

BILL ANALYSIS

Senate Research Center
88R6149 MCF-F

S.B. 1588
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Health & Human Services
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

There is a critical emergency medical services (EMS) staffing shortage in Texas, leaving the remaining EMS personnel around the state stretched thin—which has the potential to negatively affect quality of care and a timely response rate. Furthermore, since 2020, there has been a sharp decline in EMS training program enrollment, signaling that no increase in personnel is to be expected for the foreseeable future. On April 6, 2020, and in response to the growing acute EMS personnel shortages throughout the state, the Department of State Health Services announced its temporary EMS personnel staffing waiver. The waiver granted authorization for local medical directors of licensed EMS providers to permit the deployment of qualified, but not formally certified, personnel to drive licensed EMS vehicles. The personnel staffing waiver was reauthorized every six months, until it finally expired on November 25, 2022.

S.B. 1588 will amend Chapter 773, Health and Safety Code, by making permanent the ability of licensed EMS providers to recruit and utilize qualified, but not formally certified, personnel to drive their vehicles.

As proposed, S.B. 1588 amends current law relating to variances from Department of State Health Services rules governing the provision of emergency medical services.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the executive commissioner of the Health and Human Services Commission is rescinded in SECTION 1 (Section 773.052, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 773.052(a), (c), (d), and (f), Health and Safety Code, as follows:

(a) Deletes existing text authorizing the executive commissioner of the Health and Human Services Commission (executive commissioner) by rule to adopt a fee of not more than \$30 for filing an application for a variance from a rule adopted under Chapter 773 (Emergency Medical Services).

(c) Requires the Department of State Health Services (DSHS) to grant to an emergency medical services provider who is the sole provider for a service area a variance from the minimum staffing standards for the provision of emergency medical services in that service area. Deletes existing text requiring DSHS to grant to a sole provider for a service area a variance from the minimum standards for staffing and equipment for the provision of basic life-support emergency medical services if the provider is an emergency medical services provider exempt from the payment of fees under Section 773.0581 (Providers Exempt From Fees). Makes nonsubstantive changes.

(d) Requires an applicant for a variance under Subsection (c) to submit a letter to DSHS from the commissioners court of the county or the governing body of the municipality in which the provider intends to operate an emergency medical services vehicle in the provision of emergency medical services in a service area of the county or municipality.

Deletes existing text requiring that the letter state that there is no other emergency medical services provider in the service area.

(f) Deletes existing text providing that a provider is encouraged to upgrade equipment to meet the minimum standards set by the rules adopted under this chapter.

SECTION 2. Makes application of Section 773.052, Health and Safety Code, as amended by this Act, prospective.

SECTION 3. Effective date: September 1, 2023.