

**Certification of Emergency Service Personnel by
the Texas Department of State Health Services
Bill Summary**

Section 1:

This section exempts the Texas Department of State Health Services licensing process for Emergency Medical Service Personnel from the basic licensure scheme of Ch. 53, Occupations Code, which is applied to many other licensed occupations typically licensed through the Texas Board of Licensing and Regulations.

Sections 2:

These amendments allow the Texas Department of State Health Services to include criminal background as part of the consideration for denial, suspension, and revocation of a certificate of emergency medical service personnel and provide a due process framework for an applicant or certificate holder whose certificate has been suspended, revoked, or denied. Also, adds a section to allow the Texas Department of State Health Services to pre-screen an applicant for Emergency Medical Service Personal certification who has not completed all educational and training requirements of the Board. The Board may charge a reasonable fee associated with pre-screening.

Section 3:

Creates an effective date of September 1, 2009.

By: _____

____.B. No. _____

A BILL TO BE ENTITLED

AN ACT

Relating to Certification of Emergency Service Personnel by the Texas Department of State Health Services.

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

SECTION 1. Section 53.002, Occupations Code, is amended to read as follows:

Sec. 53.002. APPLICABILITY OF CHAPTER. This chapter does not apply to:

(1) the Supreme Court of Texas, a person licensed under the court's authority on behalf of the judicial department of government, or an applicant for a license issued under the court's authority on behalf of the judicial department of government;

(2) a peace officer or an applicant for a license as a peace officer described by Article 2.12, Code of Criminal Procedure; or

(3) an applicant for a license or certificate as an Emergency Medical Service Personnel from the Texas Department of State Health Services as described under Chapter 773 of the Health and Safety Code; or

(3) a person who:

(A) is licensed by the Texas State Board of Medical Examiners, the Texas State Board of Pharmacy, the State Board of Dental Examiners, or the State Board of Veterinary Medical Examiners; and

(B) has been convicted of a felony under Chapter 481 or 483 or Section 485.033, Health and Safety Code.

SECTION 2. Section 773.050, Health & Safety Code, is amended to read as follows:

§ 773.050. MINIMUM STANDARDS. (a) Each basic life-support emergency medical services vehicle when in service must be staffed by at least two individuals certified as emergency care attendants or certified at a higher level of training.

(b) The board by rule shall establish minimum standards for:

(1) staffing an advanced life-support emergency medical services vehicle, a mobile intensive-care unit, or a specialized emergency medical services vehicle;

(2) emergency medical services personnel certification and performance, including provisional certification, certification, decertification, recertification, suspension, emergency suspension, and

probation;

(3) the approval of courses and training programs, the certification of program instructors, examiners, and course coordinators for emergency medical services personnel training, and the revocation and probation of an approval or certification;

(4) examinations of emergency medical services personnel;

(5) medical supervision of basic and advanced life-support systems;

(6) granting, suspending, and revoking a certificate for emergency medical services providers; and

(7) emergency medical services vehicles.

(c) The board shall consider the education, training, criminal background, and experience of allied health professionals in adopting the minimum standards for emergency medical services personnel certification and may establish criteria for interstate reciprocity of emergency medical services personnel. Each out-of-state application for certification must be accompanied by a nonrefundable fee of not more than \$120. The board may also establish criteria for out-of-country emergency medical services personnel certification.

Each out-of-country application for certification must be

accompanied by a nonrefundable fee of not more than \$180.

(d) The board may not adopt a rule that requires any system, service, or agency to provide advanced life-support or staffing beyond basic life-support levels except for providers of:

(1) advanced life-support emergency medical services;

(2) mobile intensive care; or

(3) specialized emergency medical services.

(e) The board shall adopt minimum standards for recognition of first responder organizations.

(f) The board shall recognize, prepare, or administer continuing education programs for certified personnel. A certificate holder must participate in the programs to the extent required by the board to remain certified.

(g) Rules adopting minimum standards under this section shall require:

(1) an emergency medical services vehicle to be equipped with an epinephrine auto-injector device or similar device to treat anaphylaxis; and

(2) emergency medical services personnel to complete continuing education training in the administration of anaphylaxis treatment.

(h) The Board may provide a pre-screening criminal

background check for an emergency medical service personnel applicant in order to determine eligibility to receive certification prior to completion of all educational and training requirements mandated by the Board. The Board may charge each applicant who requests pre-screening a reasonable fee for the costs associated with pre-screening.

§ 773.0501. AUTHORITY TO REVOKE, SUSPEND, OR DENY CERTIFICATION.

(a) The Board may suspend or revoke a certificate, disqualify a person from receiving a certificate, or deny to a person the opportunity to take a certification examination on the grounds that the person has been convicted of a felony or misdemeanor, or has entered a plea of guilty or no contest and received a probated, suspended, community supervision, or deferred adjudication sentence of which directly relates to the duties and responsibilities of Emergency Medical Services Personnel.

(b) A certificate holder's certificate shall be revoked on the certificate holder's imprisonment following a felony conviction, felony community supervision revocation, revocation of parole, or revocation of mandatory supervision, or entering a plea of guilty or no

contest for any crime listed under Chapter 42.12 §3g(a)(1)
(A) through (H) of the Code of Criminal Procedure whether
or not the sentence is probated, suspended, community
supervision, or deferred adjudication sentence.

§ 773.0502. FACTORS TO BE CONSIDERED IN RELATION TO
SUSPENSION, REVOCATION, AND DENIAL OF A CERTIFICATE.

(a) In determining whether a criminal conviction,
community supervision, or deferred adjudication supervision
directly relates to an applicant, the Board shall consider:

(1) the nature and seriousness of the crime;

(2) the relationship of the crime to the purposes
for requiring certification to engage in emergency medical
services;

(3) the extent to which certification might
offer an opportunity to engage in further criminal activity
of the same type as that in which the person previously had
been involved; and

(4) the relationship of the crime to the
ability, capacity, or fitness required to perform the
duties and discharge the responsibilities of an emergency
medical services personnel.

(b) In determining the fitness to perform the duties and
discharge the responsibilities of an emergency services
personnel who has been convicted of a crime, received

community supervision, or deferred adjudication, the Board shall consider, in addition to the factors listed in subsection (a):

(1) the extent and nature of the person's past criminal activity;

(2) the age of the person when the crime was committed;

(3) the amount of time that has elapsed since the person's last criminal activity;

(4) the conduct and work activity of the person before and after the criminal activity;

(5) evidence of the person's rehabilitation or rehabilitative effort while incarcerated, after release, or since imposition of community supervision or deferred adjudication; and

(6) other evidence of the person's fitness, including letters of recommendation from:

(A) prosecutors, law enforcement, correctional officers who prosecuted, arrested, or had custodial responsibility for the person, or community supervision officers;

(B) the sheriff or chief of police in the community where the person resides; and

(C) any other person in contact with the

person.

(c) The applicant has the responsibility, to the extent possible, to obtain and provide to the Board the recommendations of the prosecution, law enforcement, and correctional authorities as required by Subsection (a)(6).

(d) In addition to fulfilling the requirements of Subsection (b), the applicant shall furnish proof in the form required by the Board that the applicant has:

(1) maintained a record of steady employment;

(2) supported the applicant's dependents;

(3) maintained a record of good conduct; and

(4) paid all outstanding court costs, supervision fees, fines, and restitution ordered in any criminal case in which the applicant has been convicted, received community supervision or deferred adjudication.

§ 773.0503. PROCEEDINGS GOVERNED BY ADMINISTRATIVE PROCEDURE ACT.

(a) A proceeding before the Board to establish factors required to be considered under this subchapter is governed by Chapter 2001, Government Code.

(b) The Board shall issue guidelines relating to the practice of the Board under this chapter. The guidelines must state the reasons a particular crime is considered to

relate to an emergency medical service personnel and any other criterion that affects the decisions of the Board.

(c) The Board shall file the guidelines with the secretary of state for publication in the Texas Register.

(d) Amendments to the guidelines, if any, shall be issued annually.

§ 773.0504. NOTICE AND REVIEW OF SUSPENSION, REVOCATION, OR DENIAL OF CERTIFICATE.

(a) If the Board suspends or revokes a certification, denies a person a certificate, or denies the opportunity to be examined for a certificate because of the applicant's prior conviction of a crime, community supervision or deferred adjudication, or other reason, the Board shall notify the person in writing of:

(1) the reason for the suspension, revocation, denial, or disqualification;

(2) the review procedure provided by Section 773.0504(b); and

(3) the earliest date the person may appeal the action of the Board.

(b) A person whose certificate has been suspended or revoked or who has been denied a certificate or the opportunity to take an examination and who has exhausted

the person's administrative appeals may file an action in the district court in the county in which the Board is located for review of the evidence presented to the Board and the decision of the Board.

(c) The petition for an action under this section must be filed not later than the 30th day after the date the Board's decision is final and appealable.

Section 3. This Act shall be effective September 1, 2009.