
New laws affect EMS and trauma systems

The 81st session of the Texas Legislature ended on June 1 after an eventful 140 days in Austin. How did EMS and trauma systems fare this session? Below is a synopsis of bills of interest to EMS that were passed this session and sent to the governor for signature. For more detailed information on each bill, go to www.capitol.state.tx.us and enter the bill number. Click on “Text” and “Enrolled Version.” We are still sorting through some of the legislation, so we may add to this list later. These laws take effect on September 1, 2009, but implementation may have to wait until some rules are written and ultimately approved by the Health and Human Services Council.

HB 846, Martinez. This bill adds Section 773.0415 to the Health and Safety Code, amending the certification/licensing renewal language of the law. It limits the information an EMS certification/licensure candidate is required to submit regarding unchanged crime history information previously provided and evaluated by the department on an earlier application. Effective September 1, 2009.

HB 963, Guillen. Preliminary evaluation of eligibility for EMS certification/licensing is made possible by this bill, through amendments to Chapter 53 of the Occupations Code. Prior to submitting an EMS application to DSHS, a person planning to enroll in an EMS training program may request that the department issue a criminal history evaluation letter regarding certification/licensure eligibility. The bill authorizes the department to charge a fee to cover the cost of administering this subchapter. [Amends Occupation Code, §53.101, §53.103, §53.105, §53.021] Effective September 1, 2009.

HB 2585, Hartnett. This bill authorizes digital or electronic signatures for an advanced directive, including Out-of-Hospital Do Not

Resuscitate (DNR) orders. The bill allows a declarant to have the signature acknowledged before a notary public instead of witnesses. DNR forms will have to be revised to implement this new allowance in the law. [Amends Health and Safety Code, Chapter 166] Effective September 1, 2009.

HB 2845, Riddle. Removes EMS personnel from consideration under the Occupations Code and places language into Chapter 773 of the Health and Safety Code, as it relates to criminal history evaluation for a license or a certificate. [Amends Occupations Code §53.002, Health and Safety Code §773.0614, §773.0615, §773.0616 and §773.0617] Effective September 1, 2009.

SB 2080, Uresti. This bill establishes \$2.5 million per biennium to establish the Texas Medical Child Abuse Resources and Education Systems (MEDCARES), a grant program to develop and support regional programs targeting child abuse and neglect. Grants may be awarded to hospitals or academic health centers with expertise in pediatric health care and a demonstrated commitment to program development and centers of excellence for assessment, diagnosis

and treatment of child abuse and neglect. The bill calls for an advisory committee to be created by the HHSC commissioner to establish rules and priorities for the grant money. The committee has nine slots, each designated for a particular representative, and includes one member of GETAC.

HB 1357, Isett. The Health and Safety Code was amended by adding Chapter 254, calling for the regulation of freestanding emergency medical care facilities. Freestanding emergency medical care facility means a facility, structurally separate and distinct from a hospital that receives an individual and provides emergency care. [Adds Chapter 254 of the Health and Safety Code, amends Insurance Code, Section 843.002] Effective September 1, 2010.

SB 1474, Nichols. Chapter 659 of Government Code was amended to allow emergency services personnel who are state employees and not subject to FLSA overtime provisions, to be allowed to take compensatory time off during the 18 months following the end of the week of the accrual of compensatory time. Or, if the administrative head of the agency chooses to, it will alternately allow the agency to

pay the employee for the overtime accrued. [Amends Chapter 659 of Government Code] Effective September 1, 2009.

HB 2808, Thompson. Amends Occupations Code 53.021 to clarify that a licensing authority cannot consider a person to have been convicted if the person pleaded nolo contendere and the judge dismissed the charges after the period the person was under the court's supervision. The bill authorizes the licensing authority to consider a person to have been convicted if the authority determines that the person may pose a continued threat or if employment of the person in the licensed occupation would create an opportunity to repeat the offense. [Amends Occupations Code 53.021] Effective September 1, 2009.

SB 1058, Uresti. This bill requires health occupation regulatory agencies to make an annual report to the legislature that includes the number of persons regulated (by county and statewide), the number who became subject to regulation by the agency in the previous year, a description of complaints investigated and the final resolution of the complaints. All health occupation regulatory agencies shall adopt and use a standard format and include expenses and unfunded needs of the agency. [Adds Occupations Code Chapter 114] Effective September 1, 2009.

Trauma Facility Study (Article II, Rider 90). DSHS is directed to conduct a study of the state's trauma facilities to assess the need for additional Level I and Level II trauma facilities in the state.

HB 4586, Pitts. In the supplemental appropriation bill, all the revenue deposited to the

Regional Trauma Account 5137 (Red Light Camera Trauma Fund, estimated to be \$6,712,284) for the state fiscal year ending August 31, 2009, is to be used to reimburse uncompensated trauma care.

SB 1 (Article II, Rider 31)
This provision of the Appropriations Bill allows for reimbursement of

travel expenses for several advisory councils, including the Governor's EMS and Trauma Advisory Council. This provision applies to all council members, not just consumer members. Reimbursement for GETAC members will begin with the November 2009 meeting.

— *Phil Lockwood*



Children younger than 8 and shorter than four feet, nine inches must ride in a child passenger safety system, such as a booster seat. Photo courtesy of BoostTexas.org.

SB 61, Zaffirini. This bill requires that children younger than eight years and shorter than four feet, nine inches ride in a child passenger safety system. The bill also sets fines and court costs for the offense and directs that any money collected must be sent to the Texas Department of Transportation and used to purchase and distribute child passenger safety seat systems to low-income families. Effective September 1, 2009.