



Report on Emergency Medical Services Complaints and Investigations

As Required by
**Health and Safety Code,
Section 773.0605**

**Department of State Health
Services**

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Executive Summary

This report is provided by the Texas Department of State Health Services (DSHS) in accordance with the requirements of Senate Bill 1899 of the 84th Regular Session of the Texas Legislature, 2015, that amended Texas Health and Safety Code, Chapter 773 (Emergency Medical Services). The legislation requires that the department shall annually report statistical information regarding each complaint received.

The Emergency Medical Services (EMS) system is an essential component of healthcare in Texas, one utilized by visitors and citizens alike. DSHS licensing and oversight of EMS personnel and providers ensures that EMS care provided in Texas is safe and meets expected standards. Oversight activities include conducting investigations and addressing complaints, both of which are important quality assurance measures in the continuous assessment of emergency service provision.

For Fiscal Year 2017, DSHS licensed approximately 65,000 EMS personnel and 769 EMS providers who have 4,954 licensed vehicles. Of those, DSHS investigated and or took disciplinary action on 1,544 personnel and 154 providers. The preponderance of complaints concerned standards of care, and, for personnel, criminal history complaints.

1. Introduction

Texas Health and Safety Code, Section 773.0605 requires the Department of State Health Services (DSHS) to track and record any complaints received regarding emergency medical services (EMS) providers and EMS personnel, as well as investigations and disciplinary actions initiated by DSHS under the Emergency Health Care Act. DSHS must track and refer complaints outside the department's jurisdiction to other agencies. Statute also requires DSHS to annually report specific information related to complaints, investigations, and disciplinary actions.

This report includes data on complaints, investigations, and disciplinary actions that occurred between September 1, 2016, and August 31, 2017. Complaints are reports received by via any route, including conversational, that alleges a licensee has violated one or more of the statutes and/or rules governing the practice of EMS. A complaint determined to be credible is given to a program compliance officer to investigate. If the investigation shows that the complaint is valid, disciplinary action is initiated which can range from a letter of reprimand to a proposal to revoke licensure. There may be an administrative penalty assessed, as well.

For purposes of this report, complaints are categorized into general categories, though a single complaint may include several allegations. The complaint is categorized by the most credible or most egregious condition alleged. The categories are presented as the "Reason and Basis" column in the tables below.

2. Background

The Texas Health and Safety Code requires that to operate, conduct, or advertise to provide emergency medical services (EMS) in Texas, an entity must hold a license as an EMS provider issued by the Department of State Health Services (DSHS). The code also requires that a person must be certified or licensed by DSHS if they represent that they are a provider of or are certified to provide EMS services.

The Texas Health and Safety Code authorizes DSHS to investigate a violation of the Health and Safety Code or a rule adopted thereunder. DSHS shall revoke, suspend, or refuse to renew a license or certificate or, or shall reprimand the following:

- EMS personnel
- EMS provider
- An EMS education program
- An EMS program instructor, examiner, or course coordinator

The report is divided into non-duplicative sections for each of the four license types identified above. For instance, if a complaint about a provider includes a complaint about their personnel, that portion of the complaint dealing with personnel is detailed as separate complaint(s).

Currently in Texas, there are over 65,000 licensed/certified personnel and 769 EMS providers.

3. Complaints Received Related to EMS Providers

Between September 1, 2016, and August 31, 2017, DSHS received 154 complaints regarding EMS providers, which each resulted in department investigations. Of these complaints, 63 were brought by a consumer, 76 were brought by another source, and 15 were initiated by DSHS in the absence of a complaint. Table 1 below lists the reasons and basis for each complaint received related to EMS providers.

Table 1: Reason and Basis for Investigations or Disciplinary Action Initiated, EMS Providers

Reason and Basis	Number of Investigations or Disciplinary Actions Initiated
Abuse/Neglect/Exploitation	3
Advertising/Mislabeling	1
Confidentiality	1
EMS Drug Diversion	8
Financial	6
Fraud/Deceit/Bribery	4
No Survey	1
Order Non-Compliance	1
Reportable Event	10
Required Activity Not Performed	14
Standard of Care/Service/Product	65
Unauthorized Activity	5

Reason and Basis	Number of Investigations or Disciplinary Actions Initiated
Unlicensed Person/Facility	30
Unprofessional Conduct	5
EMS Provider Total	154

4. Complaints Received Related to EMS Personnel

DSHS received 1,544 complaints regarding EMS personnel between September 1, 2016, and August 31, 2016 that resulted in department investigations. Of these complaints, 89 were brought by a consumer, 705 were brought by another source, and 750 were initiated by DSHS in the absence of a complaint.

Table 2 below lists the reasons and basis for each complaint received related to EMS personnel.

Table 2: Reason and Basis for Investigations or Disciplinary Actions Initiated, EMS Personnel

Reason and Basis	Number of Investigations or Disciplinary Actions Initiated
Abuse/Neglect/Exploitation	13
Confidentiality	12
Criminal History	1,302
EMS Drug Diversion	16
Fraud/Deceit/Bribery	3
No Survey	1
Reportable Event	15
Required Activity Not Performed	18
Sexual Misconduct	6
Standard of Care/Service/Product	102
Unauthorized Activity	2

Reason and Basis	Number of Investigations or Disciplinary Actions Initiated
Unlicensed Person/Facility	32
Unprofessional Conduct	22
EMS Personnel Total	1,544

5. Complaints Received Related to EMS Initial Education Programs

From September, 2016, to August 31, 2017, five complaints were received related to EMS initial educator programs. Two of these complaints were brought to DSHS by consumers, three were brought by another source.

Tables 3 below lists the reasons and basis for each complaint related to EMS initial education programs.

Table 3: Reason and Basis for Investigations or Disciplinary Actions Initiated, EMS Initial Education Programs

Reason and Basis	Number of Investigations or Disciplinary Actions Initiated
Standard of Care/Service/Product	2
Unprofessional Conduct	3
EMS Initial Education Programs Total	5

6. Complaints Received Related to EMS Educators, and EMS Administrators

From September, 2016, to August 31, 2017, five complaints were received related to EMS initial educator programs. Two of these complaints were brought to DSHS by consumers, three were brought by another source.

One complaint was initiated by DSHS related to an EMS administrator. The reason and basis for this complaint was criminal history.

Table 4 below lists the reasons and basis for each complaint related to EMS educators.

Table 4: Reason and Basis for Investigations or Disciplinary Actions Initiated, EMS Educators

Reason and Basis	Number of Investigations or Disciplinary Actions Initiated
Required Activity Not Performed	1
Sexual Misconduct	1
Unauthorized Activity	1
Unprofessional Conduct	2
EMS Educator Total	5

7. Complaint Resolution Data

At the close of the fiscal year on August 31, 2017, there were 248 open cases among the four licensee categories. The average age of all open cases is 162 days.

For fiscal year 2017, the average time to resolve each complaint from the date received was 115 days. Typically, criminal history complaints are able to be resolved more quickly since they are often based on legal documentation related to prior convictions. The break down below shows this difference in resolution time:

Criminal History = 71 days

Not Related to Criminal History = 130 days

8. Conclusion

Of the 65,000 certified and/or licensed EMS personnel in the state and 769 licensed EMS service providers, only 0.1% received departmental disciplinary action by between August 31, 2017, and September 1, 2016.

The importance of emergency medical services is immeasurable. Nationally, dedicated EMS personnel save countless lives each year. In many ways, EMS acts as the public's emergency services safety net. Locally, Texas EMS personnel respond to an EMS call on an average of every 7 seconds. Yet, many Texans may not be aware that the Lone Star State has a nationally-recognized and often emulated EMS system comprised of thousands of dedicated and committed caregivers. Qualified Texas EMS professionals are ready to respond to Texans' calls for help, despite time of day or weather conditions.