

# **Emergency Medical Services Regulation in Texas**

## **A Brief History**

### **FY2000**

From the mid 1930s through 1970, emergency ambulance service in Texas was provided primarily by funeral homes. The hearse was designed to transport a human body, albeit deceased, in a horizontal position and the mortuary staff were accustomed to handling bodies. It became simply a matter of convenience and economy that funeral homes began to provide ambulance service for the ill and injured.

Ambulance operators were not regulated until the Texas Legislature passed Vernon's Annotated Civil Statute 4590b in 1947, which required emergency ambulances to be permitted and to carry a minimum amount of first aid equipment, a traction splint and oxygen. The law also required the ambulance personnel to have theoretical or practical knowledge of first aid as certified by the American Red Cross.

The National Highway Safety Act of 1966 set forth criteria for adoption and effectuation by all states and local governments which focused on the quality of emergency care for persons injured on the highway. As a result, the department charged the Civil Defense and Traffic Safety program with the implementation of those criteria.

Several events converging in the late 1960s initiated the decline of the funeral home ambulance service and the advent of the modern EMS provider. Significant advances in trauma research, resulting from the Vietnam War, proved that well-trained non-physicians could save lives; the American College of Surgeons jointly with the American Academy of Orthopedic Surgeons, acting on a federal grant, developed an 80-hour comprehensive emergency prehospital training program called the Emergency Medical Technician (EMT) course for ambulance attendants; negative publicity associated with the potential conflicting interests of funeral home-provided ambulance service began to escalate; new federal laws governing the pay of ambulance attendants made it difficult for the funeral home provider to make a profit; and competition among private ambulance operators in the metropolitan areas was out of control with squads racing their rivals to scenes of accidents with little regard for public safety. As an economic consequence of these developments, funeral homes began to pass the responsibility for ambulance service to city fire departments, hospitals, private and volunteer ambulance operators, and county government operated services.

In 1973, the Texas Legislature enacted VACS 4447o in accordance with a federal mandate, which created the EMS Division within the Texas Department of Health and provided for the development of a coordinated EMS system in Texas. The department established guidelines for training, staffing, vehicles and equipment, but compliance was voluntary and unenforceable.

Chapter 4447o was amended in 1983 by the 68<sup>th</sup> Legislature mandating minimum requirements for training, certification, staffing, vehicle design, equipment standards, and licensing of ambulance operators. The provision for minimum staffing required two persons, trained for 40 hours and certified as Emergency Care Attendants, for each ambulance. Standards for higher levels of certification were also established including EMT, EMT- Intermediate, and Paramedic. The National Standard Curricula guidelines for each training program were adopted and requirements for maintenance of certification at each level were specified. The EMS Act was re-codified in 1987 as Chapter 773 of the Texas Health and Safety Code. The code was amended in 1997 to create the licensing of Paramedics.

Today, of the 724 EMS providers in Texas, 50 % are municipal operations, 20 % are private enterprises, 12 % are hospital-affiliated services and the rest are county, emergency service district, non-profit associations and volunteer organizations. There are currently still two funeral homes in Texas providing emergency ambulance service.

## Summary of EMS Regulatory History

- 1947 VACS 4490-b mandated minimum standards and permitting for emergency ambulance operators.
- 1966 National Highway Safety Act set forth criteria to improve quality of care for persons injured in highway accidents.
- 1973 VACS 4447-o provided for the development of a coordinated EMS system in accordance with the federal EMS Act of 1973.
- 1983 VACS 4447-o amended to mandate minimum requirements for training, staffing, vehicles, equipment and licensing of EMS providers.
- 1987 VACS 4447-o re-codified to Chapter 773, Texas Health and Safety Code.
- 1993 Chapter 773 amended to allow the Texas Board of Health to determine criteria for personnel re-certification.
- 1997 Chapter 773 amended to create Licensed Paramedics.
- 1999 Chapter 773 amended to create a Governor-appointed advisory council, to change late fee structures, and provide a certification process and immunity for emergency medical dispatchers.