

- SUBJECT:** Revoking the certification of certain EMS personnel
- COMMITTEE:** Public Health — favorable, without amendment
- VOTE:** 7 ayes — Kolkhorst, Naishtat, Alvarado, V. Gonzales, S. King, Schwertner, Zerwas
- 0 nays
- 4 absent — Coleman, S. Davis, Laubenberg, Truitt
- WITNESSES:** For — GK Sprinkle, Texas Ambulance Association; (*Registered, but did not testify*: Dan Finch, Texas Medical Association; Windy Johnson, Texas Conference of Urban Counties; Dudley Wait, Schertz EMS, Texas Ambulance Association; Michael Gutierrez)
- Against — (*Registered, but did not testify*: Mike Higgins, Texas State Association of Fire Fighters)
- On — (*Registered, but did not testify*: Maxie Bishop, Department of State Health Services)
- BACKGROUND:** In 2009, the 81st Legislature enacted HB 2845 by Riddle. As a result of this legislation, DSHS must revoke the certificate of an EMS employee who is convicted of or placed on community supervision for murder, capital murder, indecency with a child, aggravated kidnapping, aggravated sexual assault, aggravated robbery, sexual assault, certain repeat drug offenses committed near a school or related facility, or any offense committed on or after September 1, 2009, that would require the applicant to be placed on the sex offender registry.
- DIGEST:** HB 1476 would require an EMS employee's certificate to be revoked if he or she had been convicted of or placed on community supervision for murder, capital murder, indecency with a child, aggravated kidnapping, aggravated sexual assault, aggravated robbery, sexual assault, certain repeat drug offenses committed near a school or related facility, or any

offense committed on or after September 1, 2009, that would require the applicant to be placed on the sex offender registry.

The bill would take effect September 1, 2011.

**SUPPORTERS
SAY:**

HB 1476 would protect citizens, who rely on EMS for urgent care. Current law prevents DSHS from revoking the certification of an EMS employee who is convicted of a serious violent crime or a repeat drug offense if that crime occurred after September 1, 2009. This is because the language used for HB 2845, which took effect on September 1, 2009, used the present tense “is convicted” rather than the past tense “has been convicted” in requiring the revocation. As a result, the revocation only applies if the crime is committed going forward. The agency now must conduct an investigation and assess the evidence and all other relevant factors before an applicant can be suspended and the certification revoked. This process takes considerable time and allows a person convicted of a serious crime to stay on the job and be entrusted with the care of vulnerable populations.

HB 1476 would authorize DSHS to weed out potentially dangerous convicted criminals and therefore reduce the risk of a lawsuit for DSHS or a local EMS field office. Both the state agency and the local government are obligated to keep the public safe. These entities would be held liable for a crime that was committed by an EMS employee who had a previous conviction for a serious crime. Current law prevents the agency from removing the threat of this liability, but HB 1476 clearly and unambiguously would grant the agency this authority.

**OPPONENTS
SAY:**

HB 1476 would jeopardize the livelihoods of some EMS employees who had already paid for their crimes and have outstanding service records on the job. For instance, a person with a record containing a minor offense, who was then convicted of a misdemeanor for smoking pot across the street from a school as a 19-year-old, would lose his job as a 45-year-old EMS responder because the conviction would be identified as a serious offense worthy of revocation. This bill would require some individuals on the sex offender registry to keep their jobs, while an individual with two minor drug offenses would be removed. That would be unfair and a senseless waste of good talent.

**OTHER
OPPONENTS
SAY:**

HB 1476 would allow some registered sex offenders to keep their certification if the offense was committed before September 1, 2009. This would create a double standard that would allow some EMS employees

who were required to register as sex offenders to stay employed, but would revoke the license of a person convicted of the same offense on or after September 1, 2009. If the aim of this bill is to keep sex offenders and other violent criminals away from people in need of urgent care, then it would be more appropriate to revoke the certificates of all convicted sex offenders.

NOTES:

HB 1476 originally was placed on the Local, Consent, and Resolutions Calendar for May 3.