

02-155
HFS
110

CR02-155

Emergency Rule – HFS 110 to 113

JCRAR HEARING

MAY 27, 2003

12:30 p.m.

Room 411 South

SUMMARY HFS – 110 to 113

Relating to licensing of EMT's and certification of first responders, incorporating responding to certain acts of terrorism as a training component.

Background

2001 Wisconsin Act 109 (Budget Adjustment Bill) created the need for the rules.

Summary

The rule would require that all EMTs Basic and EMTs Basic IV, EMTs Intermediate, EMTs Paramedic, and First Responders as of January 1, 2003 would need to have received training in response to acts of terrorism. The training would be required to be completed by all persons desiring to receive an initial or renewed license or certification after January 1, 2003.

The rules require a completion of a NT100 Terrorism/Hazardous Materials Awareness training course, which is four hours in length. Materials for the training course were included in all EMT courses beginning January 1, 2003 and will also be available as a stand-alone course module.



State of Wisconsin
Department of Health and Family Services

Jim Doyle, Governor
Helene Nelson, Secretary

April ¹⁸~~21~~, 2003

The Honorable Joseph Leibham, Co-Chairperson
Joint Committee for Review of Administrative Rules
Room 409 South, State Capitol
P.O. Box 7882
Madison, Wisconsin 53707-7882

Dear Senator Leibham:

The Department of Health and Family Services has an emergency rulemaking order in effect that will expire before the emergency rules are replaced by permanent rules unless the effective period of the emergency order is extended. Pursuant to s. 227.24 (2), Stats., I ask the Joint Committee to extend the effective period of the emergency order by 60 days as indicated below.

The emergency rules relate to the Department's requiring EMTs and first responders to receive training for responding to acts of terrorism. 2001 Wisconsin Act 109 amended sections 146.50 (6) (a) 2., (b) 2. and (8) (b) 3. of the statutes by adding the requirement that as of January 1, 2003, to receive an initial or renewed EMS license or first responder certification, the applicant must have received training in response to acts of terrorism. Section 146.50 (6) (b) 2. of the statutes specifically directs the Department, in conjunction with the technical college system board, to promulgate rules specifying training, education, or examination requirements for training in response to acts of terrorism. The training must be completed by all persons desiring to receive an initial or renewed license or certification after January 1, 2003. To enforce and administer this statutory requirement, the Department revised the administrative rules associated with the licensing of Emergency Medical Technicians (EMTs) – Basic and EMTs- Basic IV (found in ch. HFS 110), EMTs- Intermediate (found in ch. HFS 111), EMTs – Paramedic (found in ch. HFS 112) and First Responders (found in ch. HFS 113.)

The rule changes removed any question of whether the Department had the authority to require persons to receive training for acts of terrorism. Such training is needed to promote the public's health and safety and, due to the statutory effective date of January 1, 2003, the Department promulgated the rule changes through an emergency order. The emergency rulemaking order amending and creating rules was published and effective on **December 31, 2002, and will expire on May 30, 2003, unless extended.**

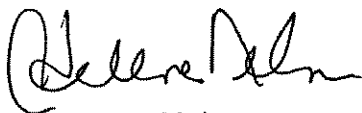
Wisconsin.gov

Senator Leibham
April 21, 2003
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The Department is also proceeding with promulgating these rule changes on a permanent basis through a proposed permanent rulemaking order. Replacement permanent rules were sent to the Legislative Council for review on December 27, 2002 and were the subject of a public hearing held on February 17, 2003. In response to comments the Department received from the Legislative Council Rules Clearinghouse and the Wisconsin Technical College Board, the Department modified its initial proposed permanent rules, and has attached the final proposed rules for your review. The Department transmitted these final proposed rules to the to the Presiding Officers of the Senate and Assembly on April 11th. Consequently, the Department will not be able to file the rules until at least June for an August 1, 2003, effective date. Therefore, I request an extension of the effective period of the emergency rules by **60 days**, through July 29, 2003.

A copy of the emergency rulemaking order is attached to this letter. If you have any questions about the rules, you may contact Jon Morgan in the Division of Public Health at 266-9781.

Sincerely,



Helene Nelson
Secretary

Attachments

cc Representative Grothman
Senator Alan Lasee
Speaker John Gard
Gary Radloff

ORDER OF THE
DEPARTMENT OF HEALTH AND FAMILY SERVICES
AMENDING AND CREATING RULES

FINDING OF EMERGENCY

The Department of Health and Family Services finds that an emergency exists and that the rules are necessary for the immediate preservation of the public peace, health, safety or welfare. The facts constituting the emergency are as follows:

2001 Wisconsin Act 109 amended sections 146.50 (6) (a) 2., (b) 2. and (8) (b) 3. by adding the requirement that as of January 1, 2003, to receive an initial or renewed EMS license or first responder certification, the applicant must have received training in response to acts of terrorism. Section 146.50 (6) (b) 2. of the statutes specifically directs the Department, in conjunction with the technical college system board, to promulgate rules specifying training, education, or examination requirements for training in response to acts of terrorism. The training must be completed by all persons desiring to receive an initial or renewed license or certification after January 1, 2003. To enforce and administer this statutory requirement, the Department must revise the administrative rules associated with the licensing of Emergency Medical Technicians (EMTs) – Basic and EMTs-Basic IV (found in ch. HFS 110), EMTs- Intermediate (found in ch. HFS 111), EMTs – Paramedic (found in ch. HFS 112) and First Responders (found in ch. HFS 113.)

The required rule changes will remove any question of whether the Department had the authority to require persons to receive training for acts of terrorism. Such training is needed to promote the public's health and safety and due to the statutory effective date of January 1, 2003, the Department is promulgating these rule changes through an emergency order. The Department is also proceeding with promulgating these rule changes on a permanent basis through a proposed permanent rulemaking order.

ORDER

Pursuant to the authority vested in the Department of Health and Family Services by ss. 146.50 (6) (b) 2. and (13) (a), 227.24 (1) and 250.04 (7), Stats., the Department of Health and Family Services hereby creates rules interpreting ss. 146.50 (6) (b) 2., (8) (b) 3., (c) and (13) (a) and 250.04 (7), Stats.

SECTION 1. HFS 110.07 (3) (c) 2. and (4) (a) and (b) are amended to read:

HFS 110.07 (3) (c) 2. The training shall include the knowledge and skills objectives contained in the U.S. department of transportation/national highway traffic safety administration's national standard curriculum for refresher training of EMTs–basic, 1994 edition, and additional training as approved by the department, including training for response to acts of terrorism.

(4) (a) EMT–BASIC TRAINING COURSE CONTENT AND HOURS. (a) The national standard curriculum for training EMTs–basic shall be used as the basis for a training course. Training shall also include instruction on responding to acts of terrorism. Additional skills training requires approval of the department. Any deviation from the curriculum shall be submitted separately and approved by the department prior to its use in the course.

(b) An EMT–basic training course shall have a minimum of 110 hours of instruction and may not exceed ~~140~~144 hours of mandatory attendance.

SECTION 2. HFS 111.06 (1) (c) 1. is amended to read:

HFS 111.06 (1) (c) 1. A description of the capabilities of the organization to train EMTs—intermediate in the provision of emergency medical care in pre-hospital, interfacility and hospital settings. The training shall include training covered in the national standard curriculum for training EMTs—intermediate and shall include additional training approved by the department, including instruction on responding to acts of terrorism.

SECTION 3. HFS 112.04 (5) (f) 2. is amended to read:

HFS 112.04 (5) (f) 2. A licensee who submits evidence of having successfully completed, within the 24 months immediately preceding the license renewal date, an EMT paramedic training course, including the knowledge and skills objectives of the National Standard Curriculum for Training EMTs—Paramedic, as approved by the department, including training for response to acts of terrorism, shall be considered to have met the requirement of subd. 1. b.

SECTION 4. HFS 112.06 (1) (c) 1. is amended to read:

HFS 112.06 (1) (c) 1. A description of the capabilities of the organization to train EMTs—paramedic in the provision of emergency medical care in pre-hospital, interfacility and hospital settings. The training shall include training covered in the National Standard Curriculum for Training EMTs—Paramedic and training for response to acts of terrorism and may include additional training approved by the department.

SECTION 5. HFS 113.04 (6) (a) 1m. is created to read:

HFS 113.04 (6) (a) 1m. Completion of training on responding to acts of terrorism.


SECTION 6. HFS 113.04 (10) (b) 3. is amended to read:

HFS 113.04 (10) (b) 3. Documentation that the certificate holder has, during the biennial period immediately preceding application, successfully completed the national standard first responder refresher course or equivalent training, including training for response to acts of terrorism, as determined by the department; and

The rules contained in this order shall take effect as emergency rules upon publication in the official state newspaper as provided in s. 227.24 (1) (c), Stats.

Wisconsin Department of Health
and Family Services

Dated: December 27, 2002

By: 
for Phyllis Dubé
Secretary

SEAL:

**PROPOSED ADMINISTRATIVE RULES – HFS 110
ANALYSIS FOR LEGISLATIVE STANDING COMMITTEES
PURSUANT TO S. 227.19 (3), STATS.**

REPORT TO
LEGISLATURE
+
PERMANENT
RULES

Need for Rules

2001 Wisconsin Act 109 amended sections 146.50 (6) (a) 2.; (b) 2. and (8) (b) 3. by adding the requirement that as of January 1, 2003, to receive an initial or renewed EMS license or first responder certification, the applicant must have received training in response to acts of terrorism. Section 146.50 (6) (b) 2. of the statutes specifically directs the Department, in conjunction with the technical college system board, to promulgate rules specifying training, education, or examination requirements for training in response to acts of terrorism. The training must be completed by all persons desiring to receive an initial or renewed license or certification after January 1, 2003. To enforce and administer this statutory requirement, the Department must revise the administrative rules associated with the licensing of Emergency Medical Technicians (EMTs) – Basic and EMTs-Basic IV (found in ch. HFS 110), EMTs- Intermediate (found in ch. HFS 111), EMTs – Paramedic (found in ch. HFS 112) and First Responders (found in ch. HFS 113.) These rules will replace an emergency rule that took effect on December 31, 2002. The rules require completion of a NT100 Terrorism/Hazardous Materials Awareness training course, which is four hours in length. Materials for the training course were included in all EMT courses beginning January 1, 2003 and will also be available as a stand-alone course module.

Response to Clearinghouse Recommendations

The Department accepted both comments of the Legislative Council's Rules Clearinghouse and modified the proposed rules accordingly. Specifically, Clearinghouse comment 5.a. suggested that the analysis to the rule should at least briefly describe the type and amount of training that will be accepted by the department as meeting the statutory requirement that "training for response to acts of terrorism" be provided. In response to comment 5.a., the Department added a sentence to the analysis section explaining the type and amount of training that will be accepted by the Department as meeting the statutory requirement that training for response to acts of terrorism will be required.

Clearinghouse comment 5.b. was "It is unclear where the rule sets forth the requirement that persons trained between July 2002 and January 2003 must complete a supplementary four-hour training module, as is mentioned in the department's fiscal estimate. When must the training be completed?" In response to comment 5.b., the Department added an amendment to HFS 110.05 (1) (d), 111.04 (1) (e), 112.04 (1) (d), and 113.04 (9) (a) 4., and further amended HFS 110.07 (3) (c) 2., 111.06 (1) (c) 1., 112.04 (5) (f) 2., and 113.04 (6) (a) 1m. to more clearly prescribe what training is required and when training must be completed for both initial licensure and license renewal.

Public Hearing and Written Comments

The Department held one public hearing on the proposed rule in Madison on February 17, 2003. Nan Turner, Chief of the Department's EMS Section attended the hearing. Only one person, Tim Hellenbrand of the Dane County EMS, attended the hearing. Mr. Hellenbrand agreed with the rule as written. The Department's comment period remained open until February 24th, but the Department received no written comments.

The Department also circulated a draft of the rules to the Wisconsin Technical College System Board for review and comment. In response, Stephen J. Teale, Emergency Services Consultant with the Wisconsin Technical College System Board, replied that the rules should specify an ending date on inclusion of the terrorism content in refresher courses. Mr. Teale also suggested that the statutory training only require one initial episode of training, i.e., no reflection of training to respond to acts of terrorism in each subsequent refresher course and no required recertification or retraining. The Department interprets the statute differently. Section 146.50 (6) (b) 2., Stats., states that the Department must develop rules that specify "...requirements for training for response to acts of terrorism, for license renewals for emergency medical technicians." Given this wording, the Department does not agree that training for response to acts of terrorism need not be an ongoing part of refresher courses. However, the Department agrees that the scope of training in refresher courses may be less than the entire 4-hour course. Consequently, the Department revised the rule to specify that the 4-hour course is required only once by specifying an ending date, and that the subsequent ongoing training requirement will be determined before June 30, 2004 by the Department, in conjunction with the EMS advisory board and the Wisconsin technical college system board.

Final Regulatory Analysis

These rules apply to the Department of Health and Family Services, the Division of Hearings and Appeals in the Department of Administration, ambulance service providers and emergency medical technicians. Some affected ambulance service providers may be "small businesses" as defined in s. 227.114 (1) (a), Stats. These rules implement new requirements, but any additional training costs are covered by the Department and there should be no additional expenses for businesses.

PROPOSED ORDER OF THE
DEPARTMENT OF HEALTH AND FAMILY SERVICES
AMENDING AND CREATING RULES

To amend HFS 110.05 (1) (d), 110.07 (3) (c) 2. and (4) (a) and (b), 111.04 (1) (e), 111.06 (1) (c) 1., 112.04 (1) (d), 112.04 (5) (f) 2., 112.06 (1) (c) 1. and 113.04 (9) (a) 4. and (10) (b) 3., and to create HFS 113.04 (6) (a) 1m., relating to the licensing of emergency medical technicians and the certification of first responders to incorporate responding to acts of terrorism as a training component required for initial or renewed licensure or certification.

Analysis Prepared by the Department of Health and Family Services

2001 Wisconsin Act 109 amended sections 146.50 (6) (a) 2., (b) 2. and (8) (b) 3. by adding the requirement that as of January 1, 2003, to receive an initial or renewed EMS license or first responder certification, the applicant must have received training in response to acts of terrorism. Section 146.50 (6) (b) 2. of the statutes specifically directs the Department, in conjunction with the technical college system board, to promulgate rules specifying training, education, or examination requirements for training in response to acts of terrorism. The training must be completed by all persons desiring to receive an initial or renewed license or certification after January 1, 2003. To enforce and administer this statutory requirement, the Department must revise the administrative rules associated with the licensing of Emergency Medical Technicians (EMTs) – Basic and EMTs-Basic IV (found in ch. HFS 110), EMTs- Intermediate (found in ch. HFS 111), EMTs – Paramedic (found in ch. HFS 112) and First Responders (found in ch. HFS 113.) These rules will replace an emergency rule that took effect on December 31, 2002. The rules require completion of a NT100 Terrorism/Hazardous Materials Awareness training course, which is four hours in length. Materials for the training course were included in all EMT courses beginning January 1, 2003 and will also be available as a stand-alone course module.

The Department's authority to create these rules is found in ss. 146.50 (6) (b) 2. and (13) (a), 227.11 (2) (a) and 250.04 (7), Stats. The rules interpret ss. 146.50 (6) (b) 2., (8) (b) 3., (c) and (13) (a) and 250.04 (7), Stats.

SECTION 1. HFS 110.05 (1) (d) is amended to read:

HFS 110.05 (1) (d) Present documentation of successful completion of department-approved EMT-basic or EMT-basic IV training taken within 24 months prior to application or proof of current national registry of EMTs registration or proof of equivalent training and current licensure from another state. The training shall include training for responding to acts of terrorism.

SECTION 2. HFS 110.07 (3) (c) 2. and (4) (a) and (b) are amended to read:

HFS 110.07 (3) (c) 2. The training shall include the knowledge and skills objectives contained in the U.S. department of transportation/national highway traffic safety administration's national standard curriculum for refresher training of EMTs–basic, 1994 edition, and additional training as approved by the department, including training for response to acts of terrorism. Completion of an NT100 terrorism and hazardous materials awareness training course that is 4 hours in length meets the requirement for training for response to acts of terrorism. Course material for training for response to acts of terrorism shall be included in all initial and refresher EMT courses beginning January 1, 2003 and shall also be available as a stand-alone course module for EMTs who received training before January 2003. After June 30, 2004, the required refresher training for acts of terrorism shall no longer be the full 4-hour NT100 terrorism and hazardous materials awareness training course. Prior to June 30, 2004, the ongoing training

requirement shall be determined by the department, in consultation with the EMS advisory board and the Wisconsin technical college system board. The department shall disseminate information on the ongoing training requirement to ambulance providers and training centers and offer multiple training methods.

(4) (a) EMT-BASIC TRAINING COURSE CONTENT AND HOURS. (a) The national standard curriculum for training EMTs-basic shall be used as the basis for a training course. Training shall also include instruction on responding to acts of terrorism. Additional skills training requires approval of the department. Any deviation from the curriculum shall be submitted separately and approved by the department prior to its use in the course.

(b) An EMT-basic training course shall have a minimum of 110 hours of instruction and may not exceed ~~440~~144 hours of mandatory attendance.

SECTION 3. HFS 111.04 (1) (e) is amended to read:

HFS 111.04 (1) (e) Present documentation that verifies the successful completion of classroom, clinical and field experience training offered by a department approved EMT-intermediate training course within 24 months prior to application, or equivalent training in all areas listed under s. HFS 111.06 (4) and is deemed to be comparable by the department. The training shall include training for responding to acts of terrorism.

SECTION 4. HFS 111.06 (1) (c) 1. is amended to read:

HFS 111.06 (1) (c) 1. A description of the capabilities of the organization to train EMTs-intermediate in the provision of emergency medical care in pre-hospital, interfacility and hospital settings. The training shall include training covered in the national standard curriculum for training EMTs-intermediate and shall include additional training approved by the department, including instruction on responding to acts of terrorism. Completion of an NT100 terrorism and hazardous materials awareness training course that is 4 hours in length meets the requirement for training for response to acts of terrorism. Course material for training for response to acts of terrorism shall be included in all initial and refresher EMT courses beginning January 1, 2003 and shall also be available as a stand-alone course module for EMTs who received training before January 2003. After June 30, 2004, the required refresher training for acts of terrorism shall no longer be the full 4-hour NT100 terrorism and hazardous materials awareness training course. Prior to June 30, 2004, the ongoing training requirement shall be determined by the department, in consultation with the EMS advisory board and the Wisconsin technical college system board. The department shall disseminate information on the ongoing training requirement to ambulance providers and training centers and offer multiple training methods.

SECTION 5. HFS 112.04 (1) (d) is amended to read:

HFS 112.04 (1) (d) Present documentation of successful completion of an EMT-paramedic training course approved under s. HFS 112.06 (3) within 24 months prior to application, or equivalent training acceptable to the department. In this paragraph, "equivalent training" means training in all areas listed under s. HFS 112.06 (3). Documentation shall include verification of completion of classroom, clinical and field experiences. The training shall include training for responding to acts of terrorism.

SECTION 6. HFS 112.04 (5) (f) 2. is amended to read:

HFS 112.04 (5) (f) 2. A licensee who submits evidence of having successfully completed, within the 24 months immediately preceding the license renewal date, an EMT paramedic training course, including the knowledge and skills objectives of the National Standard Curriculum for Training EMTs-Paramedic, as approved by the department, including training for response to acts of terrorism, shall be considered to have met the requirement of subd. 1. b. Completion of an NT100 terrorism and hazardous materials awareness training course that is 4 hours in length meets the requirement for training for response to acts of terrorism. Course material for training for response to acts of terrorism shall be included in all initial and refresher EMT courses beginning January 1, 2003 and shall also be available as a stand-alone course module for EMTs who received training before January 2003. After June 30, 2004, the required refresher training for acts of terrorism shall no longer be the full 4-hour NT100 terrorism and hazardous materials awareness training course. Prior to June 30, 2004, the ongoing training requirement shall be determined by the department, in consultation with the EMS advisory board and the Wisconsin technical college system board. The department shall disseminate information on the ongoing training requirement to ambulance providers and training centers and offer multiple training methods.

SECTION 7. HFS 112.06 (1) (c) 1. is amended to read:

HFS 112.06 (1) (c) 1. A description of the capabilities of the organization to train EMTs-paramedic in the provision of emergency medical care in pre-hospital, interfacility and hospital settings. The training shall include training covered in the National Standard Curriculum for Training EMTs-Paramedic and training for response to acts of terrorism, and may include additional training approved by the department.

SECTION 8. HFS 113.04 (6) (a) 1m. is created to read:

HFS 113.04 (6) (a) 1m. Completion of training on responding to acts of terrorism. Completion of an NT100 terrorism and hazardous materials awareness training course that is 4 hours in length meets the requirement for training for response to acts of terrorism. Course material for training for response to acts of terrorism shall be included in all initial and refresher EMT courses beginning January 1, 2003 and shall also be available as a stand-alone course module for EMTs who received training before January 2003.

SECTION 9. HFS 113.04 (9) (a) 4. and (10) (b) 3. are amended to read:

HFS 113.04 (9) (a) 4. Present documentation of having successfully completed the national standard basic or refresher curriculum or equivalent training as determined by the department for training first responders within 24 months prior to application, or hold current voluntary certification from the department as a first responder. The training shall include training for responding to acts of terrorism.

(10) (b) 3. Documentation that the certificate holder has, during the biennial period immediately preceding application, successfully completed the national standard first responder refresher course or equivalent training, including training for response to acts of terrorism, as determined by the department; and

SECTION 10. HFS 113.04 (10) (b) 5. is created to read:

HFS 113.04 (10) (b) 5. Completion of a NT100 terrorism and hazardous materials awareness training course that is 4 hours in length meets the requirement for training for response to acts of terrorism subd. 3. Course material for training for response to acts of terrorism shall be included in all initial and refresher first responder courses beginning January 1, 2003 and shall also

be available as a stand-alone course module for first responders who received training before January 2003. After June 30, 2004, the required refresher training for acts of terrorism shall no longer be the full 4-hour NT100 terrorism and hazardous materials awareness training course. Prior to June 30, 2004, the department, in consultation with the EMS advisory board and the Wisconsin technical college system board, shall determine the ongoing training requirement. The department shall disseminate information on the ongoing training requirement to ambulance providers and training centers and offer multiple training methods.

This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register, as provided in s. 227.22 (2) (intro.), Stats.

Wisconsin Department of Health
and Family Services

Dated:

By: _____
Helene Nelson
Secretary

SEAL:

Good Morning! I would like to thank you for the opportunity to address this distinguished group today. I am Randy Sellnow, Chief of the Oregon Area Fire-EMS District and President of the Great Lakes Division of the International Association of Fire Chiefs.

The issue before us today is not one of whether or not our agencies need this training. I think it is obvious to all of us that in order to better prepare for the dangerous world we as "first responders" live and work in, we need as much training as possible!

What I see as the issue today is the implementation of another unfunded mandate, the inflexibility of the State EMS office to allow different forms of delivering this instruction and the lack of recognition of the fact that many Fire and EMS leaders in the state have had countless hours of HAZ-Mat-Terrorism training.

I would like to quickly address each one of these issues starting first with the unfunded mandate or as the EMS office likes to call them....'Emergency Rules"! In today's climate of decreasing funds for training and budgets in general, these "Emergency Rules" are in my opinion inefficient and costly....not to mention confusing! While the State EMS office has said they will include this 4-hour terrorism training in the refresher courses that are taught every two years...without increasing any hours of the refresher....takes away valuable instruction that our EMS personnel need in other areas such as trauma, pediatrics and medical emergencies. This also does not take into account the many fire service personnel in our state that are not involved in EMS. Shouldn't they be as prepared as our EMS personnel??

Issue number 2.....the inflexibility issue. At a meeting in Washington D.C. back in March, U.S. Surgeon General Dr. Richard Carmona, spoke of the importance of utilizing alternative delivery systems to get the first responders of our country trained as quickly as possible and as efficiently as possible. One such method of training was proposed to the State EMS Office, a 4-hour modularized online course put together by NFPA/Target Safety, following FEMA guidelines. This program was sent to the EMS Office for review. The Office states they have reviewed it but did not approve it. There is confusion about this! The representatives from NFPA/Target Safety claim the course was never

reviewed!!! My question to you is simply this.....If the U.S. Surgeon General is advocating this type of training.....why is our state not allowing it??? The State EMS Office has said this course is lacking a part that includes the use of a delivery system for some pharmaceuticals to combat nerve agents. NFPA/Target Safety has said they would include whatever the state needed!! With the volunteer ranks being pressured more and more with the increased training requirements....this type of program would allow them to complete it from their homes instead of another night out away from their families for training.

Issue #3.....many Chiefs, Company Officers, Directors have had countless hours of terrorism/hazmat training. For example.....over the last 3 months, I have had over 30 hours of bio-terrorism training at various conferences/seminars I have attended. The rule as it stands now, does not allow me to teach my own people this 4-hour course. However....if I were to sit thru the "State approved" course for a couple of hours.....then I mysteriously become qualified!! I think we all know this is potentially a bunch of hooey!!!

We need to allow the flexibility needed to deliver this to our first responders all across the state. To limit the means of delivering this training is dollar foolish and equates to nothing more than window dressing! Again....thank you for the opportunity to address all of you this morning.



Wisconsin State Fire Chiefs' Association, Inc.

Together We Can Make A Difference

- Education
- Prevention
- Safety
- Suppression
- EMS

DATE: May 27, 2003
TO: Joint Committee for the Review of Administrative Rules
FROM: Wisconsin State Fire Chiefs Association
RE: Clearinghouse Rule 02-155

Clearinghouse Rule 02-155 requires a four-hour training component for initial or renewed licensure or certification of emergency medical technicians and the certification of first responders responding to acts of terrorism. I want to assure you that the Wisconsin State Fire Chiefs Association is NOT opposed to terrorism training. Terrorism training has been a part of fire departments and emergency medical services for over two years. The Wisconsin State Fire Chiefs Association asks that this Rule have some modifications allowing departments some flexibility in the required training.

This Rule requires four hours of terrorism training but does not take into account many factors. The following issues should be addressed when considering any change to Clearinghouse Rule 02-155.

- 1) This Rule is another unfunded mandate by the State of Wisconsin. The villages, cities and townships throughout the State of Wisconsin are struggling financially to maintain existing emergency services for our residents. There is no funding source to provide these four hours of training to each and every first responder in the State of Wisconsin.
- 2) This Rule does not take into account the fact that many of these same first responders that are required to attend the four hours of basic level terrorism training by the State of Wisconsin are in fact trained at a higher terrorism level than their instructors. An example of this is a department in Wisconsin, which every member has had a twelve-hour terrorism course provided through the National Fire Academy but those members will need to have the mandated four hours of terrorism training through the State of Wisconsin. The fact that many of our people are trained to a higher level but they will still be required to attend a four-hour basic terrorism training session does not make sense when training hours are very precious to every department both fulltime and volunteer.
- 3) The Rule does not allow any flexibility in providing terrorism training even when the training package may meet all the requirements the State of

Wisconsin is mandating. There are terrorism-training programs, which can be purchased and provided in alternative ways that would meet the requirements of this mandate.

The State of Wisconsin Fire Chiefs Association is not opposed to terrorism training. Mandate the additional four-hour training component for the initial base courses. Please allow some flexibility in training the first responders who have been trained in terrorism already. Please allow some flexibility in the delivery of this training to the various departments taking into account the diversity of our membership and the many other required training components already in place.



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(608) 266-2056

P.O. Box 8952
MADISON, WI 53708-8952
(608) 264-8486

JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

Emergency Rule Extension Motion Form

May 27, 2003
411 South
State Capitol

Moved by GROTHMAN, Seconded by WELCH

THAT, pursuant to s. 227.24(2)(a), stats. the Joint Committee for Review of Administrative Rules extends the effective period of emergency rules HFS 110 to 113 for 60 days at the request of the Department of Health and Family Services.

COMMITTEE MEMBER	Aye	No	Absent
1. Senator LEIBHAM	✓		
2. Senator WELCH	✓		
3. Senator LAZICH	✓		
4. Senator ROBSON	✓		
5. Senator LASSA	✓		
6. Representative GROTHMAN	✓		
7. Representative SERATTI	✓		
8. Representative GUNDERSON	✓		
9. Representative BLACK	✓		
10. Representative HEBL	✓		
Totals	10	0	0

Motion Carried

Motion Failed



Carol Roessler
STATE SENATOR

May 28, 2003

Secretary Helene Nelson
Department of Health and Family Services
1 W. Wilson St.
Madison, WI 53702

Dear Secretary Nelson:

As the chair of the Senate Committee on Health, Children, Families, Aging and Long Term Care, I am writing to inform the Department of Health and Family Services that the Committee voted 9-0 on Tuesday, May 27th to request modifications to Clearinghouse Rule 02-155, which relates to the licensing of emergency medical technicians and the certification of first responders to incorporate responding to acts of terrorism as a training component required for initial or renewed licensure or certification.

At the Committee's public hearing on May 27th, the Wisconsin State Fire Chiefs' Association and others expressed the following concerns:

1. **Flexibility** – Alternative delivery systems are needed to allow EMS personnel to fulfill their training obligations. One alternative is four hours of virtual course completion.
2. **Unfunded mandate** – The Wisconsin State Fire Chiefs' Association does not object to the additional terrorism training requirements. They feel that the training should be included in current curriculum and refresher courses; not mandated as separate training.
3. **Existing training** – Many personnel have had countless hours of terrorism/hazardous materials training, however, this training is not being recognized by the Department despite endorsement by the US Surgeon General.

I have enclosed written testimony from the Wisconsin State Fire Chiefs Association and from Randy Sellnow, Chief of the Oregon Fire-EMS District and President of the Great Lakes Division of the International Association of Fire Chiefs.

Members of the Committee are working with the Fire Chiefs' Association towards recommendations that would make the rules more workable for EMTs around the state. I ask that you please respond in writing as to whether the Department agrees to work with the committee on making modifications.

Sincerely,



Carol Roessler, Chair

Senate Committee on Health, Children, Families, Aging and Long Term Care

CC: Members of the Senate Committee on Health, Children, Families, Aging and Long Term Care

Members of the Joint Committee for Review of Administrative Rules

Members of the Assembly Committee on Public Health

Nan Turner, Chief of the Emergency Medical Services Section, DHFS

Gary Radloff, Legislative Liaison, DHFS

Senate Chief Clerk

CR/srj/DHFS-EMStrainingrulemodifications

SENATOR JOSEPH LEIBHAM
CO-CHAIR



REPRESENTATIVE GLENN GROTHMAN
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JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

May 30, 2003

Helene Nelson, Secretary
Department of Health and Family Services
1 West Wilson Street, Ste. 650
Madison, WI 53702

Dear Secretary Nelson:

The Joint Committee for the Review of Administrative Rules met in Executive Session on May 27, 2003 and adopted the following motion:

Emergency Rule – HFS 110 to 113 Relating to licensing of EMT's and certification of first responders, incorporating responding to certain acts of terrorism as a training component. Moved by Representative Grothman, seconded by Senator Welch that, pursuant to s. 227.24(2)(a), Stats., the Joint Committee for Review of Administrative Rules extends HFS 110 to 113 at the request of the Department of Health and Family Services by 60 days.
Motion Carried 10 Ayes, 0 Noes.

Pursuant to s. 227.24(2)(c) Stats, we are notifying the Secretary of State and the Revisor of Statutes of the Committee's action through copies of this letter.

Sincerely,

Senator Joseph Leibham
Senate Co-Chair

Representative Glenn Grothman
Assembly Co-Chair

JKL:GSG:pvs

cc: Secretary of State Doug LaFollette
Revisor of Statutes Gary Poulson