

# SUNSET ADVISORY COMMISSION

## FINAL REPORT

*Commission on State  
Emergency Communications*

July 2011



# *Sunset Advisory Commission*



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In 1977, the Texas Legislature created the Sunset Advisory Commission to identify and eliminate waste, duplication, and inefficiency in government agencies. The 12-member Commission is a legislative body that reviews the policies and programs of more than 130 government agencies every 12 years. The Commission questions the need for each agency, looks for potential duplication of other public services or programs, and considers new and innovative changes to improve each agency’s operations and activities. The Commission seeks public input through hearings on every agency under Sunset review and recommends actions on each agency to the full Legislature. In most cases, agencies under Sunset review are automatically abolished unless legislation is enacted to continue them.

*Commission on State  
Emergency Communications*

SUNSET FINAL REPORT  
JULY 2011

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This document is intended to compile all recommendations and action taken by the Sunset Advisory Commission for an agency under Sunset review. The following explains how the document is expanded and reissued to include responses from agency staff and the public.

- *Sunset Staff Report, March 2010* – Contains all Sunset staff recommendations on an agency, including both statutory and management changes, developed after extensive evaluation of the agency.
  - *Hearing Material, April 2010* – Summarizes all responses from agency staff and the public to Sunset staff recommendations, as well as new policy issues raised for consideration by the Sunset Commission at its public hearing.
  - *Decision Material, May 2010* – Includes additional responses, testimony, or new policy issues raised during and after the public hearing for consideration by the Sunset Commission at its decision meeting.
  - *Commission Decisions, June 2010* – Contains the decisions of the Sunset Commission on staff recommendations and new policy issues. Statutory changes adopted by the Commission are presented to the Legislature in the agency's Sunset bill.
  - *Final Report, July 2011* – Summarizes action taken by the Legislature on Sunset Commission recommendations and new provisions added by the Legislature to the agency's Sunset bill.
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# *Summary*

# Summary

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Currently, the State has a limited role in the provision of 911 service. The Commission on State Emergency Communications (Commission) provides 911 service to about one-third of Texans in mostly rural areas of the state. Emergency Communications Districts and Municipal Emergency Communications Districts provide 911 service to the rest of the state. The Commission's role is further limited to the delivery of emergency calls and does not include the answering of the call or dispatch of emergency services.

Additionally, the State's current 911 system, designed to support home-based, analog phones, is not keeping pace with evolving digital communications technologies. Today, the public expects to be able to reach a 911 operator by making a phone call as well as by sending a text, video, or instant message. In response to these needs, a new 911 system, called Next Generation 911 (NG911), is evolving in Texas and throughout the country. In Texas, local emergency communications entities are beginning to develop and implement regional digital 911 networks, but a state-level network is needed to provide secure and reliable interconnectivity among the networks. However, no one entity is directly responsible for the development, implementation, and management of the state-level network.

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*No state entity is responsible for developing an interconnected, digital 911 system.*

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The Sunset review of the Commission identified the need for the development of a state-level network and found the Commission lacks clear authority and direction to do this. Further, while the Commission's initial efforts in planning for this network are commendable, the State needs to ensure the Commission has access to additional technical expertise to effectively execute and manage the network. The recommendations in this report help address these concerns by making the Commission accountable for the coordinated development, implementation, and management of the State's digital 911 network, and ensuring it has access to needed expertise and stakeholder input to carry out this responsibility.

While the timing of the Commission's Sunset review presented an opportunity to address changes to the State's 911 system, it imposed some limitations in evaluating the State's poison control network. The Texas Poison Control Network (TPCN) consists of six regional interconnected call centers that provide poison information to the public and healthcare professionals through a toll-free number, as well as educational programs and poison-related research. Because full administration of TPCN does not transfer to the Commission until May 1, 2010, timing was not optimal for a full review of the program. Recognizing the State's need for agencies to reduce costs, the transfer of TPCN presents an opportunity to position the Commission to fully evaluate and determine the most cost-effective and efficient structure for the network to meet the State's needs.

The following material summarizes the Sunset staff's recommendations to address the Commission's lack of adequate tools to provide the highest quality 911 and poison control services to the state.

## Issues and Recommendations

### Issue 1

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#### ***Texas Has a Continuing Need for the Commission on State Emergency Communications, Although the Commission Lacks Adequate Tools to Oversee an Evolving 911 System.***

The State's 911 system provides a critical, life-saving function in times of individual crisis or major disaster. The Commission on State Emergency Communication's role in the provision of 911 service is limited to rural areas of the state not covered by Emergency Communications Districts or Municipal Emergency Communications Districts. While this mix of state and local 911 service provision works well for the state, evolving digital technology necessitates the creation of a statewide, interconnected 911 system, called Next Generation 911.

Although the Commission has started planning for the establishment of and transition to this system, it does not currently have the authority or the expertise available to fully implement a statewide NG911 emergency communications system. Continuing the Commission and statutorily authorizing it to coordinate the development, implementation, and management of the statewide NG911 system with an advisory committee will give it the legitimacy and expertise necessary to successfully implement the system. Local entities would continue to answer emergency calls and dispatch responders.

#### **Key Recommendations**

- Continue the Commission on State Emergency Communications for 12 years.
- Authorize the Commission to coordinate the development and implementation, and provide ongoing management of an interconnected state-level 911 network.
- Require the Commission to establish an advisory committee for the development, implementation, and management of the various aspects of the State's NG911 system.

### Issue 2

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#### ***The Commission Lacks the Flexibility and Sufficient Measures Necessary to Evaluate and Best Structure the Texas Poison Control Network.***

The Texas Poison Control Network consists of six regional poison control call centers that provide poison information to the public and healthcare professionals through a toll-free number. Currently the Commission on State Emergency Communications and the Department of State Health Services jointly administer TPCN. However, full administration of the network transfers to the Commission on May 1, 2010.

Since the network was in transition, Sunset staff performed a limited review of TPCN and found designating the six call centers in statute limits the Commission's ability to determine the most effective structure for the network once it transfers. Also, maintaining the network's internal performance

measures would help the Commission better evaluate both the individual centers and the network overall to determine how to best administer TPCN.

### **Key Recommendations**

- Remove references to the number, names, and locations of Texas' poison control centers from statute.
- Require the Commission to evaluate TPCN's current structure, determine any necessary changes, and report its findings to the Legislature.
- The Commission should maintain internal program-related performance measures for TPCN.

## **Fiscal Implication Summary**

These recommendations could have a fiscal impact depending on how they are implemented, and therefore, cannot be estimated at this time.

- *Issue 1* – The Commission, through its legislative appropriations request, and the Legislature, through appropriations decisions, will set the pace for actual development and implementation of the NG911 system.
- *Issue 2* – Depending on the Commission's evaluation results, cost savings could eventually result by restructuring TPCN.



## ***Summary of Legislative Action*** ***H.B. 1861 Anchia (Whitmire)***

House Bill 1861 continues the Commission on State Emergency Communications for 12 years and clarifies its authority regarding development and implementation of the State's evolving emergency communications system. The Legislature adopted all of the Sunset Commission's recommendations. The list below summarizes the major provisions of H.B. 1861, and more detailed discussion is located in Issue 1.

### **Sunset Provision**

1. Continue the Commission on State Emergency Communications and provide adequate tools to help the Commission oversee the State's evolving emergency communications system.

### **Provisions Added by Legislature**

None added.

### **Fiscal Implication Summary**

House Bill 1861 will not have a fiscal impact to the State.



*Agency at a Glance*  
(March 2010)

# Agency at a Glance

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The mission of the Commission on State Emergency Communications (Commission) is to preserve and enhance public safety and health in Texas through reliable access to emergency telecommunications services, including 911 service, and poison prevention, treatment, and education services. The Commission's role in providing 911 service is limited to the delivery of calls to public safety answering centers and does not include the answering of the call or dispatch of emergency services. To achieve its mission, the Commission carries out the following two key activities.

- Contracts with the 24 Regional Planning Commissions (RPCs) to provide 911 service to about one-third of the population in Texas in mostly rural areas. Emergency Communications Districts and Municipal Emergency Communications Districts provide 911 service to the rest of the state. Appendix A, *Design of 911 in Texas*, provides more information on the interaction among these entities and Appendix B, *Texas Emergency Communications Entities*, shows the entities' locations.
- Administers the Texas Poison Control Network (TPCN), including funding and overseeing the activities of the State's six regional poison control centers that provide treatment information through a toll-free number to anyone suspecting a poisoning or toxic exposure.

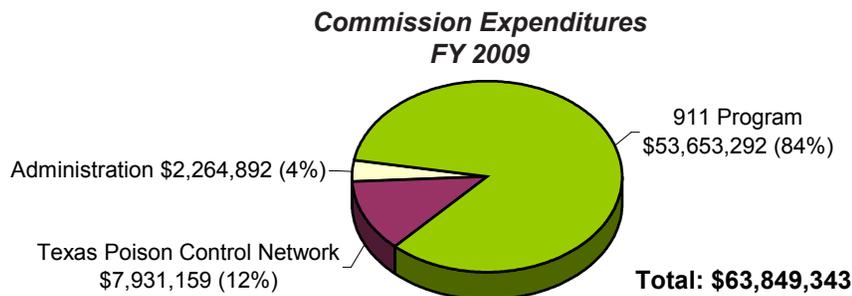
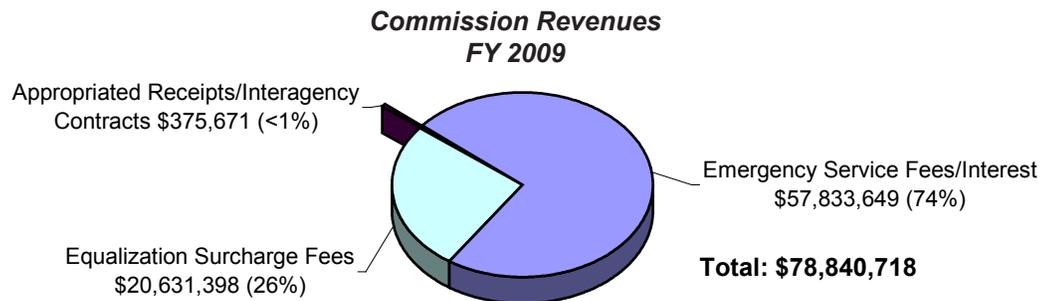
## Key Facts

- **Commission on State Emergency Communications.** The Commission's policy body consists of nine appointed and three nonvoting ex officio members detailed in the chart, *Commission on State Emergency Communications Members*. Members serve staggered six-year terms and the Governor designates the presiding officer.

### **Commission on State Emergency Communications Members**

Member	Qualification	Appointed By	Term Expires
John L. de Noyelles, Presiding Officer	Public Member	Governor	2009
Sue A. Brannon	Public Member	Lieutenant Governor	2011
The Honorable Jack D. Miller	Public Member	Lieutenant Governor	2015
Kay Alexander	Public Member	Speaker of the House	2013
James Beauchamp	Public Member	Speaker of the House	2013
Heberto Gutierrez	Emergency Communications District	Governor	2009
The Honorable David Levy	Regional Planning Commission	Governor	2013
The Honorable Steve Mitchell	Municipal Emergency Communications District	Governor	2011
The Honorable Gregory Parker	Governing Body of a County	Governor	2011
David Featherston	Public Utility Commission	Ex Officio	N/A
Brian Kelly	Department of Information Resources	Ex Officio	N/A
Lucina Suarez, Ph.D.	Department of State Health Services	Ex Officio	N/A

- Funding.** Funding for the Commission comes from wireline and wireless emergency service fees and intrastate long distance fees from telephone service subscribers. Appendix C, *Commission on State Emergency Communications Funding Methods*, provides additional information. In fiscal year 2009, the Commission generated revenues totaling \$78.8 million and spent its appropriated amount of \$63.8 million. The pie charts, *Commission Revenues* and *Commission Expenditures*, provide more information. As of August 31, 2009, the Commission had an unexpended fund balance of \$142.7 million.



- Staff.** In fiscal year 2009, the Commission employed 24 staff, located in Austin. The Commission generally dedicated 21 employees to the 911 program and three to TPCN administration.
- 911 Program.** The Commission administers 911 service through the 24 RPCs by reviewing and evaluating RPC strategic plans and providing appropriated funding based on the approved plans. The Commission funds telephone equipment and network costs that connect callers to local public safety answering centers. The Commission provides technical assistance and oversight by performing an annual compliance assessment process; monitoring and validating RPC quarterly performance reports; and conducting staff site visits to RPCs and public safety answering centers.
- Next Generation 911 (NG911).** Today's digital communications environment necessitates the transition to a digital 911 system. This new system, called NG911, will allow callers to reach 911 through voice as well as text, video, and instant messaging. For the 2008-2009 biennium, the Legislature appropriated \$100,000 to the Commission for NG911 planning, and in 2009 the Commission received a \$5.4 million federal grant to begin development of the state-level NG911 network.<sup>1</sup>

- **Texas Poison Control Network (TPCN).** TPCN consists of six interconnected poison control centers that provide the public and healthcare professionals treatment information regarding suspected poisonings or toxic exposures. The network aims to provide sufficient information to treat a poison incident or toxic exposure precluding the need for more costly emergency medical services or a visit to a healthcare facility. Each center also provides public and professional education, aids in public health surveillance, and performs research. Currently, the Commission and Department of State Health Services jointly administer TPCN, but as a result of House Bill 1093, 81st Legislative Session, full administration of the network transfers to the Commission on May 1, 2010.

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<sup>1</sup> Letter from U.S. Department of Transportation, National Highway Traffic Safety Administration to Governor Rick Perry, September 25, 2009.



*Issues*

# Issue 1

## ***Texas Has a Continuing Need for the Commission on State Emergency Communications, Although the Commission Lacks Adequate Tools to Oversee an Evolving 911 System.***

### **Background**

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The Commission on State Emergency Communications (Commission), created in 1987, oversees the 911 emergency communications system in areas of the state not covered by the 24 Emergency Communications Districts or 27 Municipal Emergency Communications Districts. The Commission contracts with the State's 24 Regional Planning Commissions (RPCs) to plan, develop, and operate 911 service in 224 mostly rural counties. Appendix A, *Design of 911 in Texas*, provides more information on the interaction among the three types of emergency communications entities. The Commission's board consists of nine appointed and three nonvoting ex officio members that includes representatives from each of these entities.

The Commission also administers the Texas Poison Control Network (TPCN) that provides emergency treatment information regarding poisonings or toxic exposures through a toll-free number operated by six interconnected regional poison control centers located throughout the state.

Technological advances are driving changes in the way 911 service is provided. The State's current 911 system, which was designed to support home-based, analog phones, is reaching the end of its usefulness and needs upgrading to keep up with the communication technologies used today. While workarounds to the current system have sufficed, today's digital environment necessitates the transition to a digital system. This new system, called Next Generation 911 (NG911) as described in the textbox *What is NG911?*, will allow callers to reach 911 through text, video, and instant messaging, as well as voice.

#### ***What is NG911?***

NG911 refers to updating the 911 service infrastructure in a digital and wireless mobile society. In addition to calling 911 from a phone, NG911 will enable the public to transmit text, images, video and data to the 911 center or Public Safety Answering Point. NG911 also envisions supporting additional types of emergency communications, such as radio interoperability, and data transfer.

### **Findings**

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#### **Texas has a continuing need to ensure 911 and poison control services are maintained statewide.**

The State's 911 system provides a critical, life-saving function in times of individual crisis or major disaster. Public safety answering centers in Texas receive an estimated 20 million 911 calls each year. Without the Commission, 911 service would not exist in all parts of the state. The Commission ensures areas of the state outside of Emergency Communications Districts and Municipal Emergency Communications Districts have the same level of 911 service. These areas received 7.2 million 911 calls in fiscal year 2009.

TPCN provides the public and healthcare professionals immediate life-saving treatment advice and information in the event of poison or toxic exposures,

such as ingestion of poisonous substances or rattlesnake bites. In 2009, of the more than 447,000 incoming calls to the telecommunications network, most concerned human exposures to poisonous and toxic substances and drug information.<sup>1</sup> Availability of poison control services through TPCN reduces the need for costly, emergency medical services by keeping patients out of the emergency room. Research shows poison control services save approximately \$7 in medical costs for every dollar spent.<sup>2</sup>

**The Commission does not have clear statutory authority and lacks adequate tools to fully implement the statewide NG911 emergency communications system.**

Due to the nature of evolving 911 technologies, most stakeholders, including the Commission, recognize the need for the establishment of a statewide, interoperable 911 system. In Texas and throughout the country, emergency communications entities are working to develop and implement regional digital networks, called Emergency Services Internet Protocol-Enabled Networks (ESInets), which will ultimately allow callers to reach 911 through text, video, and instant messaging. Eventually, a state-level ESInet will interconnect regional networks into a statewide system, called the Texas Next Generation Emergency Communications System.

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*No entity is responsible for ensuring interconnectivity among regional 911 networks.*

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Although national standards are guiding most of these efforts, a state entity must be responsible for the development and ongoing oversight of a state-level network, including establishing the necessary standards and protocols, but no entity currently has this authority.<sup>3</sup> This entity will need to establish protocols for regional connectivity to the state network, policies for information and data sharing across region, and minimum network functions essential to statewide interconnection. These requirements will need to be established soon so the regional networks under development can connect to the state-level network.

Statute designates the Commission as the State's authority on emergency communications and as such, the Commission has taken the lead in planning for the creation of and transition to a statewide NG911 system. However, without clear statutory authority and direction to coordinate and oversee development of the state-level network, no one is accountable for the network's operations.

Since the Commission only oversees 911 service for one-third of the State's population, it recognizes the need to coordinate with all 911 providers and to obtain additional technical expertise and advice when setting state 911 policy. Given its statutory and technical limitations, the Commission hired an outside consultant to assist in planning for a state-level network, and proposed creating an advisory council representing a cross-section of 911 stakeholders.<sup>4</sup> While these initial efforts are commendable, the Commission cannot ensure continued coordination among all emergency communications entities and access to the technical expertise needed to successfully transition to a statewide NG911 system.

**While other organizational structures exist, none provide significant benefits in the delivery of 911 and poison control services in the state.**

While other state agencies have a role in state telecommunications, including the Public Utility Commission (PUC), Department of Information Resources (DIR), and Department of Public Safety (DPS), consolidation with these agencies would not yield significant benefits to the state. Both PUC and DIR have a nonvoting representative on the Commission to provide coordination when necessary.

The Commission's relationship with telecommunications providers functions as a partnership; they work together to implement database and network changes to maintain and improve 911 service. Unlike the Commission, PUC's telecommunications involvement is primarily regulatory, overseeing competitive markets, arbitrating interconnection agreement disputes between local exchange carriers, and regulating different types of providers and services. Further, the Commission's telecommunications involvement is increasingly focused on wireless technology, as calls from wireless phones accounted for approximately 68 percent of all 911 calls in fiscal year 2009. However, PUC has no regulatory authority over wireless carriers.

DIR also has a natural connection to the 911 program because of its information technology function. The Commission leverages DIR's communications technology services when needed, as it did in procuring a cost-efficient managed service arrangement for TPCN as well as for the 911 telecommunications network and call taker equipment. However, DIR lacks the programmatic and oversight functions central to the Commission's core duties of strategic planning and regional 911 budget oversight. DIR is also missing public safety aspects critical to 911 service.

As the state police agency with emergency preparedness functions, DPS has a connection to 911 as a public safety function. However, the Commission's 911 program is focused on call delivery to public safety answering centers, not emergency response. DPS's expertise and experience relates more to the emergency response aspect of 911 and not the Commission's more technological, call delivery function for the 911 system.

The Commission will soon assume complete responsibility for administration of TPCN. The network, with its public health aspects, does not fit with the core missions of PUC, DPS, or DIR. Focus on TPCN would likely be lost within any of these agencies, outweighing any benefit to consolidation. The Commission already provides for the telecommunications service necessary to operate and maintain TPCN and the Commission's expertise in strategic planning, contract oversight, and compliance monitoring for the 911 program, should benefit the programmatic components of TPCN.

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*An independent agency is the best structure given the State's role in 911 service provision.*

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*Texas Poison Control Network's mission does not align with those of PUC, DPS, or DIR.*

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**All states provide 911 service, but organizational structures vary.**

The mix of state and local provision of 911 service works well for Texas because of its large size and population. While all states provide 911 service to their citizens, Texas is unusual in having a separate, independent agency dedicated to 911 service. Only a few states, Kentucky, Tennessee, and Vermont, have governing structures similar to Texas. The types of managing entities responsible for 911 service vary widely among states, and can include public utility commissions, public safety or homeland security departments, information technology departments, and a mix of state and local authority as in Texas.

**The Commission's statute does not reflect standard language typically applied across the board during Sunset reviews.**

The Commission's governing statute does not include a standard provision relating to alternative rulemaking and dispute resolution that the Sunset Commission applies in across-the-board fashion to agencies under review. Without this provision, the agency could miss ways to improve rulemaking and dispute resolution through more open, inclusive, and conciliatory processes designed to solve problems by building consensus rather than through contested proceedings.

## Recommendations

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### *Change in Statute*

**1.1 Continue the Commission on State Emergency Communications for 12 years.**

This recommendation would continue the Commission as an independent agency responsible for the provision of 911 and poison control services statewide for 12 years.

**1.2 Authorize the Commission to coordinate the development and implementation, and provide ongoing management of an interconnected state-level 911 network.**

This recommendation would clarify the Commission's authority to coordinate the development and implementation of a state-level 911 network, including facilitating the migration to an internet protocol-enabled network for emergency communications and ensuring interconnectivity among the various 911 providers. This recommendation clarifies the Legislature's intent in recognizing the Commission as the State's authority on emergency communications by giving it clear authority to lead this coordinated effort. The Commission's 12-member policy body, which includes representation from each of the three types of emergency communications entities in Texas, as well as ex officio representatives from DIR and PUC, would be responsible for setting policy and overseeing agency involvement in the development and implementation of the state-level 911 network.

### **1.3 Require the Commission to establish an advisory committee for the development, implementation, and management of the various aspects of the State's NG911 system.**

This recommendation would ensure the Commission has expertise available to transition the state to an NG911 system. As technology continues to advance, the Commission needs access to such expertise to advise it in addressing the State's developing technology needs. This recommendation assures all emergency communications entities will be involved in developing, implementing, and maintaining the state-level network. Requiring the establishment of this advisory committee in statute also ensures its continued use and operations as the State's NG911 system evolves.

To ensure adequate expertise and a cross-section of stakeholders, the advisory committee must include, at a minimum, technical representation from each of the three types of 911 entities in the state, including RPCs, Emergency Communications Districts, and Municipal Emergency Communications Districts. To ensure appropriate accountability and operations, the advisory committee should be appointed by the policy body with input from appropriate groups.

### **1.4 Apply the standard Sunset across-the-board requirement for the Commission to develop a policy regarding negotiated rulemaking and alternative dispute resolution.**

This recommendation would ensure that the Commission develops and implements a policy to encourage alternative procedures for rulemaking and dispute resolution, conforming to the extent possible, to model guidelines by the State Office of Administrative Hearings. The agency would also coordinate implementation of the policy, provide training as needed, and collect data concerning the effectiveness of these procedures. Because the recommendation only requires the agency to develop a policy for this alternative approach to solving problems, it would not require additional staffing or other expenses.

## **Fiscal Implication Summary**

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If the Legislature continues the current functions of the Commission, its average biennial appropriation of \$71 million for fiscal years 2010 and 2011 would be required for its continued operation, including funding for 911 service and administration of TPCN. Statutory authority to oversee the development and management of the Texas Next Generation Emergency Communications System clarifies the Commission's responsibilities involving the system. However, the Commission, through its legislative appropriations request, and the Legislature, through appropriations decisions, will set the pace for actual development and implementation of the State's NG911 system.

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- <sup>1</sup> Texas Department of State Health Services, *Texas Poison Center Network Annual Data Report Year 2009* (Austin, Texas, 2009), p. 1.
- <sup>2</sup> Miller, T.R., and Lestina, D.C. (1997). Costs of Poisoning in the United States and Savings from Poison Control Centers: A Benefit-Cost Analysis. In Institute of Medicine, Committee on Poison Prevention and Control, Board on Health Promotion and Disease Prevention, *Forging a Poison Prevention and Control System* (pp. 140-141). Washington, D.C.: National Academies Press.
- <sup>3</sup> National Emergency Number Association, <http://www.nena.org/sites/default/files/08-002%20V1%2020071218.pdf>. Accessed: February 9, 2010.
- <sup>4</sup> Commission on State Emergency Communications, CSEC Advisory Council Framework, [http://www.911.state.tx.us/files/pdfs/csec\\_framework\\_jan\\_2010.pdf](http://www.911.state.tx.us/files/pdfs/csec_framework_jan_2010.pdf), Texas State-level ESInet Management Report, [http://www.911.state.tx.us/files/pdfs/csec\\_texas\\_esinet\\_report\\_jan\\_2010.pdf](http://www.911.state.tx.us/files/pdfs/csec_texas_esinet_report_jan_2010.pdf), Texas ESInet Functional Requirements and Interconnection Report September 2009, [http://www.911.state.tx.us/files/pdfs/esinet\\_report.pdf](http://www.911.state.tx.us/files/pdfs/esinet_report.pdf), NG911 Master Plan v.2 July 2009, [http://www.911.state.tx.us/files/pdfs/ng911\\_master\\_plan\\_july\\_2009.pdf](http://www.911.state.tx.us/files/pdfs/ng911_master_plan_july_2009.pdf), Texas NG911 Risk Assessment Report April 2009, [http://www.911.state.tx.us/files/pdfs/risk\\_assessment\\_report\\_april\\_2009.pdf](http://www.911.state.tx.us/files/pdfs/risk_assessment_report_april_2009.pdf), Cost Estimate Report for Statewide ESInet September 2008, [http://www.911.state.tx.us/files/pdfs/cost\\_estimate\\_rpt\\_10\\_2008.pdf](http://www.911.state.tx.us/files/pdfs/cost_estimate_rpt_10_2008.pdf), NG911 System Architecture Report May 2008, [http://www.911.state.tx.us/files/pdfs/ng911\\_sysarch\\_rpt.pdf](http://www.911.state.tx.us/files/pdfs/ng911_sysarch_rpt.pdf), NG911 Needs Assessment Report May 2008, [http://www.911.state.tx.us/files/pdfs/ng911\\_needasmr\\_rpt.pdf](http://www.911.state.tx.us/files/pdfs/ng911_needasmr_rpt.pdf). Accessed: February 2, 2010.

# ***Responses to Issue 1***

## **Recommendation 1.1**

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*Continue the Commission on State Emergency Communications for 12 years.*

### **Agency Response to 1.1**

The Commission on State Emergency Communications concurs with this recommendation. (John L. de Noyelles, Presiding Officer – Commission on State Emergency Communications)

### **For 1.1**

Jim Reed, AICP, Executive Director – Central Texas Council of Governments, Belton and Vice Chair – Emergency Communications Committee, Texas Association of Regional Councils, Austin

Texas Poison Center Coordinating Committee (Leo Artelejo, Managing Director – West Texas Regional Poison Center, El Paso; Dr. John Haynes, Medical Director – West Texas Regional Poison Center, El Paso; Emilio Saenz, Program and Research Development Manager – West Texas Regional Poison Center, El Paso; Doug Borys, Managing Director – Central Texas Poison Center, Temple; Dr. Miguel Fernandez, Medical Director – South Texas Poison Center, San Antonio; Lizette Villarreal, Assistant Director – South Texas Poison Center, San Antonio; Melody Gardner, Manager – North Texas Poison Center, Dallas; Jorie Klein, Managing Director – North Texas Poison Center, Dallas; Jeanie Jaramillo, Managing Director – Texas Panhandle Poison Center, Amarillo; Jon Thompson, Managing Director – Southeast Texas Poison Center, Galveston)

Christy Williams, 911 Program Manager – North Central Texas Council of Governments, Arlington

### **Against 1.1**

None received.

## **Recommendation 1.2**

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*Authorize the Commission to coordinate the development and implementation, and provide ongoing management of an interconnected state-level 911 network.*

### **Agency Response to 1.2**

The Commission on State Emergency Communications concurs with this recommendation. (John L. de Noyelles, Presiding Officer – Commission on State Emergency Communications)

### **For 1.2**

None received.

## **Against 1.2**

None received.

## **Modification**

1. Authorize the Commission to coordinate the development and implementation, and provide ongoing management of an interconnected state-level internet protocol-based (IP) emergency communications network. (Jim Reed, AICP, Executive Director – Central Texas Council of Governments, Belton and Vice Chair – Emergency Communications Committee, Texas Association of Regional Councils, Austin; Betty Voights, Executive Director – Capital Area Council of Governments and Chair – Emergency Communications Committee, Texas Association of Regional Councils, Austin; and Christy Williams, 911 Program Manager – North Central Texas Council of Governments, Arlington)

*Staff Comment:* Changing the language in the recommendation from “911 network” to “IP emergency communications network” would allow the network to be used for other emergency communications, such as radio interoperability, instead of limiting it to only NG 911 service.

## **Recommendation 1.3**

*Require the Commission to establish an advisory committee for the development, implementation, and management of the various aspects of the State’s NG911 system.*

### **Agency Response to 1.3**

The Commission on State Emergency Communications concurs with this recommendation. (John L. de Noyelles, Presiding Officer – Commission on State Emergency Communications)

### **For 1.3**

Jim Reed, AICP, Executive Director – Central Texas Council of Governments, Belton and Vice Chair – Emergency Communications Committee, Texas Association of Regional Councils, Austin

Christy Williams, 911 Program Manager – North Central Texas Council of Governments, Arlington

### **Against 1.3**

None received.

### **Modifications**

2. Instead of requiring the Commission to establish an advisory committee, restructure the makeup of the Commission’s Board. The Board would be comprised of the following Governor-appointed members:
  - two District Executive Directors, representing emergency communications districts;
  - two members representing municipal communications districts;

### **Modifications** (continued)

- two members representing councils of governments; and
- three public members with expertise in emergency communications or emergency response.

(Leslie Ward, Sr. Vice President, External Affairs – AT&T, Austin; and Kevin Cooper – Ratliff Company, Austin on behalf of Cricket Wireless)

*Staff Comment:* The modification is silent on whether the current three ex officio members representing the Department of Information Resources, the Department of State Health Services, and the Public Utility Commission would remain on the Board. The modification also eliminates the representative from a governing body of a county, reduces public representation from five to three members, and requires the public members to have expertise in emergency communications or emergency response.

3. Instead of requiring the Commission to establish an advisory committee, reorganize the existing Commission into an Emergency Communications Coordinating and Advisory Council primarily comprised of members from the constituent local and regional emergency communications districts. (Richard B. Salzman, EVP and General Counsel – TracFone Wireless, Inc., Miami, Florida)

*Staff Comment:* The modification does not specify the makeup of the proposed Council which would be necessary to implement this modification.

4. Instead of requiring the Commission to establish an advisory committee, create a new coordinating council with the technical expertise and working knowledge needed to coordinate the various functions with local and regional 911 jurisdictional boundaries while still maintaining and supporting the effective local-control based structure. (David Arme, Director of State Public Policy – Verizon Wireless)

*Staff Comment:* The modification does not specify the makeup of the proposed coordinating council which would be necessary to implement this modification.

## **Recommendation 1.4**

*Apply the standard Sunset across-the-board requirement for the Commission to develop a policy regarding negotiated rulemaking and alternative dispute resolution.*

### **Agency Response to 1.4**

The Commission on State Emergency Communications concurs with this recommendation. (John L. de Noyelles, Presiding Officer – Commission on State Emergency Communications)

### **For 1.4**

None received.

## **Against 1.4**

None received.

## ***Commission Decision***

Adopted Recommendations 1.1, 1.2 with Modification 1, 1.3, and 1.4.

## ***Legislative Action***

House Bill 1861 authorizes the Commission, with the assistance of an advisory committee, to coordinate the development, implementation, and management of an interconnected, state-level emergency services Internet Protocol network. The bill defines this network as one that is used for communications between and among entities that provide emergency call handling and response, and that will be a part of the Texas Next Generation Emergency Communications System.

If the Commission exercises this authority, H.B. 1861 requires the Commission to establish policy and oversee agency involvement in the development and implementation of the network (Recommendation 1.2 with Modification 1), and to appoint an advisory committee. The advisory committee must include at least one representative from each of the three 911 entities in the state, including Regional Planning Commissions, Emergency Communications Districts, and Municipal Emergency Communications Districts. The bill also requires the Commission to consult with Regional Planning Commissions and Emergency Communications Districts throughout the state when appointing these members, and to ensure each member has appropriate training, experience, and knowledge in 911 systems and network management to assist in the implementation and operation of a complex network. (Recommendation 1.3)

Finally, the bill continues the Commission as an independent agency responsible for the provision of 911 and poison control services for 12 years (Recommendation 1.1), and applies the standard Sunset across-the-board requirements to the Commission regarding negotiated rulemaking and alternative dispute resolution. (Recommendation 1.4)

# Issue 2

## ***The Commission Lacks the Flexibility and Sufficient Measures Necessary to Evaluate and Best Structure the Texas Poison Control Network.***

### **Background**

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The Legislature established the Texas Poison Control Network (TPCN) in 1993 to provide the public and healthcare professionals with 24-hour, toll-free access to poison information through its statewide telephone number, 1-800-222-1222. The network's stated mission is to reduce the morbidity, mortality, and healthcare costs associated with poisonings.<sup>1</sup> TPCN also provides educational programs and research related to the prevention and management of poisonings.

TPCN consists of six statutorily established regional poison control centers housed within state universities and hospitals in Amarillo, Dallas, Galveston, El Paso, San Antonio, and Temple. Statute also provides for an optional seventh poison center in Harris County which has not been established.<sup>2</sup> TPCN has been interoperable since 1996, so if a call goes unanswered at one center, it automatically rolls to another center with an available call taker. Centers are funded by a combination of the Commission on State Emergency Communications' (Commission) equalization surcharge fee and federal grants. Appendix D, *Poison Center Operations*, provides additional information on the centers and their activities.

Currently, the Commission and the Department of State Health Services (DSHS) jointly administer TPCN, but as a result of House Bill 1093, 81st Legislative Session, full administration of the network, including funding and oversight, will transfer to the Commission on May 1, 2010. The Poison Control Coordinating Committee (PC<sup>3</sup>) coordinates poison centers' administrative activities, and as part of the transfer, PC<sup>3</sup> will advise the Commission. The textbox, *PC<sup>3</sup> Membership*, details the Committee's statutory composition.

#### ***PC<sup>3</sup> Membership***

- Six members who represent the six regional poison control centers, appointed by the chief executive officer of each center
- One healthcare professional, appointed by the Commission, designated as the poison control program coordinator
- One public member appointed by the Commission
- One member appointed by the Commissioner of the Department of State Health Services

### **Findings**

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#### **Designating the number and location of poison centers in statute greatly limits the Commission's ability to structure and manage TPCN in the most efficient and cost-effective manner.**

Statute limits the Commission's ability to make any needed changes to TPCN's structure that could result in efficiencies and possible cost savings. As the new administrator of TPCN, the Commission should have flexibility to evaluate changes to the network to improve operations, including the

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*Only eight states specify the location of their poison center(s) in statute.*

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continued need for six regional poison centers. Some suggest having several regional poison centers is necessary to address the State's diverse needs, such as knowing how to treat jellyfish stings along the coast and snake bites in the west. Because the centers are interoperable and have already consolidated some specialty expertise, such as having one pediatric medical toxicologist in Amarillo and one in Galveston, the Commission should be able to evaluate the need for such regional expertise and whether it could be maintained at fewer locations.<sup>3</sup>

**Of the 39 states with poison centers, Texas has more centers than any other state and having centers specifically named in statute is uncommon.**

While two populous states, New York and California, have five and four poison centers respectively, most other states only have one or two centers. Also, of the nearly 30 states with statutes governing their poison center(s), only eight specify the location of the center(s) in statute. Of those, only Texas and Arizona have multiple centers.<sup>4</sup>

**The Commission's current key performance measures for TPCN will not adequately measure the network's overall performance.**

Without adequate performance measures, the Commission cannot fully evaluate TPCN's operations to administer it effectively. Currently, the Commission only has two key performance measures for TPCN, the time the network is operational and total calls received. These measures relate to TPCN's telecommunications network for which the Commission is responsible. As full administration of the poison program transfers to the Commission, it will need additional performance measures to adequately monitor and evaluate the network overall.

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*The Commission's performance measures do not reflect key aspects of TPCN.*

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Under DSHS's administration, the poison centers have tracked several internal performance measures since 1995. These measures reflect not only call volume, but all aspects of poison centers' services including calls handled, exposures per staff member, educational presentations, and research projects. Recently, PC<sup>3</sup> worked with the centers to develop additional internal measures aimed at ensuring data quality and further reflecting centers' full range of responsibilities. Maintaining these measures would allow the Commission to better evaluate the overall performance of the centers individually and the network overall.

## Recommendations

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### ***Change in Statute***

#### **2.1 Remove references to the number, names, and locations of Texas' poison control centers from statute.**

Removing these statutory limitations would provide the Commission flexibility to make changes to TPCN's structure to improve its efficiency and effectiveness, if necessary.

## **2.2 Require the Commission to evaluate TPCN's current structure, determine any necessary changes, and report its findings to the Legislature.**

As the Commission assumes full responsibility for administration of TPCN, it should evaluate the network's structure to determine the number and location of centers that would most cost-effectively meet the State's needs. This recommendation would require the Commission to evaluate the current network's structure, determine if changes are needed, and report its findings and recommendations to the Legislature by December 1, 2012. As part of its evaluation, the Commission would be required to seek advice and recommendations from PC<sup>3</sup> since the committee members have extensive experience working with TPCN staff and host institutions, and can provide valuable expertise regarding the network's operations. The Commission should also consider all costs related to restructuring TPCN, staffing needs, and regional differences across the state. While the following factors would not be included specifically in statute, the Commission should consider them when evaluating TPCN.

- The American Association of Poison Control Centers certification and accreditation requirements and staffing guidelines.
- The support and resources the host institutions provide, including indirect costs, staff training and education, and other in-kind contributions.
- Costs related to consolidating centers, such as the possible need for larger facilities to accommodate additional call takers and operational expenses the host institutions may not provide.
- Regional differences throughout the state, including available resources, and varying populations and potential hazards.
- The needs of all entities using poison center services, including corporations, emergency medical services, state universities, and state and federal agencies.
- Staffing needs for the network, including the number of, need for, and availability of qualified staff.
- Other analyses of the structure and functions of poison centers, both in Texas and throughout the country.

### ***Management Action***

## **2.3 The Commission should maintain internal program-related performance measures for TPCN.**

The Commission should work with PC<sup>3</sup> to maintain performance measures that reflect key aspects of the poison centers' services. Maintaining these measures would provide the Commission a valuable source of information for determining not only performance, but future improvements to the poison program and its operations. PC<sup>3</sup>'s experience tracking centers' performance and getting input on how to improve performance, position it to assist the Commission with ensuring TPCN performance is appropriately measured. In addition to its current key performance measures related to the network, the Commission should maintain, at minimum, the following measures:

- call type;
- number and location of public education activities;
- number of professional education presentations; and
- number of completed research projects.

Additionally, as administration of the poison program transfers to the Commission, it should work with the Legislative Budget Board to ensure its key performance measures accurately reflect not only call volume, but other key aspects of TPCN.

## Fiscal Implication Summary

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These recommendations would not have a fiscal impact to the State. Depending on the Commission's evaluation results, cost savings could eventually result by restructuring TPCN.

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<sup>1</sup> Texas Poison Control Network, *American Association of Poison Control Centers: Application for System Certification* (Austin, TX, 2004), p. 2.

<sup>2</sup> Texas Health and Safety Code, sec. 777.001.

<sup>3</sup> South Texas Poison Center, History of the South Texas Poison Center, [www.texaspoison.com/about.asp](http://www.texaspoison.com/about.asp). Accessed: January 31, 2010.

<sup>4</sup> National Conference of State Legislatures, Poison Control State Laws, [www.ncsl.org](http://www.ncsl.org). Accessed: January 18, 2010.

## ***Responses to Issue 2***

### **Recommendation 2.1**

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*Remove references to the number, names, and locations of Texas' poison control centers from statute.*

#### **Agency Response to 2.1**

The Commission on State Emergency Communications concurs with this recommendation. (John L. de Noyelles, Presiding Officer – Commission on State Emergency Communications)

#### **For 2.1**

None received.

#### **Against 2.1**

Ron Anderson, M.D., President and CEO – Parkland Health & Hospital System, North Texas Poison Center, Dallas

Texas Poison Center Coordinating Committee (Leo Artelejo, Managing Director – West Texas Regional Poison Center, El Paso; Dr. John Haynes, Medical Director – West Texas Regional Poison Center, El Paso; Emilio Saenz, Program and Research Development Manager – West Texas Regional Poison Center, El Paso; Doug Borys, Managing Director – Central Texas Poison Center, Temple; Dr. Miguel Fernandez, Medical Director – South Texas Poison Center, San Antonio; Lizette Villarreal, Assistant Director – South Texas Poison Center, San Antonio; Melody Gardner, Manager – North Texas Poison Center, Dallas; Jorie Klein, Managing Director – North Texas Poison Center, Dallas; Jeanie Jaramillo, Managing Director – Texas Panhandle Poison Center, Amarillo; Jon Thompson, Managing Director – Southeast Texas Poison Center, Galveston)

### **Recommendation 2.2**

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*Require the Commission to evaluate TPCN's current structure, determine any necessary changes, and report its findings to the Legislature.*

#### **Agency Response to 2.2**

The Commission on State Emergency Communications concurs with this recommendation. (John L. de Noyelles, Presiding Officer – Commission on State Emergency Communications)

#### **For 2.2**

Ron Anderson, MD, President and CEO – Parkland Health & Hospital System, North Texas Poison Center, Dallas

**For 2.2** (continued)

Texas Poison Center Coordinating Committee (Leo Artelejo, Managing Director – West Texas Regional Poison Center, El Paso; Dr. John Haynes, Medical Director – West Texas Regional Poison Center, El Paso; Emilio Saenz, Program and Research Development Manager – West Texas Regional Poison Center, El Paso; Doug Borys, Managing Director – Central Texas Poison Center, Temple; Dr. Miguel Fernandez, Medical Director – South Texas Poison Center, San Antonio; Lizette Villarreal, Assistant Director – South Texas Poison Center, San Antonio; Melody Gardner, Manager – North Texas Poison Center, Dallas; Jorie Klein, Managing Director – North Texas Poison Center, Dallas; Jeanie Jaramillo, Managing Director – Texas Panhandle Poison Center, Amarillo; Jon Thompson, Managing Director – Southeast Texas Poison Center, Galveston)

**Against 2.2**

None received.

**Modification**

1. Include the Texas Poison Control Network's role of providing public and professional education throughout the State to the list of factors to be considered in the network's evaluation. (Texas Poison Center Coordinating Committee: Leo Artelejo, Managing Director – West Texas Regional Poison Center, El Paso; Dr. John Haynes, Medical Director – West Texas Regional Poison Center, El Paso; Emilio Saenz, Program and Research Development Manager – West Texas Regional Poison Center, El Paso; Doug Borys, Managing Director – Central Texas Poison Center, Temple; Dr. Miguel Fernandez, Medical Director – South Texas Poison Center, San Antonio; Lizette Villarreal, Assistant Director – South Texas Poison Center, San Antonio; Melody Gardner, Manager – North Texas Poison Center, Dallas; Jorie Klein, Managing Director – North Texas Poison Center, Dallas; Jeanie Jaramillo, Managing Director – Texas Panhandle Poison Center, Amarillo; Jon Thompson, Managing Director – Southeast Texas Poison Center, Galveston)

**Recommendation 2.3**

*The Commission should maintain internal program-related performance measures for TPCN.*

**Agency Response to 2.3**

The Commission on State Emergency Communications concurs with this recommendation. (John L. de Noyelles, Presiding Officer – Commission on State Emergency Communications)

**For 2.3**

Ron Anderson, M.D., President and CEO – Parkland Health & Hospital System, North Texas Poison Center, Dallas

**For 2.3** (continued)

Texas Poison Center Coordinating Committee (Leo Artelejo, Managing Director – West Texas Regional Poison Center, El Paso; Dr. John Haynes, Medical Director – West Texas Regional Poison Center, El Paso; Emilio Saenz, Program and Research Development Manager – West Texas Regional Poison Center, El Paso; Doug Borys, Managing Director – Central Texas Poison Center, Temple; Dr. Miguel Fernandez, Medical Director – South Texas Poison Center, San Antonio; Lizette Villarreal, Assistant Director – South Texas Poison Center, San Antonio; Melody Gardner, Manager – North Texas Poison Center, Dallas; Jorie Klein, Managing Director – North Texas Poison Center, Dallas; Jeanie Jaramillo, Managing Director – Texas Panhandle Poison Center, Amarillo; Jon Thompson, Managing Director – Southeast Texas Poison Center, Galveston)

**Against 2.3**

None received.

**Modification**

2. Allow the Poison Control Network to actively participate in an open and transparent assessment to develop an enhanced performance improvement process. (Ron Anderson, M.D., President and CEO – Parkland Health & Hospital System, North Texas Poison Center, Dallas)

## ***Commission Decision***

Adopted Recommendation 2.2 as modified to make it a management action rather than a statutory recommendation, and to direct the Commission to conduct the evaluation and report its findings to the Legislature by February 7, 2011.

Adopted Recommendation 2.3.

## ***Legislative Action***

As management recommendations not needing statutory change, Recommendations 2.2, as modified, and 2.3 did not result in legislative action.



*New Issues*

# New Issues

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The following issues were raised in addition to the issues in the staff report. These issues are numbered sequentially to follow the staff's recommendations.

3. Amend Health and Safety Code, Section 771.001 to define the term “emergency communications” to mean circuits, equipment, and software used to transmit and respond to a request for assistance by a user in an emergency, because Health and Safety Code Section 771.051 designates the Commission on State Emergency Communications as the State’s authority on emergency communications without defining the term. (John L. de Noyelles, Presiding Officer – Commission on State Emergency Communications)
4. Amend Health and Safety Code Sections 771.001(5) and (13) and 771.071(e), deleting the term “Local exchange service provider” as the term is defined in Section 771.001(5) and only used in Section 771.001(13) as part of the definition of wireless telecommunications connection, and Section 771.071(e) literally imposes only on local exchange service providers the obligation to collect the wireline fee. (John L. de Noyelles, Presiding Officer – Commission on State Emergency Communications)
5. Amend Health and Safety Code Section 771.001(6) to redefine 911 service to mean a service that provides the user ability to reach a public safety point by dialing the digits 911 or their functional equivalent. This recommendation conforms the definition to reflect changes in technology. (John L. de Noyelles, Presiding Officer – Commission on State Emergency Communications)
6. Amend Health and Safety Code Section 771.001(13) to redefine “wireless telecommunications connection” to eliminate that it only includes wireless phones with Texas area codes; eliminate the “connects the wireless service provider to the local exchange service provider;” and insert the terms “active” and “primary place of used in Texas” to identify the wireless phones upon which the wireless 911 fee is imposed. This recommendation aligns the definition with the requirements of Health and Safety Code Section 771.0735. (John L. de Noyelles, Presiding Officer – Commission on State Emergency Communications)
7. Amend Health and Safety Code Section 771.072(a) to include a reference to Health and Safety Code Section 771.0711 to ensure the surcharge is applicable to wireless customers. (John L. de Noyelles, Presiding Officer – Commission on State Emergency Communications)
8. Amend Health and Safety Code Section 771.073(a) to change the phrase “separately stated on the customer’s bill” to include “, invoice, receipt, or other similar document provided to the customer, or otherwise disclosed to the customer,” to conform to current industry practice in an era of electronic commerce. (John L. de Noyelles, Presiding Officer – Commission on State Emergency Communications)
9. Amend Health and Safety Code Section 771.0735(3) to replace “fee imposed on wireless telecommunications bills” with references to the wireless 911 fees imposed by Health and Safety Code Sections 771.0711 and 771.0712. This recommendation aligns language to indicate where the two wireless fees are imposed in statute. (John L. de Noyelles, Presiding Officer – Commission on State Emergency Communications)

10. Amend Health and Safety Code Sections 771.078(b)(2) and 771.079(b)(1) to add a reference to the prepaid wireless service fee in these subsections to provide for the deposit and distribution of the prepaid wireless service fee added by the 81st Legislature, 2009, in Health and Safety Code Section 771.012. (John L. de Noyelles, Presiding Officer – Commission on State Emergency Communications)
11. Amend Health and Safety Code Section 777.012 to remove the requirement for a service provider to furnish to a poison control center the address associated with the number for each call to an emergency line of a center, since this provision is not achievable at a cost-effective rate. (John L. de Noyelles, Presiding Officer – Commission on State Emergency Communications)
12. Develop an alternative funding mechanism to replace the current intrastate long distance surcharge to adequately fund and sustain poison center services. (Texas Poison Center Coordinating Committee: Leo Artelejo, Managing Director – West Texas Regional Poison Center, El Paso; Dr. John Haynes, Medical Director – West Texas Regional Poison Center, El Paso; Emilio Saenz, Program and Research Development Manager – West Texas Regional Poison Center, El Paso; Doug Borys, Managing Director – Central Texas Poison Center, Temple; Dr. Miguel Fernandez, Medical Director – South Texas Poison Center, San Antonio; Lizette Villarreal, Assistant Director – South Texas Poison Center, San Antonio; Melody Gardner, Manager – North Texas Poison Center, Dallas; Jorie Klein, Managing Director – North Texas Poison Center, Dallas; Jeanie Jaramillo, Managing Director – Texas Panhandle Poison Center, Amarillo; Jon Thompson, Managing Director – Southeast Texas Poison Center, Galveston).
13. Direct the Commission on State Emergency Communications to make every effort to maintain and strengthen the partnership between the Texas Poison Control Network and Department of State Health Services (DSHS) as their missions overlap and because the Texas Poison Control Network's critical role in public health surveillance, monitoring, and emergency response warrants a strategic relationship with DSHS. (Texas Poison Center Coordinating Committee: Leo Artelejo, Managing Director – West Texas Regional Poison Center, El Paso; Dr. John Haynes, Medical Director – West Texas Regional Poison Center, El Paso; Emilio Saenz, Program and Research Development Manager – West Texas Regional Poison Center, El Paso; Doug Borys, Managing Director – Central Texas Poison Center, Temple; Dr. Miguel Fernandez, Medical Director – South Texas Poison Center, San Antonio; Lizette Villarreal, Assistant Director – South Texas Poison Center, San Antonio; Melody Gardner, Manager – North Texas Poison Center, Dallas; Jorie Klein, Managing Director – North Texas Poison Center, Dallas; Jeanie Jaramillo, Managing Director – Texas Panhandle Poison Center, Amarillo; Jon Thompson, Managing Director – Southeast Texas Poison Center, Galveston)
14. Authorize the Commission to work in conjunction with the Department of Public Safety (the agency with primary responsibility for radio interoperability) and law enforcement to ensure a seamless statewide emergency communications system. (Betty Voights, Executive Director – Capital Area Council of Governments, Austin and Chair – Emergency Communications Committee, Texas Association of Regional Councils)

15. Because more 911 service revenue is collected than appropriated each biennium, recommend that the Senate Finance Committee and the House Appropriations Committee appropriate all of the service fees being generated for 911 services so that these fees are used for the purpose they are being paid: to maintain the best equipment and technology available for emergency communications services. (Betty Voights, Executive Director – Capital Area Council of Governments and Chair – Emergency Communications Committee, Texas Association of Regional Councils, Austin)
16. Make the planning and deployment of a Next Generation 911 system a core mission for the Commission and as such, recommend that the Senate Finance Committee and the House Appropriations Committee include the equipment and recurring costs of this system in the Commission’s base appropriations, rather than as an exception item in the Commission’s Legislative Appropriations Request. (Betty Voights, Executive Director – Capital Area Council of Governments and Chair – Emergency Communications Committee, Texas Association of Regional Councils, Austin)
17. Recommend that the Senate Finance Committee and the House Appropriations Committee consider raising or removing the administrative cap for Regional Planning Commissions, currently set at \$17 million per biennium (per Legislative Rider 4), to adequately support and administer the current level of 911 service and to move towards Next Generation 911. (Christy Williams, 911 Program Manager – North Central Texas Council of Governments, Arlington)
18. Revise the method for purchasing capital equipment through a statutory change that will better match capital funding with equipment replacement schedules of the 911 entities. Give the Commission the ability to use existing resources allocated in a different manner to provide a higher level of 911 service to the citizens of Texas. Use one of the following methods to achieve a more effective capital funding allocation.

- a) Give the Commission statutory authority to allocate capital equipment funding based on a six-year equipment replacement schedule, which is the normal life span of 911 equipment.

**Staff Comment:** Rider 2 in the Commission’s bill pattern in the General Appropriations Act requires the Commission to develop a 10-year equipment replacement schedule. The Commission uses this schedule to help plan for the annual allocation of equipment replacement funding based on its appropriations.

- b) Give Regional Planning Commissions statutory authority to use allocated funding from a Capital Recovery Fund at regular intervals to make capital purchases and replacements.

**Staff Comment:** Rider 2 in the Commission’s bill pattern in the General Appropriations Act prohibits using equipment replacement funds to replace or fund a reserve for future replacement of 911 equipment.

- c) Give the Commission statutory authority to use the current allocation formula with the ability to span over a three biennium cycle.

**Staff Comment:** Rider 3 in the Commission’s bill pattern in the General Appropriations Act only allows the Commission to use unexpended balances within the biennium.

d) Authorize the Commission to carry over capital funds from biennium to biennium.

**Staff Comment:** Rider 3 in the Commission's bill pattern in the General Appropriations Act only allows the Commission to use unexpended balances within the biennium.

(Christy Williams, 911 Program Manager – North Central Texas Council of Governments, Arlington)

## ***Commission Decision***

The Commission did not adopt any of the new issues.

## ***Legislative Action***

No action needed.

*Provisions Added by  
Legislature*

# *Provisions Added by Legislature*

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None added.



# *Appendices*

# Appendix A

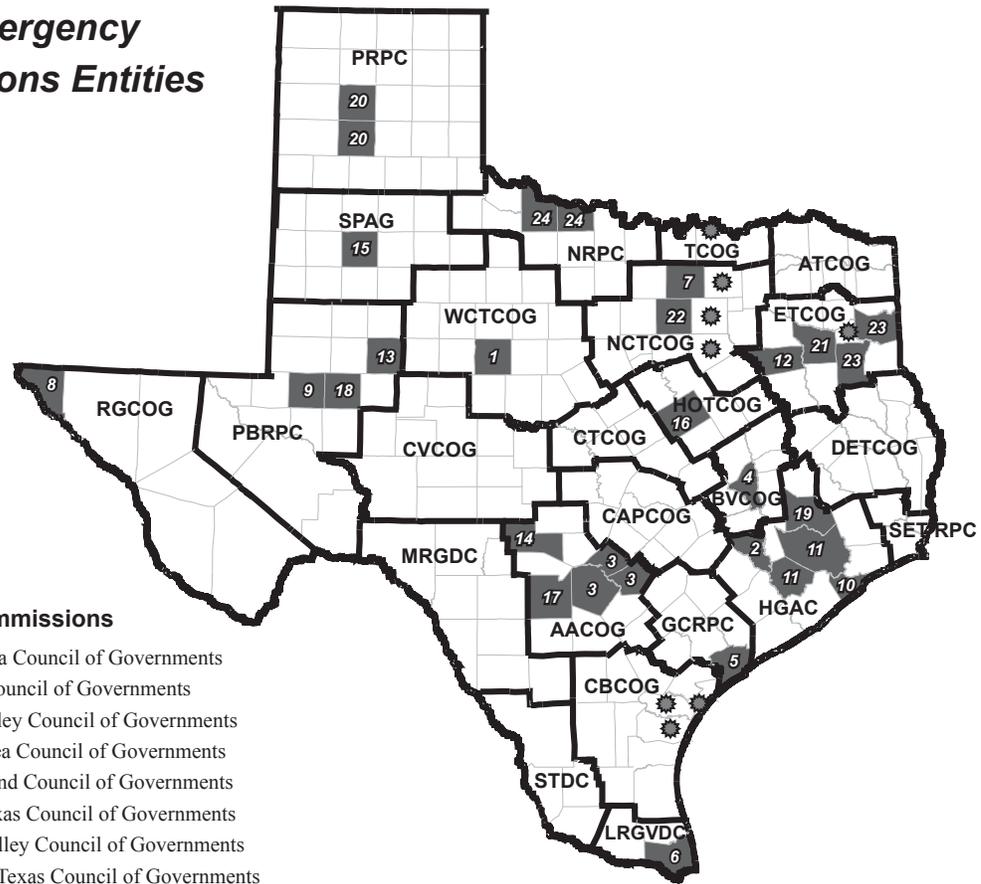
## Design of 911 in Texas

<p>Three types of entities provide 911 service in Texas. These entities include Regional Planning Commissions (RPCs), Emergency Communications Districts, and Municipal Emergency Communications Districts. Appendix B, <i>Texas Emergency Communications Entities</i>, shows the entities' locations.</p>	
<p><b>Regional Planning Commissions</b></p>	<p>RPCs, also known as Councils of Government, are any combination of counties and/or municipalities that have voluntarily joined together under authority granted by state law. Texas' 24 RPCs provide 911 service to 224 of the State's 254 counties, although some of these counties contain Municipal Emergency Communications Districts that have opted to provide their own 911 service (discussed below). The state 911 program serves mostly rural areas, covering one-third of the State's population living in two-thirds of its geographical territory. The Commission has direct oversight for 911 service provided by RPCs and funds service through both wireline and wireless emergency service fees. RPCs must submit strategic plans to the Commission containing detailed spending plans and budgetary information to receive appropriated funds. Some RPCs are also eligible to receive equalization surcharge funds.</p>
<p><b>Emergency Communications Districts</b></p>	<p>Twenty-four Emergency Communications Districts provide 911 service in primarily metropolitan areas. Independent governing boards oversee the 911 operations of these Districts, which are administered and funded separate from RPC governing structures and Commission oversight. Emergency Communications Districts set their own wireline service fee, collected by telephone companies and remitted to the appropriate District. State statute sets a wireless service fee on each wireless telecommunications connection in Texas, including those in areas where a District provides 911 service. These funds are distributed to the Districts based on a percentage of total population. Emergency Communications Districts are also eligible to receive equalization surcharge funds.</p>
<p><b>Municipal Emergency Communications Districts</b></p>	<p>Twenty-seven Texas cities do not participate in the state 911 program and provide their own 911 service without direct assistance from the Commission. Municipal Emergency Communications Districts are located primarily in the Dallas metropolitan area, but include mid-sized cities in other areas. City councils oversee the 911 operations of these Districts and set their own wireline emergency service fee collected by telephone companies and remitted to the appropriate district. State statute sets a wireless service fee on each wireless telecommunications connection in Texas, including those in areas where a District provides 911 service. These funds are distributed to the Districts based on a percentage of total population. Municipal Emergency Communications Districts are also eligible to receive equalization surcharge funds.</p>



# Appendix B

## Texas Emergency Communications Entities



### Regional Planning Commissions

- AACOG** Alamo Area Council of Governments
- ATCOG** Ark-Tex Council of Governments
- BVCOG** Brazos Valley Council of Governments
- CAPCOG** Capital Area Council of Governments
- CBCOG** Coastal Bend Council of Governments
- CTCOG** Central Texas Council of Governments
- CVCOC** Concho Valley Council of Governments
- DETCOG** Deep East Texas Council of Governments
- ETCOG** East Texas Council of Governments
- GCRPC** Golden Crescent Regional Planning Commission
- HGAC** Houston-Galveston Area Council
- HOTCOG** Heart of Texas Council of Governments
- LRGVDC** Lower Rio Grande Valley Development Council
- MRGDC** Middle Rio Grande Development Council
- NCTCOG** North Central Texas Council of Governments
- NRPC** Nortex Regional Planning Commission
- PBRPC** Permian Basin Regional Planning Commission
- PRPC** Panhandle Regional Planning Commission
- RGCOC** Rio Grande Council of Governments
- SETRPC** South East Texas Regional Planning Commission
- SPAG** South Plains Association of Governments
- STDC** South Texas Development Council
- TCOG** Texoma Council of Governments
- WCTCOG** West Central Texas Council of Governments

### ★ Municipal Emergency Communications Districts

The municipalities, located in eight counties, include Addison, Aransas Pass, Cedar Hill, Coppell, Corpus Christi, City of Dallas, Dallas Co., De Soto, Denison, Duncanville, Ennis, Farmers Branch, Garland, Glenn Heights, Highland Park, Hutchins, Kilgore, Lancaster, Longview, Mesquite, Plano, Portland, Richardson, Rowlett, Sherman, University Park, and Wylie.

### Emergency Communication Districts

1. Abilene/Taylor Co. 911 District
2. Austin Co. Emergency Communications District
3. Bexar Metro 911 Network District
4. Brazos Co. Emergency Communications District
5. Calhoun Co. 911 Emergency Communications District
6. Cameron Co. Emergency Communications District
7. Denco Area 911 District
8. El Paso Co. 911 District
9. Emergency Communications District of Ector Co.
10. Galveston Co. Emergency Communications District
11. Greater Harris Co. 911 Emergency Network
12. Henderson Co. 911 Communications District
13. Howard Co. 911 Communications District
14. Kerr Co. Emergency 911 Network
15. Lubbock Co. Emergency Communications District
16. McLennan Co. Emergency Assistance District
17. Medina Co. 911 District
18. Midland Emergency Communications District
19. Montgomery Co. Emergency Communications District
20. Potter-Randall Co. Emergency Communications District
21. Smith Co. 911 Communications District
22. Tarrant Co. 911 District
23. Texas Eastern 911 Network
24. Wichita / Wilbarger 911 Communications District



# Appendix C

## Commission on State Emergency Communications Funding Methods<sup>1</sup>

	<b>Emergency Service Fee (wireline)</b>	<b>Emergency Service Fee (wireless)</b>	<b>Prepaid Wireless Fee</b>	<b>Equalization Surcharge</b>
<b>Purpose</b>	Funds 911 service	Funds 911 service	Funds 911 service	Supplements RPCs whose service fee allocation cannot maintain minimum operating standards and funds operations of poison centers
<b>Current Rate</b>	\$0.50 per month on each local exchange access line	\$0.50 per month on each wireless telecommunications connection	2% of the purchase price of prepaid wireless telecommunications service	1.0% of intrastate long distance calls: 0.5% goes to poison centers; 0.5% goes to RPCs whose service fee allocation cannot maintain minimum operating standards
<b>Set by</b>	Commission	Legislature	Legislature	Commission
<b>Collected by</b>	Telephone company	Wireless service provider	Prepaid wireless service seller	Long distance service provider
<b>Remitted to</b>	Comptroller	Comptroller	Comptroller	Comptroller
<b>Remittance Period</b>	30 days	30 days	TBD <sup>2</sup>	30 days
<b>Telecommunications Service Provider Administrative Fee</b>	1%	1%	2%	1%
<b>Amount Comptroller Collected – FY 2009</b>	\$18,760,133	\$36,450,417	N/A <sup>3</sup>	\$20,631,398
<b>Amount Expended – FY 2009</b>	\$43,111,259		N/A	\$20,362,413

<sup>1</sup> Amounts only include those related to the Commission's 911 and poison operations.

<sup>2</sup> The Office of the Comptroller has not yet established rules.

<sup>3</sup> Collection of this fee begins June 1, 2010.



# Appendix D

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## **Poison Center Operations – FY 2009**

	<b>State Funds<sup>1</sup></b>	<b>Federal Funds</b>	<b>Other Funds<sup>2</sup></b>	<b>Staffing Level<sup>3</sup></b>	<b>Call Volume<sup>4</sup></b>
Amarillo	\$813,885	\$250,559	\$18,132	11	26,999
Dallas	\$1,346,307	\$613,786	\$11,608	18	106,154
El Paso	\$805,120	\$263,784	\$25,303	11	33,715
Galveston	\$1,475,478	\$599,222	\$15,109	17	77,191
San Antonio	\$1,118,815	\$455,203	\$48,423	14	67,908
Temple	\$987,212	\$411,743	\$23,750	11	53,756
<b>TOTAL</b>	<b>\$6,546,817</b>	<b>\$2,594,297</b>	<b>\$142,325</b>	<b>82</b>	<b>365,723</b>

<sup>1</sup> Includes funds allocated by the Department of State Health Services as part of a two-year contract.

<sup>2</sup> Includes several funding sources, such as the Researched Abuse, Diversion, and Addiction Related Surveillance grant and contracts to host student rotations.

<sup>3</sup> Full-time equivalents as of November 2009.

<sup>4</sup> Includes only managed calls received.



# Appendix E

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## Staff Review Activities

During the review of the Commission on State Emergency Communications Sunset staff engaged in the following activities that are standard to all Sunset reviews. Sunset staff worked extensively with agency personnel; attended Commission meetings; met with staff from key legislative offices; conducted interviews with and solicited written comments from interest groups and the public; reviewed agency documents and reports, state statutes, legislative reports, previous legislation, and literature; researched the organization and functions of similar state agencies in other states; and performed background and comparative research using the Internet.

In addition, Sunset staff also performed the following activities unique to this agency.

- Attended meetings and interviewed representatives of emergency communications providers in Texas.
- Interviewed staff from the National 911 Coordinating Office within the U. S. Department of Transportation.
- Toured a public safety answering center in Rockdale, the Bell County Emergency Communications Center in Belton, and the Combined Transportation Emergency and Communications Center's 911 operations in Austin.
- Interviewed members of the Poison Control Coordinating Committee.
- Toured the North Texas Poison Center at Parkland Hospital in Dallas and the Central Texas Poison Center at Scott & White Memorial Hospital in Temple.
- Interviewed staff from the Texas Department of State Health Services, Texas Department of Insurance, Texas Department of Public Safety, and Public Utility Commission of Texas.



# SUNSET STAFF REVIEW OF THE COMMISSION ON STATE EMERGENCY COMMUNICATIONS

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