

# §157.49 EMS Operator/Instructor Training/Certification

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1  
2 §157.49. Emergency Medical Services Operator and Operator Instructor Training and  
3 Certification (may be known as Emergency Medical Dispatcher).

4  
5 (a) Purpose. The purpose of this section is to establish standards and requirements related  
6 to protocols for delivery of emergency medical information to members of the public during  
7 medical emergencies; certification of emergency medical services (EMS) information operators;  
8 approval of training programs for EMS information operators; certification of EMS information  
9 operator instructors; and approval of EMS information operator instructor training programs.

10  
11 (b) Provision of medical information.

12  
13 (1) An EMS information operator may provide medical information to a member  
14 of the public during an emergency call if the information operator has successfully completed an  
15 EMS information operator training program approved by the ~~[Texas Department of Health~~  
16 ~~(department)]~~ Department and holds a certificate issued under the provisions of this section or  
17 holds equivalent credentials recognized by the department; and

18  
19 (2) An EMS information operator may provide medical information to a member  
20 of the public during an emergency call if the information provided conforms to the protocol and  
21 medical direction for delivery of the information ~~[adopted by the Texas Board of Health~~  
22 ~~(board)]~~ under the provisions of subsection (c) of this section.

23  
24 (c) Protocols for delivery of medical information.

25  
26 (1) ~~[The department shall approve the use of]~~ Protocols for delivery of medical  
27 information ~~to [a member of the public by EMS information operators during an emergency~~  
28 ~~call if it determines that the protocols are]~~ must be substantially equivalent to the Emergency  
29 Medical Dispatch (EMD) Protocol Reference System (PRS) as referenced by the National  
30 Highway Traffic Safety Administration in the EMD National Standard Curriculum and are  
31 approved by a physician who is providing medical direction for the delivery of the medical  
32 information.

33  
34 (2) Delivery of medical information to a member of the public by EMS  
35 information operators during an emergency call shall be conducted under the medical direction  
36 of a physician who shall have reviewed and approved:

37  
38 (A) the protocol to be used; and

39  
40 (B) a system for assuring the quality of the information and the process  
41 followed in providing the information.

42  
43 (d) EMS information operator certification.

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45 (1) To become certified as an EMS information operator, a candidate must meet  
46 the following criteria:

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(A) be at least 18 years of age;

(B) hold current evidence of completion of a nationally recognized basic CPR course approved by the department which includes written and skills proficiency examinations;

(C) have completed, within one year prior to application, a department-approved EMS information operator training program as defined in subsection (g) ~~[(1) and (2)]~~ of this section; and

(D) pass an EMS information operator written examination and skills proficiency evaluation which have been approved by the department.

(2) A candidate who does not pass the written EMS information operator examination may retest one time within 90 days of attempting the initial examination.

(3) A candidate who does not pass the written EMS information operator reexamination shall be required to complete another department-approved EMS information operator training program as defined in subsection (g) ~~[(1) and (2)]~~ of this section.

(4) Certification as an EMS Information Operator shall be valid for a period of four years commencing on the date the certificate is issued.

(e) Recognition by equivalent credentials. Upon written request to the department ~~[bureau chief]~~ and submission of its program's curriculum, the department may approve credentials issued by an emergency medical dispatch certification agency, organization, or by another state as being equivalent to EMS information operator certification.

(f) Recertification. If an EMS information operator has not received notice of expiration of the certification it is the individual's responsibility to locate an EMS information operator instructor for recertification.

(1) To be eligible for recertification as an EMS information operator the individual shall:

(A) maintain current CPR certification; and

(B) complete 12 hours of continuing education in any of the following areas or activities:

(i) protocol review;

(ii) planning and management;

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- 91  
92 (iii) quality assurance; and  
93  
94 (iv) non-traditional educational programs.  
95

96 (2) An EMS information operator meeting the requirements in paragraphs (A) and  
97 (B) of this subsection shall be issued a certificate valid for four years commencing on the date of  
98 issuance.  
99

100 (g) EMS information operator training programs.

101  
102 (1) EMS information operator training programs shall be conducted by a certified  
103 EMS information operator instructor who has met the requirements established in subsection  
104 (h)(1) of this section.

105  
106 (2) The standards for EMS information operator training and operations shall be  
107 in accordance with the EMD National Standard Curriculum of the National Highway Traffic  
108 Safety Administration.

109  
110 (3) The course shall consist of not less than 24 hours of classroom instruction in,  
111 but not limited to, the following content areas:

- 112  
113 (A) roles and responsibilities;  
114  
115 (B) legal and liability issues;  
116  
117 (C) EMD concepts;  
118  
119 (D) obtaining information from callers;  
120  
121 (E) resource allocation;  
122  
123 (F) providing emergency care instruction;  
124  
125 (G) introduction to the EMD PRS;  
126  
127 (H) introduction to chief complaint types; and  
128  
129 (I) EMS system overview.

130  
131 (h) Course approval.

132  
133 (1) Prior to starting a course, an EMS information operator instructor shall:  
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- 135 (A) submit a completed and signed course approval application;  
136  
137 (B) submit a non-refundable course approval fee of \$60, except a fee shall  
138 not be required if the EMS information operator instructor is not to be compensated for  
139 providing EMS information operator training;  
140  
141 (C) submit a course outline listing content by contact hours and instructor  
142 names; and  
143  
144 (D) submit a copy of the PRS protocols to be used.  
145  
146 (2) If the course approval application meets the criteria established in this section,  
147 the EMS information operator instructor shall receive a letter of approval from the department  
148 with an assigned course number.  
149  
150 (3) Representatives of the department may monitor courses at any time for  
151 compliance and quality with on-site observation and other methods as deemed necessary.  
152  
153 (i) Denial of course application.  
154  
155 (1) Reasons for denial of course approval include, but are not limited to, the  
156 following:  
157  
158 (A) failure of an EMS information operator instructor to hold current  
159 certification in accordance with subsection (j)(1) of this section;  
160  
161 (B) issuing a check which is returned unpaid;  
162  
163 (C) submission of an incomplete course approval application;  
164  
165 (D) failure to meet minimum course content requirements;  
166  
167 (E) starting or advertising a course without prior approval from the  
168 department; and  
169  
170 (F) failing to maintain affiliation with a sponsoring agency as defined in  
171 subsection (j)(1)(D) of this section.  
172  
173 (2) If a course approval application is denied, the EMS information operator  
174 instructor shall receive a letter from the department detailing the specific reasons for the denial.  
175  
176 (j) EMS information operator instructor certification.  
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- 178                   (1) To become certified as an EMS information operator instructor, a person  
179 must:  
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181                   (A) be at least 18 years of age;  
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183                   (B) hold a high school diploma or GED certificate;  
184  
185                   (C) hold certification as an EMS information operator;  
186  
187                   (D) have a written agreement or verified affiliation with an EMS provider,  
188 a licensed health care facility, an institution of post secondary education, a law enforcement  
189 agency, a fire department, a public emergency dispatch agency, or other public safety agency;  
190  
191                   (E) have completed, within one year prior to application, a department-  
192 approved EMS information operator instructor training program or hold EMS Instructor  
193 certification;  
194  
195                   (F) submit an application to the department with a nonrefundable fee of  
196 \$60, except a fee shall not be required if the candidate is not to be compensated for providing  
197 EMS information operator training; and  
198  
199                   (G) pass an EMS information operator instructor written examination  
200 administered or approved by the department.  
201  
202                   (2) After verification by the department of the information submitted by the  
203 candidate, the candidate who meets the requirements in subsection (j)(1) of this section shall be  
204 certified for a period of two years commencing on the date of issuance of the certificate.  
205  
206                   (3) Persons holding EMS information operator instructor certification from any  
207 department-approved training program prior to the effective date of this rule are considered to  
208 have met the requirements as set forth in this section and may apply for certification by  
209 submitting to the department:  
210  
211                   (A) a written application with a nonrefundable fee of \$60, except a fee  
212 shall not be required if the candidate is not to be compensated for providing EMS information  
213 operator training; and  
214  
215                   (B) documentation of current EMS information operator instructor  
216 certification.  
217  
218                   (4) Retesting.  
219  
220                   (A) A certificant who does not pass the department's written examination  
221 may retest after:

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(i) submitting an application to retest: and

(ii) paying a nonrefundable fee of \$30, if applicable.

(B) A certificant who does not pass a retest shall meet the requirements in subsection (j) ~~(k)~~(1) of this section.

(k) EMS information operator instructor recertification.

(1) Prior to the expiration of an EMS information operator instructor certification, the department shall send a notice of expiration to the certificant at the address shown in the current records of the department. It is the responsibility of EMS information operator instructor to notify the department of any change of address.

(2) If an EMS information operator instructor has not received notice of expiration from the department 45 days prior to the expiration, it is the duty of the EMS information operator instructor to notify the department and request an application for recertification. Failure to apply for recertification shall result in expiration of the certificate.

(3) To be eligible for recertification, the EMS information operator instructor shall:

(A) hold current EMS information operator certification; and maintain current active certification or licensure as an EMT or above;

~~[(B) maintain current active EMS Instructor certification;~~

~~[(C) maintain an agreement or affiliation with sponsoring agency or organization as defined in subsection (j)(1)(D) of this section;]~~

(B) ~~[(D)]~~ submit an application for recertification with a nonrefundable fee of \$60, except a fee shall not be required if the candidate is not to be compensated for providing EMS information operator instructor training. ~~[-; and]~~

~~[(E) instruct at least one EMS information operator training program each year.]~~

(4) After verification by the department of the information submitted, the EMS information operator instructor who meets the requirements of paragraph (3) of this subsection shall be recertified for two years beginning on the date following the expiration of the last certificate.

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265 ~~[(5) An EMS information operator instructor who has not met all~~  
266 ~~requirements for recertification prior to the end of the certification period is not certified~~  
267 ~~and shall not perform the duties of an EMS information operator instructor.]~~  
268

269 (5) ~~[(6)]~~ An EMS information operator instructor whose certification has been  
270 expired for 90 days or less may renew the certificate by meeting the provisions in paragraph  
271 (3)(A)-(B) ~~[(C)]~~ of this subsection and submitting an application and a renewal fee that is equal  
272 to 1-1/2 times the normally required application renewal fee.  
273

274 (6) ~~[(7)]~~ An EMS information operator instructor whose certification has been  
275 expired for more than 90 days but less than one year may renew the certificate by meeting the  
276 provisions in paragraph (3)(A)-(B) ~~[(C)]~~ of this subsection and submitting an application and a  
277 renewal fee that is equal to two times the normally required application renewal fee.  
278

279 (7) ~~[(8)]~~ An EMS information operator instructor whose certification has been  
280 expired for one year or more shall complete the requirements in subsection (j)(1) of this section.  
281

282 (1) EMS information operator instructor training.  
283

284 (1) All EMS information operator instructor training courses shall be conducted  
285 by a regionally accredited post-secondary educational institution which is approved as an EMS  
286 education program or other nationally recognized entity approved by the department.  
287

288 (2) EMS information operator instructor training courses shall follow a  
289 department-approved curriculum.  
290

291 (m) Responsibilities of an EMS information operator instructor. The responsibilities of an  
292 EMS information operator instructor shall be to:  
293

294 (1) process student applications and select students;

295 (2) schedule courses and assign instructors;

296 (3) verify the certification, license, or other proper credentials of all personnel  
297 who instruct in the program's courses;

300 (4) meet at least the minimum requirements for course curriculum established by  
301 the department for EMS information operator initial and refresher training;  
302

303 (5) maintain in conjunction with the sponsoring agency or organization, all EMS  
304 information operator training course records for a minimum of 5 years;  
305

306 (6) attest to the successful course completion of all students who meet the  
307 program's requirements for completion;  
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309  
310 (7) provide candidates who have satisfied the requirements in subsection (d)(1) of  
311 this section with documentation on a form approved by the department, of certification that  
312 meets the requirements established by the department. Documentation shall include the  
313 candidate's name, a unique identification number, date of successful completion of the EMS  
314 information operator training and the training program's approval number;

315  
316 (8) maintain in conjunction with the sponsoring agency or organization, a list of  
317 the names, addresses, social security numbers and the date the training was completed of each  
318 individual who successfully completes EMS information operator training for a minimum of five  
319 years;

320  
321 (9) verify EMS information operator certification upon request of a certificant, a  
322 licensed EMS provider, a public safety agency, the department, or another individual or entity  
323 authorized by law;

324  
325 (10) provide the department with information and reports necessary for planning,  
326 administrative, regulatory, or investigative purposes; and

327  
328 (11) provide certified EMS information operators who have met the requirements  
329 in subsection (f) of this section, relating to recertification, with documentation on a form  
330 approved by the department renewing the certification.

331  
332 (n) Disciplinary Action. ~~An EMS information operator instructor shall be subject to~~  
333 ~~the same disciplinary actions set forth in §157.44 of this title (relating to Emergency~~  
334 ~~Medical Service Instructor Certification).]~~

335  
336 (1) Emergency suspension. The department may issue an emergency order to  
337 suspend an EMS information operator instructor if the department has reasonable cause to  
338 believe continued activity of the individual constitutes an imminent danger to the public health  
339 or safety.

340  
341 (A) An emergency suspension shall be effective immediately without a  
342 hearing on or written notice to the certificate holder. Notice to the certificant shall be established  
343 on the date that a copy of the signed emergency suspension order is sent to the address shown in  
344 the current records of the department, or by return receipt. Notice shall also be sent to any  
345 sponsoring entity.

346  
347 (B) If a written request for a hearing is received from the certificate holder  
348 within 15 days of the date of notice, the department shall conduct a hearing not later than the  
349 30th day after the date on which a hearing request is received to determine if the emergency  
350 suspension is to be continued, modified, or rescinded. The hearing and appeal from a  
351 disciplinary action related to the hearing shall be in accordance with the Administrative  
352 Procedure Act, Government Code, Chapter 2001.

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~~(2) Suspension or revocation. An EMS information operator instructor certification may be suspended or revoked for, but not limited to, the following reasons:~~

(3) Suspension, revocation or application denial. The department may suspend, revoke or deny a certificate. An application or certification may be suspended, revoked or denied for, but not limited to the following reasons:

(A) failing to maintain EMS information operator certification at the appropriate level;

(B) failing to comply with the responsibilities of an EMS information operator instructor as in subsection (m) of this section;

(C) falsifying a department application;

(D) 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 information operator instructor;

(E) falsifying any document that records or verifies course activity and/or is a part of the course record;

(F) assisting another to obtain or to attempt to obtain certification or recertification by fraud, forgery, deception or misrepresentation;

(G) failing to complete and submit student documents within the established time frames;

(H) compromising or failing to maintain the order, discipline and/or fairness of a department-approved course or program;

(I) delivering or allowing inadequate class presentations;

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

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

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

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

(N) using and/or allowing the use of inadequate, inoperable, or malfunctioning equipment;

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

(P) failing to maintain education course records;

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

(R) 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;

(S) committing any violation during a probationary period;

(T) functioning or attempting to function as an EMS information operator instructor during a period of suspension shall be cause for revocation of the EMS information operator instructor certification;

(U) failing to adhere to the curriculum standards as referenced in 157.49 of this title;

(V) conviction of a crime which directly relates to the profession of EMS information operator or EMS information operator instructor as described in 157.49 of this title;

(W) 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 information operator instructor;

(X) 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

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

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440 (Z) previous conduct on the part of the applicant during the performance  
441 of duties relating to the responsibilities of EMS personnel or an EMS information operator  
442 instructors that is contrary to accepted standards of conduct as described in Chapter 157 of these  
443 rules;

444  
445 (AA) disciplinary action relating to a certificate or license issued in  
446 another state;

447  
448 (BB) misrepresenting any requirements for certification or licensure  
449

450 (o) Notification. If the department proposes to deny, suspend, or revoke an EMS  
451 information operator instructor certificate, the certificant or applicant shall be notified at the  
452 address shown in the current records of the department. The notice must state the alleged facts  
453 or conduct warranting the action and state that the certificant or applicant has an opportunity to  
454 request a hearing in accordance with the Administrative Procedure Act, Government Code,  
455 Chapter 2001.

456  
457 (1) The certificant or applicant may request a hearing within 15 days after the date  
458 of the notice. This request shall be in writing and submitted to the department.

459  
460 (2) If the certificant or applicant does not request a hearing within 15 days after  
461 being sent the notice of opportunity, the certificant or applicant waives the opportunity for a  
462 hearing and the department shall implement its proposal.

463  
464 (p) Probation. The department may probate any penalty assessed under this section and  
465 may specify terms and conditions of any probation issued.

466  
467 (q) Reapplication.

468  
469 (1) Two years after the revocation, denial, or the voluntary surrender of an EMS  
470 information operator instructor certification while disciplinary action is pending, an individual  
471 may petition the department, in writing, for the opportunity to reapply for certification.  
472 Expiration of a certificate during the suspension period shall not affect the two-year waiting  
473 period required before a petition can be submitted.

474  
475 (2) The department shall evaluate the petition and may allow or deny the  
476 opportunity to submit an application for recertification. The petitioner bears the burden of  
477 proving fitness for certification.

478  
479 (3) In evaluating a petition for permission to reapply for certification the  
480 department shall consider, but is not limited to, the following issues:

481  
482 (A) the likelihood of a repeat of the actions or inactions that led to  
483 revocation;

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(B) the petitioners overall record as an instructor;

(C) letters of support or recommendation;

(D) letters in protest or nonsupport of the petition; and

(E) the need for the services of an instructor in a given area.

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

(r) 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 this 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 with the disciplinary action is predicated.

(s) ~~(r)~~ ~~[(o)]~~ 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.