

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

§157.38. Continuing Education.

(a) Purpose. The purpose of this section is to establish minimum standards and guidelines for educational activities that may be used by EMS personnel to earn continuing education (CE) contact hours toward recertification or relicensure in accordance with §157.34 of this title, (relating to Recertification) and §157.40 of this title, (relating to Paramedic Licensure). The EMS continuing education consists of educational activities designed to promote and enrich knowledge, improve skills, and develop attitudes for the enhancement of professional practice, thus improving the quality of emergency medical services provided to the public.

(b) Local Credentialing and Authorization to Practice. Nothing in this section is intended to restrict the authority of EMS providers or medical directors to establish higher standards and requirements for continuing education activities that must be completed to acquire or maintain authorization to practice within a local or regional EMS system.

(c) Content requirements. Candidates at each certification level shall, at a minimum, accrue department-approved CE in the following content areas.

Figure: 25 TAC §157.38(c)

(d) Definitions. The following words and terms, when used in this section shall have the following meanings, unless the context clearly indicates otherwise:

(1) Accrediting agency--An organization approved by the department as having met predetermined criteria to approve programs and providers of EMS continuing education.

(2) Approved--Recognized as having met established standards and predetermined criteria of the accrediting agencies which have been approved by the department. Applies to EMS continuing education providers and programs.

(3) Continuing Education Audit--Examination and verification of EMS continuing education contact hours claimed to have been successfully and timely completed by certified or licensed EMS personnel.

(4) Classroom instruction--Workshops, seminars, conferences, or short-term courses that an individual personally attends and which is directly related to one of the content areas noted in subsection (c) of this section.

(5) Clinical learning experiences--Faculty-planned and guided learning experiences designed to assist students to meet course objectives in the noted content areas of subsection (c) of this section and to apply EMS knowledge and skills in the direct care of

patients. These experiences can include settings in laboratories, acute medical care facilities, extended medical care facilities, and participation in other department approved health related activities. Practice approved by the Texas Higher Education Coordinating Board may also be considered a form of clinical experience under these rules.

(6) Contact hour--Fifty consecutive minutes of participation in a learning activity.

(7) Continuing education--Educational activities that are related to the content areas noted in subsection (c) of this section and are designed to promote and enrich knowledge, improve skills, and develop attitudes for the enhancement of professional practice, thus improving the quality of emergency medical services provided to the public.

(8) Continuing education program--An organized educational activity designed and evaluated to meet a set of behavioral objectives, which may be presented in one session, or a series of sessions, designed to enhance or elevate EMS knowledge and practice of certified or licensed EMS personnel.

(9) Credit course--A specific set of learning experiences offered at a regionally accredited institution of higher education for semester or quarter credit hours.

(10) Continuing Education Provider--An individual, partnership, organization, agency, or institution that offers EMS continuing education programs, courses, credit courses, classroom instruction, or other EMS educational activities.

(11) Course--An organized and specific set of learning experiences offered by an approved provider. Courses include credit and continuing education courses, short-term courses, organized clinical learning experiences and other coherent sequences of learning experiences, approved by the department.

(12) Self-directed study--An educational activity in which the learner takes the initiative and the responsibility for assessing, planning, implementing, and evaluating the activity. Self-directed study may include program development, home study, electronically programmed instruction, and authorship.

(e) Types of Acceptable Continuing Education.

(1) In this section "approved educational activities" refers to workshops, seminars, conferences, short-term courses, credit courses or continuing education courses provided by accredited institutions of higher education, clinical learning experiences, individualized instruction, distributive learning courses, and other learning activities that are related to EMS approved protocols and skills or that enhance the professional EMS practice of the certified or licensed EMS personnel.

(2) Continuing education contact hours applied toward EMS recertification or relicensure may be earned by participating in approved educational activities that are offered or sponsored by:

(A) A continuing education provider, approved under subsection (g) [(f)] of this section.

(B) A hospital or other health-care facility accredited by the Joint Commission on Accreditation of Health Care Organizations.

(C) A person, agency, entity, or organization approved by the department as an EMS continuing education provider.

(D) A person, agency, entity, or organization recognized by a national association or organization representing members of the emergency medical services profession that has been approved by the department.

(E) A state or national organization in a related field such as medicine, nursing, respiratory care, and similar fields of health care practice that has been approved by the department.

(3) Developing, teaching or presenting activities defined in paragraph (1) of this subsection.

(A) Precepting students in the clinical or field internship phases of Initial education. Contact hours for precepting of students may be accrued only in Additional Approved Category content area.

(B) Participating in a self-directed study of an EMS related topic or issue that results in the participant making written findings and conclusions of the study which becomes published in an EMS related textbook, or in a state or national EMS related journal or magazine, or which results in the presentation of the findings and conclusions of the study in a department approved workshop, seminar, conference or class, and which is directed toward, or is applicable to, the EMS profession.

(f) Activities Unacceptable as Continuing Education. The following activities are not acceptable toward re-certification or re-licensure.

(1) Education incidental to the regular professional activities of EMS personnel such as learning occurring from experience or personal research which is not published.

(2) Orientation programs sponsored by employers to provide employees with information about the philosophy, goals, policies, procedures, role expectations, and physical facilities of a specific workplace.

(3) Meetings and activities such as in-service programs that are required as part of employment unless the in-service training is a type of acceptable continuing education under subsection (e) of this section.

(4) Organizational activity such as serving on committees, councils, or as an officer or board member in a professional organization.

(5) Institutions of higher education credit courses that are audited.

(6) Courses in basic cardiopulmonary resuscitation or other instructional activities designed for lay persons, including first aid courses.

(7) Any experience that does not fit the types of acceptable continuing education defined under subsection (e) of this section.

(8) Any identical CE repeated more than once during the accrual period.

(g) Approval of Continuing Education Provider.

(1) No person, agency, entity, or organization shall offer continuing education for emergency medical services personnel unless the department has authorized that person, agency, entity, or organization to be an approved continuing education provider.

(2) A person, agency, entity, or organization seeking approval as a continuing education provider shall file an application with the department along with a nonrefundable fee of \$60 in accordance with the course approval process described in §157.32 of this title (relating to Emergency Medical Services Education Program and Course Approval).

(3) The applicant shall certify on the application that:

(A) all programs offered by the provider for EMS continuing education will comply with the appropriate criteria defined in subsection (h) of this section; and

(B) the provider shall be responsible for verifying successful completion by a participant of each program and shall provide a certificate of completion to the participants;

(C) the provider shall be responsible for verifying that continuing education program(s) has physician medical oversight when the education is involving patient care.

(4) The department may require applicants for approval as continuing education providers to.

(A) Demonstrate they possess the financial, administrative, and educational resources necessary to provide the type(s) of educational activities proposed.

(B) Provide evidence that they are capable of designing and delivering educational activities that comply with the appropriate criteria defined in subsection (h) of this section.

(h) Criteria for Acceptable Continuing Education Activity.

(1) The following criteria have been established to guide EMS personnel in selecting appropriate programs and to guide providers of EMS continuing education in planning and presenting activities. The following criteria shall apply to all activities except those involving self-directed study concluding in a published writing or a presentation, as described in subsection (g)(3)(B) of this section.

(A) The program's content, teaching methodologies, and evaluation methods shall be based on written learning objectives which are specific, attainable, measurable, and descriptive of expected learner outcomes.

(B) The target audience shall be identified and there shall be evidence of program planning based on the needs of the potential target audience.

(C) Content shall be relevant to emergency medical services practice and/or health care, shall be related to and consistent with the program's objectives, and shall provide for the professional growth and/or maintenance of the certificant or licensee.

(D) Principles of adult education shall be used in the design and delivery of the program.

(E) There shall be documentation of the program developer's expertise in the content area.

(F) Learning experiences and teaching methods shall be appropriate to achieve the objectives of the program.

(G) Time allotted for each activity shall be sufficient for the learner to meet the objectives of the program.

(H) The program shall include activities to evaluate participant achievement of the program's learning objectives with clearly defined, stated criteria for successful completion.

(I) Participants shall complete a written evaluation of the program and instruction. Regional, State and/or National conferences may be exempt from this requirement.

(J) The continuing education provider shall timely furnish each participant with a written record of the participant's successful completion of the EMS educational activity. The record shall specify the name of the continuing education provider, the title, date and location of the educational activity, a description of the content area, the number of contact hours awarded, and the name of the organization granting approval.

(K) Program records of a continuing education provider shall be maintained by the provider for a minimum period of five years from the date of the program

completion and shall include target audience, objectives, and documentation of instructor qualifications, teaching strategies and materials, evaluation instruments and results, and a list of names of participants.

(2) Classroom Instruction. In addition to the criteria listed in paragraph (1) of this subsection, programs consisting of or including a component of classroom or laboratory instruction shall meet the following criteria.

(A) The program shall be at least one contact hour in length.

(B) There shall be documentation of the instructor's expertise in the content area.

(C) A schedule of the program shall be provided which describes content with corresponding time frames.

(D) Facilities and educational resources shall be adequate to implement the program.

(3) Clinical Instruction. In addition to the criteria listed in paragraph (1) of this subsection, programs consisting of or including a component of clinical instruction shall meet the following criteria.

(A) There shall be documentation of a formal relationship between the program's provider and all facilities serving as sites for clinical instruction.

(B) Facilities used for clinical instruction must provide access to types of patients in sufficient variety and number to enable students to meet the program's objectives.

(C) Individuals who possess appropriate expertise and credentials shall provide clinical supervision and instruction.

(D) Continuing education student participants shall possess appropriate insurance for professional liability while engaging in clinical activities.

(E) Provide a name and contact information for the designated infection control officer and document education for the designated infection control officer based on U.S. Code, Title 42, Chapter 6A, Subchapter XXIV, Part G, §300ff-136.

(4) Individualized Instruction. In addition to the criteria listed in paragraph (1) of this subsection, programs consisting of individualized instruction, including programmed instruction, directed study, or directed research shall meet the following criteria.

(A) Instruction shall follow a logical sequence based on the program's stated learning objectives.

(B) Instruction shall involve the learner in an active response to the educational materials presented.

(C) The amount of instructional time applied shall be appropriate to the learning objectives specified.

(D) Provider shall insure that contact hours are awarded to the actual certificant to whom intended.

(5) Individual submission by the participant of study activity for review by the department. The following information must be submitted for review.

(A) A course syllabus defining the content, the learning objectives, the dates and times of presentation, and the number of contact hours.

(B) A description of the presenters' qualifications and expertise.

(C) Verification by the presenter of successful participation.

(i) Additional Criteria for Specific Continuing Education Programs. In addition to those listed in subsection (h) of this section, the following guidelines shall apply to the selection and/or planning and implementation of specific CE programs.

(1) Semester or quarter credit hour courses.

(A) The course shall be within the framework of a curriculum that leads to degree in emergency medical services or any credit hour course relevant to emergency health care.

(B) Certified or licensed EMS personnel, upon audit, shall be able to present an official transcript or official evidence indicating successful completion of the course with a passing grade.

(2) Certified or licensed EMS personnel, upon request by the department, shall provide documentation on the accredited institution's letterhead giving the name of program, location, dates, subjects taught, and total clock hours of teaching or instruction for all continuing education activity, including credit hour courses. Documentation may include course completion certificates, diplomas, and/or transcripts.

(3) Authorship.

(A) Certified or licensed EMS personnel may receive EMS continuing education contact hours for participating in an approved self-directed study that results in the participant making written findings and conclusions of the study which becomes published in an EMS related textbook, or in a state or national EMS related journal or magazine, or which results in the presentation of the findings and conclusions of the study in a department approved

workshop, seminar, conference or class, and which is directed toward, or is applicable to, the EMS profession.

(B) Continuing education contact hours shall be awarded only once to the certificant or licensee making written findings and conclusions that result from a department approved self-directed study that becomes published or presented as described in subparagraph (3)(A) of this paragraph.

(4) Out of state programs. A continuing education activity successfully attended and completed or undertaken in a jurisdiction outside Texas may be accepted for continuing education if all criteria are met and if it is approved by the department.

(j) Responsibilities of certified or licensed EMS personnel.

(1) It shall be the responsibility of the certified or licensed EMS personnel to select and participate in continuing education activities that meet the criteria listed in subsection (h) and (i) of this section.

(2) The certified or licensed EMS personnel shall be responsible for maintaining written certifications of successful completions of EMS continuing education courses or educational activities for five years after the dates of completion. These records shall document successful completion, specifying the name of the EMS continuing education provider, the title, description, date, and location of the educational activity, a description of the content area, the number of contact hours awarded, and the organization granting approval. Complete and accurate copies of these shall be timely submitted to the department upon the department's request.

(3) Complete and accurate copies of this written documentation shall be timely submitted to the department upon the department's request.

(k) Audit.

(1) The department may audit the records of individuals seeking recertification through continuing education.

(2) The department may audit specific certified or licensed EMS personnel in response to a complaint, or if there is reason to suspect that the certified or licensed EMS personnel may have given false or inaccurate information about the continuing education requirements completed.

(3) An audit shall be automatic for certified or licensed EMS personnel who have been found non-compliant in an immediately preceding audit.

(4) Failure to notify the department of a current mailing address shall not absolve the certificant from audit requirements.

(5) Within 30 days following notification of audit, certified or licensed EMS personnel shall submit documentation as specified in subsection (j)(2) of this section and any additional documentation the department determines is necessary to verify compliance with continuing education requirements.

(6) The department may use on-site observation, audits of records, and other appropriate methods to evaluate the performance of continuing education providers. Evaluation of a continuing education provider may take place randomly, in response to a complaint, or if there is reason to suspect that a continuing education provider is not complying with the criteria established by subsections (h) and (i) of this section.

(7) Falsification of CE documentation or official evidence of completion of CE shall be cause for reprimand, probation, suspension, or revocation of a certificate or license as described in §157.36 of this title (relating to Criteria for Denial and Disciplinary Actions for EMS Personnel and Voluntary Surrender of a Certificate or License).

(8) Falsification of CE documentation or official evidence of completion by a CE provider or failure to comply with the criteria established by subsections (h) and (i) of this section shall be cause for reprimand, probated suspension, suspension, or revocation of approval.

(l) 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.