

Legend: (Proposed Amendment(s))

Single Underline = Proposed new language

[Bold, Print, and Brackets] = Current language proposed for deletion

Regular Print = Current language

(No change.) = No changes are being considered for the designated subdivision

§157.14. Requirements for a First Responder Organization License.

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

(1) routinely respond to medical emergency situations;

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

(3) provide on-scene patient care to the ill and injured and does not transport patients.

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

(c) Application requirements for an FRO affiliated with a licensed EMS Provider.

(1) A Basic Life Support (BLS) or Advanced Life Support (ALS) First Responder Organization affiliated with a Texas licensed EMS Provider must apply for an FRO license by submitting a completed application to the department. A complete application consists of the following:

(A) provider license application form;

(B) personnel list including social security number or EMS personnel identification (ID) number and certification/licensure level;

(C) description and map of the service area;

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

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

- (i) level(s) of certification/licensure of FRO personnel providing care;
- (ii) response, dispatch and treatment protocols including an equipment and supply list approved by the medical director of the licensed EMS provider to treat adult and pediatric patients;
- (iii) description of how the FRO receives notification of calls;
- (iv) patient care reporting procedures;
- (v) process for the assessment of care provided by the FRO personnel;
- (vi) response code policies for FRO personnel;
- (vii) on-scene chain-of-command policies;
- (viii) policies regarding FRO personnel canceling en route EMS units;
- (ix) policies regarding FRO personnel accompanying patients in EMS providers vehicles including when FRO personnel hold the highest certification or licensure on the scene; and
- (x) patient confidentiality.

(F) It is not necessary to submit the individual items in subparagraph (E)(i) - (x) of this paragraph with the application, if each is referenced in the affiliation agreement. All items listed in this paragraph must be immediately available for review by department personnel upon request during unannounced site visits or complaint investigations.

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

(3) Applicants that meet all the requirements shall be issued an FRO license. The license may be valid for up to 2 years, but may be issued for less than 2 years for administrative purposes.

(4) Although not required, the FRO license application may be submitted with the license application of the affiliated EMS provider. The FRO is responsible for submitting fees, if applicable.

(5) An affiliation agreement between a licensed EMS provider and a licensed FRO does not automatically imply any legal liability beyond the agreements listed in paragraph (1)(E) of this subsection.

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

(d) Application requirements for an FRO not affiliated with a licensed EMS provider.

(1) A BLS first responder organization not affiliated with a licensed EMS provider may apply for an FRO License by submitting a completed application to the department. A complete application consists of the following:

(A) application form;

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

(C) description and map of the service area;

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

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

(F) letter of recognition from the primary licensed 911 EMS Provider or from the highest elected city/county official in the service area and a written explanation why the EMS provider will not enter into an agreement with the FRO;

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

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

(I) The application for a FRO license will be considered incomplete if any items listed in subparagraphs (A) - (H) of this paragraph are not enclosed with the application.

(J) All items listed in subparagraphs (A) - (H) of this paragraph must be immediately available for review by department personnel if requested during unannounced site visits or complaint investigations.

(2) An ALS first responder organization not affiliated with a licensed EMS provider may apply for an FRO License by submitting a completed application to the department. A complete application consists of the following:

(A) application form;

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

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

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

(E) The FRO shall have an agreement with all licensed EMS providers and their medical directors who routinely transport patients treated by the FRO's personnel. Each agreement shall be approved by the person responsible for the FRO, director and medical director of each licensed EMS provider. At a minimum, the agreements shall address:

(i) the level(s) of certification/licensure of FRO personnel providing care;

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

(iii) a description of how the FRO receives notification of calls;

(iv) patient care reporting procedures;

(v) a process for the assessment of care provided by FRO personnel;

(vi) response code policies for FRO personnel;

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

(viii) policies regarding FRO personnel canceling en route EMS units;

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

(x) patient confidentiality.

(F) The application for a FRO license is incomplete if any items listed in this paragraph are not enclosed with the application.

(G) All items listed in this paragraph must be immediately available for review by department personnel if requested during unannounced site visits or complaint investigations.

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

(4) Applicants that meet all the requirements for a license shall be issued an FRO license. The license is issued for 2 years. For administrative purposes, it may be issued for less than 2 years.

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

(1) assuring ongoing compliance with the terms of all EMS provider agreement(s);

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

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

(B) pharmaceutical storage;

(C) readiness inspections;

(D) preventive maintenance of medical equipment and vehicles owned by the FRO;

(E) policies and procedures;

(F) complaint management; and

(G) patient care reporting and documentation;

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

(4) assuring that all personnel 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 FRO 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;

(5) assuring that all vehicles utilized by FRO personnel carry proof of first responder registration or have the name of the FRO prominently displayed and visible from the outside of the vehicle while on the scene of an emergency;

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

(7) developing and adhering to an agreement between the primary transport provider and first responder organization concerning the use of patient refusal forms and documentation for incidents when an informed treatment refusal form cannot be obtained;

(8) developing and adhering to an agreement between the primary transport provider and first responder organization concerning the maintenance of FRO records;

(9) assuring that patient care reports are completed accurately for all patients:

(A) the report shall be accurate, complete and clearly written; and

(B) the report shall document, at a minimum, the patient's name, the patient's condition when first contacted by FRO personnel; the prehospital care provided; the dispatch time; scene arrival time; and the identification of the FRO personnel who provided care to the patient;

(10) assuring that all relevant patient care information is supplied in writing to the licensed EMS provider at the time the patient is transferred to the provider;

(11) assuring that a full written report is provided, upon request, within 1 business day to the transport provider and/or hospital facility where the patient was delivered;

(12) assuring that all requested patient records are made promptly available to the first responder organization's medical director;

(13) assuring that current protocols are available to all certified or licensed personnel;

(14) monitoring and enforcing compliance with all policies;

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

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

(17) assuring compliance with all federal and state laws and regulations and all local ordinances, policies and codes at all times;

(18) assuring that the department is notified within 5 business days whenever there is a change:

(A) in the level of service;

(B) in the declared service area;

(C) in the official business mailing address;

(D) in the physical location of the first responder organization;

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

(F) of the administrator;

(G) of the e-mail address; or

(H) of the EMS providers associated with the FRO.

(19) assuring that the department is notified within 1 business day when a change of the medical director has occurred;

(20) assuring the FRO has written operating policies, procedures and medical protocols and provides all medical personnel a copy initially and whenever such policies, procedures and/or medical protocols are changed. A copy of the written operating policies, procedures and medical protocols shall be made available to the department upon request. At a minimum, policies shall adequately address:

(A) personal protective equipment;

(B) immunizations available to personnel;

(C) infection control procedures, including contact information for the designated infection control officer;

(D) designated of an infection control officer with documentation showing education based on U.S. Code, Title 42, Chapter 6A, Subchapter XXIV, Part G, §300ff-136.

(E) **[D]** management of possible exposure to communicable disease;

(F) ~~(E)~~ credentialing of new response personnel before being assigned to respond to emergencies. The credentialing process shall include, at minimum:

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

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

(G) appropriate documentation of patient care;

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

(22) assuring that the department is notified within 1 business day of a collision involving an FRO vehicle responding to a scene or while at the scene of an emergency and resulting in personal injury or death of any person;

(23) maintaining motor vehicle and professional liability insurance as required by the Texas Transportation Code under Subchapter D, §601.071 and §601.072, for all vehicles owned or operated by the FRO;

(24) providing continuous coverage for the service area as defined in the staffing plan; and

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

(f) License renewal.

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

(2) FROs shall submit a completed application and nonrefundable fee, if applicable, and must verify compliance with the requirements of the license.

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

(1) failure to meet requirements for an FRO license in accordance with this section;

section;

(2) previous failure to meet the responsibilities of an FRO as described in this

(3) falsifying any information, record or document required for an FRO license;

(4) misrepresenting any requirements for an FRO license or renewal of an FRO license;

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

(6) history of disciplinary action relating to the FRO license; and/or

(7) issuing a check for application for an FRO license which is subsequently returned to the department unpaid.

(h) License revocation criteria. An FRO license may be revoked or suspended for failure to meet the responsibilities of a licensed FRO as described in this section.

(i) 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 the application and renewal application processing through Texas Online.