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STATE OF TEXAS  
HOUSE OF REPRESENTATIVES

**J.M. LOZANO**

*District 43*

URBAN AFFAIRS, CHAIR • REDISTRICTING • SELECT COMMITTEE ON YOUTH HEALTH AND SAFETY • TRANSPORTATION

November 16, 2023

Via Email: [opinion.committee@oag.texas.gov](mailto:opinion.committee@oag.texas.gov)  
Office of the Attorney General  
Attention Opinion Committee  
P.O. Box 12548  
Austin, Texas 78711-2548

Dear Attorney General Paxton:

Please accept this letter for your opinion on whether the exclusions in Section 773.004(a)(4) disqualify an employee of the Austin/Travis County EMS Department with at least one of the certifications under Section 773.003(10) as sworn personnel under Chapters 142 and 143, Tx. Local Government Code.

Tx Local Govt. Code 142, Subchapter D, 142.151-142.163, authorizes and governs the meet and confer status of "emergency medical services personnel" through a recognized emergency medical services personnel association, the Austin EMS Association, with the City of Austin. Tx. Local Govt. Code 143, Subchapter K, 143.401-143.403 creates civil service protections for "emergency medical services personnel" in the City of Austin. Both subchapters define "emergency medical services personnel" as "the meaning assigned by Section 773.003, Health and Safety Code. The term applies only to an individual certified under Chapter 773, Health and Safety Code."

Section 773.003(10), Health and Safety Code defines "emergency medical services personnel" as an emergency care attendant, emergency medical technician, advanced emergency medical technician, emergency medical technician-paramedic, or licensed paramedic. This definition is used to delineate sworn and non-sworn employees of the Austin/Travis County EMS Department. Sworn personnel being those with one of the five certifications employed by the EMS Department, and therefore afforded protections under the cited civil service codes.



The central issue is whether the exemptions listed in Section 773.004(a)(4) exclude a person holding certifications under Section 773.003(10) as well as certification as a physician, registered nurse, or other healthcare practitioner from being sworn personnel under Chapters 142 and 143 of the Texas Local Government Code unless they staff an emergency medical services vehicle regularly.



Thank you in advance for your assistance,

J.M. Lozano  
State Representative, District 43  
Chairman of the House Committee on Urban Affairs

