

Legend: (Proposed Amendments)

Single Underline = Proposed new language

[Bold, Print, and Brackets] = Current language proposed for deletion

Regular print = Current language

(No change.) = No changes are being considered for the designated subdivision

§157.44. Emergency Medical Service Instructor Certification

(a) General.

(1) (No change.)

(2) An instructor must be currently certified **[as]** at the **[least an]** emergency medical technician (EMT) level or higher and may not instruct knowledge or skills above the **[his]** current level of personnel certification.

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

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

(1) (No change.)

(2) have active Texas EMS personnel certification;

(3) complete a training program using an instructor training curriculum approved by the department; or,

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

(5) an instructor candidate who has a degree in secondary or higher education, a secondary teaching certificate or is currently certified as an EMS Instructor in another state shall submit documentation to verify the above;

(6) [(4)] submit an application to the department with a nonrefundable fee of \$30 to the department, except a fee shall not be required if compensation is not received for

instructing training courses or programs; and a course completion document from a department-approved instructor course; and

(7) [(5)] pass the instructor examination administered or approved **[conducted]** by the department.

(8) [(c)] The instructor candidate who does not pass the department administered exam may have one opportunity to retest by submitting the retest application and \$30 retest fee, if applicable. The retest must be completed no later than one year after the course completion date. The candidate who fails the retest must complete another instructor course to become eligible for instructor certification.

(c) [(d)] Currently certified instructors shall be considered to have met the qualifications in this section.

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

(e) [(f)] Responsibilities. An instructor shall have the following responsibilities:

(1) conduct **[conducting]** classroom and laboratory sessions in accordance with lesson objectives as assigned by the course coordinator;

(2) conduct **[conducting]** skills proficiency verifications and other student evaluations as assigned by the course coordinator;

(3) assist **[assisting]** the course coordinator in preparing and maintaining records and performing other duties necessary to insure the integrity, efficiency and effectiveness of the course.

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

(5) adhere to the standards outlined in the department's EMS education and Training Manual;

(6) provide supervision and oversight for assigned courses;

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

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

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

(10) properly administer and maintain integrity of the skills proficiency verifications and other student evaluations during a course;

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

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

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

(f) [(g)] Recertification.

(1) – (3) (No change.)

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

(g) [(h)] Late recertification.

(1) – (2) (No change.)

(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)(6) [(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)(6) [(4)] of this section.

(3) – (5) (No change.)

(i) [(j)] Disciplinary action.

(1) Emergency suspension. The department [**bureau chief of the Bureau of Emergency Management**] may issue an emergency order to suspend an instructor if the

department **[bureau chief]** has reasonable cause to believe continued activity of the individual constitutes **[a threat]** an imminent danger to the public health or safety.

(A) – (B) (No change.)

(2) Certification suspension **[Suspension]** or revocation, or application denial. The department may suspend or revoke a certification or deny an application for certification **[An instructor’s certification may be suspended or revoked]** for, but not limited to the following reasons:

(A) failing to maintain **[active status]** a current and active Texas EMS personnel certification at the appropriate level;

(B) (No change.)

(C) falsifying or assisting another person in falsifying an application for EMS certification;

(D) falsifying or assisting another person in falsifying a program approval application, a self-study, a course approval application, or any supporting documentation;

(E) falsifying or assisting another person in falsifying a course completion certificate or any other document that records or verifies course activity and/or is a part of the course record;

(F) (No change.)

[(G) assisting another to obtain or to attempt to obtain personnel certification or recertification by fraud, forgery, deception or misrepresentation;]

(G) obtaining, or attempting to obtain, or assisting another person in obtaining or attempting to obtain certification or recertification by fraud, deception, falsification, theft, misappropriation, coercion, forgery, or misrepresentation;

(H) – (U) (No change.)

(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;

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

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

- (i) retaliation
- (ii) discrimination
- (iii) verbal or physical abuse
- (iv) inappropriate physical or sexual contact

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

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

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

(DD) disciplinary action relating to a certificate or license issued in another state; and/or

(EE) misrepresenting any requirements for certification or licensure

(3) – (4) (No change.)

(5) Reapplication.

(A) Two years after the revocation, denial, or the voluntary surrender of an instructor certification while disciplinary action is pending, an individual may petition the department, in writing, for the opportunity to reapply for certification. Expiration of a certificate during the suspension period shall not affect the two-year waiting period required before a petition can be submitted.

(B) The department shall evaluate the petition and may allow or deny the opportunity to submit an application for recertification. The petitioner bears the burden of proving fitness for certification.

(C) – (D) (No change.)

[(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) Surrender of a certificate. Surrender of a certificate shall not deprive the department of jurisdiction in regard to disciplinary action against the certificant. An individual who wishes to surrender his or her certification prior to the expiration of the certificate may do so by:

(1) completing a Surrender of Certificate statement; and

(2) in the event that a disciplinary action is pending or reasonably imminent, the certificant must acknowledge that the surrender constitutes a pleas of “no contest” to the allegations upon which the disciplinary action is predicated.

(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.