

Color Legend

Green - Staff May 2004

Red – Staff August 2006

Pink – GETAC May and August 2006 / **Bold & underline reflect changes made in December 2006 at combined Air & EMS meeting**

Draft EMS Subscription Rule (157.11)

EMS Subscriptions 157.XX

(a) Subscription or Membership Services. An EMS provider who operates or intends to operate a subscription or membership program for the provision of EMS within the provider service area shall meet all the requirements for an EMS provider license as established by the Health and Safety Code, Chapter 773, and the rules adopted thereunder, and shall obtain department approval prior to soliciting, advertising or collecting subscription or membership fees. In order to obtain department approval for a subscription or membership program, the EMS provider shall:

(1) Obtain written authorization from the highest elected official (County Judge or Mayor) of the political subdivision(s) where subscriptions will be sold. Written authorization must be obtained from each County Judge if subscriptions are to be sold in multiple Counties.

(A) The County Judge, as authorized by the Commissioners Court, must provide written authorizations if subscriptions sold across an entire County.

(B) The Mayor, as authorized by Town or City Council, must provide written authorization if subscriptions are sold exclusively within the boundaries of an incorporated town or city.

(C) If an EMS Provider seeking approval to sell subscriptions is not the designated EMS Provider for emergency response in any area where subscriptions are to be sold; written notification must be given to the appropriate EMS Provider providing emergency response and to the air medical services that offers service in that response area at least 30 days before seeking approval from the appropriate elected official. ~~EMS Providers that only offer air medical services may omit notification to the local EMS Providers.~~

(2) Submit a copy of the contract used to enroll participants.

(3) ~~The EMS provider shall~~ Maintain a current file of all advertising for the service. Submit a copy of all advertising used to promote the subscription service at least ~~60~~ **90** days before ~~within ten days after~~ the beginning of any enrollment period. If the EMS Provider offering subscriptions is not the designated EMS Provider for local emergency response, then the advertisement shall clearly and plainly identify the local EMS Provider designated for emergency response. ~~EMS Providers that only offer air medical services may omit the local EMS Provider name from advertisements. All~~ advertisements shall promote the use of the national emergency number 9-1-1.

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(4) Comply with all state and federal regulations regarding billing and reimbursement for participants in the subscription service.

(5) Provide evidence of financial responsibility by:

(A) Obtaining a surety bond payable to the department in an amount equal to **or exceeding** the funds to be subscribed. **If the EMS Provider chooses open or year round subscriber enrollment, then the surety bond must be equal to or exceeding the funds subscribed at all times.** The surety bond must be on a **department bond form** and be issued by a company licensed by or eligible to do business in the State of Texas; or

(B) Submitting satisfactory evidence of self insurance **in** an amount equal to the funds to be subscribed if the provider is a function of a governmental entity;

(6) Not deny emergency medical services to non-subscribers or subscribers of non-current status;

(7) ~~Be reviewed at least every two years when the provider license is renewed; and the subscription program may be reviewed by the department during spot inspections;~~ Make subscription records available to the department;

(8) Furnish a list ~~after each enrollment period~~ with the names, addresses, dates of enrollment of each subscriber, and subscription fee paid by each subscriber **at the close of each enrollment period or semi-annually if the subscription program offers open or year round enrollment;**

(9) Furnish the department beginning and ending dates of enrollment period(s) or **explain how open year round enrollment will be conducted.**

(A) **Subscribers shall not be charged more than a prorated fee for the remaining subscription service period that they subscribe for.**

(B) **Subscription service period shall not exceed one year.**

(10) Not offer membership nor accept members into the program who are Medicaid clients.

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83 (11) Furnish the department with the total amount of funds collected each
84 year at the close of enrollment or semi-annually if the subscription program offers open
85 or year round enrollment.

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87 (b) Failure to comply with the requirements in this section may result in
88 disciplinary actions as listed in §157.16 of this title relating to Emergency Suspension,
89 Suspension, Probation, Revocation or Denial of a Provider License.