



Report on Emergency Medical Services Complaints and Investigations

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



TEXAS
Health and Human
Services

Texas Department of
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Executive Summary

Emergency Medical Services (EMS) is an essential component of health care in Texas, one used by visitors and Texans alike. The Department of State Health Services (DSHS) licensing and oversight of EMS personnel and providers helps ensure EMS care provided in Texas is safe and meets expected standards. Oversight activities include addressing complaints and conducting investigations, both of which are important measures of quality assurance in the ongoing assessment of emergency medical services. These services are crucial for the public to have confidence in EMS.

DSHS provides this report in accordance with the requirements of Chapter 773 of the Texas Health and Safety Code, [Section 773.0605](#). The statute requires DSHS to report statistical information regarding each complaint received every year.

For fiscal year 2021, DSHS licensed 76,529 EMS personnel and 771 EMS providers that have 5,258 licensed vehicles. There are more than 5 million EMS responses in Texas every year.

DSHS opened 1,546 complaint investigations among the following license types:

- EMS providers (115)
 - Administrator of record (1),
- EMS personnel (1,411),
- EMS education programs (10),
- EMS educators (5), and
- EMS first responder organizations (4).

As of August 31, 2021, DSHS took 29 disciplinary actions related to EMS personnel (27), EMS educators (1), and EMS education programs (1).

At the close of the fiscal year on August 31, 2021, 171 complaint investigations remained open for all EMS license categories. The average age of open cases initiated in fiscal year 2021 was 122 days, and the range was one day to 365 days.

Texas maintains an active system to receive and investigate complaints regarding EMS providers, personnel and related functions. The number of complaints received and those which needed disciplinary action are relatively low.

DSHS will continue to manage this system to ensure EMS providers and personnel are licensed and certified, and complaints are investigated and addressed to instill public confidence in the Texas EMS system.

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 the investigations and disciplinary actions initiated by DSHS under the Emergency Health Care Act. DSHS must track and refer complaints outside its jurisdiction to other agencies. The statute also requires DSHS to report specific information related to complaints, investigations, and disciplinary actions every year.

This report includes data on complaints received, investigations concluded, and disciplinary actions taken between September 1, 2020 and August 31, 2021. Complaints are reports received in writing, verbally, or initiated by DSHS staff who allege a licensee has violated one or more of the statutes and/or rules governing the practice of EMS. A complaint determined to be jurisdictional is investigated. If the investigation shows a violation happened, disciplinary action can be initiated. This disciplinary action can range from a letter of reprimand to revocation of a license. The action can also include assessment of an administrative penalty.

This report is divided into sections by each of the five license types: EMS provider (agency), EMS personnel, EMS education programs, EMS educators, and EMS first responder organizations. If a complaint about an EMS provider includes a complaint about their personnel, the portion of the complaint dealing with personnel is detailed as a separate complaint under the EMS personnel license.

Each section presents data collected as of August 31, 2021. The data include: the number of complaints received during the fiscal year, source of the complaint, primary reason and basis alleged for each complaint, number of cases left open at the end of the fiscal year, reason cases were closed including those closed with no action taken, and the number of disciplinary actions taken during the fiscal year. For purposes of this report, complaints are organized into general categories based on the primary allegation identified in the complaint. When a single complaint includes several allegations, it is categorized by the most significant or serious alleged violation.

A complaint can be closed with no action taken for a variety of reasons, including:

- an allegation that is non-jurisdictional for DSHS under [Chapter 773](#),

- a complaint that is withdrawn by the complainant, or
- if the evidence from the investigation determined no violation happened.

2. Background

The Emergency Medical Services (EMS) system is an essential component of health care in Texas, one used by visitors and Texans alike. The Department of State Health Services (DSHS) licenses and oversees EMS personnel and providers, which helps ensure EMS care in Texas is safe and meets expected standards. Oversight activities include addressing complaints and conducting investigations, both important measures of quality assurance in the ongoing assessment of emergency medical services.

[Health and Safety Code Chapter 773.041](#) requires an entity must hold a license issued by DSHS as an EMS provider to operate, conduct or advertise EMS in Texas. This section also requires any person practicing as EMS personnel be certified or licensed.

Additionally, [Chapter 773](#) authorizes DSHS to investigate a violation, and revoke, suspend, reprimand, or refuse to renew a license or certificate of the following license types:

- EMS provider;
- EMS personnel;
- EMS education program;
- EMS educators (program instructor, examiner or course coordinator); or
- EMS first responder organizations.

There are currently 76,529 licensed personnel, 771 EMS providers, and 5,258 licensed vehicles in Texas.

3. Complaints Related to EMS Providers

[Health and Safety Code, Section 773.003](#) defines an emergency medical service (EMS) provider as a person who uses or maintains EMS vehicles and medical equipment, and personnel to provide emergency medical services. A "person", for purposes of this chapter, is defined in [Health and Safety Code, Section 773.041](#) as an individual, corporation, organization, government, governmental subdivision or agency, business, trust, partnership, association, or any other legal entity licensed to do business as an ambulance service that transports sick or injured people who ride on a stretcher. Entities that are EMS providers employ an EMS administrator, who is not considered to be EMS personnel.

The Department of State Health Services (DSHS) received 115 complaints regarding EMS providers between September 1, 2020 and August 31, 2021, each resulting in DSHS investigations. Sources of complaints include:

- Consumers (79)
- Other sources (29)
- Self-reported potential violations (2)
- Complaints initiated by DSHS in the absence of an external complaint (5)

Table 1 lists the primary reason and basis for each complaint and investigation related to EMS providers.

Table 1: Primary reason and Basis for Each Complaint and Investigation Related to EMS Providers

Reason and Basis	Count
Abuse/Neglect/Exploitation	1
Advertising/Wrongful/Misleading	2
Billing Inappropriateness	3
Breach of confidentiality	1
EMS Drug Diversion	2
EMS Missing/Broken/Inoperable Equipment	3
Equipment Issues	1
Failure to Provide Access to Health Records	1
Failure to Provide Standard Care	67
False Report Filed/Made/Signed	2
Financial	8
Improper Record Keeping	3
Medical Director	2
Unlicensed Person/Facility	12
Unprofessional Conduct	7
TOTAL	115

Of the 115 complaint investigations initiated on EMS providers, 41 remained open as of August 31, 2021. Of those, 38 were under investigation and three remained open with discipline proposed but not finalized as of August 31, 2021. The reason and basis along with the number of days the investigation has been open can be found in Appendix A.

As of August 31, 2021, DSHS closed 74 complaint investigations that were initiated in the fiscal year without taking any disciplinary action. Reasons for closure were:

- Complainant withdrew the complaint (1)
- Closed with no action (2)

- No violation determined (36)
- Not substantiated (12)
- Substantiated (2)
- Letters of concern (3)
- Withdrawn by the board (1)
- Violation found and corrected (1)
- Not under DSHS jurisdiction (16)

Of the 16 complaints determined to be outside the jurisdiction of DSHS and closed, one was referred to another state agency, which was believed to have jurisdiction. The remaining 15 were closed as they were not within the jurisdiction of DSHS or any other state agency.

DSHS did not finalize any disciplinary actions on any EMS provider complaints opened in fiscal year 2021.

DSHS received one complaint concerning EMS administrators in fiscal year 2021 and closed it with no action taken.

DSHS closed four additional complaint investigations on EMS providers from previous fiscal years. These complaints were closed with payments of administrative fees.

4. Complaints Related to EMS Personnel

Emergency Medical Services (EMS) personnel provide emergency and non-emergency care to the sick or injured before and/or during transport to a medical facility, between facilities, or home. This includes any necessary stabilization of sick or injured people in connection with transportation. [Health and Safety Code, Section 773.003](#) defines five levels of EMS personnel:

- Emergency care attendant;
- Emergency medical technician;
- Advanced emergency medical technician;
- Emergency medical technician-paramedic; and
- Licensed paramedic.

The Department of State Health Services (DSHS) received 1,411 complaints regarding EMS personnel between September 1, 2020 and August 31, 2021. Sources of complaints include:

- Consumers (37)
- Other sources (80)
- Self-reported potential violations (866)
- Complaints initiated by DSHS in the absence of an external complaint (428)

A licensee’s criminal history was the source of many of these complaints.

Table 2 lists the primary reason and basis for each complaint and investigation related to EMS personnel.

Table 2: Primary Reason and Basis for Each Complaint and Investigation Related to EMS Personnel

Reason and Basis	Count
Beyond Scope of License	2
Billing Inappropriateness	1
Confidentiality	5
Continuing Education Violations	30

Reason and Basis	Count
Criminal History	1,252
Deception/Fraud/Bribery	1
EMS Drug Diversion	8
Failure to Provide Standard Care	54
False Report Filed/Made/Signed	10
Falsification/App/Renewal	3
Fraud/Deceit/Bribery	2
Improper Record Keeping	2
Not Cooperating with Investigation/Inspection	4
Order Non-Compliance	3
Performance of Unauthorized Procedure	2
Practice without Medical Direction	5
Sexual Misconduct	2
Unauthorized Prescribing/Dispensing	1
Unprofessional Conduct	13
Use of Alcohol/Drugs on the Job	11
TOTAL	1,411

Of the 1,411 complaint investigations involving EMS personnel initiated in fiscal year 2021: 123 remain open with 108 cases still under investigation and 15 with disciplinary action proposed but not finalized as of August 31, 2021. The reason and basis including the number of days investigations have been open can be found in Appendix B.

As of August 31, 2021, DSHS closed 1,262 complaints initiated in fiscal year 2021 without taking any disciplinary action. Reasons for closure were:

- Applications were approved (702)
- Applications were withdrawn (4)
- License expired (1)
- Application expired (1)
- No action taken (342)
- No violation found (20)
- Pre-screens eligible for certification (93)
- Pre-screens not eligible for certification (1)
- Unsubstantiated (39)
- Concern letters (36)
- Withdrawn by the complainant (3)
- Withdrawn by the department (5)
- Deficiency plan of correction accepted (1)
- Inconclusive (1)
- Unfounded (3)
- Substantiated (3)
- Voluntary surrender (1)
- Not under the jurisdiction of DSHS (6)

Of the six complaints determined non-jurisdictional, one was referred to another agency for review and handling and the remaining five were closed with no action.

DSHS closed 26 complaints regarding EMS personnel in fiscal year 2021 with disciplinary action. The reasons for closure were:

- Emergency suspensions (4)
- Reprimands (2)
- Revocations (8)
- Combination of suspension and probation (1)
- Suspension (6)
- Cease and desist (1)
- Denied initial application (1)
- Combination of emergency suspension and voluntary surrender (1)
- Combination of emergency suspension and revocation (2)

DSHS closed 60 complaint investigations regarding EMS personnel initiated in previous fiscal years with disciplinary action taken. The disciplinary actions taken were: 17 probated suspensions, six reprimands, 19 revocations, three emergency

suspensions, 12 suspensions, one probation, and two with a combination of suspension and probated suspension.

5. Complaints Related to EMS Education Programs

An Emergency Medical Services (EMS) education program is an entity approved by the Department of State Health Services (DSHS) to offer education and training for EMS personnel to obtain or maintain a license. Education programs can include a privately-owned program, a college, university or governmental body.

DSHS received 10 complaints related to EMS education programs between September 1, 2020 and August 31, 2021. Consumers brought six of these complaints. Other sources brought one complaint. DSHS initiated three complaints in the absence of an external complaint.

Table 3 lists the primary reason and basis for each complaint and investigation related to EMS education programs.

Table 3: Primary Reason and Basis for Each Complaint and Investigation Related to EMS Education Programs

Reason and Basis	Count
Failure to Provide Standard of Care	6
Unlicensed Person/Facility	2
Unprofessional Conduct	1
Improper Record Keeping	1
Total	10

Of the 10 complaints received in fiscal year 2021 regarding EMS education programs, three remain open under investigation as of August 31, 2021. The reason and basis including the number of days investigations have been open can be found in Appendix C.

As of August 31, 2021, DSHS closed six complaints without taking disciplinary action. Reasons for closure were:

- No violation (1)
- Unsubstantiated (3)

- Letter of concern (1)
- Withdrawn by the department (1)

As of August 31, 2021, DSHS closed one complaint with disciplinary action of probated suspension.

6. Complaints Related to EMS Educators

Emergency Medical Services (EMS) educators are personnel who provide instruction or manage an education program. This includes program instructors, examiners and course coordinators.

The Department of State Health Services (DSHS) received five complaints related to EMS educators between September 1, 2020 to August 31, 2021. Of these complaints, two were opened by DSHS in absence of a complaint, and three were brought by another source.

Table 4 lists the primary reason and basis for each complaint and investigation related to EMS educators.

Table 4: Primary Reason and Basis for Each Complaint and Investigation Related to EMS Educators

Reason and Basis	Count
Improper Record Keeping	2
Failure to Provide Standard Care	1
Unlicensed Person	1
Unprofessional Conduct	1
Total	5

Of the five complaints received in fiscal year 2021 regarding EMS educators, three remain under investigation as of August 31, 2021. The reason and basis including the number of days investigations have been open can be found in Appendix D.

As of August 31, 2021, DSHS closed one complaint as unsubstantiated and one complaint with disciplinary action of probated suspension.

7. Complaints Related to EMS First Responder Organizations

An Emergency Medical Services (EMS) first responder organization is a group or association of certified emergency medical services personnel that works in cooperation with a licensed emergency medical services provider to:

- Routinely respond to medical emergency situations;
- Use personnel who are EMS certified by the Texas Department of State Health Services (DSHS); and
- Provide on-scene patient care to the ill and injured and do not transport patients.

DSHS received four complaints related to first responder organizations between September 1, 2020 and August 31, 2021. Of these complaints, two were brought by a consumer, one was initiated by DSHS in the absence of a complaint, and one was brought by another source. Consumers brought two of these complaints.

As of August 31, 2021, DSHS closed all complaints against first responder organizations without taking disciplinary action. Reasons for closure were as follows: one had no violation, one accepted a plan of correction, one was unsubstantiated, and one was withdrawn by the department.

DSHS did not take any disciplinary action on any EMS first responder organization in fiscal year 2021.

8. Complaint Resolution Data

At the close of the fiscal year on August 31, 2021, there were 171 open complaints among the five Emergency Medical Services (EMS) license categories. Of these complaints, 153 were under investigation and 18 had a proposed disciplinary action that had not been finalized. The average age of open cases initiated in fiscal year 2021 was 122 days, and the range was one to 365 days. The age of all open complaints by license category is provided in appendices.

For fiscal year 2021, the average time to resolve each complaint from the date received was 31 days. Typically, criminal history complaints can be resolved faster because they are often based on legal documentation related to prior convictions. Those related to criminal history are resolved in an average of 15 days, and those not related to criminal history are resolved in an average of 100 days.

9. Conclusion

At the close of fiscal year 2021, DSHS had taken 29 disciplinary actions against entities in the five license groups.

Of the 76,529 certified and/or licensed Emergency Medical Services (EMS) personnel and 771 licensed EMS service providers, only 0.03% received disciplinary action by the Department of State Health Services (DSHS) between September 1, 2020 and August 31, 2021.

The importance of EMS is immeasurable. Dedicated EMS personnel save countless lives each year across Texas. In Texas, EMS personnel respond to an EMS call on an average of every seven seconds. Qualified Texas EMS professionals are ready to respond to Texans' calls for help, despite the time of day or weather conditions.

These services are important. Because it is crucial for the public to have confidence in EMS, Texas maintains an active system to receive and investigate complaints regarding EMS providers, personnel and related functions. The number of complaints received and those which needed disciplinary action are relatively low. DSHS will continue to manage this system to help ensure EMS providers and personnel are licensed and certified, and complaints are investigated and addressed to instill public confidence in the Texas EMS system.

List of Acronyms

Acronym	Full Name
DSHS	Texas Department of State Health Services
EMS	Emergency Medical Services

Appendix A. Age of each open complaint regarding EMS providers as of August 31, 2021.

Appendix A Table 1

Reason and Basis	Days Open
Failure to Provide Standard Care	327
Failure to Provide Standard Care	317
Unlicensed Person/Facility	295
Unlicensed Person/Facility	286
Failure to Provide Standard Care	260
Failure to Provide Standard Care	260
Failure to Provide Standard Care	253
Failure to Provide Standard Care	180
Failure to Provide Standard Care	177
Billing Inappropriateness	169
Equipment Issues	168
Failure to Provide Standard Care	178
Failure to Provide Standard Care	146
Failure to Provide Standard Care	146
Unlicensed Person/Facility	138
Unlicensed Person/Facility	132
Medical Director	127
Medical Director	127
Unprofessional Conduct	119
Failure to Provide Standard Care	106
False Report Filed/Made/Signed	103
Failure to Provide Standard Care	99

Reason and Basis	Days Open
Failure to Provide Standard Care	96
Unprofessional Conduct	89
Failure to Provide Standard Care	79
Unprofessional Conduct	68
EMS Missing/Broken/Inoperable Equipment	62
Failure to Provide Standard Care	54
Failure to Provide Standard Care	43
Failure to Provide Standard Care	43
Failure to Provide Standard Care	35
Failure to Provide Standard Care	27
Failure to Provide Standard Care	22
Failure to Provide Standard Care	22
Failure to Provide Standard Care	13
Failure to Provide Standard Care	13
Unlicensed Person/Facility	8
Failure to Provide Standard Care	7
Failure to Provide Standard Care	7
Bodily Injury/Assault	5
Failure to Provide Standard Care	5

Appendix B. Age of each open complaint regarding EMS personnel as of August 31, 2021.

Appendix B Table 1

Reason and Basis	Days Open
Standard of Care/Service/Product	365
Criminal History	364
Criminal History	351
Standard of Care/Service/Product	351
Criminal History	354
Standard of Care/Service/Product	336
EMS Drug Diversion	331
Standard of Care/Service/Product	317
Criminal History	316
Criminal History	306
EMS Drug Diversion	300
Standard of Care/Service/Product	307
Standard of Care/Service/Product	299
Standard of Care/Service/Product	296
Criminal History	292
EMS Drug Diversion	286
Criminal History	298
Criminal History	272
Criminal History	257
Criminal History	231
Criminal History	225

Reason and Basis	Days Open
Standard of Care/Service/Product	223
Criminal History	219
Standard of Care/Service/Product	218
Standard of Care/Service/Product	218
Standard of Care/Service/Product	218
Criminal History	215
Criminal History	212
Criminal History	201
Criminal History	191
Standard of Care/Service/Product	194
Criminal History	168
Criminal History	167
Fraud/Deceit/Bribery	159
Criminal History	156
Criminal History	155
Standard of Care/Service/Product	138
Criminal History	134
Standard of Care/Service/Product	132
Sexual Misconduct	131
Criminal History	131
Criminal History	128
Order Non-Compliance	128
Standard of Care/Service/Product	126
Standard of Care/Service/Product	126
Criminal History	121

Reason and Basis	Days Open
Criminal History	121
Standard of Care/Service/Product	117
Standard of Care/Service/Product	106
Standard of Care/Service/Product	105
Criminal History	103
EMS Drug Diversion	103
Standard of Care/Service/Product	100
Criminal History	113
Standard of Care/Service/Product	99
Criminal History	97
Fraud/Deceit/Bribery	97
Standard of Care/Service/Product	96
Standard of Care/Service/Product	96
Standard of Care/Service/Product	96
Standard of Care/Service/Product	96
Standard of Care/Service/Product	96
Standard of Care/Service/Product	91
Criminal History	90
Standard of Care/Service/Product	89
Standard of Care/Service/Product	89
Criminal History	86
Criminal History	83
Standard of Care/Service/Product	79
Standard of Care/Service/Product	92
Standard of Care/Service/Product	79
Standard of Care/Service/Product	79

Reason and Basis	Days Open
Standard of Care/Service/Product	79
Standard of Care/Service/Product	79
Criminal History	76
Unprofessional Conduct	70
Required Activity Not Performed	70
Required Activity Not Performed	70
Standard of Care/Service/Product	68
Standard of Care/Service/Product	88
Criminal History	65
Standard of Care/Service/Product	62
Standard of Care/Service/Product	58
Standard of Care/Service/Product	56
Standard of Care/Service/Product	56
Standard of Care/Service/Product	54
Standard of Care/Service/Product	54
Criminal History	48
Criminal History	43
Standard of Care/Service/Product	43
Standard of Care/Service/Product	43
Standard of Care/Service/Product	43
Standard of Care/Service/Product	41
Criminal History	41
Criminal History	40
Criminal History	40
Criminal History	40

Reason and Basis	Days Open
Standard of Care/Service/Product	35
Standard of Care/Service/Product	35
Standard of Care/Service/Product	35
Criminal History	30
Criminal History	45
Criminal History	30
Criminal History	28
Standard of Care/Service/Product	27
Standard of Care/Service/Product	47
Criminal History	34
Criminal History	28
Standard of Care/Service/Product	19
Standard of Care/Service/Product	21
Standard of Care/Service/Product	19
Standard of Care/Service/Product	19
Criminal History	22
Standard of Care/Service/Product	26
Standard of Care/Service/Product	13
Criminal History	12
Criminal History	8
Standard of Care/Service/Product	7
Standard of Care/Service/Product	7
Criminal History	6
Criminal History	5
Standard of Care/Service/Product	5

Reason and Basis	Days Open
Criminal History	1

Appendix C. Age of each open complaint regarding EMS education programs as of August 31, 2021.

Appendix C Table 1

Reason and Basis	Days Open
Failure to Provide Standard Care	131
Operating unapproved school/service	41
Failure to Provide Standard Care	5

Appendix D. Age of each open complaint regarding EMS educators as of August 31, 2021.

Appendix D Table 1

Reason and Basis	Days Open
Unprofessional Conduct	260
Improper Record Keeping	163
Operating unapproved school/service	41