



TEXAS
Health and Human
Services

**Texas Department of State
Health Services**

TEXAS EMS 101

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Texas EMS Licensure Manager

Let's talk about the EMS Trauma System Section.



Emergency
Medical Services



Hospital
Designation



Criminal
Investigations



Councils and Board



Funding



Happening Now



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Emergency Medical Services (EMS)



We certify and license

- Over 72,000 EMS personnel
- 783 EMS Ambulance Providers
- 683 First Responder Organizations
- 300 EMS Education Programs



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ONE Dispatch in Texas Every TEN Seconds



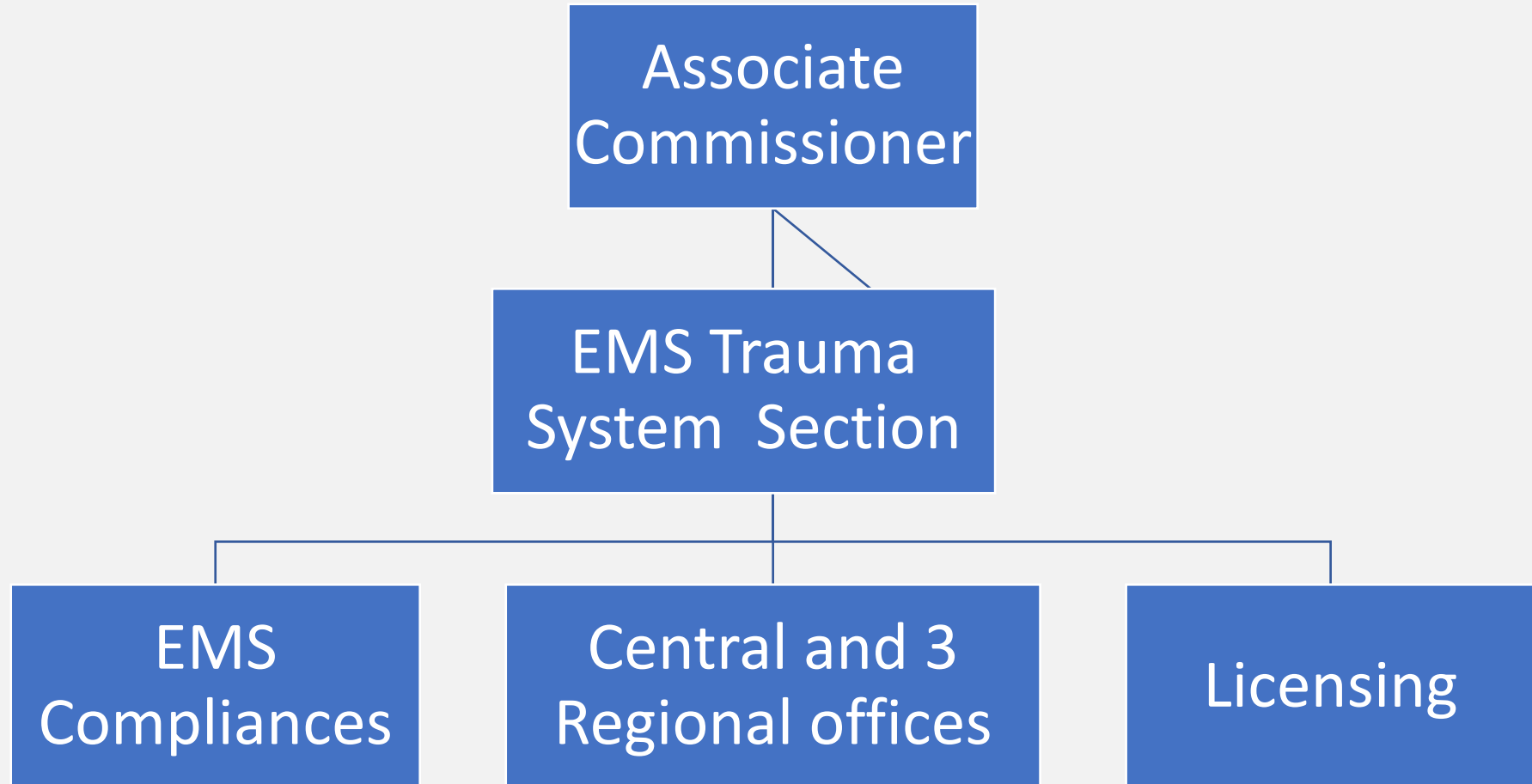
There are over 5000 Emergency vehicles in Texas including:

- Ambulances
- Air Ambulances
- AmbuBus Vehicles for mass transport incidents



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Organization Chart



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2013, plan to clean up the system



To prevent fraud, waste, and abuse in the Medicaid/Medicare programs on part of licensed EMS Providers (The Firms)



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JUST 4 Cases totaling: **\$670.5 million**

Largest Medicare fraud
takedown includes 4 EMS, 2
home health care operators
\$16 MILLION DOLLARS

FBI arrests 91 in Medicare
fraud scheme, many in
Dallas, Houston ,
\$429 MILLION DOLLARS

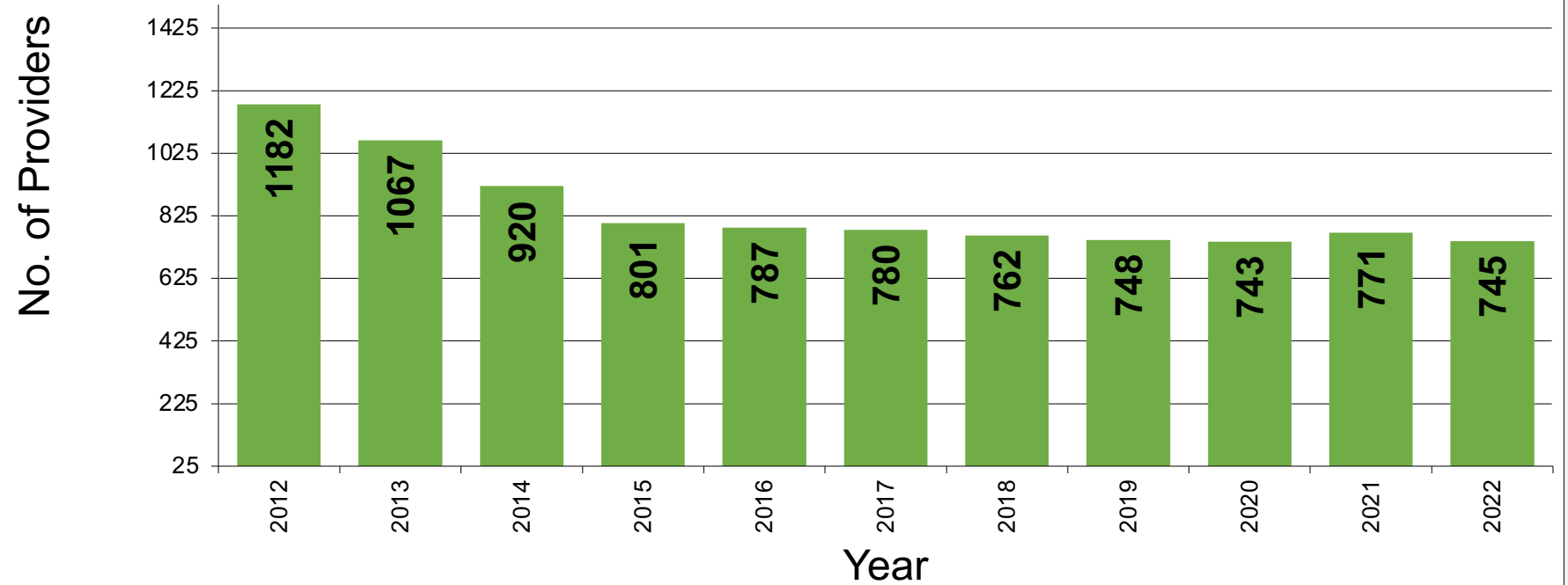
Texas Ambulance Officials
Arrested in Medicare,
Medicaid Fraud Investigation
They were arrested in
connection with an estimated
\$2.5 million fraudulent billing
scheme

eight cities that amounted to
\$223 million in false Medicare
billings.

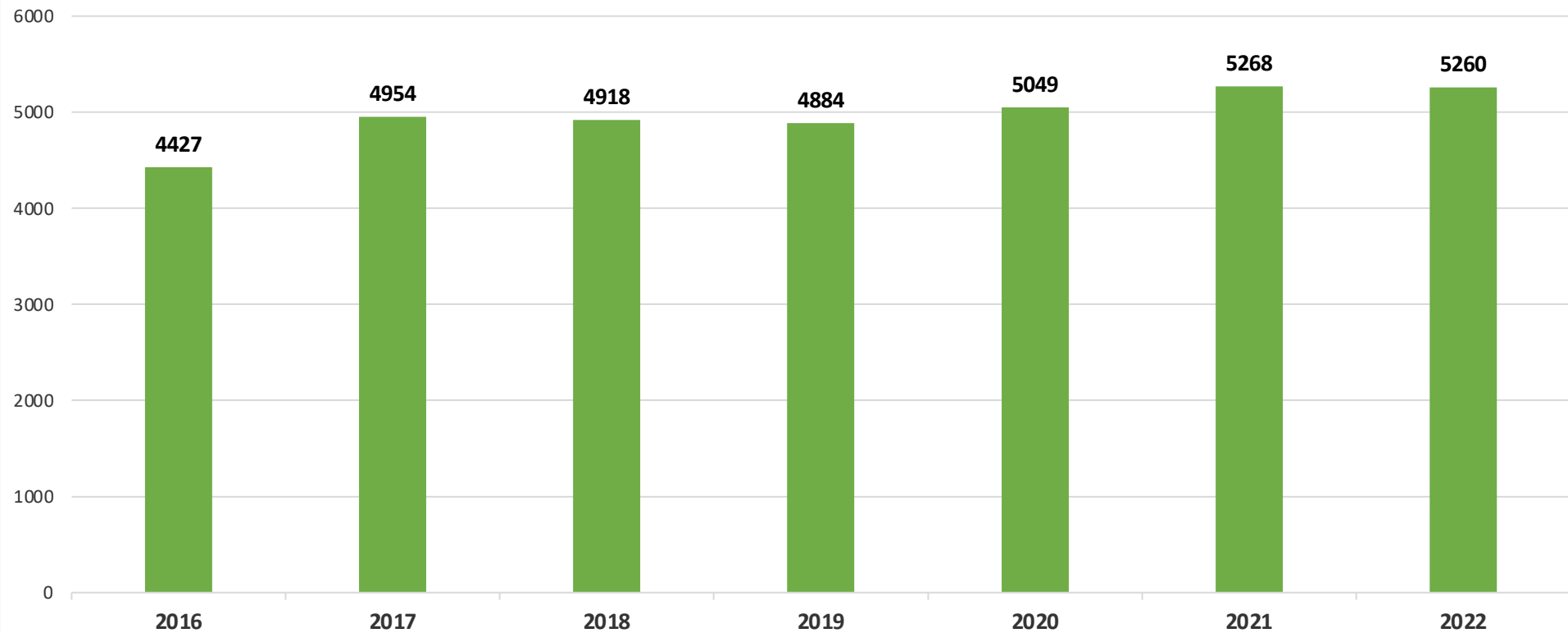


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TEXAS EMS PROVIDERS 2012 -2022



Texas EMS Vehicle Count 2016 – 2022
Total Vehicles



Which Laws or Rules do you need to know about?

Texas Administrative Code Chapter 157, (EMS Rules)

Texas Administrative Code Chapter 197 (Texas Medical Board)

Texas Health and Safety Code Chapter 773 (Texas EMS LAW)

Texas Administrative Code Chapter 123

Did you know?

**Physicians who fail to
supervise EMS personnel
may be subject to disciplinary
action pursuant to the
Medical Practice Act**

Important to know

**An EMS Provider CANNOT employ a
Physician or staff member
(volunteer or paid) that has been
EXCLUDED by Medicare, Medicaid
or CHIP program**

State LAW or RULE?



and what is
the
difference?

You need Legislation to change Chapter 773

- Chapter 773 is the law and can not be waived by DSHS
- You have to be able to refer any rule adopted by DSHS to the stature with Chapter 773
- If DSHS does not have authority in Chapter 773 then DSHS cannot gain authority by writing it in rule
- Once you open up Chapter 773 to add or change language you always run the risk of other changes to the current law being attached

Chapter 773, The LAW

- Purpose
- Definitions
- Excluded from the law
- Temporary Exemptions (Rural areas)
- Funding for EMS, Trauma Care
- Supervision of Prehospital care
- Consent for Emergency Care
- Limitation on civil liabilities
- Subscription Plan
- Advisory Council
- Administration of Epinephrine
- Identification of Patients
- Duties of EMS Personnel
- Vehicle markings
- State Plan
- Delivery and plan areas (RACs)
- Federal Programs
- License/Certification Requirements

It continues

- Certification renewal
- BLS/ALS/MICU/Specialized Vehicles
- ECA/EMT/AEMT/Paramedic/
Licensed Paramedic
- Scope of Paramedic (Oversite)
- Minimum Standards
- Advertising
- Variances
- Training Programs
- Certification process Disease
prevention and Preparedness
- EMS Provider license and
requirements
- Administrator of Record
- Repost to legislatures
- Location requirements
- Equipment
- Provisional License
- Letter of Approval
- Volunteers exempts from fees
- Late renewals
- Disposition of funds

There is more

- Complaints and Investigations
- Disciplinary Action
- Inspections
- Access to records
- Authority to revoke/suspend/fines
- 42A Crimes
- Considerations in suspensions
- Administrative Action Process
- Notification Process
- Emergency Suspension
- Civil Penalty
- Criminal Penalties
- Administrative Penalty
- Denial based on criminal history
- Fees
- Confidential communication
- Consent

Remember it's the LAW!



- Immunity for committee members
- Set Rules
- Duties of the Department
- Trauma Centers designation

Key Components, Initial EMS Providers

- 1) Has sufficient professional experiences and qualifications for Applicants
- 2) Letter of Approval from local municipality or county
- 3) Letter of credit
- 4) Surety bond
- 5) A qualified Administrator of Record
- 6) Employ a Medical Director

License does not mean response area

EMS Applicant requirements

- Adequate staff
- Vehicle adequately equipped to render BLS/ALS
- Safe and efficient services for pre-hospital care and transport
- Sufficient professional experience and qualifications to provide EMS
- Provide document knowledge, and or 1 year experience in the following;
 - a) Understand Texas EMS
Laws, rules and procedures
 - b) EMS Dispatching
 - c) EMS Billing
 - d) Medical Control
 - e) Quality Improvement

Applicant or Management Team

Chapter 157, EMS RULES

- 157.01 Purpose
- 157.02 Definitions
- 157.03 EMS Provider Licenses and application for EMS Personnel
- Audits
- 157.05 Rule exemption
- 157.11 Requirements for EMS Providers
- 157.12 Rotor-wing Operations
- 157.13 Fixed-wing Operations
- 157.16 Emergency Suspension, suspension, probation, revocation, denial of a Provider License
- 157.25 Out of Hospital (DNR)
- 157.32 EMS Education Program
- 157.33 Certification
- 157.34 Re-Certification
- 157.36 Denial and Disciplinary Action (Personnel)
- 157.37 Certification with Criminal Backgrounds

Continue: Chapter 157

- 157.38 Continue Education
- 157.39 Clinical management program approval
- 157.40 License Paramedic
- 157.41 AED Public Access
- 157.43 Course Coordinator Certification
- 157.44 EMS Instructor Certification
- 157.49 EMS Operation (dispatch) and Operator Instructor Training and Certification



TX Occupation Code

- **CHAPTER 157.
AUTHORITY OF
PHYSICIAN TO DELEGATE
CERTAIN MEDICAL ACTS**

- **Sec. 157.001. GENERAL
AUTHORITY OF
PHYSICIAN TO DELEGATE**

- **Sec 157.003 Emergency Care**

The authority to delegate medical acts to a properly qualified person as provided by this subchapter applies to emergency care provided by emergency medical personnel **certified by the Texas Department of Health**

Who are these medical directors?

- 1) Approve level of care per protocols
- 2) **Establish and monitor compliance and training of personnel**
- 3) Develop, implement, and revise protocols and/or standing delegation orders, if appropriate, governing prehospital care and medical aspects of patient triage, transport, transfer, dispatch, extrication, rescue, and radio-telephone-telemetry communication by the EMS
- 4) **Direct an effective system audit and quality assurance program**
- 5) Function as the primary liaison between the EMS administration and the local medical community
- 6) **Develop a letter or agreement or contract between the medical director(s) and the EMS administration outlining the specific responsibilities and authority of each**
- 7) Take or recommend appropriate remedial or corrective measures for EMS personnel, in conjunction with local EMS administration
- 8) **Suspend a certified EMS individual from medical care duties for due cause pending review and evaluation**



Complaints, Criminal Investigations, and Reviews

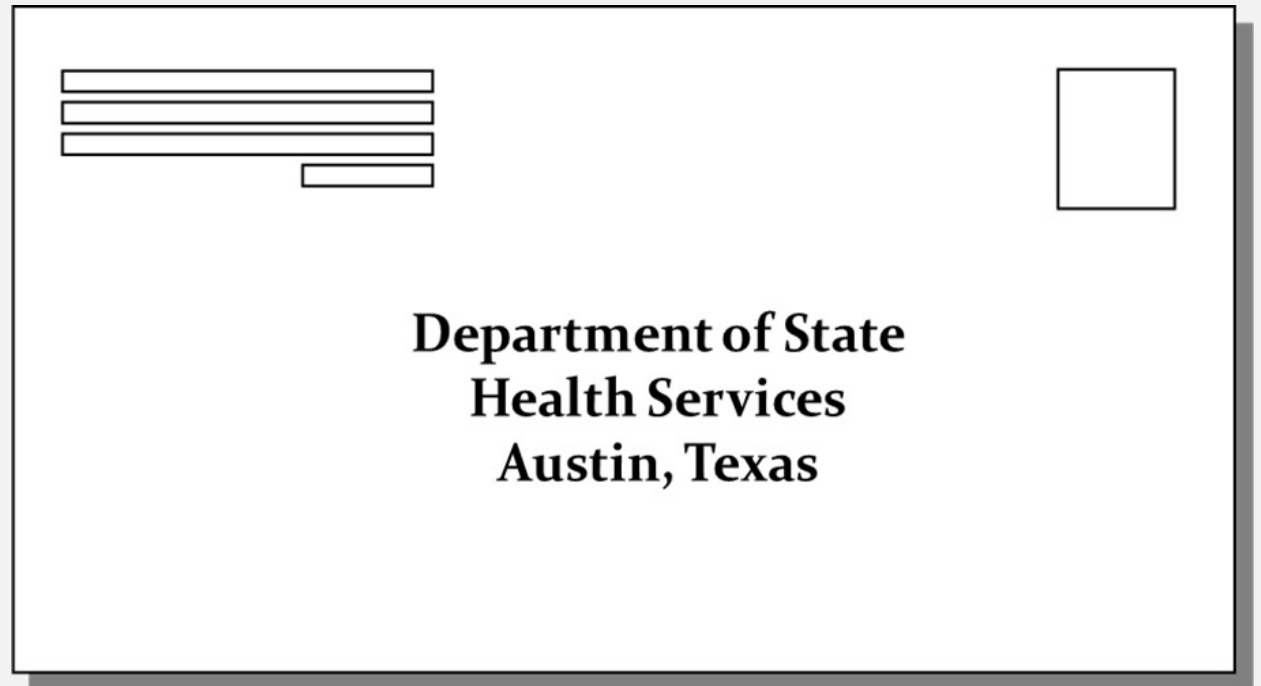


We have a team of EMS investigators who follow-up on complaints and self-reported offenses.

In 2021:

- 1252 criminal histories
- 1411 EMS personnel complaints

When you receive communication from DSHS



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Respond to the state, please.

**We may not
be fast, but
we will not
go away.**



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When you make a mistake....

1. **DON'T** hide it.
2. **Own it .**
3. **Learn from it.**
4. **Take steps to prevent it from happening again.**
5. It is all about **TRUST!**

YOU have to go when the call comes in!

- Do you have what you need?
- See and talk to the patient.
- TREAT the patient and with respect.
- Protect yourself by getting out of a bad situation.
- **DO NOT** take frustration out on or fight with the patient.
- Ask for help.
- Follow your approved protocols.
- Complete the PCR timely!



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Disciplinary Action by the Department

Manager Letter (not formal disciplinary action)

Finding of fact

Written Reprimand

Administrative fine

Suspension

Revocation



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Stay Informed!!!!

Work with:

✓ Texas Ambulance Association

✓ Texas EMS Alliances

✓ RACs

✓ GETAC

✓ TTAF

✓ Local Leadership



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Great source of information!

www.dshs.texas.gov/dshs-ems-trauma-systems



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**PLEASE ask questions or
provide comments?**



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There is a brighter future if we all work together!



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Contact Information

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