

§157.14 First Responder Organization License

EMS Committee DRAFT 4 – 11/14/2004

1 **Because this rule is being recommended to be revised substantially, it is staff's and legal's**
2 **recommendation to repeal current 157.14 and propose a new 157.14.**

3 4 §157.14 Requirements for a First Responder Organization License

5
6 (a) A First Responder Organization (FRO) is a group or association of certified
7 emergency medical services personnel that works in cooperation with a licensed emergency
8 medical services provider to:

9
10 (1) routinely respond to medical emergency situations;

11
12 (2) utilize personnel who are emergency medical services (EMS) certified by the
13 Texas Department of State Health Services (department);

14
15 (3) provide on-scene patient care to the ill and injured; and

16
17 (4) does not transport patients.

18
19 (b) Individuals or organizations meeting the description in 157.14 (a) must comply with
20 the requirements outlined in this section including submission of an application for a license.

21
22 (c) Application requirements for a First Responder Organization affiliated with a licensed
23 EMS Provider.

24
25 (1) A BLS or ALS First Responder Organization affiliated with a Texas licensed
26 EMS Provider may apply for a First Responder Organization (FRO) license by submitting a
27 completed application to the department. A complete application consists of the following:

28
29 (A) the application form;

30
31 (B) a personnel list including social security number or personnel ID
32 number and certification/licensure level;

33
34 (C) a description and map of the service area;

35
36 (D) staffing plan including days of the week and hours of the day the FRO
37 will be available for response;

38
39 (E) Affiliation agreement with the primary licensed EMS provider in the
40 service area. The primary licensed EMS provider must provide a letter attesting that the
41 following items have been reviewed and approved by the director and medical director of the
42 EMS provider:

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- 44 (i) level(s) of certification/licensure of FRO personnel providing
45 care;
46
47 (ii) response, dispatch and treatment protocols including an
48 equipment and supply list approved by the medical director of the licensed provider;
49
50 (iii) description of how the FRO receives notification of calls
51
52 (iv) patient care reporting procedures;
53
54 (v) process for the assessment of care provided by the FRO
55 personnel;
56
57 (vi) response code policies for FRO personnel;
58
59 (vii) on-scene chain-of-command policies;
60
61 (viii) policies regarding FRO personnel canceling an route EMS
62 units;
63
64 (ix) policies regarding FRO personnel accompanying patients in
65 provider's vehicles including when FRO personnel hold the highest certification or licensure on
66 the scene; and
67
68 (x) patient confidentiality.

69
70 (F) It is not necessary to submit the individual items in subsection (d) (1)
71 (E) (i) – (x) with the application, if each is referenced in the affiliation agreement. All items
72 listed in (d) (1) must be immediately available for review by department personnel upon request
73 during unannounced site visits or complaint investigations.
74

75 (2) Any FRO which is, or has a contract with, an entity such as a business,
76 corporation or department and whose first responder employees or members are compensated by
77 that entity for providing first responder service shall pay a nonrefundable \$60 application fee. If
78 the license is issued for less than 12 months, the nonrefundable fee shall be \$30. The FRO
79 personnel described in this paragraph are not exempt from the payment of certification or license
80 application fees.
81

82 (3) Applicants who meet all the requirements shall be issued a First Responder
83 Organization license. The license may be valid for up to 2 years, but may be issued for
84 less than 2 years for administrative purposes.
85

86 **Staff Note: Expiration will coincide with the expiration of the affiliated licensed provider.**

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87
88 (4) Although not required, the FRO license application may be submitted with the
89 license application of the affiliated EMS provider. The FRO remains responsible for submitting
90 fees, if applicable.
91

92 (5) An affiliation agreement between a licensed EMS provider and a licensed
93 FRO does not imply any legal status beyond the agreements listed in 157.14 (d) (1)
94

95 (6) A violation of statute or rule by a FRO will not implicate the affiliated EMS
96 provider unless both organizations are involved in the violation. Likewise, a violation of statute
97 or rule by an affiliated EMS provider does not implicate the FRO unless both organizations are
98 involved in the violation.
99

100 (d) Application requirements for an independent EMS First Responder Organization
101 License
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103 (1) An independent Basic Life Support First Responder Organization may apply
104 for a First Responder Organization (FRO) License by submitting a completed application to the
105 department. A complete application consists of the following:
106

107 (A) application form;

108
109 (B) personnel list including social security number or personnel ID
110 number and certification/licensure level;
111

112 (C) description and map of the service area;

113
114 (D) staffing plan including days of the week and hours of the day the FRO
115 will be available for response;
116

117 (E) response, dispatch and treatment protocols including an equipment and
118 supply list approved by the FRO medical director;
119

120 (F) letter of recognition from the primary licensed 911 EMS Provider or
121 from the highest elected city/county official in the service area;
122

123 (G) description of how the FRO receives notification of calls; and
124

125 (H) process for the assessment of care provided by the FRO personnel.
126

127 (I) The application for a FRO license will be considered incomplete if any
128 items listed in §157.14 (d) (1) (A) – (H) are not enclosed with the application.
129

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130 (J) All items listed in (d) (1) (A) – (H) must be immediately available for
131 review by department personnel if requested during unannounced site visits or complaint
132 investigations.

133
134 (2) An independent Advanced Life Support (ALS) First Responder Organization
135 may apply for a First Responder Organization (FRO) License by submitting a completed
136 application to the department. A complete application consists of the following:

137
138 (A) application form;

139
140 (B) personnel list including social security number or personnel ID
141 number and certification/licensure level;

142
143 (C) description and map of the service area; and

144
145 (D) staffing plan including days of the week and hours of the day the FRO
146 will be available for response.

147
148 (E) The FRO shall have an agreement with all licensed providers and their
149 medical directors who routinely transport patients treated by the FRO's personnel. The agreement
150 shall be approved by the responsible person for the first responder organization, the service
151 director and the medical director of each licensed EMS provider. The agreements shall address at
152 a minimum the:

153
154 (i) level(s) of certification/licensure of FRO personnel providing
155 care;

156
157 (ii) response, dispatch and treatment protocols including an
158 equipment and supply list approved by the FRO medical director and a letter of approval from
159 the medical director(s) of the licensed transporting providers with whom the FRO has
160 agreements;

161
162 (iii) description of how the FRO receives notification of calls

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164
165 (iv) patient care reporting procedures;

166
167 (v) process for the assessment of care provided by the FRO
168 personnel;

169
170 (vi) response code policies for FRO personnel;

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172 (vii) on-scene chain-of-command policies;

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173
174 (viii) policies regarding FRO personnel canceling an route EMS
175 units;

176
177 (ix) policies regarding FRO personnel accompanying patients in
178 provider's vehicles including when FRO personnel hold the highest certification or licensure on
179 the scene; and

180
181 (x) patient confidentiality.

182
183 (F) The application for a FRO license will be incomplete if any items
184 listed in 157.14 (d)(2) are not enclosed with the application.

185
186 (G) All items listed in (d) (2) must be available for review by department
187 personnel if requested during unannounced site visits or complaint investigations.

188
189 (3) Any FRO which is, or has a contract with, an entity such as a business,
190 corporation or department and whose first responder employees or members are compensated by
191 that entity for providing first responder services shall pay a nonrefundable \$60 application fee. If
192 the license is issued for less than 12 months in which case the nonrefundable fee shall be \$30.
193 The FRO personnel described in this paragraph are not exempt from the payment of certification
194 and license application fees.

195
196 (4) Applicants who meet all the requirements for a license shall be issued a First
197 Responder license. The license may be valid for up to 2 years, but may be issued for less than 2
198 years for administrative purposes.

199
200 **Staff Note: When approved, BLS and ALS First Responder Organizations will normally receive**
201 **a license for two years from date of issuance.**

202
203 (e) Responsibilities of the FRO. During the license period the FRO's responsibilities shall
204 include:

205
206 (1) assuring ongoing compliance with the terms of the provider agreement(s);

207
208 (2) assuring the existence of and adherence to a quality assurance plan which
209 shall, at a minimum, include;

210
211 (A) the standard of patient care and the medical director's protocols;

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213 (B) pharmaceutical storage;

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215 (C) readiness inspections;

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- (D) preventive maintenance;
- (E) policies and procedures;
- (F) complaint management; and
- (G) patient care reporting and documentation

(3) monitoring the quality of patient care provided by the service and personnel and taking appropriate and immediate corrective action to insure that quality of service is maintained in accordance with protocols and the existing standards of care;

(4) ensuring that all medical personnel are currently certified or licensed by the department;

(5) assuring that all personnel, when on the scene of an emergency, are prominently identified by, at least, the last name and the first initial of the first name, the certification or license level and the provider name. An FRO may utilize an alternative identification system in incident specific situations that pose a potential for danger if the individuals are identified by name;

(6) carrying proof of first responder registration in all vehicles used or operated by the FRO;

(7) assuring the confidentiality of all patient information in compliance with all federal and state laws;

(8) assuring that informed treatment refusal forms are obtained from all patients refusing service, or documenting incidents when an informed treatment refusal form cannot be obtained;

(9) assuring that patient care reports are completed accurately on all patients;

(10) assuring that all relevant patient care information is supplied to the licensed provider upon transfer of care to the provider.

(A) The report shall be accurate, complete and clearly written.

(B) The report shall document, at a minimum, the patient's name, condition upon arrival at the scene; the prehospital care provided; the dispatch time; scene arrival time; and the identification of the EMS staff.

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260 (C) An abbreviated written report shall be provided at the time the patient
261 is transferred to the provider and a full written or computer generated report shall be delivered to
262 the facility within one business.

263
264 (11) assuring that all requested patient records are made promptly available to the
265 medical director;

266
267 (12) assuring that current protocols are available to all certified or licensed
268 personnel;

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270
271 (13) monitoring and enforcing compliance with all policies;

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273 (14) assuring provisions for the appropriate disposal of medical and/or
274 biohazardous waste materials ;

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276 (15) assuring that all documents, reports or information provided to the
277 department are current, accurate and complete;

278
279 (16) assuring compliance with all federal and state laws and regulations and all
280 local ordinances, policies and codes at all times;

281
282 (17) assuring that the department is notified in five business days whenever there
283 is a change:

284
285 (A) in the level of service;

286
287 (B) in the declared service area;

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289 (C) in the official business mailing address;

290
291 (D) in the physical location of the business;

292
293 (E) in the physical location of patient report file storage, to assure that the
294 department has access to these records at all times;

295
296 (F) of the administrator;

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298 (G) of email address; or

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300 (H) in the providers associated with the FRO.

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302 (18) assuring that the department is notified within one business day when a
303 change of the medical director has occurred;

304
305 (19) assuring the FRO has written operating policies and procedures and provides
306 all medical personnel a copy initially and whenever such policies and/or procedures are changed.
307 A copy of the written operating policies and procedures shall be made available to the
308 department on request. Policies at a minimum shall adequately address:

309
310 (A) personal protective equipment;

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312 (B) immunizations available to staff;

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314 (C) infection control procedures;

315
316 (D) communicable disease exposure;

317
318 (E) credentialing of new response personnel before being assigned to
319 respond to emergencies. The credentialing process shall include as a minimum:

320
321 (i) a comprehensive orientation session of the FRO's policies and
322 procedures, safety precautions, and quality management process; and

323
324 (ii) an internship period in which all new personnel practice under
325 the supervision of, and are evaluated by, another more experienced person, if operationally
326 feasible.

327
328 (G) appropriate documentation of patient care; and

329
330 (20) assuring that all documents, reports or information provided to the
331 department are current, truthful and correct;

332
333 (21) assuring that the department is notified within 1 business day of a collision
334 involving an FRO vehicle responding to a scene or while at the scene of an emergency;
335 whenever there is personal injury or death to any person;

336
337 (22) maintaining motor vehicle liability insurance as required under Subchapter
338 D, §601.071 and §601.072, of the Texas Transportation Code for all vehicles owned or operated
339 by the FRO;

340
341 (23) providing continuous coverage for the service area as defined in the staffing
342 plan5; and

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344 (24) responding to requests for assistance from the highest elected official of a
345 political subdivision or from the department during a declared emergency or mass casualty
346 situation.

347
348 (f) License renewal.

349
350 (1) The department may notify the FRO at least 90 days before the expiration date
351 of the current license at the address shown in the current records of the department. If a notice of
352 expiration is not received, it is the responsibility of the FRO to notify the department and request
353 license renewal application information.

354
355 (2) FRO's shall submit a completed application and nonrefundable fee, if
356 applicable, and must verify compliance with the requirements of the license.

357
358
359 (g) License denial. A license may be denied for, but not limited to, the following reasons:

360
361 (1) failure to meet requirements for a first responder license in accordance with
362 this section;

363
364 (2) previous failure to meet the responsibilities of a first responder organization as
365 described in this section;

366
367 (3) falsifying any information, record or document required for a first responder
368 license;

369
370 (4) misrepresenting any requirements for a first responder license or renewal of
371 first responder license;

372
373 (5) history of criminal activity while licensed as an FRO;

374
375 (6) history of disciplinary action relating to the first responder licensure; and/or

376
377 (7) issuing a check for application for a first responder license which is
378 subsequently returned to the department unpaid.

379
380 (h) License revocation criteria. A first responder license may be revoked or suspended for
381 failure to meet the responsibilities of a registered FRO as described in this section.

382
383 (i) For all applications and renewal applications, the department is authorized to collect
384 subscription and convenience fees, in amounts determined by the Texas Online Authority, to

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385 recover costs associated with application and renewal application processing through Texas
386 Online.

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388 **Staff note: Recommend 157.16 be amended to include FROs.**