



Texas EMS Alliance
84th Texas Legislature Bill Summary – March 17, 2015

The following is a list of bills that TEMSA is following in the 84th Texas Legislature. March 13, 2015 was the House's bill filing deadline. Please turn to TEMSA's member e-mail newsletter for a full analysis and updates regarding the progress of the bills. Updated March 17, 2015.

EMS-specific Bills

HB 1098 (Rep. Eric Johnson, D-Dallas) would allow health care providers, including emergency services personnel, to prescribe an opioid antagonist to family members, LEO, and others to use on individuals suspected of having an overdose.

HB 2731 (Rep. Greg Bonnen, R-Friendswood) relates to the exemption of fuel taxes for non-profit ambulances.

HB 2722 (Rep. Craig Goldman, R-Arlington) would prevent an individual from operating a vehicle that resembles an ambulance. The legislation lays out several distinctions that a prohibited vehicle would have.

HB 2020 (Rep. Mando Martinez, D-Weslaco) would expand the scope of duties for paramedics and allow them to perform at an ALS level in hospital emergency departments and freestanding ERs.

HB 1338 (Rep. Elliott Naishtat, D-Austin) would require DPS to work with entities to design a course for first responders and LEOs regarding the recognition of and interaction with brain injury patients. GETAC is not one of the entities mentioned in the proposal.

HB 473 (Rep. Helen Giddings, D-Dallas) would create requirements for government officials to follow when selling law enforcement vehicles. Under the legislation, insignia and equipment that could lead the public to believe that the vehicle is an official vehicle would have to be removed. Ambulances are not included at the moment.

HB 72 (Rep. Craig Goldman, R-Arlington) would prohibit municipalities and counties from selling law enforcement vehicles if any equipment or insignia that may lead the public to believe that it is still an official vehicle has not been removed before a public sale.

HB 1970 and HB 1971 (both filed by Rep. Mando Martinez, D-Weslaco) would allow "night-time triage equipment."

HB 3743 (Rep. Stuart Spitzer, R-Kaufman) would change a DUI from a Class B to a Class A misdemeanor if it causes injury to an individual and change it to a state jail felony if it causes injury to a law enforcement officer, firefighter or EMS individual.

SB 1684 (Senator Don Huffines, R-Dallas) would require DPS to develop a 40-hour course for first responders to take and then issue them a concealed handgun license with a first responder endorsement that allows them to carry while on duty. A government entity would not be allowed to prevent a first responder from carrying a concealed handgun.

HB 1862 (Rep. John Kuempel, R-Seguin) would change the notification time regarding when liens are filed by EMS or hospitals so that it is five days after it is filed instead of when it is registered.

EMS Workforce & Personnel Bills

HB 2020 (Rep. Mando Martinez, D-Weslaco) and SB 1899 (Senator Donna Campbell) would allow paramedics to perform at an ALS level in emergency departments and freestanding ERs.

HB 1381 (Rep. Joe Moody, D-El Paso) would prevent the termination of certain governmental employees (including peace officers and fire fighters) who are injured before they reach maximum medical improvement.

HB 1094 (Rep. Charlie Geren, R-Fort Worth) would extend the death benefits to the spouse of a first responder killed in the line of duty regardless of re-marriage.

Currently, the spouse and children receive 75 percent of the weekly pay of the deceased, with the children receiving it until they turn 18 or finishing college, which depends on when the death happened, and the spouse receives it for life unless he or she re-marries.

HB 1278 (Rep. Bryan Hughes, R-Mineola) would amend the payments that the state pays to the “survivors of certain law enforcement officers, firefighters, and other public employees killed in the line of duty” from \$250,000 to \$500,000.

HB 50 (Rep. Mando Martinez, D-Weslaco) would remove many caveats of MI and stroke and simply leave it as a work-place injury if it occurs on-duty. It would also make HIV/AIDS, Hepatitis B and C and MRSA presumptive as acquired in the workplace if the person regularly responded to individuals with these conditions and documented exposure.

HB 60 (Rep. Mando Martinez, D-Weslaco) would allow former firefighters and EMTs to assume that any cancer that was discovered within five years of asbestos exposure or any other issue discovered within one year of exposure could be classified as workplace related.

HB 1388 (Rep. Dwayne Bohac, R-Houston) would remove criteria for an MI or stroke to be presumptive to Line of Duty except when it happens while on duty.

HB 2770 (Rep. Mando Martinez, D-Weslaco) would require EMS agencies to name an infection control person. In addition, notifications would be required if EMS personnel were either exposed or potentially exposed to infection diseases and the notifications were not already made to public health or other entities.

HB 2771 (Rep. Mando Martinez, D-Weslaco) SB 1574 (Senator Carlos Uresti, D-San Antonio) and SB 1901 (Senator Donna Campbell, R-New Braunfels) would alter the state’s Workers’

Comp provisions to “traveling to and from an emergency” to be considered as part of the scope of work for firefighters and EMS personnel.

HB 2854 (Rep. Mando Martinez, D-Weslaco) relates to cancer claims for firefighters and EMS personnel.

HB 2498 (Rep. John Zerwas, R-Simonton) and HB 2497 (Rep. Mando Martinez, D-Weslaco) would recognize several different types of EMS licenses across state lines in other states that agree to the compact. HB 661, also offered by Rep. Zerwas, is an interstate compact for physicians.

HB 2197 (Rep. Drew Springer, R-Muenster) would prohibit the state from obtaining fingerprints for certifications or licenses, which would eliminate a potential interstate compact.

HB 3488 (Rep. Celia Israel, D-Austin) refers to civil departments and would give EMS personnel an appeal to the State Office of Administrative Hearings for termination and withdrawal of delegated medical care.

SB 1768 (Senator Brandon Creighton, R-Conroe) addresses stroke and MI language and states that it is work-related if it occurs while on duty. In addition, it would create requirements for individuals who would like to appeal it.

SB 1668 (Senator Joan Huffman, R-Houston) would allow EMS personnel who are part of a labor organization to have their dues deducted if they agree to it. It applies to state, county and municipal employees who are part of recognized labor organizations.

Volunteer EMS & Firefighters

HB 353 (filed by Rep. Ken King, R-Spearman) would allow certain voluntary EMS personnel to carry concealed handguns.

SB 289 (filed by Senator Craig Estes, R-Wichita Falls) and HB 237 (filed by Rep. Drew Springer, R-Muenster) would prohibit a state agency from requiring a volunteer firefighter to obtain a license or certification in order to be a volunteer firefighter. It would also prohibit a state agency from requiring a member of an industrial emergency response team to obtain a license or certification in order to be a member of an industry emergency response team.

SB 612 (Senator Konni Burton, R-Colleyville) and HB 1620 (Rep. Rick Galindo, R-San Antonio) would prohibit employers from disciplining an employee who is late or absent from work because they are part of volunteer organization and non-profit EMS organizations that provide emergency services. It would have limits of 14 days per year.

Trauma, Emergency Districts & Emergency Department Legislation

HB 3077 (Rep. John Zerwas, R-Simonton) and SB 1493 (Senator Carlos Uresti, D-San Antonio) would take a part of the uncompensated trauma care dollars (portion funded off a \$30 fine per ticket) and split it in half. One half would still go for EMS and uncompensated trauma care. The other half would be used as a drawdown so that air medical agencies could be reimbursed for their cost of transporting Medicaid patients.

HB 1437 (Rep. Sylvester Turner, D-Houston) would create a dedicated funding pipeline for trauma. Specifically, it would ensure that the \$111 million from the Driver Responsibility program goes directly to trauma funding.

HB 479 (Rep. Cecil Bell, R-Magnolia) would remove the Emergency Medical Dispatch (EMD) regional resource center away from UTMB and place it under the state's 9-1-1 commission.

SB 355 (Senator Jane Nelson, R-Lewisville) would allow emergency detentions of patients who have a communicable disease or may have been exposed.

SB 359 (Senator Royce West, D-Dallas) and HB 3677 (Rep. Paul Workman, R-Austin) would allow a facility to detain a patient for four hours if the provider believes that the patient may be suffering from mental illness or could harm somebody. A similar effort failed in 2013.

HB 1547 (Rep. John Kuempel, R-Seguin) would protect Extraordinary Emergency Funds (EEF) from being swept, build a \$2 million reserve, and place excess funds in the Local Projects Grant (LPG) funding program.

SB 93 (Senator Rodney Ellis, D-Houston) is one of the first bills that would repeal the "driver responsibility" surcharge, which funds the driver responsibility program for trauma. An alternative funding source for trauma has not been identified.

HB 737 (Rep. Jimmie Don Aycock, R-Killeen) would create a separate 9-1-1 district away from the COG in the Temple/Belton/Killeen area.

HB 973 (Rep. Ana Hernandez, D-Houston) would change ESD commissioner payment maximums from \$50/day to \$150/day.

SB 1922 (Senator Kirk Watson, D-Austin) would replace the driver responsibility program with "cost at conviction" methods of payment so that the money is paid with court costs and then does not follow the person for three years.

SB 1923 (Senator Kirk Watson, D-Austin) is similar to SB 1922 but would add additional violations that would help pay for the fund.

Mental Health

SB 359 (Senator Royce West, D-Dallas) and HB 3677 (Rep. Paul Workman, R-Austin) would allow a facility to detain a patient for four hours if the provider believes that the patient may be suffering from mental illness or could harm somebody. A similar effort failed in 2013.

HB 2711 (Rep. Debbie Riddle, R-Houston) would allow EMS to transport mental health patients directly to mental health facilities and bypass a hospital ED.

Out-of-network Insurance and Balance Billing

The House Insurance Committee chair, Rep. John Frullo (R-Lubbock), filed HB 3102, which would require out-of-network providers to provide price transparency notices to patients for non-emergency services. It would have to be provided three days ahead of any service.

HB 1638, which was filed by Rep. John Smithee (R-Amarillo), would eliminate balancing billing for out-of-network emergency services and create a process for out-of-network

emergency providers and commercial health insurance plans to utilize a dispute resolution process (arbitration) to find a “reasonable price.”

SB 481 would eliminate the \$1,000 threshold for a balance bill in which patients may enter into a mediation with facility-based physicians. Current state law allows a Texas patient to enter into mediation with a facility-based physician if a balance bill (after copay, coinsurance, and deductibles are paid) is greater than \$1,000. This applies to facility-based physicians, including emergency physicians. Senator Kelly Hancock (R-DFW Mid-Cities), who created the original bill (HB 2256 in 2009), filed SB 481, which would eliminate the \$1,000 threshold so that any amount could be taken to mediation by a patient. In addition, it would add assisting surgeons to the list of facility-based physicians.

Rep. Greg Bonnen, MD (R-Friendswood) introduced HB 616, which would give out-of-network providers an option to be reimbursed with a UCR standard that is tied to 80 percent of the FAIR Health database or 90 percent of billed charges. In exchange, the provider would agree to not balance bill. SB 1097 (Senator Donna Campbell, R-New Braunfels) is the Senate companion.

9-1-1 Equalization and Telemedicine

HB 2004 (Rep. Drew Darby, R-San Angelo) would create a rural telemedicine project for emergency care.

HB 2008 (Rep. Drew Darby, R-San Angelo) would establish funding for the rural telemedicine project by using 9-1-1 equalization surcharges.

Medicaid

SB 702 (Senator Chuy Hinojosa, D-McAllen) and HB 2773 (Rep. Mando Martinez, D-Weslaco) would pay ambulance providers 100 percent of the fee schedule for Medicaid managed care clients (whether the provider is in-network or not).

Sunset Bills

HB 550 (Rep. Four Price, R-Amarillo) and SB 219 (Senator Charles Schwertner, R-Georgetown) are the sunset bills for HHSC and related agencies. It is important to watch sunset bills because any issue that is relevant to the agency could be considered.

SB 277 (Senator Charles Schwertner, R-Georgetown) would eliminate several health-related agencies that were deemed “unnecessary” in the sunset process. GETAC was not included.

SB 202 (Senator Jane Nelson, R-Lewisville) and HB 2510 (Rep. Four Price, R-Amarillo) is the Department of State Health Services sunset bill. There are several proposed EMS changes, which are supported by the EMS community.

Tax Issues

HB 3229 (Rep. John Cyrier, R-Lockhart) and HB 4067 (Rep. James White, R-Hillister) would extend tax exemptions to ambulances and supervisor vehicles that are purchased by volunteer organizations and emergency providers that provide 9-1-1 services. It would also extend to private entities that have a contract for providing 9-1-1 services.

HB 4065 (Rep. James White, R-Hillister) would remove sales taxes for entities that have an agreement with a local government entity to provide emergency ambulance services for

EKG monitor, stretcher, vent, stair chair, AED, wheelchair, or other electronic devices such as MDT and ePCR tablet.

Other Bills Related to Emergency Issues

HB 614 (Rep. Sarah Davis, R-Houston) would create an advanced directive for patients to register and would be accessible to health care providers.

SB 1975 (Senator Judith Zaffirini, D-Laredo) would create a study to determine the effect effects of oil and gas activity on local governments. Fire and EMS would be included in the study.

SB 1921 (Senator Kirk Watson, D-Austin) would make it a defense to prosecution for various drug crimes if an individual needs emergency medical assistance and the actor calls for it and waits until help arrives and cooperates with EMS and the police department.