

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.

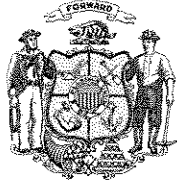
Wisconsin Department of Health  
and Family Services

Dated:

By: \_\_\_\_\_

Helene Nelson  
Secretary

SEAL:



**Carol Roessler**  
STATE SENATOR

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

From: Senator Carol Roessler, Chair

Date: April 17, 2003

Re: Clearinghouse Rule 02-155, 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

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CR 02-155 has been referred to the Senate Health, Children, Families, Aging and Long Term Care Committee. This administrative rule revises the administrative rules associated with the licensing of Emergency Medical Technicians. The changes reflect the requirement that all EMTs or first responders must receive training in response to acts of terrorism. These proposed permanent rules replace emergency rules currently in effect. The clearinghouse rule is enclosed for your review.

If you would like the committee to hold a hearing on CR 02-155, please contact Sara Jermstad in my office at 266-5300. The committee has jurisdiction over this rule until Friday, May 16, 2003.

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

**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 24<sup>th</sup>, 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.

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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 ~~140~~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:

**Fiscal Estimate – 2001 Session**

Original       Updated  
 Corrected       Supplemental

LRB Number	Amendment Number if Applicable
Bill Number	Administrative Rule Number HFS 110, 111, 112, 113

Subject  
 Licensing of First Responders and Emergency Medical Technicians-Basic, Intermediate and Paramedic

**Fiscal Effect**

State:  No State Fiscal Effect  
 Check columns below only if bill makes a direct appropriation or effects a sum sufficient appropriation.

<input type="checkbox"/> Increase Existing Appropriation	<input type="checkbox"/> Increase Existing Revenues	<input checked="" type="checkbox"/> Increase Costs – May be possible to absorb within agency's budget. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Decrease Existing Appropriation	<input type="checkbox"/> Decrease Existing Revenues	
<input type="checkbox"/> Create New Appropriation	<input type="checkbox"/> Decrease Costs	

Local:  No Local Government Costs

1. <input checked="" type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	5. Types of Local Government Units Affected: <input checked="" type="checkbox"/> Towns <input checked="" type="checkbox"/> Villages <input checked="" type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others: <input type="checkbox"/> School Districts <input type="checkbox"/> WCTS Districts
2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	4. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	

Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	Affected Chapter 20 Appropriations
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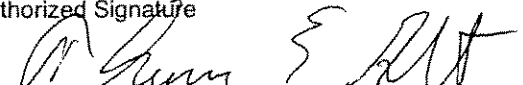
Assumptions Used in Arriving at Fiscal Estimate

Recent statutory changes through 2001 Wisconsin Act 109 require first responders and EMTs to receive training for response to acts of terrorism. These rule amendments revise the Department's training requirements for licensing first responders and emergency medical technicians (EMTs) at all levels to include language for awareness training for possible terrorism events.

The Department is integrating the additional training into existing EMT courses starting January 2003. Those persons trained between July, 2002 and January, 2003, however, will need to complete a supplementary 4-hour training module. Department staff will have some additional workload developing the training, including a possible internet-based training option. However, the Department does not anticipate that this training will result in either significant new expenditures or revenues of state or local governments. The acquisition of a supplementary 4-hour training module may require additional, albeit, minor expenditures.

Long Range Fiscal Implications

None.

Prepared By: Jon Morgan	Telephone Number 266-9781	Agency DPH, Emergency Health and Injury Prevention
Authorized Signature 	Telephone Number 266-9672	Date (mm/dd/ccyy) 12-27-02

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

### Attendance of Members

Sen. Jauch – excused absence (for your information only – his flight doesn't arrive until 2pm)

Sen. Schultz will be late if he shows up at all.

*Sen. Kanavas and Sen. Welch may be in and out due to JFC.*

I have not heard anything further from the other members

### Voting/ Action taken upon rule

Those members who are unable to attend the executive session, have requested that the roll be kept open.

The roll will be held open until the end of the day.

### Clearinghouse Rule 02-155

*Senator Welch requested the hearing. He objects to the mandatory additional four hours of training. He thinks they should be incorporated into the current training required for certification and/or license renewal.*

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.

2001 WI Act 109 amended 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. The training must be completed by all persons desiring to receive an initial or renewed license or certification after January 1, 2003. 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.

**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**

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

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.

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- 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 unconventional 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.

- want modifications
- Request DHFS
- "work w/ us toward modification to the rule"
- air concerns, not opinions in writing to dept
- Request DHFS to make

Once get final draft, have 10 working days to complete action

Sen. Brown work on recommendations

EMMA

send copy to Jim Clark

10

Not against turning  
 inflexibility of state laws apply  
 as states have of highest  
 & of transition through  
negotiated costs  
 w/ in 2 hrs.

Thompson,

IF negotiability  
 support utilizing not all. system  
 NEPA - 4th. on line modified  
 necessary course.  
 [Thompson revised to SA also  
 why not

NEPA  
 Target supply  
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 states. embedded dept.  
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Field Can do  
 paid

① Given BY Sept. 11

Fama -

Sept. 11 -

Completed self study

approved by US Fire.

Reopened and course

130 Sept 5.

to Formulas.

all completed since

name of M.

Original business

all changed to

search -

recalled in

in Sept. report

Program -

150X.

②

at very least Fire

during descent in

parking level or above.

cost in

Crane & Purchase

minutes.

State has not

agreed to Protocol

yet what that is

3 telephone 2 pin

contacts

ambulance -

⑥ Last 3 mos. trends

Rule  
wildcats

Mythical being

Pollen forster

How for

Unfunded

25 people, wife m.

They're making for

crackers

1 - Unfunded - market  
incorporation

2 - morning 1st report day

12 hrs. - more training  
to on training  
4 hrs.

3 - NO FLEXIBILITY seen.

work. last day

4 - Team Trans -

to can not deliver.

April

Only -

US Domin is double  
view feels

Schools -

TIME

R 02-155, training of EMT re: terrorism

inflexibility

lack of recognition of existing training

unfunded mandated

EMS has indicated that this training will be incorporated in refresher courses however, the # hrs have not been ↑ to reflect the add'l training

DHFS did not approve course approved & recommended by US Surgeon General

training needs to be easier for unpd volunteers

⇒ need flexibility in delivering training

→ online training?

demanding that we offered at tech colleges

if require even more training on top of what is already is required, volunteers will drop off

DHFS should be working w/ EMS, etc to help them serve community, etc better

EMENP (EMS training provider) & others have been in contact w/ DHFS w/ suggestions of how to improve rule, ie flexibility, etc.

Invala asked about history. Act 109 ⇒ budget adjust was it Gov request or inserted by legislature  
Invala <sup>WANTS</sup> ~~questioning~~ background ⇒ CR said Lawa will do the

Welch said this has been an ongoing discussion w/ past administrations

BFD started terrorism training before 9/11 at recommendation of FEMA, US Assoc of Firefighters

various levels <sup>of</sup> <sup>courses</sup> training have been completed; people who dept are able to teach others, however DHS only allowing courses that are offered @ Tech colleges

fire Chiefs no longer allowed to provide discretion in regards to completion of training

\* NFPA / Target Safety is willing to include whatever the state wants; however the state is not being clear in what they want

The training is not opposed, the way the rule is written is opposed.

mandate <sup>add 4 hrs</sup> <sup>initial</sup> <sup>training</sup>; allow flexibility in delivery of refresher courses

\* Chief of Fire @ Oshkosh Franz (?)

# Committee Meeting Attendance Sheet

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

Date: 5/27/03 Meeting Type: Public Hearing

Location: 201 SE

<u>Committee Member</u>	<u>Present</u>	<u>Absent</u>	<u>Excused</u>
Senator Carol Roessler	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Ted Kanavas	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Ronald Brown	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Robert Welch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Dale Schultz	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Judith Robson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Charles Chvala	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Robert Jauch	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Senator Tim Carpenter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: \_\_\_\_\_

## Vote Record

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

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Date: \_\_\_\_\_

Moved by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

AB \_\_\_\_\_

SB \_\_\_\_\_

Clearinghouse Rule \_\_\_\_\_

AJR \_\_\_\_\_

SJR \_\_\_\_\_

Appointment \_\_\_\_\_

AR \_\_\_\_\_

SR \_\_\_\_\_

Other \_\_\_\_\_

A/S Amdt \_\_\_\_\_

A/S Amdt \_\_\_\_\_ to A/S Amdt \_\_\_\_\_

A/S Sub Amdt \_\_\_\_\_

A/S Amdt \_\_\_\_\_ to A/S Sub Amdt \_\_\_\_\_

A/S Amdt \_\_\_\_\_ to A/S Amdt \_\_\_\_\_ to A/S Sub Amdt \_\_\_\_\_

Be recommended for:

- |                                       |                                    |                                       |   |  |
|---------------------------------------|------------------------------------|---------------------------------------|---|--|
| <input type="checkbox"/> Passage      | <input type="checkbox"/> Adoption  | <input type="checkbox"/> Confirmation | <input type="checkbox"/> Concurrence    | <input type="checkbox"/> Indefinite Postponement |
| <input type="checkbox"/> Introduction | <input type="checkbox"/> Rejection | <input type="checkbox"/> Tabling      | <input type="checkbox"/> Nonconcurrence |  |

Committee Member

Aye    No    Absent    Not Voting

Senator Carol Roessler

Senator Ted Kanavas

Senator Ronald Brown

Senator Robert Welch

Senator Dale Schultz

Senator Judith Robson

Senator Charles Chvala

Senator Robert Jauch

Senator Tim Carpenter

Totals:    \_\_\_\_\_    \_\_\_\_\_    \_\_\_\_\_    \_\_\_\_\_





MAY 30 2003

Fire Department

Jeffrey F. Stauber  
Fire Chief

John H. Rogers  
Assistant Chief

May 27, 2003

Senator Carole A. Roessler  
Room 8 South  
State Capitol  
P.O. Box 7882  
Madison, Wisconsin 53707-7882

Dear Senator Roessler:

Thank you for allowing me the opportunity to be heard this morning in regard to the Clearinghouse Rule 02-155. I hope that the position statements presented by the fire service representatives were clear and can be incorporated into the final legislation regarding this issue.

As offered at the end of my appearance this morning, I have enclosed a transcript taken from my notes. Please feel free to contact me directly at (920) 448-3278 if you have questions or need clarification on any of the issue presented this morning.

Respectfully,

Jeff Stauber  
Fire Chief



TITLETOWN USA

Fire Department

Jeffrey F. Stauber  
Fire Chief

John H. Rogers  
Assistant Chief

May 27, 2003

**RE: Clearinghouse Rule 02-155**

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

Thank you for the opportunity to speak before you today regarding the mandated four hours of training on terrorism for emergency medical technicians and first responders.

I am here representing the 192 uniformed employees of the Green Bay Fire Department. All Green Bay firefighters are career employees; I do not represent paid on-call or the volunteer fire service. Of the 192 uniformed firefighters, 64 are paramedics and 114 are emergency medical technicians.

Our training in preparation to terrorist incidents began well before September 11, 2001. In response to concerns expressed by fire service leaders nationwide after the Oklahoma City bombing, the department began to train personnel on recognition of incidents involving weapons of mass destruction and the hazards to firefighters and emergency responders. Immediately following September 11, the entire department completed the USFA Self-Study Course Emergency Response to Terrorism, which included interactive sessions by our Training Division officers.

Since that time we have taken advantage of training opportunity offered by the Department of Homeland Security's Office of Domestic Preparedness, the USFA's National Fire Academy, and Wisconsin Emergency Management. Personnel have attended week-long train-the-trainer courses in Alabama, New Mexico, and Nevada, returning as certified instructors in radiological, chemical, and bombing incidents. Some of our employees have in excess of 80 hours of terrorism preparedness training. However, under current rules, this advanced training would not satisfy the requirements and these personnel would be required to attend the very basic training being mandated.

The fiscal impact to our department is in the overtime paid to responders that have not received the training as part of the EMT-Refresher course.

I offer a suggestion that the committee incorporate into the final rule an exception that would allow the fire chief to certify employees that have received training that meets or

exceeds the requirements of the state. This would eliminate the redundancy in training and remove some of the financial burden created by the rule.

The requirement for training in the use of auto-injectors for chemical attack is somewhat premature, we do not currently stock these devices in our department. Training on this type of equipment should be performed when the devices are received and placed into inventory.

Respectfully,

A handwritten signature in black ink, appearing to read "Jeff Stauber", written over a faint, illegible stamp or background.

Jeff Stauber  
Fire Chief



**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 27<sup>th</sup> 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 27<sup>th</sup>, 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

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Gary Radloff, Legislative Liaison, DHFS

Senate Chief Clerk

CR/srj/DHFS-EMStrainingrulemodifications



# Wisconsin State Fire Chiefs' Association, Inc.

Together We Can Make A Difference

- Education
- Prevention
- Safety
- Suppression
- EMS

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## WISCONSIN LEGISLATIVE COUNCIL

Terry C. Anderson, Director  
Laura D. Rose, Deputy Director

TO: SENATE COMMITTEE ON HEALTH, CHILDREN, FAMILIES, AGING AND LONG-TERM CARE

FROM: Laura Rose, Deputy Director

RE: History of Provision Requiring Persons Licensed as Emergency Medical Technicians or Certified as First Responders to Have Training for Response to Acts of Terrorism

DATE: May 28, 2003

At the May 27, 2003 committee hearing on Clearinghouse Rule 02-155, a question was raised regarding the origin of the statutory provision requiring emergency medical technicians (EMTs) and first responders to be trained for response to acts of terrorism.

This training requirement was included in January 2002 Special Session Assembly Bill 1, the 2001-03 Budget Adjustment Bill, when it was introduced by Governor McCallum. These provisions were left intact by the Legislature as the bill proceeded through the legislative process. The Conference Committee report on the budget adjustment bill was adopted by the Senate on July 3, 2002, by a vote of Ayes, 17; Noes, 16. The Assembly concurred in the Conference Committee report on July 5, 2002, by a vote of Ayes, 50; Noes, 47. The bill was signed by Governor McCallum on July 26, 2002, and went into effect on July 30, 2002 (2003 Wisconsin Act 109).

The relevant provisions regarding EMT and first responder training, as amended by Act 109, are as follows:

- EMTs must, in order to be eligible for *initial licensure* as an EMT, satisfactorily complete a course of instruction and training that includes training for response to acts of terrorism, prescribed by the Department of Health and Family Services (DHFS), or have presented evidence satisfactory to DHFS of sufficient education and training in the field of emergency care. The DHFS, in conjunction with the Technical College System Board, must promulgate rules specifying training, education, or examination requirements, including requirements for training for response to acts of terrorism, for *license renewals* for EMTs.
- First responders must, in order to be *initially certified* by DHFS, satisfactorily complete a first responder course that meets or exceeds the guidelines issued by the National Highway

Traffic Safety Administration (NHTSA) that includes training for response to acts of terrorism and that is approved by DHFS. Refresher courses for first responder *certificate renewal* must meet or exceed guidelines issued by NHTSA, must include training for a response to acts of terrorism, and must be approved by the DHFS.

- Act 109 makes these requirements first applicable to applications for initial licensure or licensure renewal of EMTs and first responders submitted on January 1, 2003.

I hope this memorandum is helpful. Please contact me if you have any further questions. My telephone number is 266-9791.

LR:rv;ksm



**Carol Roessler**  
STATE SENATOR

May 28, 2003

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

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# Wisconsin State Fire Chiefs' Association, Inc.

Together We Can Make A Difference

- Education
- Prevention
- Safety
- Suppression
- EMS

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**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 hoey!!!

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.



State of Wisconsin  
**Department of Health and Family Services**

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Jim Doyle, Governor  
Helene Nelson, Secretary

JUN 04 2003  
JUN 04 2003

June 3, 2003

The Honorable Carol Roessler  
Wisconsin State Senate  
Room 8 South, State Capitol  
P.O. Box 7882  
Madison, WI 53707-7882

Dear Senator Roessler:

Thank you for your letter regarding Clearinghouse Rule 02-155. The rule relates to training emergency medical technicians (EMTs) and first responders to respond to acts of terrorism as required by statute. The Department of Health and Family Services would be glad to work with the Senate Committee on Health, Children, Families, Aging and Long Term Care to develop modifications to the rule. However, I would like to respond to the comments by the Fire Chief's Association to clarify the impact of the rule on services.

The comment about this being an unfunded mandate is not an issue that the Department created. The rule language is in response to legislation in the 2002-2003 budget bill and is only fulfilling the Department's responsibility as prescribed in the law. The Department did try to make this rule easy to implement and, in fact, did incorporate the training into all existing EMT refresher-training courses without adding additional training time. It is not mandated as separate training as outlined in the Fire Chief's list of concerns. We were also unaware of any uniform negative reaction to the rule. Only one person testified either orally or in writing during the public comment period on the rule and that comment was positive. Had we heard from the Fire Chief's previously, we certainly would have considered that input before completing the draft of the rule.

Thank you for your input. Please let Jon Morgan (266-9781), EMS and Injury Prevention Bureau Director, or Nan Turner (261-6870), EMS Section Chief, know whom you would like us to contact to follow-up on this issue.

Sincerely,

Handwritten signature of Helene Nelson in black ink.  
Helene Nelson  
Secretary

**Wisconsin.gov**

**Jermstad, Sara**

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**From:** Rose, Laura  
**Sent:** Tuesday, June 17, 2003 4:17 PM  
**To:** Roessler, Carol; Brown, Ronald; Sen.Kanavas; Welch, Bob; Schultz, Dale; Robson, Judy; Chvala, Charles; Sen.Jauch; Carpenter, Tim; Jermstad, Sara; Wawrzyn, James; Ferris, Amy; Soderbloom, Kathy; Ewy, Stuart; Foster, Marianne; O'Neill, Eileen; Witzel-Behl, Maribeth; Anderson, Linda M.  
**Subject:** origin of EMT bioterrorism training statutory provision

Dear Members and Staff, Senate Committee on Health, Children, Families, Aging and Long-Term Care:

At the May 27th meeting of the Committee on CR 02-155, a question was raised regarding the origin of the statutory requirement for bioterrorism training for EMTs.

This provision was incorporated into 2001 Wisconsin Act 109. Below is the excerpt from the Fiscal Bureau Summary describing the provision.. Following that, I am including an excerpt from the final report of Governor McCallum's Task Force on Terrorism Preparedness, issued in October 2002. It is possible that the Task Force's work led to the inclusion of this provision in the budget repair bill by the Governor.

Please let me know if you have any questions.

*Laura Rose*  
*Leg. Council*  
*(608) 266-9791*  
*laura.rose@legis.state.wi.us*

From Fiscal Bureau Summary,  
Page 251

#### **5. EMERGENCY MEDICAL SERVICES TERRORISM RESPONSE TRAINING REQUIREMENTS**

**Governor/Legislature:** Require individuals to satisfactorily complete training for response to acts of terrorism to initially qualify for, or renew either: (a) a license as an emergency medical technician; or (b) a certificate as a first responder. This requirement would first apply to applications for initial licenses, certifications and renewals submitted on January 1, 2003.

Define "act of terrorism" as a felony committed with the intent to terrorize in which the person committing the felony does any of the following: (1) causes bodily harm, great bodily harm or death to another; (2) causes damage to the property of another where the damage results in reduced value of the property of \$25,000 or more (the reduction in value would be determined by the lesser of the costs to either repair or replace the property); or (3) uses force or violence or the threat of force or violence. Define "intent to terrorize" as intent to influence the policy of a governmental unit by intimidation or coercion, to punish a governmental unit for a prior policy decision, to affect the conduct of a governmental unit by homicide or kidnapping, or to intimidate or coerce a civilian population. Define "governmental unit" as the United States, the state, any county, city, village or town, or any political subdivision, department, division, board or agency thereof.

[Act 109 Sections: 326 thru 329, 330 thru 333, 334, 623, 696 and 9323(1)]

From Governor's Task Force on Terrorism Preparedness:

## **Training and Exercising Wisconsin's Emergency Responders**

**Recommendation No. 29:** *Train the state's emergency responders to appropriate readiness levels so that they are better prepared to respond to a terrorist incident.*

**Findings:** Results of the recently completed statewide assessment revealed that a significant number of emergency responders in the state were not prepared to respond at the awareness level to a Weapons of Mass Destruction (WMD) incident. In response to this, WEM has developed an awareness level training course that will be included as standard training for all law enforcement, EMS and fire service personnel in the state. Additional training will be provided for responders that are expected to function at higher levels of response. It is imperative that all emergency responders, including state agency personnel, public health, medical personnel and other "non-traditional" responders be trained at least to the awareness level for their safety and the protection of the general populace in the event of a WMD attack.

A terrorist event will likely expose Wisconsin's emergency responders to significant and varied hazards, including potential releases of chemical or biological agents. The state must continue to train its emergency responders as to how to safely and effectively operate in such a hazardous environment.


This training should include proper protective measures, including the use of PPE. Law enforcement officers will most likely be among the first to arrive on the scene of terrorist incidents. As the first on scene to an incident, these officers must be aware of the properties of the substances involved to protect themselves, the public and other initial responders. Officers must also understand PPE that is available to them, its limitations and uses. The state must develop an action plan to train all of its emergency responders, including law enforcement personnel.

### **Proposed Actions:**

- WEM should work with the state's law enforcement agencies, fire service, EMS organizations, hazardous materials teams, emergency management, public safety educational facilities and other stakeholders to develop and implement this state-wide training plan for all of Wisconsin's emergency responders.
- WEM and DHFS should continue to encourage public and community officials, including the public health and allied medical communities, to participate in consequence management training for a terrorist incident.

This email does provide a bit more background, though.

Re: the meeting this morning, the committee can do one of two things:

1. Take a committee vote to waive jurisdiction over the rule (see s. 227.19(4)(c).)
-  2. Ask DHFS to write a letter reiterating that it will send a communication out to the affected EMS personnel regarding the rule's training requirements, and that the committee chair and the DHFS have agreed that no rule modification is needed if this communication takes place. In this case, the review period would end 10 working days after you get the letter from them. This would take longer, but you wouldn't need to take a vote.

Let me know if you have any questions.

Laura

-----Original Message-----

**From:** Jermstad, Sara  
**Sent:** Tuesday, June 17, 2003 4:19 PM  
**To:** Rose, Laura  
**Subject:** RE: origin of EMT bioterrorism training statutory provision

Thank you Laura! So, is this different from the memo you wrote in response to Sen. Chvala's question?

Sara Jermstad  
Office of Senator Carol Roessler  
Sara.Jermstad@legis.state.wi.us  
(608)266-5300 / 888-736-8720

-----Original Message-----

**From:** Rose, Laura  
**Sent:** Tuesday, June 17, 2003 4:17 PM  
**To:** Roessler, Carol; Brown, Ronald; Sen.Kanavas; Welch, Bob; Schultz, Dale; Robson, Judy; Chvala, Charles; Sen.Jauch; Carpenter, Tim; Jermstad, Sara; Wawrzyn, James; Ferris, Amy; Soderbloom, Kathy; Ewy, Stuart; Foster, Marianne; O'Neill, Eileen; Witzel-Behl, Maribeth; Anderson, Linda M.  
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Please let me know if you have any questions.

*Laura Rose*

**Jermstad, Sara**

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**Sent:** Tuesday, June 17, 2003 4:17 PM  
**To:** Roessler, Carol; Brown, Ronald; Sen.Kanavas; Welch, Bob; Schultz, Dale; Robson, Judy; Chvala, Charles; Sen.Jauch; Carpenter, Tim; Jermstad, Sara; Wawrzyn, James; Ferris, Amy; Soderbloom, Kathy; Ewy, Stuart; Foster, Marianne; O'Neill, Eileen; Witzel-Behl, Maribeth; Anderson, Linda M.  
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Please let me know if you have any questions.

*Laura Rose*  
*Leg. Council*  
*(608) 266-9791*  
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From Fiscal Bureau Summary,  
Page 251

#### **5. EMERGENCY MEDICAL SERVICES TERRORISM RESPONSE TRAINING REQUIREMENTS**

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### **Proposed Actions:**

- WEM should work with the state's law enforcement agencies, fire service, EMS organizations, hazardous materials teams, emergency management, public safety educational facilities and other stakeholders to develop and implement this state-wide training plan for all of Wisconsin's emergency responders.
- WEM and DHFS should continue to encourage public and community officials, including the public health and allied medical communities, to participate in consequence management training for a terrorist incident.

June 26, 2003

Helene Nelson, Secretary  
Department of Health and Family Services  
1 W. Wilson St  
Madison, WI 53701

Dear Secretary Nelson:

As you will recall, on May 28<sup>th</sup> I wrote you on behalf of the Senate Committee on Health, Children, Families, Aging and Long Term Care regarding the concerns surrounding 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 to initial or renewed licensure or certification.

On Tuesday, June 24, 2003, Gary Radloff, Legislative Liaison for DHFS, Jon Morgan, EMS and Injury Prevention Bureau Director, Nan Turner, EMS Section Chief, Laura Rose, Legislative Council Deputy Director, James Wawrzyn, staff for Senator Ron Brown, Sara Jermstad, Committee Clerk for the Senate Health Committee, and Fire Chief David Bloom, representing the Wisconsin Fire Chiefs Association, all met to further discuss the concerns raised by EMS personnel. At that meeting, it was discovered that there are no real concerns with the rule; the concerns were a result of misunderstanding and miscommunication. It was suggested that a full explanation of the rule be communicated to all EMS personnel.

On behalf of the Senate Health, Children, Families, Aging and Long Term Care Committee, I am requesting that DHFS write a letter reiterating that it will send a communication out to the affected EMS personnel regarding the rule's training requirements. If this communication takes place, the committee and I will agree with DHFS that no rule modification is needed.

Sincerely,

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



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

From: Senator Carol Roessler

Date: June 26, 2003

Re: Modifications to Clearinghouse Rule 02-155

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As you will recall, on May 27<sup>th</sup> the Senate Committee on Health, Children, Families, Aging and Long Term Care voted unanimously to request modifications to Clearinghouse Rule 02-155, which relates to the licensing of EMTs 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. The specific concerns expressed at the hearing were a seeming lack of flexibility, recognition of existing training, and lack of funding for a mandate.

A meeting with the Department, Legislative Council, Fire Chief David Bloom, Senator Brown's staff and my staff took place earlier this week to further discuss the concerns and possible modifications to the rule. It was discovered at the meeting that the concerns were a result of a lack of communication and misunderstanding of the rule. Specifically, the rule, as currently written, does allow other courses to be taken as long as they meet the required criteria and approval by the state; anyone who has taken the class and has the curriculum can teach the class in-house; the state pays for refresher and basic training, so the EMS departments would only have to absorb those costs associated with in-house training; and, all teaching and course materials are provided by DHFS.

As a result of this meeting, it has been suggested that the Department send communication to all affected EMS personnel regarding the rule's training requirements. In return, the committee would agree that a rule modification is not needed. According to Laura Rose, the Committee's Legislative Council, a committee vote is not needed if all members agree to not modifying the rule. Attached is the letter I would like to send to the Department. If you could please indicate your support or opposition to this action by , I would greatly appreciate it.

## Jermstad, Sara

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**From:** Radloff, Gary  
**Sent:** Monday, June 30, 2003 2:52 PM  
**To:** Rose, Laura; Jermstad, Sara  
**Cc:** Morgan, Jonathon; Hartzke, Larry  
**Subject:** Waiving jurisdiction on Terrorism training



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doc

Hi Laura and Sara:

A letter went to the Joint Committee for Review of Administrative Rules on fridays asking for an extension of the emergency rule on training for acts of terrorism (see attached). It outlines our meeting discussion and next steps. Please let me know if I can assist in getting the Senate Health et. al committee to waive its jurisdiction on the permanent rule hold. Thank you,  
gary