



Report on Emergency Medical Services Complaints and Investigation

**As Required By
Health and Safety Code, Sec. 773.0605**



**Department of State Health Services
December 2016**

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Executive Summary

This report is provided by the Texas Department of State Health Services (the department) in accordance with the requirements of Senate Bill 1899 of the 84rd Regular Session of the Texas Legislature, 2015, that amended Texas Health and Safety Code, Chapter 773 (Emergency Medical Services). This law requires the department to report statistical information annually regarding each complaint that has been received.

Background

Senate Bill 1899, House Bill 2020, and SB 1899 require DSHS to track and record any complaints the department received regarding EMS providers and personnel, in addition to investigations and disciplinary actions initiated by the department under the Emergency Health Care Act. These laws specify the process by which DSHS tracks and refers complaints outside the department's jurisdiction to other agencies. DSHS is also required to annually report on findings related to complaints, investigations, and disciplinary actions and to make that report public via the department's website and upon request.

These laws became effective on June 19, 2015.

Legislative Requirements

Sec. 773.0605. COMPLAINTS AND INVESTIGATIONS. (a) The department shall track and keep records of:

- (1) each complaint received by the department regarding emergency medical services providers and emergency medical services personnel;
- (2) each investigation initiated by the department under this chapter; and
- (3) each disciplinary action initiated by the department under this chapter.

(b) The department shall develop a formal process to refer complaints outside the department's jurisdiction to the appropriate agency for disposition.

(c) The department shall track the types of complaints received outside the department's jurisdiction. The department shall separately track complaints outside the department's jurisdiction relating to potential billing fraud and make information relating to those complaints available to the appropriate state agency.

(d) The department shall annually report statistical information regarding each complaint received, and each investigation or disciplinary action initiated, under this chapter. The report must include:

- (1) the reason and basis for each complaint;
- (2) the origin of each investigation, including whether the investigation:
 - (A) resulted from a complaint brought by a consumer;
 - (B) resulted from a complaint brought by another source; or
 - (C) was initiated by the department in the absence of a complaint;
- (3) the average time to resolve each complaint from the date the complaint is received;
- (4) the disposition of each investigation, including:
 - (A) the number of investigations commenced in which no disciplinary action was taken, and the reasons no disciplinary action was taken;
 - (B) the number of investigations resulting in disciplinary action, and the disciplinary actions

taken; and

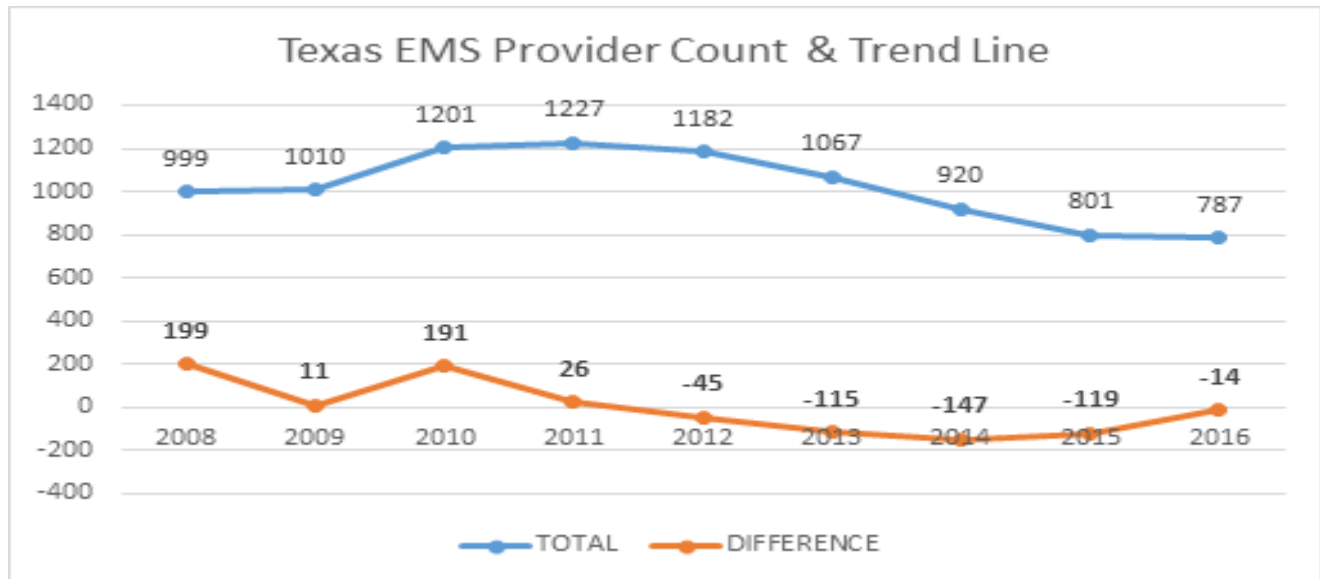
(C) the number of complaints referred to another agency for disposition; and

(5) the number, type, and age of each open investigation at the end of each fiscal year.

(e) The department shall make the report required by Subsection (d) available to the public through publication on the department's website and on request.

(f) The department may not include in the report required by Subsection (d) any information, including personal information, that could be used to identify an individual involved in or the location of a complaint that has been dismissed or has not reached a final determination.

Total Number of EMS Providers – 787 (Down 14 from FY15)



Total Number of EMS Personnel – 63,930 (Up 1,060 from FY 15)

	FY15	FY16	DIF
ECA Emergency Care Attendant	2,447	2398	-49
EMT Emergency Medical Technician	32,236	32,845	609
EMTI Emergency Medical Tech Intermediate	3,586	3,535	-51
EMTP Emergency Medical Technician Paramedic	17,966	18,371	405
LP Licensed Paramedic	6,725	6,871	146
Total	62,960	64,020	1,060

Data for the Legislative Report

1. The number of complaints received by the department regarding emergency medical services providers; **144**
2. The number of complaint received by the department regarding emergency medical services personnel; **1,471**
3. The number of investigations initiated by the department; **1,618 (1,275 criminal history)** (*1,627 minus 9 non-jurisdictional)
4. The number of disciplinary action initiated by the department; **45**
5. The number and type of complaints received outside the department's jurisdiction; **9**
6. The number of complaints outside the department's jurisdiction relating to potential billing fraud; **2**
7. The number of complaints relating to potential billing fraud referred to the appropriate state agency; **2**

Investigation or disciplinary action initiated,

1. The reason and basis for each complaint;

Types of Complaints	Count
10 Standard of Care/Service/Product	215
15 Abuse/Neglect/Exploitation	7
20 Sexual Misconduct	4
25 Unlicensed Person/Facility	32
30 Fraud/Deceit/Bribery	13
35 Financial	3
45 Confidentiality	9
50 Advertising/Mislabeling	2
55 Unprofessional Conduct	15
60 Criminal History	1,275
70 Order Non-Compliance	1
80 Reopen/Reinstate	1
91 Unauthorized Activity	2
92 No Survey	2
93 Required Activity Not Performed	20
94 Reportable Event	11
95 EMS Drug Diversion	15

(*includes the 9 non-jurisdictional)

The origin of each investigation, including whether the investigation:

- a. resulted from a complaint brought by a consumer; **194**
 - b. resulted from a complaint brought by another source; **656** (565 - self-reported by Licensee, 91 - from other sources)
 - c. initiated by the department in the absence of a complaint; **777**
(*1,627 less 9 non-jurisdictional = 1,618)
2. Average time to resolve each complaint from the date the complaint is received;

EMS Personnel Criminal History Cases: 33 days
EMS Providers and Education Programs: 128 days

3. The number of investigations commenced in which no disciplinary action was taken, and the reasons no disciplinary action was taken;

Withdrawn by Department (plus 3 by compliance)	4
Findings with no discipline after informal conference	2
Closed case not able to substantiate a violation or criminal history was cleared	815
Closed case was resolved with a plan of correction and warning	75
Closed case because the licensee expired	19
Closed case withdrew by complainant	4

4. The number of investigations resulting in disciplinary action; **42**

5. The disciplinary actions taken;

- a. Reprimand; **3**
- b. Suspend; **5**

- c. Denied Renewal Refuse to Renew; **0**
- d. Revoke; **7**
- e. Administrative Penalty **4**
- f. Denied Initial **2**
- g. Probated Suspension **3**
- h. Voluntary Surrender in lieu of discipline **1**
- i. Emergency suspension; **17**

6. The number of complaints referred to another agency for disposition; **3**

7. The number, type, and age of each open investigation at the end of each fiscal year;

Type of Complaint	Number of Complaints Open
10 Standard of Care/Service/Product	115
15 Abuse/Neglect/Exploitation	4
20 Sexual Misconduct	2
25 Unlicensed Person/Facility	17
30 Fraud/Deceit/Bribery	7
35 Financial	1
45 Confidentiality	4
50 Advertising/Mislabeling	1
55 Unprofessional Conduct	8
60 Criminal History	503
80 Reopen/Reinstate	1
91 Unauthorized Activity	1
92 No Survey	1
93 Required Activity Not Performed	14
94 Reportable Event	4
95 EMS Drug Diversion	9
	692

Investigation is still ongoing. In cases with Criminal History, the licensee has not gone to court or reported the outcome of court.

Cases have been open an average of 163 days.

Conclusions

The on-going efforts of legislators, Texas leadership, and department staff, in collaboration with many federal and state partners, will continue to ensure a safely operated EMS system that is provided by qualified professionals in compliance with Texas laws.

The next report will be provided by the department on December 1, 2017.