

Provider Policy 01-2: EMS Rule 157.16 Clarification

Background:

EMS rule 157.16(c) states: Accountability. A provider retains ultimate responsibility for the operation of the service. A licensed EMS provider may not claim a defense when one or more staff members, acting with or without the consent and knowledge of the license holder, commit(s) multiple violations in this section, or perform(s) contrary to EMS standards while on EMS business for the provider.

The rule may be misleading to some EMS providers and may imply that no matter what the violation the employee(s) may commit of the Health and Safety Code, Chapter 773(EMS Act), and/or the rules adopted under that chapter, that the provider has no claim of defense to show that they (Provider) were unaware of the action(s) of an employee(s).

Policy:

A licensed EMS provider shall be held accountable for the proper operation of the service and the conduct of its personnel at all times in the performance of EMS duties. A provider may defend against a proposed disciplinary action by demonstrating that a violation committed by an individual in its employ:

1. was committed without the provider's awareness and/or could have not been reasonably foreseen by the provider;
2. was clearly against the providers policies;
3. was not a repeat violation;
4. resulted in immediate corrective action by the provider; and
5. was immediately reported to the department by the provider.

Kathryn C. Perkins, Chief
Bureau of Emergency Management

Signed November 16, 2000