

# §157.44 EMS Instructor Certification

## GETAC DRAFT 2 – 02/11/2005

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2 **Legend:**

3 Current Language - Normal font

4 New Language - Underscored

5 **[Deleted Language]** - Strikethrough, Bold & Brackets

6 **Staff Recommendation**

7 **Legal Recommendation**

8  
9 §157.44 Emergency Medical Service Instructor Certification

10  
11 (a) General.

12  
13 (1) A certified emergency medical service (EMS) instructor is an individual who  
14 has received training approved by the Texas Department of Health (department) to conduct the  
15 classroom or laboratory portion of an EMS training course.

16  
17 (2) An instructor must be currently certified ~~[as]~~ at the ~~least an~~ emergency  
18 medical technician (EMT) level or higher and may not instruct knowledge or skills above his  
19 current level of certification.

20  
21 (3) Instructor certification is dependent on the individual's EMS personnel certification and is  
22 subject to the same status as that personnel certification. If the department imposes disciplinary  
23 action in accordance with §157.16 of this title (relating to Emergency Suspension, Suspension,  
24 Probation, Revocation or Denial of a Provider License) or §157.36 of this title (relating to  
25 Criteria for Denial and Disciplinary Actions for EMS Personnel and Voluntary Surrender of a  
26 Certificate or License), the action shall also be imposed automatically and immediately on the  
27 individual's instructor's certification.

28  
29 (b) Certification. To obtain certification, a candidate shall:

30  
31 (1) have a high school diploma or a general educational development (GED)  
32 certificate;

33  
34 (2) have active EMS personnel certification;

35  
36 (3) complete a training program using an instructor training curriculum approved  
37 by the department; or,

38  
39 (4) successfully complete a methods of teaching course or other type of instructor  
40 training course approved by the department; the course completed shall be a minimum of 40  
41 hours and all requirements shall be completed within one year of the completion date on the  
42 course certificate, and the department may exempt those applicants who are already certified in  
43 those courses;

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45           (5) those completing a course as defined in (b)(4) of this subsection, shall submit  
46 evidence, by way of a course completion certificate, of completion of a skills orientation session  
47 from an EMS Coordinator;

48  
49           (6) an instructor candidate who has a degree in secondary or higher education or  
50 is currently certified as an EMS Instructor in another state shall submit a copy of secondary  
51 teaching certificate or a copy of the current out-of-state EMS Instructor certificate and submit  
52 evidence, by way of a written statement, of completion of a skills verification orientation session  
53 from an EMS Coordinator;

54  
55           (7) ~~[(4)]~~ submit an application to the department with a nonrefundable fee of \$30  
56 to the department, except a fee shall not be required if compensation is not received for  
57 instructing training courses or programs; and a course completion document from a department-  
58 approved instructor course; and

59  
60           (8) ~~[(5)]~~ pass the instructor examination conducted by the department.

61  
62           (9) ~~[(e)]~~ The instructor candidate who does not pass the exam may have one  
63 opportunity to retest by submitting the retest application and \$30 retest fee, if applicable. The  
64 retest must be completed no later than one year after the course completion date. The candidate  
65 who fails the retest must complete another instructor course to become eligible for instructor  
66 certification.

67  
68           (c) ~~[(d)]~~ Currently certified instructors shall be considered to have met the qualifications  
69 in this section.

70  
71           (d) ~~[(e)]~~ Period of certification. After verification by the department of the information  
72 submitted by the candidate, the candidate who meets the requirements of subsection (b) of this  
73 section shall be certified as an instructor for two years commencing on the date of issuance of the  
74 certificate.

75  
76           (e) ~~[(f)]~~ Responsibilities. An instructor shall have the following responsibilities:

77  
78                   (1) conducting classroom and laboratory sessions in accordance with lesson  
79 objectives as assigned by the course coordinator;

80  
81                   (2) conducting skills proficiency verifications and other student evaluations as  
82 assigned by the course coordinator;

83  
84                   (3) assisting the course coordinator in preparing and maintaining records and  
85 performing other duties necessary to insure the integrity, efficiency and effectiveness of the  
86 course.

87  
88                   (4) [adhere to the curriculum standards as referenced in 157.32 of this title;](#)

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

92  
93 (6) provide supervision and oversight for assigned courses;

94  
95 (7) function as the liaison between the students, the course coordinator, the  
96 program, and the department;

97  
98 (8) ensure that the facilities, including the classroom and lab areas, are conducive  
99 to a positive learning environment.

100  
101 (9) ensure that equipment and supplies are clean, in working order, and of  
102 adequate quality and quantity to provide a positive learning environment.

103  
104 (10) properly administer and maintain integrity of the skills proficiency  
105 verifications and other student evaluations during a course.

106  
107 (11) properly and accurately inform students of the requirements, processes, and  
108 paperwork necessary for Texas EMS certification or licensure.

109  
110 (12) properly and accurately inform students of the laws and rules regulating  
111 EMS, including requirements for staffing Texas EMS vehicles.

112  
113 (13) maintain the overall classroom setting and/or course presentation to ensure  
114 the integrity, efficiency, and/or effectiveness of the course.

115  
116 (f) ~~[(g)]~~ Recertification.

117  
118 (1) Prior to the expiration of a certificate, the department shall send a notice of  
119 expiration to the certificant at the address shown in the current records of the department. It is the  
120 responsibility of EMS personnel to notify the department of any change of address.

121  
122 (2) If a certificant has not received notice of expiration from the department 30  
123 days prior to the expiration, the certificant shall request an application for recertification from the  
124 department or download an application from the Internet. Failure to apply for recertification shall  
125 result in expiration of the certificate.

126  
127 (3) To be eligible for recertification, the instructor shall meet recertification  
128 requirements during the latest instructor certification period:

129  
130 (A) maintain active status EMS certification; and

131  
132 (B) submit the application for recertification and a nonrefundable fee of  
133 \$30.

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135 (4) After verification by the department of the information submitted, the  
136 candidate who meets the requirements of this section shall be recertified for two years  
137 commencing on the day following the expiration of the current certificate.  
138

139 (g) ~~[(h)]~~ Late recertification.

140  
141 (1) An application for renewal of a certificate shall be considered late if:

142  
143 (A) the application and nonrefundable fee are received after the most  
144 recent certificate has expired or;

145  
146 (B) all requirements for recertification are not met prior to the end of the  
147 most recent certification period.  
148

149 (2) An instructor who has not recertified prior to the end of his most recent  
150 certification period is not certified.

151  
152 (h) ~~[(i)]~~ Recertification. To be eligible for recertification, the candidate shall meet the  
153 following:

154  
155 (1) A candidate whose certificate has been expired for 90 days or less may renew  
156 the certificate by submitting an application and paying a nonrefundable renewal fee that is equal  
157 to 1-1/2 times the normally required application renewal fee for that level as listed in subsection  
158 (b)(7) ~~[(4)]~~ of this section;

159  
160 (2) A candidate whose certificate has been expired for more than 90 days but less  
161 than one year may renew the certificate by submitting an application and paying a nonrefundable  
162 renewal fee that is equal to two times the normally required application renewal fee as listed in  
163 subsection (b)(7) ~~[(4)]~~ of this section.  
164

165 (3) A candidate must complete all the requirements for recertification no later  
166 than one year after the expiration of the most recent certificate.  
167

168 (4) After verification by the department of the information submitted by the  
169 candidate, the candidate who meets the requirements of this subsection shall be recertified for  
170 two years commencing on the day of issuance of a certificate.  
171

172 (5) A candidate whose certification is expired more than one year must meet the  
173 requirements of subsection (b) of this section including the completion of another initial course  
174 to be certified.  
175

176 (i) ~~[(j)]~~ Disciplinary action.

177  
178 (1) Emergency suspension. The bureau chief of the Bureau of Emergency  
179 Management may issue an emergency order to suspend an instructor if the bureau chief has

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180 reasonable cause to believe continued activity of the individual constitutes a threat to the public  
181 health or safety.

182  
183 (A) An emergency suspension shall be effective immediately without a  
184 hearing or written notice to the certificate holder. Notice to the certificant shall be established on  
185 the date that a copy of the signed emergency suspension order is sent to the address shown in the  
186 current records of the department, or by return receipt. Notice shall also be sent to any  
187 sponsoring entity.

188  
189 (B) If a written request for a hearing is received from the certificate holder  
190 within 15 days of the date of notice, the department shall conduct a hearing not later than the  
191 30th day after the date on which a hearing request is received to determine if the emergency  
192 suspension is to be continued, modified, or rescinded. The hearing and appeal from a disciplinary  
193 action related to the hearing shall be in accordance with the Administrative Procedure Act,  
194 Government Code, Chapter 2001.

195  
196 (2) Suspension or revocation. An instructor's certification may be suspended or  
197 revoked for, but not limited to, the following reasons:

198  
199 (A) failing to maintain active status EMS personnel certification at the  
200 appropriate level;

201  
202 (B) failing to comply with the responsibilities of an instructor as in  
203 subsection (f) of this section;

204  
205 (C) falsifying an application for EMS certification;

206  
207 (D) falsifying a program approval application, a self-study, a course  
208 approval application, or any supporting documentation;

209  
210 (E) falsifying a course completion certificate or any other document that  
211 records or verifies course activity and/or is a part of the course record;

212  
213 (F) compromising department or program standards for verification of  
214 skills proficiency or falsifying proficiency verification records;

215  
216 (G) assisting another to obtain or to attempt to obtain personnel  
217 certification or recertification by fraud, forgery, deception or misrepresentation;

218  
219 (H) failing to complete and submit student documents within the  
220 established time frames;

221  
222 (I) compromising or failing to maintain the order, discipline and fairness  
223 of a department-approved course or program;

224  
225 (J) delivering or allowing inadequate class presentations;

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(K) compromising an examination or examination process administered or approved by the department;

(L) cheating or assisting another in cheating on an EMS examination, other evaluation or any other activity offered or conducted by the department, a training program approved by the department, or a provider licensed by the department;

(M) accepting any benefit to which there is no entitlement or benefits in any manner through fraud, deception, falsification, misrepresentation, theft, misappropriation or coercion;

(N) failing to maintain appropriate policies, procedures and safeguards to ensure the safety of students, fellow instructors or other class participants;

(O) allowing recurrent use of inadequate, inoperable, or malfunctioning equipment;

(P) issuing a check to the department which is returned unpaid;

(Q) failing to maintain education course records for initial or continuing education (CE) courses;

(R) demonstrating an unwillingness or inability to comply with the Health and Safety Code and rules adopted thereunder;

(S) failing to give the department true and complete information when asked regarding any alleged or actual violation of the Health and Safety Code, or the rules adopted thereunder, or failing to report a violation;

(T) committing any violation during a probationary period; and

(U) functioning or attempting to function as an instructor during a period of suspension shall be cause for revocation of the instructor certification.

(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) making a plea of no contest or agreeing to a deferred adjudication or deferred prosecution to resolve any criminal charge against the applicant which such criminal

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272 charge relates or could relate to the candidate's ability to carry out the out EMS duties and/or the  
273 responsibilities of an EMS Course Coordinator;

274  
275 (Z) receiving a deferred adjudication in a criminal action which relates or  
276 could relate to the candidate's ability to carry out EMT duties and/or the responsibilities of an  
277 EMS Course Coordinator;

278  
279 (AA) failing to maintain a substantial amount of skill, knowledge and/or  
280 academic acuity to timely and/or accurately carry out the duties of an EMS Course Coordinator;

281  
282 (BB) having exhibited or currently exhibiting conduct or a pattern of  
283 behavior that may indicate a mental or emotional instability that diminishes or affects the ability  
284 to carry out the duties and/or responsibilities of an EMS Course Coordinator and/or to comply  
285 with the Health and Safety Code, or the rules adopted thereunder.

286  
287 (3) Notification. If the department proposes to take disciplinary action against an  
288 EMS instructor, the certificant shall be notified at the address shown in the current records of the  
289 department. The notice must state the alleged facts or conduct warranting the action and state  
290 that the certificant has an opportunity to request a hearing.

291  
292 (A) The certificant may request a hearing within 15 days after the date of  
293 the notice. This request shall be in writing and submitted to the bureau chief. The hearing shall  
294 be conducted pursuant to the Administrative Procedure Act, Government Code, Chapter 2001.

295  
296 (B) If the certificant does not request a hearing, after being sent the notice  
297 of opportunity, the certificant waives the opportunity for a hearing and the department shall  
298 implement its proposal.

299  
300 (4) Probation. The department may probate any penalty assessed under this  
301 section and may specify terms and conditions of any probation issued.

302  
303 (5) Reapplication.

304  
305 (A) Two years after the revocation of an instructor certification an  
306 individual may petition the department, in writing, for the opportunity to reapply for  
307 certification.

308  
309 (B) The department shall evaluate the petition and may allow or deny the  
310 opportunity to submit an application for recertification.

311  
312 (C) In evaluating a petition for permission to reapply for certification the  
313 department shall consider, but is not limited to, the following issues:

314  
315 (i) the likelihood of a repeat of the actions or inactions that led to  
316 revocation;

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- 318 (ii) the petitioners overall record as an instructor;
- 319
- 320 (iii) letters of support or recommendation;
- 321
- 322 (iv) letters in protest or nonsupport of the petition; and
- 323
- 324 (v) the need for the services of an instructor in a given area.
- 325

326 (D) The petitioner shall be notified of the department's decision to allow  
327 or deny the submission of reapplication within 60 days of the request.

328  
329 (E) An instructor whose certificate expires during a suspension or  
330 revocation period may not petition to reapply for certification until the end of the suspension or  
331 revocation period.

332  
333 (j) ~~[(k)]~~ For all applications and renewal applications, the department ~~[(or the board)]~~ is  
334 authorized to collect subscription and convenience fees, in amounts determined by the Texas  
335 Online Authority, to recover costs associated with application and renewal application  
336 processing through Texas Online.