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Texas EMS Jurisprudence Exam

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EMS I 80518

Objectives

1. Identify the requirements to obtain an EMS provider license and disciplinary actions for EMS providers and personnel.
2. Summarize the state's health and safety code regarding EMS including definitions of keywords, minimum standards, and criminal penalties as well as the rules for injury and prevention control.
3. Recognize the requirements for certification, recertification, and continuing education for EMS providers and personnel.



EMS I 80518

Texas EMS Jurisprudence Exam

This course meets all standards as stated in §157.38. This course fully prepares the participant for the Texas Emergency Medical Services (EMS) Jurisprudence Examination (JP Exam)



EMS I 80518

Health and Safety Code (HSC) 773

a. Sec. 773.050: Minimum Standards

- An outline of what rules and regulations are expected to be developed and implemented

b. Sec. 773.0612: Access to Records

- Texas Department of State Health Services (TDSHS) can come into your ambulance, station, admin building, etc., without prior notice

c. Sec. 773.064: Criminal Penalties

- This section describes the penalties for misrepresenting the level of EMS certification and/or laypeople saying they are an EMT or paramedic. It also describes penalties for EMS providers who make false, deceptive, or misleading statements

Emergency Medical Technician (EMT)

157.2 Definitions

• **Abandonment: rule 157.2 definition**

- “Leaving a patient without appropriate medical care once patient contact has been established, unless emergency medical services personnel are following medical director's protocols, a physician directive, or the patient signs a release, turning the care of a patient over to an individual of lesser education when advanced treatment modalities have been initiated.”

157.2 Definitions

Hospitals: trauma designations

157.2 Definitions

Hospitals: trauma designations

- **Level IV**
 - Basic trauma facility that resuscitates, stabilizes, and transfers patients
- **Level III**
 - General trauma facilities that have more capabilities than level IV, but will still transfer serious and major trauma patients to a higher level of care
- **Level II**
 - Major trauma facilities can treat serious and critical injuries but may not have some surgical staff on location
- **Level I**
 - Comprehensive trauma facility with the highest level of trauma care; conducts trauma research and provides education/outreach programs

157.2 Definitions

Hospitals: bypass vs. diversion

- **Bypass**
 - The facility may not have the specialized capabilities necessary for the continued care of the patient (computerized tomography, magnetic resonance imaging, catheterization laboratory, etc.)
- **Diversion**
 - The facility has the capabilities for continued care of the patient but is currently at capacity, overwhelmed, or drained of resources (mass casualty incident with multiple critical patients)

157.2 Definitions

- **Volunteers**
 - A volunteer provider is a non-profit organization made up of NO more than 25% paid staff
 - Volunteer personnel only qualify as volunteers if the only compensation they receive is reimbursement of expenses
- **Medical supervision**
 - EMS providers practice under the supervision of a licensed physician under the medical practices act and by the rules laid out by the Texas Medical Board

157.2 Definitions

- **Response ready**
 - An in-service unit must be ready to run calls 24/7 with all necessary equipment and staffing. If a unit is not response ready and is registered as a responding unit, TDSHS must be notified. You CANNOT run a call in a non-response ready unit per 157.2. This rule is very expansive and covers everything from EMS provider levels, Emergency Medical Task Force (EMTF) functions, Administrator of Record, credit hours, inactive status, and basic definitions of all EMS functions and terms

157.11 Requirements for an EMS Provider License

This rule is incredibly long and expansive covering all applicable operations for an EMS provider (services, first responder operations, etc.)

- **Fees**
 - Volunteer services are exempt from the application fees if they are staffed with at least 75% volunteer personnel, they have no more than 5 full-time staff members, and are a recognized IRS 501(c)3 non-profit corporation
 - The primary contact person representing the EMS service. They cannot be employed by another for-profit private EMS provider, they must be certified as an EMT or healthcare provider with a direct link to EMS; they must have a background check performed, and they must complete an initial state approved education program as well as 8 hours of annual continuing education (CE) applicable to the area of responsibility (AOR) role

157.11 Requirements for an EMS Provider License

- **Vehicles and staffing**
 - This addresses
 - Staffing plans
 - How logos and names are displayed
 - Heating and cooling requirements
 - The need for an on-file jurisprudence exam from every staff member
- **Basic life support (BLS)**
 - At least 2 emergency care attendants (ECA), or an EMT/ECA, or 2 EMTs

157.11 Requirements for an EMS Provider License

- **BLS with advanced life support (ALS) capability**
 - When running BLS, staffed as above
 - When running ALS, one advanced emergency medical technician (AEMT) and an EMT or higher
- **BLS with medical intensive care unit (MICU) capability**
 - When running BLS, staffed at BLS requirement
 - When running MICU, staffed with one paramedic and an EMT or higher
- **ALS**
- **One EMT or higher and one AEMTALS with MICU capability**
 - When running ALS, same as ALS requirements
 - When running MICU, one paramedic and an EMT or higher
- **MICU**
 - At least one paramedic and an EMT or higher

157.11 Requirements for an EMS Provider License

- **Inventory**
 - This addresses equipment, capabilities, and even specific medications required for each level of ambulance
 - Durable equipment MUST have serial numbers that are recorded by the service
 - Waveform capnography or approved carbon dioxide (CO₂) devices MUST be used by January 1st, 2018 when performing or monitoring endotracheal intubation
 - Cardiac monitors/defibrillators on MICU-capable ambulances must have transmitting 12-lead capabilities by January 1st, 2020

157.11 Requirements for an EMS Provider License

- **EMS provider responsibilities**
 - The provider's quality assessment and performance improvement program includes:

“...monitoring the quality of patient care provided by the personnel and taking appropriate and immediate corrective action to ensure that quality of care is maintained in accordance with the existing standards of care and the provider medical director's signed, approved protocols” (TDSHS EMS)
- **EMS provider responsibilities**
 - Must assure all units are response ready
 - Verify current status of all personnel's licenses and certifications
 - Develop a preventative maintenance plan
 - If medical directors are changed, TDSHS must be notified within 24 hours
 - All personnel must have visible identification when on-duty

157.11 Requirements for an EMS Provider's License

Complaints are also listed in this rule, describing how TDSHS will handle and prioritize a complaint against a service

157.16 EMS Provider Disciplinary Actions

- **Emergency suspension**
 - One of the most serious actions TDSHS can take
 - This can occur if the department believes the EMS provider is an imminent danger to public health and safety
 - An emergency suspension is effective immediately
- **Non-emergency suspension**
 - Can occur if one or more TDSHS rules are violated
- **Denial of a provider's license**
 - TDSHS can deny an initial or renewal request for multiple reasons
- **Accountability**
 - The EMS provider (service) holds the ultimate responsibility for compliance, adequate equipment/staffing, proper vehicle maintenance, maintaining document privacy, and day-to-day operations
 - Staff violations will fall on the provider (service) but will be judged on a case-by-case basis

157.33 Certification

- MUST be 18 years of age
- MUST have a high school diploma or general equivalency diploma (GED)
- MUST have an active National Registry certification for initial applications
- If you do not gain certification within 2 years of your EMS course completion date, you will be required to complete another course
- Reciprocity can be requested if you hold a current National Registry certification. Reciprocity as an ECA is NOT possible
- Certifications are good for 4 years in Texas
- EMS providers must maintain their knowledge and skills as well as keep up with CE and training requirements

157.34 Recertification

- **Recertification**
 - It is YOUR responsibility. TDSHS will send a notice no later than 30 days before your expiration date, but it is ultimately YOUR responsibility to maintain your certification
 - You cannot recertify further in advance than 1 year from your expiration date
 - Five ways to recertify, the Jurisprudence (JP) exam will now be required at least once per recertification cycle
 1. Take the National Registry of Emergency Medical Technicians (NREMT) Exam
 2. Keep up with continuing education
 3. Keep and maintain current NREMT certification
 4. Take a formal state-approved recertification course
 5. Enroll and complete a comprehensive clinical management program (CCMP)

157.34 Recertification

- **Recertification**
 - If your certification is late, you CANNOT work until it is current
 - If certification expired within 90 days, you will be required to pay 1.5 times the normal recertification cost
 - Greater than 90 days, but within a year of expiration, you must pay twice the recertification amount and submit a skills proficiency check

157.36 EMS Personnel Disciplinary Actions

- **Disciplinary actions**
 - Closed
 - Dismissed, no disciplinary action, no evidence of a violation found
 - Substantiated, no disciplinary action taken, provider will correct actions
 - Reprimand
 - Some form of punishment was enacted
 - Suspension or probated suspension:
 - Temporarily relieved of duties, cannot function as an EMS provider until the terms are met, or are up
 - Revocation of certification or license:
 - Loss of status

157.36 EMS Personnel Disciplinary Actions

- Do not steal, cheat, falsify records, or perform immoral acts
- You must write accurate patient care reports (PCR)
- Do not break Health Insurance Portability and Accountability Act (HIPAA)
- Stay in your scope of practice
- Do not abandon a patient
- Do not misrepresent your level as an EMS provider
- Do not assault a patient or co-worker
- Do not borrow/steal supplies, equipment, narcotics, etc.
- Do not get arrested
 - If you do, you must report it regardless of situation
- Do not fail or refuse a drug test
- **Integrity First!** Do the right thing all of the time, even when no one is looking

157.38 Continuing Education

You can earn CE credit from the following options

- **Approved educational opportunities**
 - TDSHS-approved EMS CE providers, Joint Commission accredited hospitals, or other TDSHS approved education
- **Developing Education**
 - Self-study that becomes published in textbooks or EMS journals/articles
- **Precepting Students**
 - Hours can only be applied to additional approved categories
- You must complete your own CE courses, apply them to the correct areas, and ensure you are meeting all requirements for your provider level
- You must keep CE certificates for 5 years in case you are audited by TDSHS
- TDSHS EMS CE providers must maintain accurate records, ensure proper evidence-based practice is being taught, and that all hours actually meet at a minimum 50 minutes of education per hour allotted

Title 22 TAC 197.3 Off-line Medical Director

Your medical director must understand EMS and your region's systems and capabilities

- Must be a licensed physician able to practice in Texas
- Must become board certified in EMS or obtain a certificate of added qualification in EMS or complete a TDSHS-approved EMS medical director course
- Must be familiar with EMS and must be an active participant in your system
- Must maintain their individual CE requirements
 - 12 hours in EMS medical direction
- Must understand the Texas EMS rules and regulations
- Must direct a quality assurance and quality improvement (QA/QI) program at the service and be willing to enforce corrective actions

Texas Administrative Code (TAC)

103 Injury Prevention and Control

- This chapter contains rules for injuries of providers and patients. It is laid out so that the injury can be investigated as necessary by TDSHS and applicable agencies. The health information will be protected. Trauma calls must be reported to TDSHS in an acceptable format
- "All information and records relating to injuries received by the local health authority or the department, including information electronically submitted to the Texas EMS and Trauma Registries and information from injury investigations, are sensitive, confidential, and not public record." -TDSHS EMS

Summary

- ***Integrity First!*** Do the right thing all of the time, even when no one is looking
- Take care of every patient like you would want to be cared for
- Do not turn a blind eye to any wrongdoing
- Be honest, be safe, and provide great care

Links to TDSHS Websites for Full Review of Applicable Rules for EMS Providers:

Texas Administrative Code, rule §157.2

- [http://texreg.sos.state.tx.us/public/readtac\\$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=25&pt=1&ch=157&rl=2](http://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=25&pt=1&ch=157&rl=2)

Texas Administrative Code, rule §157.11

- [http://texreg.sos.state.tx.us/public/readtac\\$ext.TacPage?sl=T&app=9&p_dir=F&p_rloc=182739&p_tloc=14819&p_ploc=1&pg=2&p_tac=&ti=25&pt=1&ch=157&rl=11](http://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=T&app=9&p_dir=F&p_rloc=182739&p_tloc=14819&p_ploc=1&pg=2&p_tac=&ti=25&pt=1&ch=157&rl=11)

Links to TDSHS Websites for Full Review of Applicable Rules for EMS Providers:

Texas Department of Health Services, CE hour and content area requirements

- <http://dshs.texas.gov/emstraumasystems/scehours.shtm>

Texas Department of Health Services, disciplinary actions

- <http://www.dshs.texas.gov/emstraumasystems/disciplinaryactions.shtm>

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