

Texas Administrative Code

TITLE 25	HEALTH SERVICES
PART 1	DEPARTMENT OF STATE HEALTH SERVICES
CHAPTER 157	EMERGENCY MEDICAL CARE
SUBCHAPTER A	EMERGENCY MEDICAL SERVICES - PART A
RULE §157.5	Rule Exemption Requests

(a) EMS personnel and applicants for EMS certification or licensure may request an exemption to rules of this chapter by:

(1) submitting an exemption request application form with a nonrefundable fee of \$30, if applicable, in addition to any other applicable applications and fees required by this chapter;

(2) providing a letter of explanation and other documented evidence which establishes that patient care will not be diminished, or the health and safety of the public affected, if the exemption is approved;

(3) providing a signed and dated written statement of support from the medical director of the licensed emergency medical services (EMS) provider or registered first responder organization with whom the applicant is affiliated or will be affiliated; and

(4) providing a written plan under which the applicable requirement will be met as soon as possible.

(b) In determining whether to grant the exemption, the department shall take into consideration the best interests of the people in a rural area who are served by the licensed EMS provider or registered first responder organization with whom the applicant is affiliated or will be affiliated, if approved. For the purposes of this section, a rural area is defined to be:

(1) a county of 50,000 or less; or

(2) a sparsely populated area in a county with a population of more than 50,000, as determined by the Federal Office of Rural Health Policy designation (of rural areas within metropolitan areas).

(c) If the request is approved, an exemption may be granted temporarily. The applicant will be notified by the department, in writing, and the notification shall include:

(1) the date the exemption begins and expires;

(2) an explicit statement which specifically describes the rule requirements exempted and any related conditions which must be met for the exemption to apply or continue to apply.

(d) This exemption process may be utilized to temporarily allow a person in a rural area, described in subsection (b)(1) and (2) of this section, to practice at a higher level prior to receiving the higher level of certification.

(1) To apply to receive this allowance for up to two months after course completion, the applicant must:

(A) meet the requirements of subsection (a)(1) - (4) of this section;

(B) be currently certified by the department as an ECA, EMT, or AEMT;
and

(C) submit a course completion certificate for the higher level of training.

(2) If granted through written approval from the department, the candidate may practice at the higher level only if accompanied by an individual who is certified or licensed by the department at the same or a higher level of certification or licensure.

(3) This allowance shall be automatically and immediately forfeited upon notification of the candidate's failure of the National Registry written or practical examination.

Source Note: The provisions of this §157.5 adopted to be effective July 29, 2004, 29 TexReg 7103; amended to be effective February 12, 2017, 42 TexReg 430