

State of Wisconsin



1999 Assembly Bill 521

Date of enactment: **April 11, 2000**
Date of publication*: **April 25, 2000**

1999 WISCONSIN ACT 56

AN ACT *to renumber and amend* 146.50 (8) (b); *to amend* 48.685 (1) (ag) 2., 48.981 (2), 50.065 (1) (ag) 2., 59.34 (2) (a), 59.34 (2) (b) 1., 59.35 (5), 66.11 (4), 108.05 (3) (a), 118.29 (1) (c), 146.37 (1) (a), 146.38 (1) (b), 146.50 (1) (d), 146.50 (1) (hm), 146.50 (2), 146.50 (8) (title), 146.50 (8) (a), 146.50 (8) (c), 146.50 (8) (d), 146.50 (8) (e), 146.50 (8) (f), 146.50 (11) (f), 146.50 (12) (a), 895.48 (1m) (intro.), 895.48 (1m) (b) and 941.37 (1) (c); and *to create* 146.50 (8) (b) 1. and 2. and 146.50 (8) (g) of the statutes; **relating to**: certification of first responders.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1g. 48.685 (1) (ag) 2. of the statutes, as created by [1999 Wisconsin Act 9](#), is amended to read:

48.685 (1) (ag) 2. "Caregiver" does not include a person who is certified as an emergency medical technician under s. 146.50 if the person is employed, or seeking employment, as an emergency medical technician and does not include a person who is certified as a first responder under s. 146.50 if the person is employed, or seeking employment, as a first responder.

SECTION 1r. 48.981 (2) of the statutes is amended to read:

48.981 (2) PERSONS REQUIRED TO REPORT. A physician, coroner, medical examiner, nurse, dentist, chiropractor, optometrist, acupuncturist, other medical or mental health professional, social worker, marriage and family therapist, professional counselor, public assistance worker, including a financial and employment planner, as defined in s. 49.141 (1) (d), school teacher, administrator or counselor, mediator under s. 767.11, child care worker in a day care center or child caring institution, day care provider, alcohol or other drug abuse counselor, member of the treatment staff employed by or

working under contract with a county department under s. 46.23, 51.42 or 51.437, physical therapist, occupational therapist, dietitian, speech–language pathologist, audiologist, emergency medical technician, first responder or police or law enforcement officer having reasonable cause to suspect that a child seen in the course of professional duties has been abused or neglected or having reason to believe that a child seen in the course of professional duties has been threatened with abuse or neglect and that abuse or neglect of the child will occur shall, except as provided under sub. (2m), report as provided in sub. (3). Any other person, including an attorney, having reason to suspect that a child has been abused or neglected or reason to believe that a child has been threatened with abuse or neglect and that abuse or neglect of the child will occur may make such a report. Any person, including an attorney having reason to suspect that an unborn child has been abused or reason to believe that an unborn child is at substantial risk of abuse may report as provided in sub. (3). No person making a report under this subsection may be discharged from employment for so doing.

SECTION 1v. 50.065 (1) (ag) 2. of the statutes, as created by [1999 Wisconsin Act 9](#), is amended to read:

* Section 991.11, WISCONSIN STATUTES 1997–98: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

50.065 (1) (ag) 2. “Caregiver” does not include a person who is certified as an emergency medical technician under s. 146.50 if the person is employed, or seeking employment, as an emergency medical technician and does not include a person who is certified as a first responder under s. 146.50 if the person is employed, or seeking employment, as a first responder.

SECTION 2. 59.34 (2) (a) of the statutes is amended to read:

59.34 (2) (a) Notwithstanding s. 979.04 (3) and except as provided in par. (b), any person holding office under sub. (1) may also serve as a volunteer emergency medical technician, first responder or volunteer fire fighter.

SECTION 3. 59.34 (2) (b) 1. of the statutes is amended to read:

59.34 (2) (b) 1. No person serving as a coroner under sub. (1) who also serves as a volunteer emergency medical technician, volunteer first responder or a volunteer fire fighter may participate as a coroner in any case in which he or she may be required to participate as a volunteer emergency medical technician, volunteer first responder or a volunteer fire fighter. If an apparent or actual conflict of interest arises between the person’s duties as coroner and as volunteer emergency medical technician, volunteer first responder or volunteer fire fighter, the deputy coroner shall act as coroner in the case in which the conflict exists. If there is no deputy coroner, the coroner shall request that the coroner, medical examiner, deputy coroner or a medical examiner’s assistant in a nearby county act as coroner in the case in which the conflict exists. Any fees owed to or expenses incurred by the acting coroner from the nearby county shall be paid by the county that requested the acting coroner’s services.

SECTION 4. 59.35 (5) of the statutes is amended to read:

59.35 (5) A person holding office under this section may also serve as a volunteer emergency medical technician, a volunteer first responder, a volunteer fire fighter or a chief, deputy chief or assistant chief of a fire department.

SECTION 5. 66.11 (4) of the statutes is amended to read:

66.11 (4) COMPATIBLE OFFICES AND POSITIONS. A volunteer fire fighter ~~or~~, emergency medical technician or first responder in a city, village or town whose annual compensation, including fringe benefits, does not exceed \$2,500 may also hold an elected office in that city, village or town.

SECTION 6. 108.05 (3) (a) of the statutes is amended to read:

108.05 (3) (a) Except as provided in par. (b), if an eligible employe earns wages in a given week, the first \$30 of the wages shall be disregarded and the employe’s applicable weekly benefit payment shall be reduced by

67% of the remaining amount, except that no such employe is eligible for benefits if the employe’s benefit payment would be less than \$5 for any week. For purposes of this paragraph, “wages” includes any salary reduction amounts earned that are not wages and that are deducted from the salary of a claimant by an employer pursuant to a salary reduction agreement under a cafeteria plan, within the meaning of 26 USC 125, and any amount that a claimant would have earned in available work which is treated as wages under s. 108.04 (1) (a), but excludes any amount that a claimant earns for services performed as a volunteer fire fighter ~~or~~, volunteer emergency medical technician or volunteer first responder. In applying this paragraph, the department shall disregard discrepancies of less than \$2 between wages reported by employees and employers.

SECTION 7. 118.29 (1) (c) of the statutes is amended to read:

118.29 (1) (c) “Health care professional” means a person licensed as an emergency medical technician under s. 146.50, a person certified as a first responder under s. 146.50 (8) or any person licensed, certified, permitted or registered under chs. 441 or 446 to 449.

SECTION 8. 146.37 (1) (a) of the statutes is amended to read:

146.37 (1) (a) “Health care provider” includes an ambulance service provider, as defined in s. 146.50 (1) (c), and an emergency medical technician, as defined in s. 146.50 (1) (e), and a first responder, as defined in s. 146.50 (1) (hm).

SECTION 9. 146.38 (1) (b) of the statutes is amended to read:

146.38 (1) (b) “Health care provider” includes an ambulance service provider, as defined in s. 146.50 (1) (c), ~~and~~ an emergency medical technician, as defined in s. 146.50 (1) (e), and a first responder, as defined in s. 146.50 (1) (hm).

SECTION 10. 146.50 (1) (d) of the statutes is amended to read:

146.50 (1) (d) “Basic life support” means emergency medical care that is rendered to a sick, disabled or injured individual, based on signs, symptoms or complaints, prior to the individual’s hospitalization or while transporting the individual between health care facilities and that is limited to use of the knowledge, skills and techniques received from training required for licensure as an emergency medical technician – basic, or for certification as a first responder.

SECTION 11. 146.50 (1) (hm) of the statutes is amended to read:

146.50 (1) (hm) “~~First responder – defibrillation responder~~” means an individual who is certified by the department as a ~~first responder – defibrillation responder~~ under sub. (8).

SECTION 12. 146.50 (2) of the statutes is amended to read:

146.50 (2) LICENSE OR CERTIFICATE REQUIRED. No person may act as or advertise for the provision of services as an ambulance service provider unless the person holds an ambulance service provider license issued under this section. No individual may act as or advertise for the provision of services as an emergency medical technician unless he or she holds an emergency medical technician license or training permit issued under sub. (5). No individual may act as or advertise for the provision of services as a first responder—defibrillation responder unless he or she holds a first responder—defibrillation responder certificate issued under sub. (8).

SECTION 13. 146.50 (8) (title) of the statutes is amended to read:

146.50 (8) (title) CERTIFICATION OF FIRST RESPONDERS—DEFIBRILLATION RESPONDERS.

SECTION 14. 146.50 (8) (a) of the statutes is amended to read:

146.50 (8) (a) Except as provided in ss. 146.51 and 146.52, the department shall certify qualified applicants as first responders—defibrillation responders.

SECTION 15. 146.50 (8) (b) of the statutes is renumbered 146.50 (8) (b) (intro.) and amended to read:

146.50 (8) (b) (intro.) To be eligible for initial certification as a first responder—defibrillation responder, except as provided in ss. 146.51 and 146.52, an individual shall meet all of the following requirements specified in rules promulgated:

3. The individual satisfactorily completes a first responder course that meets or exceeds the guidelines issued by the National Highway Traffic Safety Administration under 23 CFR 1205.3 (a) (5) and that is approved by the department.

SECTION 16. 146.50 (8) (b) 1. and 2. of the statutes are created to read:

146.50 (8) (b) 1. The individual is 18 years of age or older and capable of performing the actions authorized under par. (e), or in rules promulgated under par. (e), for a first responder.

2. Subject to ss. 111.321, 111.322 and 111.335, the individual does not have an arrest or conviction record.

SECTION 17. 146.50 (8) (c) of the statutes is amended to read:

146.50 (8) (c) To be eligible for a renewal of a certificate as a first responder—defibrillation responder, except as provided in ss. 146.51 and 146.52, the holder of the certificate shall satisfactorily complete any requirements specified in rules promulgated a first responder refresher course that meets or exceeds the guidelines issued by the National Highway Traffic Safety Administration under 23 CFR 1205.3 (a) (5) and that is approved by the department.

SECTION 18. 146.50 (8) (d) of the statutes is amended to read:

146.50 (8) (d) The department may not charge a reasonable fee for a certificate initially issued or renewed under this subsection.

SECTION 19. 146.50 (8) (e) of the statutes is amended to read:

146.50 (8) (e) A certified first responder—defibrillation responder is authorized to use an automatic or semi-automatic defibrillator, as prescribed for first responders—defibrillation responders in rules promulgated by the department. The rules shall set forth authorization for the use of an automatic defibrillator, a semiautomatic defibrillator or, for a defibrillator that may be operated in more than one mode, use in the automatic or semiautomatic mode only. A certified first responder is also authorized to employ other techniques, including the administration of nonvisualized advanced airways, and the administration of medications that are specified by the department by rule. In promulgating the rules under this paragraph, the department shall consult with the state medical director for emergency medical services and the emergency medical services board. The rule shall include those techniques that are specified in the most current guidelines issued by the National Highway Traffic Safety Administration under 23 CFR 1205.3 (a) (5).

SECTION 20. 146.50 (8) (f) of the statutes is amended to read:

146.50 (8) (f) Except as provided in ss. 146.51 and 146.52, the department may issue a certificate as a first responder—defibrillation responder, without requiring satisfactory completion of any instruction or training that may be required under par. (b), to any individual who holds a current license or certificate as a first responder from another jurisdiction if the department finds that the standards for licensing or issuing certificates in the other jurisdiction are at least substantially equivalent to the standards for issuance of certificates for first responder—defibrillation responders in this state, and that the applicant is otherwise qualified.

SECTION 21. 146.50 (8) (g) of the statutes is created to read:

146.50 (8) (g) The department may not impose a requirement that an individual be affiliated with an ambulance service provider in order to receive a first responder certificate.

SECTION 22. 146.50 (11) (f) of the statutes is amended to read:

146.50 (11) (f) To restrain or prevent action by a first responder—defibrillation responder in violation of this section or a rule promulgated under this section.

SECTION 23. 146.50 (12) (a) of the statutes is amended to read:

146.50 (12) (a) All records made by an ambulance service provider, an emergency medical technician or a first responder—defibrillation responder in administer-

ing emergency care procedures to and handling and transporting sick, disabled or injured individuals shall be maintained as confidential patient health care records subject to ss. 146.81 to 146.84 and, if applicable, s. 252.15 (5) (a) (intro.), (6), (8) and (9). For the purposes of this paragraph, an ambulance service provider, an emergency medical technician or a first responder—~~defibrillation responder~~ shall be considered to be a health care provider under s. 146.81 (1). Nothing in this paragraph permits disclosure to an ambulance service provider, an emergency medical technician or a first responder—~~defibrillation responder~~ under s. 252.15 (5) (a), except under s. 252.15 (5) (a) 11.

SECTION 24. 895.48 (1m) (intro.) of the statutes, as affected by 1997 Wisconsin Acts 67 and 156, is amended to read:

895.48 (1m) (intro.) Any physician licensed under ch. 448, chiropractor licensed under ch. 446, dentist licensed under ch. 447, emergency medical technician licensed under s. 146.50, first responder certified under s. 146.50 (8), physician assistant licensed under ch. 448, registered nurse licensed under ch. 441 or massage therapist or bodyworker issued a license of registration under subch. ~~X~~ XI of ch. 440 who renders voluntary health care to a participant in an athletic event or contest sponsored by a nonprofit corporation, as defined in s. 46.93 (1m) (c), a private school, as defined in s. 115.001 (3r), a public agency, as defined in s. 46.93 (1m) (e), or a school, as defined in s. 609.655 (1) (c), is immune from civil liabil-

ity for his or her acts or omissions in rendering that care if all of the following conditions exist:

SECTION 25. 895.48 (1m) (b) of the statutes, as affected by 1997 Wisconsin Act 156, is amended to read:

895.48 (1m) (b) The physician, chiropractor, dentist, emergency medical technician, first responder, physician assistant, registered nurse, massage therapist or bodyworker does not receive compensation for the health care, other than reimbursement for expenses.

SECTION 26. 941.37 (1) (c) of the statutes is amended to read:

941.37 (1) (c) “Emergency medical personnel” means an emergency medical technician licensed under s. 146.50, first responder certified under s. 146.50 (8), peace officer or fire fighter, or other person operating or staffing an ambulance or an authorized emergency vehicle.

SECTION 27. Initial applicability.

(1) CERTIFICATION OF FIRST RESPONDERS.

(a) The treatment of section 146.50 (8) (b) of the statutes first applies to an application for initial certification made on the effective date of this paragraph.

(b) The treatment of section 146.50 (8) (c) of the statutes first applies to an application for renewal of certification made on the effective date of this paragraph.

SECTION 28. Effective date.

(1) FIRST RESPONDERS. This act takes effect on the first day of the 7th month beginning after publication.