

- 1 Legend: (Proposed Amendments)  
2 Regular Print = Proposed new language  
3 Single Underline = Proposed new language  
4 **[Bold, Print, and Brackets]** = Current language proposed for deletion  
5 (No change.) = No changes are being considered for the designated subdivision  
6

7 §157.36

8 Criteria for Denial and Disciplinary Actions for EMS Personnel and Applicants and Voluntary  
9 Surrender of a Certificate or License

10  
11 (a) Emergency Suspension. The commissioner or his/her designee **[Bureau Chief,**  
12 **Bureau of Emergency Management (bureau)]** shall issue an emergency suspension order to  
13 any emergency medical services (EMS) certificant or licensee if the commissioner or his/her  
14 designee **[bureau chief]** has reasonable cause to believe that the conduct of any certificant or  
15 licensee creates an imminent danger to public health or safety.

16  
17 (1) An emergency suspension issued by the commissioner or designee **[bureau**  
18 **chief]** shall be effective immediately without a hearing on **[or]** notice to the certificant or  
19 licensee. Notice to the certificant or licensee shall be established on the date that a copy of the  
20 signed emergency suspension order is sent to the address shown in the current records of the  
21 department.

22  
23 (2) A copy of the emergency suspension order shall be sent to any licensed EMS  
24 provider, first responder organization, medical director, institution or facility with which the  
25 certificant or licensee is known to be associated, at the address shown in the current records of  
26 the department.

27  
28 (3) If a written request for a hearing is received from the suspended individual  
29 within 15 days of the date of suspension, the department shall conduct a hearing not later than  
30 the thirtieth day after the date on which a hearing request is received to determine if the  
31 emergency suspension is to be continued, modified or rescinded. The hearing and appeal from  
32 any disciplinary action related to the hearing shall be governed by the Administrative Procedure  
33 Act, Government Code, Chapter 2001.

34  
35 (b) Disciplinary Action. **[Nonemergency suspension, decertification and revocation of**  
36 **a certificant or paramedic licensee]** The department may suspend, revoke, or refuse to renew  
37 an EMS certification or paramedic license, or may reprimand a certification or paramedic license  
38 for, but not limited to, the following reasons: **[The department may suspend or decertify an EMS**  
39 **certificant or suspend or revoke a licensed paramedic for, but not limited to, the following**  
40 **reasons:]**

41  
42 (1) violating any provision of the Health and Safety Code, Chapter 773, and/or  
43 Title 25 of the Texas Administrative Code (TAC), as well as Federal, State, or local laws, rules  
44 or regulations affecting, but not limited to, the practice of EMS;

45  
46 (2) any conduct which is criminal in nature and/or any conduct which is in  
47 violation of any criminal, civil and/or administrative code or statute;

- 48  
49 (3) failing to make accurate, complete and/or clearly written patient care reports  
50 documenting a patient's condition upon arrival at the scene, the prehospital care provided, and  
51 patient's status during transport, including signs, symptoms, and responses during duration of  
52 transport;  
53  
54 (4) falsifying any EMS record; patient record or report; or making false or  
55 misleading statements in a oral report; or destroying a patient care report;  
56  
57 (5) disclosing confidential information or knowledge concerning a patient except  
58 where required or allowed by law;  
59  
60 (6) causing or permitting physical or emotional abuse or injury to a patient or the  
61 public, and/or failing to report such abuse or injury to the employer, appropriate legal authority  
62 and/or the department;  
63  
64 (7) failure to follow the medical director's protocol, performing advanced level or  
65 invasive treatment without medical direction or supervision, or practicing beyond the scope of  
66 certification or licensure;  
67  
68 (8) failing to respond to a call while on duty and/or leaving duty assignment  
69 without proper authority;  
70  
71 (9) abandoning a patient, turning over the care of a patient or delegating EMS  
72 functions to a person who lacks the education, training, experience, knowledge to provide  
73 appropriate level of care for the patient;  
74  
75 (10) failing to comply with the terms of a department ordered probation or  
76 suspension;  
77  
78 (11) issuing a check to the department which has been returned to the department  
79 or its agent unpaid;  
80  
81 (12) discriminating in any way based on real or perceived conditions of national  
82 origin, race, color, creed, religion, sex, sexual orientation, age, physical disability, mental  
83 disability, or economic status;  
84  
85 (13) misrepresenting level of any certification or licensure;  
86  
87 (14) misappropriating medications, supplies, equipment, personal items, or money  
88 belonging to the patient, employer or any other person or entity or failing to take reasonable  
89 precautions to prevent such misappropriations;  
90  
91 (15) falsifying or altering, or assisting another in falsifying or altering, any  
92 department application, EMS certificate or license; or using or possessing any such altered  
93 certificate or license;

94  
95 (16) committing any offense during the period of a suspension/probation or  
96 repeating any offense for which a suspension/probation was imposed within the two-year period  
97 immediately following the end of the suspension or probation;

98  
99 (17) cheating and/or assisting another to cheat on any department examination or  
100 the examination of any provider licensed by the department or any institution or entity  
101 conducting EMS training or providing an EMS examination;

102  
103 (18) obtaining or attempting to obtain and/or assisting another in obtaining or  
104 attempting to obtain, any advantage, benefit, favor or gain by fraud, forgery, deception,  
105 misrepresentation, untruth or subterfuge;

106  
107 (19) illegally possessing, dispensing, administering or distributing, or attempting  
108 to illegally dispense, administer, or distribute controlled substances as defined by the Health and  
109 Safety Code, Chapter 481 and/or Chapter 483;

110  
111 (20) having an EMS certificate or license or another health provider certificate or  
112 license suspended or revoked in another state; **[while holding a Texas EMS certificate or**  
113 **license]**

114  
115 (21) failing or refusing to timely give the department full and complete  
116 information **[upon request]** requested by the Department;

117  
118 (22) failing to notify the department of a change in his or her criminal history  
119 within 30 business days of the issuance of a court order, which resulted in him or her being  
120 convicted or placed on a deferred adjudication community supervision or deferred disposition for  
121 any criminal offense, other than any class C misdemeanor not directly related to EMS or other  
122 than any offense noted in subsection 157.37(e)(5) of this title; [failing to notify the department  
123 **within 30 days of final sentencing of any criminal offense which resulted in final conviction**  
124 **as defined in §157.37(c) of this title (relating to Certification or Licensure of Persons With**  
125 **Criminal Backgrounds);]**

126  
127 (23) failing to notify the department within 10 business days of his or her being  
128 arrested, charged or indicted for any criminal offense, other than any class C misdemeanor not  
129 directly related to EMS or other than any offense noted in subsection 157.37(e)(5) of this title;  
130 **[having been convicted of any misdemeanor or felony in accordance with the provisions of**  
131 **157.37 of this title]**

132  
133 (24) failing to notify the department of a change in his or her criminal history  
134 within 2 business days of the issuance of a court order, which resulted in him or her being  
135 convicted or placed on deferred adjudication community supervision, or deferred disposition for  
136 any offense noted in subsection 157.37(e)(5) of this title;

137  
138 (25) failing to notify the department within 2 business days of his or her being  
139 arrested, charged or indicted for a criminal offense noted in subsection 157.37(e)(5) of this title;

140 **[failing to notify the department within 10 days of an arrest for any alcohol or drug related**  
141 **offense]**

142  
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144 (26) having been convicted or placed on deferred adjudication community  
145 supervision, or deferred disposition for a criminal offense that directly relates to the duties and  
146 responsibilities of EMS personnel, as determined by the provisions of section 157.37 of this  
147 title, except that a person’s EMS certification or paramedic license shall be revoked if the  
148 certificant or licensed paramedic is convicted, or placed on deferred adjudication community  
149 supervision or deferred disposition for a criminal offense, noted in subsection 157.37(e)(5) of  
150 this title.

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153 (27) [24] failing to timely complete any portion of the criminal history evaluation  
154 process, including submission of fingerprints, or timely providing information requested by the  
155 Department within 60 days of notification to do so, in accordance with provisions in §157.37 of  
156 this title; [failing to complete any portion, including submission of fingerprints, of the  
157 criminal history evaluation process within 60 days of notification to do so, in accordance  
158 with provisions in §157.37 of this title;]

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161 (28) [26] engaging in any conduct that jeopardizes or has the potential to  
162 jeopardize the health or safety of any person;

163  
164

165 (29) [27] abusing alcohol or drugs to such an extent that the health or safety of  
166 any persons is, or may be, endangered;  
167 **[(29) engaging in any conduct listed in §157.37(a)-(c) of this title whether or**  
168 **not resulting in a conviction.]**

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171 (30) [28] engaging in any activity that betrays the public trust and confidence in  
172 EMS;  
173 (31) failing to maintain a substantial amount of skill, knowledge and/or academic  
174 acuity to timely and/or accurately perform the duties or meet the responsibilities required of a  
175 certified emergency medical technician or licensed paramedic.

176  
177

178 (c) Criteria for D[d]enial of EMS C[c]ertification, or P[p]aramedic L[l]icensure. An EMS  
179 certification or paramedic license may be denied for, but not limited to, the following reasons: [A  
180 certificate or license may be denied for, but not limited to, the following reasons:]

181  
182

183 (1) failing to meet standards as required in section 157.36;  
184 (2) previous conduct [on the part] of the applicant during the performance of  
185 duties, [relating to the responsibilities] that are similar to those required of EMS personnel,  
186 whether performed as a volunteer or for compensation, but which such previous conduct that was  
187 committed [that] is contrary to accepted standards of conduct as described or required in  
188 [this]section 157.36 or Chapter 773 of the Health and Safety Code;

189

185 (3) having been convicted or placed on deferred adjudication community  
186 supervision, or deferred disposition for a criminal offense that directly relates to the duties and  
187 responsibilities of EMS personnel, as determined by the provisions of section 157.37 of this  
188 title, except that a person's application for EMS certification or paramedic license shall be  
189 denied if the applicant is convicted, or placed on deferred adjudication community supervision or  
190 deferred disposition for a criminal offense, described in subsection 157.37(e)(5) of this title;  
191 **[conviction of a crime which directly relates to the profession of EMS personnel as described in**  
192 **§157.37 of this title; ]**

193 (4) receiving disciplinary action relating to a certificate or license issued to the  
194 applicant in Texas, in another state or in a US territory or in another nation;

195  
196 (5) falsifying any Texas application for certification or licensure or falsifying any  
197 application or documentation used to acquire registration, certification or licensure;

198  
199 (6) issuing a check for any reason to the department which has been returned to  
200 the department or its agent for any reason;

201  
202 (7) misrepresenting any requirements for certification, recertification, licensure,  
203 or licensure renewal;

204  
205 (8)[10] staffing an EMS vehicle deemed to be in service while the person's  
206 previously issued certification or license is expired, suspended or has been revoked; and/or

207 **[(8) making a plea of no contest in any criminal action which relates or could**  
208 **relate to the candidate's ability to carry out EMS duties;]**

209  
210 (9) failing to maintain a substantial amount of skill, knowledge and/or academic  
211 acuity to timely and/or accurately perform the duties or meet the responsibilities required of a  
212 certified emergency medical technician or licensed paramedic.

213 **[(9) receiving a deferred adjudication in a criminal action which relates or**  
214 **could relate to the candidate's ability to carry our EMS duties; and/or]**

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217 (d) Notification. If the department proposes to, suspend, revoke, or not renew an EMS  
218 certificate or license, or reprimand a certificant or licensed paramedic, or deny a person's  
219 application for an EMS certification or paramedic license, or disqualify a prescreening petition's  
220 eligibility to acquire an EMS certification or paramedic license, the certificant, licensed  
221 paramedic, applicant or petitioner shall be notified at the address as shown in the current records  
222 of the department. The notice must state the alleged facts or conduct to warrant the proposed  
223 action and state that the individual may request an appeal hearing. [If the department proposes  
224 to deny, suspend, revoke, or probate a certificate or license, the holder of same shall be  
225 notified at the address as shown in the current records of the department. The notice must  
226 state the alleged facts or conduct to warrant the proposed action and state that the  
227 certificant or licensee may request a hearing]

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229  
230 (e) Appeal Hearing Request.

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232 (1) A request for an appeal hearing shall be in writing and submitted to the  
233 department [bureau chief] and postmarked within 15 days after the date of the notice. The  
234 appeal hearing and any appeal from that hearing shall be conducted pursuant to the  
235 Administrative Procedure Act, Government Code, Chapter 2001.

236  
237 (2) If the applicant, certificant, licensed paramedic, or petitioner does not request  
238 a hearing in writing within 15 days after notice, the individual is deemed to have waived the  
239 opportunity for an appeal hearing and the department may take the proposed action.

240  
241  
242 (f) Probation.

243 (1) The Department may probate the suspension of an EMS certification or  
244 paramedic license and as a probationary condition may require the certificant or licensee to:

245 (A) report regularly to the department on matters that are the basis of the  
246 probation;

247 (B) limit practice to the areas prescribed by the department;

248  
249 (C) continue or review professional education until the person attains a  
250 degree of skill satisfactory to the department in those areas that are the basis of the probation;

251  
252 (D) complete or continue to meet certain requirements or conditions  
253 related to the circumstances surrounding the certificant's or licensee's rule violations or  
254 background to assure that he or she will continue to meet and maintain general EMS standards;

255  
256 (2) Because of certain circumstances or conduct in the background of a person  
257 making an initial application for an EMS certification or paramedic license, the Department may  
258 grant the certification or license, but place the person on probation, subject to the person meeting  
259 certain probationary conditions during the certification or licensure period to assure that the  
260 person will meet and maintain general EMS standards.

261  
262 (3) Any person, whose EMS certification or paramedic license has been revoked  
263 by the Department and who later regains certification or licensee under this section, shall be  
264 placed on probation for one year and be required to meet certain conditions to assure that he or  
265 she will meet and maintain general EMS standards.

266 **[The department may probate any penalty assessed under this section and my specify**  
267 **terms and conditions of any probation issue. Any revocation of a license or decertification**  
268 **under this section shall require that any future EMS certificate or license issued by the**  
269 **department to the same individual begin with a probationary period for not less than one**  
270 **year.]**

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274  
275 (g) Reapplication.

276

277 (1) Two years after denial, [**decertification or**] revocation of a license, or the  
278 voluntary surrender of a certificate or license while disciplinary action is pending, an individual  
279 may petition the department in writing for reapplication for certification or licensure. Expiration  
280 of a certificate or license during the suspension period shall not affect the two-year waiting  
281 period required before a petition can be submitted.

282  
283 (2) The petitioner bears the burden of proving fitness for certification or licensure.

284  
285 (3) The department may allow the petitioner to file an application for certification  
286 or licensure if there is proof that the health, safety, and confidence of the public will be  
287 protected.

288  
289 (4) The department may deny any petitioner if, in the judgement of the  
290 commissioner or designee [**bureau chief**], the reason for the original action continues to exist or  
291 if the petitioner has failed to offer sufficient proof that there is no longer a threat to public health,  
292 safety, and/or confidence.

293  
294 (5) If the reapplication is allowed, the petitioner shall be required to meet the  
295 requirements for licensure as described in §157.40 of this title (relating to Paramedic Licensure),  
296 or certification as described in §157.33 of this title (relating to Certification), §157.43 of this title  
297 (relating to Course Coordinator Certification), or §157.44 of this title (relating to Emergency  
298 Medical Service Instructor Certification) and in addition shall meet the terms of probation in  
299 subsection (f) of this section.

300  
301 (h) Surrender of a certificate or license. Surrender of a certificate or license shall not  
302 deprive the department of jurisdiction in regard to disciplinary action against the certificant or  
303 licensee. An individual who wishes to surrender his or her certification or license prior to the  
304 expiration of the certificate or license may do so by:

305  
306 (1) completing a Surrender of Certificate or License statement; and

307  
308 (2) in the event that a disciplinary action is pending or reasonably imminent, the  
309 certificant or licensee must acknowledge that the surrender constitutes a plea of "no contest" to  
310 the allegations upon which the disciplinary action is predicated.

311  
312 (i) Notification of disposition. A copy of the order of final disposition of proposed  
313 disciplinary action shall be sent to any licensed EMS provider, first responder organization,  
314 medical director, institution or facility with which the certificant or licensee is known to be  
315 associated at the address shown in the current records of the department.