

TETAF Report on the 84th Texas Legislative Session

June 2015



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GENERAL UPDATE

The 84th Texas Legislature adjourned June 1 and Texas lawmakers headed home after 140 days in Austin. 6,276 bills were filed this session, with fewer than 1,400 making it to the Governor's desk to be signed into law. This was the first legislative session presided over by Governor Greg Abbott and Lieutenant Governor Dan Patrick, both with campaign promises to fulfill. Governor Abbott vetoed 42 bills and resolutions before the veto deadline, the most since 2007. This was also the first legislative session without a called special session since 2007.

As in past sessions, the primary focus of the legislature was on the state budget for the next two years, the one bill that the lawmakers are constitutionally required to pass. While the 84th legislative session began with the Texas economy in a better position than past sessions, lawmakers struggled over whether to increase spending to meet the needs of our quickly growing state or return money to the taxpayers via tax cuts. While TETAF was disappointed that the legislature did not fully fund the needs of the trauma system, increased distributions were made from the trauma fund and the legislature is more keenly aware of the importance of both EMS providers and Trauma Service Area Regional Advisory Councils.

TETAF took an even more active role this session on all issues affecting the trauma and emergency healthcare system and has become known as the go-to source for trauma and emergency healthcare information at the Capitol. TETAF board members, staff and trauma and emergency healthcare leaders from around the state all testified before a broad range of committees. Below is a look at some of the nearly 200 bills that TETAF followed throughout the 84th legislative session.

STATE BUDGET

Like last session, lawmakers found themselves with another budget surplus. After lengthy debate between the House and the Senate on their respective budget proposals, the conference committee produced a version of HB 1 containing a \$209.4 billion biennium budget, an increase over last session's \$197 billion.

The budget includes property tax cuts and a 25% franchise tax cut, as well as \$800 million in border security funding and an additional \$1.5 billion appropriated to public education.

An attempt to address the physician shortage was made this session with the creation of additional residency programs, as well as a \$300 million endowment for incentive programs for rural area physicians.

HB 1437, by Rep. Sylvester Turner (D-Houston) merged the Regional Trauma Account (red light camera account) with the Designated Trauma Facility and EMS Account (account 5111) and laid the groundwork for increased appropriations to the trauma system. This legislation was ultimately passed as part of HB 7, a larger bill related to designated state accounts.

The state budget for 2016-2017 includes several items of interest to the trauma community:

1. \$114 million state appropriation from account 5111 to the trauma system, following the distribution formula in statute of 96% to hospitals, 2% to EMS, 1% to RACs, 1% to DSHS.
2. \$128.7 million state appropriation from account 5111 for safety net hospitals (DSH) add-on (additional federal matching dollars will be appropriated to these facilities)
3. \$64.5 million state appropriation from account 5111 for trauma add-on (plus federal match)
4. \$20 million state appropriation from account 5111 for rural hospital add-on (federal match)
5. \$2 million for Texas Cardiovascular Disease & Stroke Initiatives (increase from \$500k last session)
6. Texas EMTF funding was included as part of federal Ebola funds. However, the amount of funding that will make it to EMTF is not yet clear.

While this equates to significant additional payments to the trauma system, specifically trauma hospitals, there was no new specific additional line-item appropriation to EMS or RACs. TETAF advocacy staff will continue to work to find additional funding sources throughout the interim.

SUNSET

The Sunset Advisory Commission recommended the consolidation of the State's five healthcare agencies into a single entity. The legislature took action on this recommendation by consolidating the Health and Human Services Commission (HHSC), the Department of Aging and Disability Services and the Department of Assistive and Rehabilitative Services. Some of the regulatory functions of

the Department of State Health Services (DSHS) have been moved to HHSC but DSHS will continue its focus on public health. However, the full DSHS sunset bill was not passed this session. Sunset legislation often opens up an agency to the possibility of controversial amendments, not keeping with the intention of the legislation as filed.

INJURY PREVENTION

DISTRACTED DRIVING – Legislation creating a statewide ban on texting while driving was filed again this session by Rep. Tom Craddick (R-Midland) and Sen. Judith Zaffirini (D-Laredo). HB 80 passed the House by a large margin and was sent to the Senate where the State Affairs Committee heard the bill in an emotional hearing on the Senate floor. 50 advocates showed up to show support for the legislation, including family members and friends who lost a loved one, members of law enforcement and representatives of the medical community. In a rare moment of collaboration and agreement at the Capitol, not a single person testified in opposition to the bill.

Unfortunately, despite the overwhelming support shown for HB 80, several Senators were able to block the legislation from consideration by the full Senate via a procedural move. Therefore the bill was never considered by the full Senate and Texas remains one of the only states to not enact similar legislation.

RED LIGHT CAMERAS – One of the most contentious issues addressed by the legislature this session was several bills that would have banned the use of red light cameras in Texas. This was an important issue for TETAF from both an injury prevention standpoint (studies show that red light cameras lead to fewer side impact collisions, therefore reducing injury severity and fatalities), as well as a funding standpoint (half the funds collected are deposited into an account that is intended for distribution to the trauma system). Supporters of the legislation argued that red light cameras violate the constitutional rights of Texans, and showed up in large numbers at the Capitol to make their voice heard. Despite Senate passage of SB 719 by Sen. Bob Hall (R-Rockwall), the House Committee on Transportation ultimately voted down the legislation thanks to the hard work of members of the Traffic Safety Coalition, including TETAF. Earlier in the session, in one of the more intriguing moments of the 84th legislative session, the House Committee on Transportation scheduled three red light camera elimination bills for committee hearing, all of which died in committee.

NURSING – The legislature passed HB 2696 by Rep. Donna Howard (D-Austin) this session, calling for a study on reducing workplace violence against nurses. Violence is a common workplace hazard for nurses, posing a threat to both caregivers and patients. Recent surveys show that most nurses have experienced physical violence in the workplace and that almost all have experienced verbal abuse. HB 2696 requires the nursing resource section within the health professions resource center established by the statewide health coordinating council, to conduct a study on workplace violence against nurses in hospitals, freestanding emergency medical care facilities, nursing facilities and home health agencies.



Trauma and Emergency Healthcare Day at the Capitol attendees with Sen. Donna Campbell.

DRIVER RESPONSIBILITY PROGRAM

While a last minute push to eliminate the Driver Responsibility Program (DRP) brought this legislation closer to passage than ever, advocates for the trauma and emergency healthcare system were ultimately able to prevent passage by stressing the importance of DRP funds to the trauma system.

SB 93 by Sen. Rodney Ellis (D-Houston) would have completely eliminated the Driver Responsibility Program as written, also eliminating the primary source of funding for the state trauma system. After surprise interest in this legislation was expressed during a Senate Committee on Transportation hearing, trauma system advocates were called into action at the Capitol.

The Senate Committee on Transportation ultimately passed a substitute version of the bill that, while not technically eliminating the program, removed the enforcement provisions. It has been reported that 80% of offenders wait until they receive notice that their license will be suspended before paying the DRP fines. Therefore, the substitute bill would still have been detrimental to trauma care in Texas. SB 93 moved quickly through the process but was not heard by the full House before the deadline to hear Senate bills. Language was incorporated into HB 7 that lessens the fines for some violations. However, the financial impact of those changes is not known at this time.



TETAF Board Chair Jorie Klein, RN, BSN speaks at a press conference at the Capitol.

It is anticipated that similar legislation will be filed again next session. While TETAF has traditionally worked throughout the interim to find ways to improve the current program instead of eliminating it, the time has also come to explore alternative sources of funding for the Texas Trauma System so that advocates are not forced to defend the program every two years. Several recommendations have been proposed and TETAF will work with lawmakers to analyze and evaluate these alternative funding sources.

EMERGENCY MEDICAL SERVICES

TETAF staff worked hand-in-hand with members of the Texas EMS Alliance and Texas Ambulance Association this session to pass a range of bills supporting EMS providers, and also worked to modify other legislation that would have been detrimental to the industry.

EMS COMPACT – Lawmakers passed HB 2498 by Rep. John Zerwas (R-Simonton), legislation allowing Texas EMS providers to move resources across the state border when there are times of system overload or large-scale emergencies. The EMS compact is similar to the nurse interstate licensure compact that is currently in place and will greatly enhance the ability of EMS providers to deliver emergency services. HB 2498 was signed by the Governor and takes effect Sept. 1, 2015.

DISCLOSURE OF COMMUNICABLE DISEASES –

HB 2646 by Rep. Helen Giddings (D-DeSoto) was passed by the legislature this session, requiring the disclosure of information regarding communicable diseases to first responders. Last year, after multiple cases of Ebola were confirmed in Texas, around 100 people were monitored by local authorities for weeks after their direct or indirect contact with an Ebola patient. HB 2646 requires a local health department or health authority to provide to first responders the physical address of a person who is being monitored for a communicable disease for the duration of the disease's incubation period. HB 2646 was signed by the Governor and takes effect Sept. 1, 2015.

WORKERS' COMPENSATION – The legislature also passed HB 2771 by Rep. Mando Martinez (D-Weslaco). HB 2771 clarifies workers' compensation rules for emergency response personnel. Claims had previously been restricted by the applicable definition of "course and scope of employment," which overlooked the fact that some emergency response personnel must travel in a personal vehicle to or from the emergency. That oversight led to workers' compensation claims made by such personnel being contested or denied. HB 2771 was signed by the Governor and takes effect Sept. 1, 2015.

PARAMEDIC SCOPE OF PRACTICE – HB 2020 by Rep. Mando Martinez permits certified paramedics and licensed paramedics to provide health care services to include advanced life support in an emergency or urgent care clinical setting, hospital emergency room or free standing emergency medical care facility. SB 1899 by Sen. Donna Campbell (R-New Braunfels) supports HB 2020 but also adds additional requirements for EMS providers and personnel, including a jurisprudence exam and the requirement of a physical location for an EMS provider. Both bills have been signed by the Governor and are effective immediately.

TRAUMA TELEMEDICINE PILOT PROJECT – Rep. Drew Darby (R-San Angelo) filed two bills related to the establishment of a pilot project to provide emergency telemedicine medical services in rural areas, HB 2004 and HB 2008. Unfortunately, as filed, the legislation would have utilized the funding from the 9-1-1 equalization surcharge currently appropriated to regional advisory councils, emergency medical services and designated trauma facilities. This funding is very important to EMS agencies around the state, with rural and frontier agencies relying on this funding for their survival. TETAF worked with Rep. Darby to identify an alternative funding source that would not hurt EMS providers or the trauma system and funding will now be used from unappropriated funds from account 5007. The trauma telemedicine project was ultimately incorporated into HB 479 and signed into law by the Governor.

EMERGENCY COMMUNICATIONS GRANT PROGRAM – As written, HB 2911 by Rep. Phil Stephenson (R-Wharton) would have diverted the EMS and trauma funding appropriated from account 5007 away from its intended purpose in order to establish an emergency communications grant program for capital asset needs.

Through multiple conversations with Rep. Stephenson and his staff, TETAF was able to ensure that all current funding commitments would be honored before any funds would be appropriated to the new grant program. TETAF also succeeded in getting EMS providers added as an eligible grantee for the new capital asset program. However, this legislation was not passed by the deadline for the 84th legislature.

EXEMPTION OF TUITION & FEES – HB 3273 by Rep. Eddie Rodriguez (D-Austin) proposed an exemption of tuition and fees at public institutions of higher education for certain certified or licensed paramedics. The bill would have provided parity for paramedics with current benefits awarded to firefighters and police. Unfortunately, this bill was not passed out of the House Committee on Higher Education by the legislative deadline.

MOTOR FUEL TAX EXEMPTION – Rep. Greg Bonnen (R-League City) introduced legislation this session providing an exemption to nonprofit ambulance companies from motor fuel taxes. HB 2731 was passed unanimously by the House and sent to the Senate Committee on Finance. While the committee did hear the bill, it was not voted out by the deadline.

AIR MEDICAL FUNDING – HB 3077 by Rep. John Zerwas proposed the establishment of an emergency medical air transportation account. As originally filed, the funding would have come from state traffic fines currently deposited to the Designated Trauma Facility and EMS Account (account 5111). TETAF worked with the air medical community and the bill sponsor in order to find an alternative source of funding that would not lessen the money available for appropriation from account 5111. HB 3077 was passed by the House but was not considered as a standalone bill by the Senate.

For more information regarding the legislative session and/or specific bills, please contact:

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TETAF already is working to prepare for the next regular session of the Texas Legislature, which convenes Jan. 10, 2017.



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