion	5
Financial	4
Fraud/Deceit/Bribery	6
Reportable Event ¹	8

¹ Reportable Event includes a complaint concerning an activity not performed and/or the care delivered by an EMS provider.

Reason and Basis	Count
Required Activity Not Performed	16
Sexual Misconduct	2
Standard of Care/Service/Product	75
Unauthorized Activity	2
Unlicensed Person/Facility	19
Unprofessional Conduct	4

Of the 149 investigations regarding EMS providers that were initiated in fiscal year 2018, 68 remained open as of August 31, 2018: 57 complaints were under investigation, and 11 complaints were open with discipline proposed but not finalized.

As of August 31, 2018, DSHS closed 78 complaint investigations that were initiated in the fiscal year without taking any disciplinary action. Reasons for closure were: 28 unsubstantiated, 17 concern letters, 14 no violation found, 10 where DSHS did not have jurisdiction, three deficiency plan of correction accepted, two inconclusive, one complaint withdrawn, one closed with no action, one withdrawn by board, and one license expired. Of the ten complaints determined to not be within DSHS' jurisdiction and closed, three were referred to other agencies, which were believed to have jurisdiction. The rest were closed because they did not fall in the jurisdiction of DSHS or any other state agency.

Disciplinary action was taken for three complaint investigations regarding EMS providers initiated in fiscal year 2018, including one reprimand and two voluntary surrenders of license.

As of August 31, 2018, DSHS closed 16 complaint investigations on EMS providers that had been initiated in previous fiscal years. Outcomes were: nine administrative penalties, three probated suspensions, two closed with orders recording the violation without discipline, one suspension, and one revocation.

In addition to the complaints against providers, DSHS received one complaint concerning an EMS administrator in fiscal year 2018. The reason and basis for the complaint investigation was failure to perform the required activity of notifying DSHS of a change in administrators. Disciplinary action in the form of assessing an administrative penalty was taken as a result.

4. Complaints Related to EMS Personnel

Emergency Medical Services (EMS) personnel provide emergency and non-emergency care to the sick or injured before and/or during transport to a medical facility, between facilities, or home. This includes any necessary stabilization of sick or injured persons in connection with transportation. [Health and Safety Code, Section 773.003](#) defines five levels of EMS personnel:

- Emergency Care Attendant,
- Emergency Medical Technician,
- Advanced Emergency Medical Technician,
- Emergency Medical Technician-Paramedic, and
- Licensed Paramedic.

The Department of State Health Services (DSHS) received 1,638 complaints regarding EMS personnel between September 1, 2017 and August 31, 2018. Of these complaints, 860 were initiated by DSHS in the absence of a complaint, 569 self-reported a potential violation, 116 were brought by another source, and 93 were brought by a consumer. The majority of these complaints were related to the licensee criminal history.

Table 2 lists the primary reasons and basis for each complaint and investigation related to EMS personnel.

Table 2: Primary Reason and Basis for Complaint and Investigation Related to EMS Personnel

Reason and Basis	Count
Abuse/Neglect/Exploitation	6
Client Rights	1
Confidentiality	11
Criminal History	1,406
EMS Drug Diversion	18
Financial	2
Fraud/Deceit/Bribery	12

Reason and Basis	Count
Reportable Event ²	19
Required Activity Not Performed	25
Sexual Misconduct	5
Standard of Care/Service/Product	96
Unauthorized Activity	3
Unlicensed Person/Facility	9
Unprofessional Conduct	25

Of the 1,638 complaint investigations involving EMS personnel initiated in fiscal year 2018, 170 remained open with 124 under investigation and 46 open with discipline proposed but not finalized as of August 31, 2018.

As of August 31, 2018, DSHS closed 1,458 complaints initiated in fiscal year 2018 without taking any disciplinary action. Reasons for closure were: 510 no violations, 416 no action, 209 no court outcome related to a criminal case, 148 unsubstantiated, 93 concern letters, 33 pre-screen evaluation eligible letters, 14 complaint withdrawn, 11 license was expired, seven inconclusive, five deficiency plan of correction accepted, six were closed where DSHS had no jurisdiction, three surrendered their license, two unfounded, and one closed substantiated. Three of the non-jurisdictional complaints were referred to other agencies for review and handling.

DSHS closed 10 complaint investigations regarding EMS personnel initiated in fiscal year 2018 with disciplinary action taken. Disciplinary actions taken were seven revocations and three reprimands.

As of August 31, 2018, DSHS closed 61 complaints regarding EMS personnel from previous fiscal years. The reasons for closure were: 30 revocations, nine suspensions, eight probated suspensions, six voluntarily surrendered their license, six were closed with orders recording the violation without discipline, one probation, and one application denied.

² Reportable Event includes a complaint concerning an activity not performed and/or the practice or standard of care by EMS personnel.

5. Complaints Related to EMS Education Programs

An Emergency Medical Services (EMS) education program is an entity approved by the Department of State Health Services (DSHS) to offer education and training for EMS personnel in order to obtain or maintain a license. Education programs may include a privately owned program, a college, university, or governmental body.

DSHS received six complaints related to EMS education programs between September 1, 2017 to August 31, 2018. Of these complaints, two were brought by a consumer, two were brought by another source, and two were initiated by DSHS in the absence of a complaint.

Table 3 lists the primary reasons and basis for each complaint and investigation related to EMS education programs.

Table 3: Primary Reason and Basis for each Complaint and Investigation related to EMS Education Programs

Reason and Basis	Count
Fraud/Deceit/Bribery	2
Standard of Care/Service/Product	2
Advertising/Mislabeled	1
Reportable Event³	1

Of the six complaints received in fiscal year 2018 regarding EMS education programs, three remained open with two under investigation and one open with discipline proposed but not finalized as of August 31, 2018.

As of August 31, 2018, DSHS has closed three of the complaints on EMS education programs. The reasons for closure were: one letter of concern, one deficiency plan of correction accepted, and one violation found and corrected.

No disciplinary action was taken on EMS education programs in fiscal year 2018.

³ Reportable Event includes a complaint concerning an activity not performed and/or the quality of instruction provided by EMS education program.

6. Complaints Related to EMS Educators

Emergency Medical Services (EMS) educators are personnel that provide instruction or manage an education program. This includes: program instructors, examiners, and course coordinators.

The Department of State Health Services (DSHS) received eight complaints related to EMS educators between September 1, 2017 to August 31, 2018. Of these complaints, four were brought to DSHS by consumers and four were brought by another source.

Table 4 lists the primary reasons and basis for each complaint and investigation related to EMS educators.

Table 4: Primary Reason and Basis for each Complaint and Investigation Related to EMS Educators

Reason and Basis	Count
Client Rights	2
Reportable Event⁴	1
Required Activity Not Performed	2
Standard of Care/Service/Product	1
Unprofessional Conduct	2

Of the eight complaints received in fiscal year 2018 regarding EMS educators, two remained open under investigation as of August 31, 2018.

As of August 31, 2018, DSHS has closed six of the complaints on EMS educators. The reasons for closure were: three cases unsubstantiated, two concern letters, and one deficiency plan of correction accepted.

No disciplinary action was taken on EMS educators in fiscal year 2018.

⁴ Reportable Event includes a complaint concerning an activity not performed and/or the quality of instruction provided by EMS educator.

7. Complaint Resolution Data

At the close of the fiscal year on August 31, 2018, there were 243 open complaints among the four EMS license categories. Of these complaints, 185 were under investigation, and 58 had a proposed disciplinary action that had not been finalized. The average age of open cases initiated in fiscal year 2018 was 104 days, and the range was 1 to 360 days. The age of all open complaints by license category is provided in Appendix A.

For fiscal year 2018, the average time to resolve each complaint from the date received was 29 days. Typically, criminal history complaints are able to be resolved more quickly because they are often based on legal documentation related to prior convictions. Those related to criminal history are resolved in an average of 19 days, and those not related to criminal history are resolved in an average of 90 days.

8. Conclusion

At the close of fiscal year 2018, a total of 90 disciplinary actions had been taken among the four license groups.

Of the 67,894 certified and/or licensed Emergency Medical Services (EMS) personnel and 762 licensed EMS service providers, only 0.13 percent received disciplinary action by the Department of State Health Services between September 1, 2017 and August 31, 2018.

The importance of EMS is immeasurable. Nationally, dedicated EMS personnel save countless lives each year. In Texas, EMS personnel respond to an EMS call on an average of every seven seconds. Qualified Texas EMS professionals are ready to respond to Texans' calls for help, despite time of day or weather conditions.

These services are important because it is crucial for the public to have confidence in EMS. Texas maintains an active system to receive and investigate complaints regarding EMS providers, personnel, and related functions. Overall, the number of complaints and the number for which disciplinary action is necessary are relatively low. DSHS will continue to manage this system to help ensure that EMS providers and personnel are appropriately licensed and certified and that complaints are investigated and addressed in a manner that instills public confidence in EMS.

List of Acronyms

Acronym	Full Name
DSHS	Texas Department of State Health Services
EMS	Emergency Medical Services

Appendix A. Age of each open complaint regarding EMS Providers as of August 31, 2018

License Type	Days Open
Emergency Medical Service Provider	353
Emergency Medical Service Provider	313
Emergency Medical Service Provider	278
Emergency Medical Service Provider	261
Emergency Medical Service Provider	239
Emergency Medical Service Provider	234
Emergency Medical Service Provider	226
Emergency Medical Service Provider	220
Emergency Medical Service Provider	220
Emergency Medical Service Provider	205
Emergency Medical Service Provider	201
Emergency Medical Service Provider	191
Emergency Medical Service Provider	191
Emergency Medical Service Provider	191
Emergency Medical Service Provider	190
Emergency Medical Service Provider	178

License Type	Days Open
Emergency Medical Service Provider	165
Emergency Medical Service Provider	156
Emergency Medical Service Provider	149
Emergency Medical Service Provider	133
Emergency Medical Service Provider	130
Emergency Medical Service Provider	127
Emergency Medical Service Provider	115
Emergency Medical Service Provider	117
Emergency Medical Service Provider	117
Emergency Medical Service Provider	116
Emergency Medical Service Provider	110
Emergency Medical Service Provider	107
Emergency Medical Service Provider	97
Emergency Medical Service Provider	97
Emergency Medical Service Provider	97
Emergency Medical Service Provider	79
Emergency Medical Service Provider	75
Emergency Medical Service Provider	75

License Type	Days Open
Emergency Medical Service Provider	68
Emergency Medical Service Provider	66
Emergency Medical Service Provider	60
Emergency Medical Service Provider	60
Emergency Medical Service Provider	60
Emergency Medical Service Provider	60
Emergency Medical Service Provider	60
Emergency Medical Service Provider	60
Emergency Medical Service Provider	53
Emergency Medical Service Provider	47
Emergency Medical Service Provider	40
Emergency Medical Service Provider	40
Emergency Medical Service Provider	38
Emergency Medical Service Provider	38
Emergency Medical Service Provider	33
Emergency Medical Service Provider	33
Emergency Medical Service Provider	31
Emergency Medical Service Provider	31

License Type	Days Open
Emergency Medical Service Provider	25
Emergency Medical Service Provider	23
Emergency Medical Service Provider	18
Emergency Medical Service Provider	17
Emergency Medical Service Provider	16
Emergency Medical Service Provider	12
Emergency Medical Service Provider	12
Emergency Medical Service Provider	12
Emergency Medical Service Provider	11
Emergency Medical Service Provider	10
Emergency Medical Service Provider	10
Emergency Medical Service Provider	9
Emergency Medical Service Provider	4
Emergency Medical Service Provider	3
Emergency Medical Service Provider	1
Emergency Medical Service Provider	1

**Appendix B. Age of each open complaint regarding EMS
Personnel as of August 31, 2018**

License Type	Days Open
Emergency Medical Services Personnel	360
Emergency Medical Services Personnel	355
Emergency Medical Services Personnel	344
Emergency Medical Services Personnel	341
Emergency Medical Services Personnel	332
Emergency Medical Services Personnel	317
Emergency Medical Services Personnel	309
Emergency Medical Services Personnel	289
Emergency Medical Services Personnel	288
Emergency Medical Services Personnel	276
Emergency Medical Services Personnel	271
Emergency Medical Services Personnel	271
Emergency Medical Services Personnel	267
Emergency Medical Services Personnel	264
Emergency Medical Services Personnel	254
Emergency Medical Services Personnel	254
Emergency Medical Services Personnel	236
Emergency Medical Services Personnel	236

License Type	Days Open
Emergency Medical Services Personnel	235
Emergency Medical Services Personnel	235
Emergency Medical Services Personnel	234
Emergency Medical Services Personnel	226
Emergency Medical Services Personnel	226
Emergency Medical Services Personnel	219
Emergency Medical Services Personnel	215
Emergency Medical Services Personnel	215
Emergency Medical Services Personnel	201
Emergency Medical Services Personnel	191
Emergency Medical Services Personnel	191
Emergency Medical Services Personnel	190
Emergency Medical Services Personnel	187
Emergency Medical Services Personnel	187
Emergency Medical Services Personnel	185
Emergency Medical Services Personnel	179
Emergency Medical Services Personnel	179
Emergency Medical Services Personnel	178
Emergency Medical Services Personnel	172

License Type	Days Open
Emergency Medical Services Personnel	171
Emergency Medical Services Personnel	169
Emergency Medical Services Personnel	169
Emergency Medical Services Personnel	159
Emergency Medical Services Personnel	158
Emergency Medical Services Personnel	157
Emergency Medical Services Personnel	156
Emergency Medical Services Personnel	156
Emergency Medical Services Personnel	151
Emergency Medical Services Personnel	151
Emergency Medical Services Personnel	149
Emergency Medical Services Personnel	145
Emergency Medical Services Personnel	145
Emergency Medical Services Personnel	138
Emergency Medical Services Personnel	138
Emergency Medical Services Personnel	137
Emergency Medical Services Personnel	137
Emergency Medical Services Personnel	137
Emergency Medical Services Personnel	130

License Type	Days Open
Emergency Medical Services Personnel	128
Emergency Medical Services Personnel	123
Emergency Medical Services Personnel	121
Emergency Medical Services Personnel	117
Emergency Medical Services Personnel	116
Emergency Medical Services Personnel	114
Emergency Medical Services Personnel	108
Emergency Medical Services Personnel	108
Emergency Medical Services Personnel	107
Emergency Medical Services Personnel	107
Emergency Medical Services Personnel	102
Emergency Medical Services Personnel	100
Emergency Medical Services Personnel	99
Emergency Medical Services Personnel	99
Emergency Medical Services Personnel	97
Emergency Medical Services Personnel	97
Emergency Medical Services Personnel	95
Emergency Medical Services Personnel	95
Emergency Medical Services Personnel	94

License Type	Days Open
Emergency Medical Services Personnel	94
Emergency Medical Services Personnel	92
Emergency Medical Services Personnel	92
Emergency Medical Services Personnel	89
Emergency Medical Services Personnel	87
Emergency Medical Services Personnel	87
Emergency Medical Services Personnel	87
Emergency Medical Services Personnel	85
Emergency Medical Services Personnel	82
Emergency Medical Services Personnel	78
Emergency Medical Services Personnel	75
Emergency Medical Services Personnel	75
Emergency Medical Services Personnel	75
Emergency Medical Services Personnel	75
Emergency Medical Services Personnel	74
Emergency Medical Services Personnel	73
Emergency Medical Services Personnel	71
Emergency Medical Services Personnel	68
Emergency Medical Services Personnel	67

License Type	Days Open
Emergency Medical Services Personnel	67
Emergency Medical Services Personnel	65
Emergency Medical Services Personnel	60
Emergency Medical Services Personnel	58
Emergency Medical Services Personnel	58
Emergency Medical Services Personnel	58
Emergency Medical Services Personnel	58
Emergency Medical Services Personnel	57
Emergency Medical Services Personnel	54
Emergency Medical Services Personnel	53
Emergency Medical Services Personnel	52
Emergency Medical Services Personnel	52
Emergency Medical Services Personnel	52
Emergency Medical Services Personnel	52
Emergency Medical Services Personnel	52
Emergency Medical Services Personnel	52
Emergency Medical Services Personnel	51
Emergency Medical Services Personnel	51
Emergency Medical Services Personnel	50

License Type	Days Open
Emergency Medical Services Personnel	50
Emergency Medical Services Personnel	44
Emergency Medical Services Personnel	40
Emergency Medical Services Personnel	40
Emergency Medical Services Personnel	40
Emergency Medical Services Personnel	40
Emergency Medical Services Personnel	38
Emergency Medical Services Personnel	38
Emergency Medical Services Personnel	38
Emergency Medical Services Personnel	38
Emergency Medical Services Personnel	38
Emergency Medical Services Personnel	38
Emergency Medical Services Personnel	38
Emergency Medical Services Personnel	38
Emergency Medical Services Personnel	38
Emergency Medical Services Personnel	37
Emergency Medical Services Personnel	37
Emergency Medical Services Personnel	36
Emergency Medical Services Personnel	36
Emergency Medical Services Personnel	33

License Type	Days Open
Emergency Medical Services Personnel	31
Emergency Medical Services Personnel	31
Emergency Medical Services Personnel	31
Emergency Medical Services Personnel	30
Emergency Medical Services Personnel	29
Emergency Medical Services Personnel	29
Emergency Medical Services Personnel	26
Emergency Medical Services Personnel	26
Emergency Medical Services Personnel	24
Emergency Medical Services Personnel	24
Emergency Medical Services Personnel	24
Emergency Medical Services Personnel	23
Emergency Medical Services Personnel	23
Emergency Medical Services Personnel	23
Emergency Medical Services Personnel	18
Emergency Medical Services Personnel	18
Emergency Medical Services Personnel	18
Emergency Medical Services Personnel	18
Emergency Medical Services Personnel	18

License Type	Days Open
Emergency Medical Services Personnel	17
Emergency Medical Services Personnel	17
Emergency Medical Services Personnel	17
Emergency Medical Services Personnel	16
Emergency Medical Services Personnel	12
Emergency Medical Services Personnel	12
Emergency Medical Services Personnel	12
Emergency Medical Services Personnel	12
Emergency Medical Services Personnel	12
Emergency Medical Services Personnel	12
Emergency Medical Services Personnel	11
Emergency Medical Services Personnel	9
Emergency Medical Services Personnel	9
Emergency Medical Services Personnel	9
Emergency Medical Services Personnel	5
Emergency Medical Services Personnel	5
Emergency Medical Services Personnel	4
Emergency Medical Services Personnel	3
Emergency Medical Services Personnel	3

Appendix C. Age of each open complaint regarding EMS Education Programs as of August 31, 2018

License Type	Days Open
EMS CE Education Program	268
EMS CE Education Program	171
EMS Initial Education Program	29

Appendix D. Age of each open complaint regarding EMS Educators as of August 31, 2018

License Type	Days Open
EMS Educator	101
EMS Educator	11