

§157.44 EMS Instructor Certification

DRAFT 4 – 08/18/2005

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2 **Legend:**

3 Current Language - Normal font

4 New Language - Underscored

5 **[Deleted Language]** - Strikethrough, Bold & Brackets

6 Staff Recommendation

7 Legal Recommendation

8
9 §157.44 Emergency Medical Service Instructor Certification

10
11 (a) General.

12
13 (1) A certified emergency medical service (EMS) instructor is an individual who
14 has received training approved by the Texas Department of Health (department) to conduct the
15 classroom or laboratory portion of an EMS training course.

16
17 (2) An instructor must be currently certified ~~as~~ at the ~~least an~~ emergency
18 medical technician (EMT) level or higher and may not instruct knowledge or skills above his
19 current level of certification.

20
21 (3) Instructor certification is dependent on the individual's EMS personnel certification and is
22 subject to the same status as that personnel certification. If the department imposes disciplinary
23 action in accordance with §157.16 of this title (relating to Emergency Suspension, Suspension,
24 Probation, Revocation or Denial of a Provider License) or §157.36 of this title (relating to
25 Criteria for Denial and Disciplinary Actions for EMS Personnel and Voluntary Surrender of a
26 Certificate or License), the action shall also be imposed automatically and immediately on the
27 individual's instructor's certification.

28
29 (b) Certification. To obtain certification, a candidate shall:

30
31 (1) have a high school diploma or a general educational development (GED)
32 certificate;

33
34 (2) have active Texas EMS personnel certification;

35
36 (3) complete a training program using an instructor training curriculum approved
37 by the department, which must include a skills verification orientation session; or,

38
39 (4) successfully complete a methods of teaching course or other type of instructor
40 training course approved by the department; the course completed shall be a minimum of 40
41 hours and all requirements shall be completed within one year of the completion date on the
42 course certificate, and the department may exempt those applicants who are already certified in
43 those courses;

§157.44 EMS Instructor Certification

DRAFT 4 – 08/18/2005

45 (5) those completing a course as defined in (b)(4) of this subsection shall submit a
46 written statement of completion of a skills verification orientation session from a currently
47 certified Texas EMS Coordinator

48
49 (6) an instructor candidate who has a degree in secondary or higher education, a
50 secondary teaching certificate or is currently certified as an EMS Instructor in another state shall
51 submit documentation to verify the above and submit a written statement of completion of a
52 skills verification orientation session from a currently certified Texas EMS Coordinator;

53
54 (7) ~~(4)~~ submit an application to the department with a nonrefundable fee of \$30
55 to the department, except a fee shall not be required if compensation is not received for
56 instructing training courses or programs; and a course completion document from a department-
57 approved instructor course; and

58
59 (8) ~~(5)~~ pass the instructor examination conducted by the department.

60
61 (9) ~~(e)~~ The instructor candidate who does not pass the exam may have one
62 opportunity to retest by submitting the retest application and \$30 retest fee, if applicable. The
63 retest must be completed no later than one year after the course completion date. The candidate
64 who fails the retest must complete another instructor course to become eligible for instructor
65 certification.

66
67 (c) ~~(d)~~ Currently certified instructors shall be considered to have met the qualifications
68 in this section.

69
70 (d) ~~(e)~~ Period of certification. After verification by the department of the information
71 submitted by the candidate, the candidate who meets the requirements of subsection (b) of this
72 section shall be certified as an instructor for two years commencing on the date of issuance of the
73 certificate.

74
75 (e) ~~(f)~~ Responsibilities. An instructor shall have the following responsibilities:

76
77 (1) conducting classroom and laboratory sessions in accordance with lesson
78 objectives as assigned by the course coordinator;

79
80 (2) conducting skills proficiency verifications and other student evaluations as
81 assigned by the course coordinator;

82
83 (3) assisting the course coordinator in preparing and maintaining records and
84 performing other duties necessary to insure the integrity, efficiency and effectiveness of the
85 course.

86
87 (4) adhere to the curriculum standards as referenced in 157.32 of this title;

88
89 (5) adhere to the standards outlined in the department's EMS education and
90 Training Manual.

§157.44 EMS Instructor Certification

DRAFT 4 – 08/18/2005

91
92 (6) provide supervision and oversight for assigned courses;

93
94 (7) function as the liaison between the students, the course coordinator, the
95 program, and the department;

96
97 (8) ensure that the facilities, including the classroom and lab areas, are conducive
98 to a positive learning environment.

99
100 (9) ensure that equipment and supplies are clean, in working order, and of
101 adequate quality and quantity to provide a positive learning environment.

102
103 (10) properly administer and maintain integrity of the skills proficiency
104 verifications and other student evaluations during a course.

105
106 (11) properly and accurately inform students of the requirements, processes, and
107 paperwork necessary for Texas EMS certification or licensure.

108
109 (12) properly and accurately inform students of the laws and rules regulating
110 EMS, including requirements for staffing Texas EMS vehicles.

111
112 (13) maintain the overall classroom setting and/or course presentation to ensure
113 the integrity, efficiency, and/or effectiveness of the course.

114
115 (f) ~~(g)~~ Recertification.

116
117 (1) Prior to the expiration of a certificate, the department shall send a notice of
118 expiration to the certificant at the address shown in the current records of the department. It is the
119 responsibility of EMS personnel to notify the department of any change of address.

120
121 (2) If a certificant has not received notice of expiration from the department 30
122 days prior to the expiration, the certificant shall request an application for recertification from the
123 department or download an application from the Internet. Failure to apply for recertification shall
124 result in expiration of the certificate.

125
126 (3) To be eligible for recertification, the instructor shall meet recertification
127 requirements during the latest instructor certification period:

128 (A) maintain active status EMS certification; and

129 (B) submit the application for recertification and a nonrefundable fee of
130 \$30.

131
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133
134 (4) After verification by the department of the information submitted, the
135 candidate who meets the requirements of this section shall be recertified for two years
136 commencing on the day following the expiration of the current certificate.

§157.44 EMS Instructor Certification
DRAFT 4 – 08/18/2005

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(g) ~~[(h)]~~ Late recertification.

(1) An application for renewal of a certificate shall be considered late if:

(A) the application and nonrefundable fee are received after the most recent certificate has expired or;

(B) all requirements for recertification are not met prior to the end of the most recent certification period.

(2) An instructor who has not recertified prior to the end of his most recent certification period is not certified.

(h) ~~[(i)]~~ Recertification. To be eligible for recertification, the candidate shall meet the following:

(1) A candidate whose certificate has been expired for 90 days or less may renew the certificate by submitting an application and paying a nonrefundable renewal fee that is equal to 1-1/2 times the normally required application renewal fee for that level as listed in subsection (b)(7) ~~[(4)]~~ of this section;

(2) A candidate whose certificate has been expired for more than 90 days but less than one year may renew the certificate by submitting an application and paying a nonrefundable renewal fee that is equal to two times the normally required application renewal fee as listed in subsection (b)(7) ~~[(4)]~~ of this section.

(3) A candidate must complete all the requirements for recertification no later than one year after the expiration of the most recent certificate.

(4) After verification by the department of the information submitted by the candidate, the candidate who meets the requirements of this subsection shall be recertified for two years commencing on the day of issuance of a certificate.

(5) A candidate whose certification is expired more than one year must meet the requirements of subsection (b) of this section including the completion of another initial course to be certified.

(i) ~~[(j)]~~ Disciplinary action.

(1) Emergency suspension. The bureau chief of the Bureau of Emergency Management may issue an emergency order to suspend an instructor if the bureau chief has reasonable cause to believe continued activity of the individual constitutes a threat to the public health or safety.

§157.44 EMS Instructor Certification

DRAFT 4 – 08/18/2005

182 (A) An emergency suspension shall be effective immediately without a
183 hearing or written notice to the certificate holder. Notice to the certificant shall be established on
184 the date that a copy of the signed emergency suspension order is sent to the address shown in the
185 current records of the department, or by return receipt. Notice shall also be sent to any
186 sponsoring entity.

187
188 (B) If a written request for a hearing is received from the certificate holder
189 within 15 days of the date of notice, the department shall conduct a hearing not later than the
190 30th day after the date on which a hearing request is received to determine if the emergency
191 suspension is to be continued, modified, or rescinded. The hearing and appeal from a disciplinary
192 action related to the hearing shall be in accordance with the Administrative Procedure Act,
193 Government Code, Chapter 2001.

194
195 ~~(2) Suspension, or revocation or denial. The department may suspend, revoke or~~
196 ~~deny a certificate. An instructor's certification may be suspended, or revoked or denied for, but~~
197 ~~not limited to, the following reasons:~~

198
199 (3) Suspension, revocation or application denial. The department may suspend,
200 revoke or deny a certificate. An application or certification may be suspended, revoked or
201 denied for, but not limited to the following reasons:

202
203 (A) failing to maintain active status EMS personnel certification at the
204 appropriate level;

205
206 (B) failing to comply with the responsibilities of an instructor as in
207 subsection (f) of this section;

208
209 (C) falsifying an application for EMS certification;

210
211 (D) falsifying a program approval application, a self-study, a course
212 approval application, or any supporting documentation;

213
214 (E) falsifying a course completion certificate or any other document that
215 records or verifies course activity and/or is a part of the course record;

216
217 (F) compromising department or program standards for verification of
218 skills proficiency or falsifying proficiency verification records;

219
220 (G) assisting another to obtain or to attempt to obtain personnel
221 certification or recertification by fraud, forgery, deception or misrepresentation;

222
223 (H) failing to complete and submit student documents within the
224 established time frames;

225
226 (I) compromising or failing to maintain the order, discipline and fairness
227 of a department-approved course or program;

§157.44 EMS Instructor Certification DRAFT 4 – 08/18/2005

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(J) delivering or allowing inadequate class presentations;

(K) compromising an examination or examination process administered or approved by the department;

(L) cheating or assisting another in cheating on an EMS examination, other evaluation or any other activity offered or conducted by the department, a training program approved by the department, or a provider licensed by the department;

(M) accepting any benefit to which there is no entitlement or benefits in any manner through fraud, deception, falsification, misrepresentation, theft, misappropriation or coercion;

(N) failing to maintain appropriate policies, procedures and safeguards to ensure the safety of students, fellow instructors or other class participants;

(O) allowing recurrent use of inadequate, inoperable, or malfunctioning equipment;

(P) issuing a check to the department which is returned unpaid;

(Q) failing to maintain education course records for initial or continuing education (CE) courses;

(R) demonstrating an unwillingness or inability to comply with the Health and Safety Code and rules adopted thereunder;

(S) failing to give the department true and complete information when asked regarding any alleged or actual violation of the Health and Safety Code, or the rules adopted thereunder, or failing to report a violation;

(T) committing any violation during a probationary period; and

(U) functioning or attempting to function as an instructor during a period of suspension shall be cause for revocation of the instructor certification.

(V) Failing to report a violation of the Health and Safety Code, or the rules adopted thereunder;

(W) failure to notify the department when any current student or certified or licensed program employee is arrested or convicted for any crime;

(X) conviction of a crime which directly relates to the profession of EMS personnel or EMS educators as described in §157.37 of this title;

§157.44 EMS Instructor Certification DRAFT 4 – 08/18/2005

274 (Y) received a deferred adjudication or deferred prosecution to resolve any
275 criminal charge against the candidate or certificant, which relates to the candidate's or
276 certificant's ability to carry out EMS duties and/or the responsibilities of an EMS Course
277 Instructor;

278
279 (Z) unprofessional conduct such as, but not limited to the following:

- 280 (i). retaliation
- 281 (ii). discrimination
- 282 (iii). verbal or physical abuse
- 283 (iv). inappropriate physical or sexual contact

284
285 (AA) failing to maintain a substantial amount of skill, knowledge and/or
286 academic acuity to timely and/or accurately carry out the duties of an EMS Course Instructor;

287
288 (BB) failing to meet standards as required in this section;

289
290 (CC) previous conduct on the part of the applicant during the performance
291 of duties relating to the responsibilities of EMT personnel or an EMS Course Instructor that is
292 contrary to accepted standards of conduct as described in Chapter 157 of these rules;

293
294 (DD) disciplinary action relating to a certificate or license issued in
295 another state;

296
297 (EE) misrepresenting any requirements for certification or licensure

298
299 (3) Notification. If the department proposes to take disciplinary action against an
300 EMS instructor, the certificant shall be notified at the address shown in the current records of the
301 department. The notice must state the alleged facts or conduct warranting the action and state
302 that the certificant has an opportunity to request a hearing.

303
304 (A) The certificant may request a hearing within 15 days after the date of
305 the notice. This request shall be in writing and submitted to the bureau chief. The hearing shall
306 be conducted pursuant to the Administrative Procedure Act, Government Code, Chapter 2001.

307
308 (B) If the certificant does not request a hearing, after being sent the notice
309 of opportunity, the certificant waives the opportunity for a hearing and the department shall
310 implement its proposal.

311
312 (4) Probation. The department may probate any penalty assessed under this
313 section and may specify terms and conditions of any probation issued.

314
315 (5) Reapplication.

316
317 (A) Two years after the revocation of an instructor certification an
318 individual may petition the department, in writing, for the opportunity to reapply for
319 certification.

§157.44 EMS Instructor Certification
DRAFT 4 – 08/18/2005

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(B) The department shall evaluate the petition and may allow or deny the opportunity to submit an application for recertification.

(C) In evaluating a petition for permission to reapply for certification the department shall consider, but is not limited to, the following issues:

- (i) the likelihood of a repeat of the actions or inactions that led to revocation;
- (ii) the petitioners overall record as an instructor;
- (iii) letters of support or recommendation;
- (iv) letters in protest or nonsupport of the petition; and
- (v) the need for the services of an instructor in a given area.

(D) The petitioner shall be notified of the department's decision to allow or deny the submission of reapplication within 60 days of the request.

~~(E) An instructor whose certificate expires during a suspension or revocation period may not petition to reapply for certification until the end of the suspension or revocation period.~~

(j) ~~[(k)]~~ For all applications and renewal applications, the department ~~[(or the board)]~~ is authorized to collect subscription and convenience fees, in amounts determined by the Texas Online Authority, to recover costs associated with application and renewal application processing through Texas Online.