

Dear EMS Administrator:

As you are aware, the 80<sup>th</sup> Texas Legislative Session passed a variety of bills that affect healthcare. One such bill was Senate Bill 10 (SB10) that contains a variety of health related issues. This bill was signed into law on June 14, 2007 and became effective on September 1, 2007.

Section 14 of SB10 alters Chapters 773.004 and 773.041, relating to Emergency Health Care, of the Texas Health and Safety Code. A copy of this section is enclosed for your convenience. This change in the law establishes clear requirements on the transportation of bedridden patients and effectively prohibits the use of non-licensed, stretcher transport vehicles. Specifically, the bill states that people, organizations or entities "...may not transport a patient by stretcher in a vehicle unless the person holds a license as an emergency medical services provider....".

The purpose of this letter is to ensure that you are informed of this requirement since many EMS providers also offer non-ambulance transportation. This does not affect patients that travel via wheelchair or other non-stretcher devices.

In the coming months, the Governor's EMS and Trauma Advisory Council (GETAC) will consider rules that will be utilized to enforce this requirement. You are encouraged to keep up with the discussions and attend GETAC meetings if you are able. Information on GETAC meetings can be found on the DSHS website at:

<http://www.dshs.state.tx.us/emstraumasystems/governor.shtm>

Should you have any questions regarding these requirements, please contact:

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AN ACT

relating to the operation and financing of the medical assistance program and other programs to provide health care benefits and services to persons in this state; providing penalties.

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

SECTION 14. (a) Subsection (a), Section 773.004, Health and Safety Code, is amended to read as follows:

(a) This chapter does not apply to:

(1) ~~[a ground transfer vehicle and staff used to transport a patient who is under a physician's care between medical facilities or between a medical facility and a private residence, unless it is medically necessary to transport the patient using a stretcher;~~

~~[(2)]~~ air transfer that does not advertise as an ambulance service and that is not licensed by the department;

(2) [~~(3)~~] the use of ground or air transfer vehicles to transport sick or injured persons in a casualty situation that exceeds the basic vehicular capacity or capability of emergency medical services providers in the area;

(3) [~~(4)~~] an industrial ambulance; or

(4) [~~(5)~~] a physician, registered nurse, or other health care practitioner licensed by this state unless the health care practitioner staffs an emergency medical services vehicle regularly.

(b) Section 773.041, Health and Safety Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) A person may not transport a patient by stretcher in a vehicle unless the person holds a license as an emergency medical services provider issued by the department in accordance with this chapter. For purposes of this subsection, "person" means an individual, corporation, organization, government, governmental subdivision or agency, business, trust, partnership, association, or any other legal entity.

(c) Not later than May 1, 2008, the executive commissioner of the Health and Human Services Commission shall adopt the rules necessary to implement the changes in law made by this section to Chapter 773, Health and Safety Code.

SECTION 35. Except as otherwise provided by this Act, this Act takes effect September 1, 2007.