

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

<p>1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected</p>	<p>2. Date July 9, 2020</p>
<p>3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) DHS 110, relating to emergency medical services (EMS) licensing, certification and training requirements - emergency rule</p>	
<p>4. Subject Licensing, certification and training requirements for EMS practitioners, service providers, and educational programs.</p>	
<p>5. Fund Sources Affected <input checked="" type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S</p>	<p>6. Chapter 20, Stats. Appropriations Affected Appropriation 119</p>
<p>7. Fiscal Effect of Implementing the Rule <input type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input checked="" type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Could Absorb Within Agency's Budget</p>	
<p>8. The Rule Will Impact the Following (Check All That Apply) <input type="checkbox"/> State's Economy <input checked="" type="checkbox"/> Specific Businesses/Sectors <input checked="" type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses (if checked, complete Attachment A)</p>	
<p>9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$indeterminate</p>	
<p>10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>11. Policy Problem Addressed by the Rule Many EMS services are currently short-staffed due to staff members who are at higher risk of contracting COVID-19 due to age or pre-existing conditions. Under the staffing requirements in ch. DHS 110, it is likely that EMS providers will continue to struggle to respond to these staffing shortages due to expiring certifications or insufficient staff to comply with the numbers requirements in s. DHS 110.50. Temporarily suspending these requirements will allow EMS providers to more efficiently utilize available staff and continue to promptly respond to emergency service calls without delay due to staffing shortages.</p> <p>An emergency rules is needed to continue the necessary practices set in motion by Emergency Order 21 during the COVID-19 public health emergency regarding EMS staffing and response.</p>	
<p>12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments. Wisconsin State Fire Chiefs Association, Professional Fire Fighters of Wisconsin, the Wisconsin EMS Association, and the Professional Ambulance Association of Wisconsin were all aware of the emergency order and given the opportunity to provide comments.</p>	
<p>13. Identify the Local Governmental Units that Participated in the Development of this EIA. None. However, the proposed emergency rule is in keeping with the work done on the permanent DHS 110 rule revision project currently underway. That work was completed by an advisory committee which included representatives of stakeholder organizations.</p>	
<p>14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred) The proposed emergency rule is not expected to have a direct fiscal impact.</p>	
<p>15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule</p>	

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Implementation of the emergency rules will allow services greater flexibility in their scheduling, especially during high call volume times or when crew members are isolated due to work-related exposure have a high sick call-out rate.

16. Long Range Implications of Implementing the Rule

Increased flexibility for services in their scheduling staff, allowing them to plan more appropriately for their locality.

17. Compare With Approaches Being Used by Federal Government

The proposed changes bring the administrative rule in line with the terminology used by the federal government and national stakeholder organizations.

18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

In Illinois, Governor J.B. Pritzker issued Executive Order 2020-26 on April, 2020. Order 2020-26 suspended provisions of the state's EMS Systems Act, 210 ILCS 50/1 et seq., and corresponding regulations in Title 77, Part 515 of the Illinois Administrative Code to provide greater flexibility to EMS personnel and service providers.

In Iowa, state statute designates the Iowa Department of Public Health as the lead agency for coordinating and providing EMS services. There are several differences between Iowa and Wisconsin – Iowa does not require two paramedics on an advanced life support ambulance, nor do they require agency operational plans, utilize special events plans, require a specific patient care reporting system or have community EMS programs. Iowa utilizes a different licensure period and they have a form of flexible staffing as well as accredited paramedic training centers.

In April 2020, Michigan Governor Gretchen Whitmer issued an executive order suspending EMS licensing and regulation requirements contained in Mich. Admin. Code R 325. Specifically, the order reduced staffing and licensing requirements for ambulances and extended the expiration dates for all EMS personnel licenses.

In Minnesota, Governor Tim Walz issued Emergency Executive Order 20-23 on March 27, 2020. The Governor's order authorized Minnesota's Emergency Medical Services Regulatory Board to modify and relax EMS licensing, continuing education, and personnel requirements due to the COVID-19 pandemic. On July 13, 2020, Governor Walz extended Emergency Executive Order 20-23 until August 12, 2020.

19. Contact Name

Jonathan Lockhart, EMS Section Chief

20. Contact Phone Number

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ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

The proposed emergency rule is not anticipated to negatively impact small businesses. The proposed emergency rule does not add any additional required expenses or fees for individuals or agencies.

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

n/a

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
- Less Stringent Schedules or Deadlines for Compliance or Reporting
- Consolidation or Simplification of Reporting Requirements
- Establishment of performance standards in lieu of Design or Operational Standards
- Exemption of Small Businesses from some or all requirements

Other, describe:

Allowing local services greater responsibility and flexibility in staffing EMS units.

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

There is no anticipated impact to small businesses.

5. Describe the Rule's Enforcement Provisions

Wis. Admin. Code ch. 110.53 authorizes the department to investigate issues, conflicts, or violations regarding Wis. Stats. ch. 256 and Wis. Admin. Code ch. 110 regarding emergency medical services, training centers, and practitioners. Wis. Admin. Code ch. DHS 110 provides specific reasons for enforcement actions which may include a reprimand, suspension, or revocation of the individual's certification or license.

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

Yes No
