



WISCONSIN LEGISLATIVE COUNCIL STAFF MEMORANDUM

Memo No. 1

TO: MEMBERS OF THE STUDY COMMITTEE ON VOLUNTEER FIREFIGHTER AND EMERGENCY MEDICAL TECHNICIAN SHORTAGES

FROM: Margit Kelley, Senior Staff Attorney, and Andrea Brauer, Staff Attorney

RE: Options for Legislation Regarding Training Requirements

DATE: September 9, 2016

This Memo summarizes options for legislation on training for firefighter and emergency medical services (EMS) personnel. The options have been presented to the committee through testimony, committee discussion, and other correspondence with committee staff. The listed options are not necessarily exhaustive, but, rather, are intended to provide a starting point for discussion of possible legislative proposals the committee may wish to have drafted for its review and further consideration.

BACKGROUND

Firefighter Training Requirements Under Current Law

Initial Training

Individual firefighters are not required to obtain a license or certification at the state or federal level. They are, however, required to satisfy training criteria before performing any firefighting duties. The Occupational Safety and Health Administration (OSHA) sets the training requirements for firefighters employed by private fire departments, while state law sets the training requirements for firefighters employed by municipal fire departments. Individual fire departments may also impose additional requirements as a condition of employment. [s. SPS 330.003 (1) and (2), Wis. Adm. Code; and 29 C.F.R. ss. 1910.155 and 1910.156.]

Firefighters who work for municipal fire departments must comply with state law, which requires firefighters to meet the minimum requirements specified by: (1) the Wisconsin Technical College System (WTCS) Board; (2) an approved state apprenticeship program; (3) an

in-house training program approved by the WTCS Board; or (4) NFPA 1001 from the National Fire Protection Association (NFPA). NFPA 1001 identifies topics to be covered by the training but does not identify a specific number of training hours. By statute, neither the Department of Safety and Professional Services (DSPS), nor the technical colleges, may require more than 60 hours of training for members of volunteer and paid fire departments maintained by a city, town, or village. [s. SPS 330.08 (1), Wis. Adm. Code; and ss. 38.04 (9) and 101.055 (3) (d), Stats.]

The technical colleges utilize curriculum standards developed by DSPS and NFPA, but have discretion in determining curriculum design. The lowest certificate level that would satisfy the firefighting training requirement is designated as “Fire Fighter I” and requires completion of two 30-hour courses. Higher levels of certification exist and include a “Fire Fighter II” designation as well as officer and instructor certifications. According to a representative of the NFPA, the newest editions of the NFPA standards that are in the process of publication include a new, separate standard for a driver-operator-only status.

Continuing Education

In practice, all fire departments must maintain on-going training programs for their firefighters. DSPS requires municipal fire departments to provide training, at least biannually, which prepares firefighters to safely perform their duties, perform emergency operations, and handle special hazards to which the firefighters may be exposed. The fire departments must also provide monthly training consistent with established fire ground operating procedures. If any of this training includes live firefighting exercises, it must be conducted in compliance with NFPA 1403. [s. SPS 330.07, Wis. Adm. Code.]

Availability of Training

Each of the technical colleges in Wisconsin is required to make a firefighter training program available to members of volunteer and paid fire departments maintained by a city, town, or village that is located within the technical college’s district. The technical colleges may not charge a fee for these training programs, which are funded by the 2% fire dues program and other revenue sources. Students may, however, be charged for books and materials. [ss. 38.04 (9) and 38.12 (9), Stats.]

EMS Personnel Training Requirements Under Current Law

Initial Training

The training required to obtain an emergency medical technician (EMT) license is established by the Department of Health Service (DHS) and varies by license level. DHS issues certification for a first responder, and licensure at the following EMT levels of progression: EMT-basic, EMT-intermediate technician, EMT-intermediate, and EMT-paramedic. EMT-paramedics may further apply for critical care and tactical EMS endorsement. DHS’s regulations do not require a specific number of training hours for each level. Instead, DHS develops the EMS training curriculum with the advice of WTCS. The curriculum is based on competencies, to

ensure students are capable of performing all actions in each level's scope of practice. [s. 256.15, Stats.; and ss. DHS 110.06, 110.20, and 110.21, Wis. Adm. Code.]

Regardless of license level, all individuals applying for an initial license must have a current registration with the National Registry of Emergency Medical Technicians (NREMT) at or above the application practice level. To qualify for NREMT registration, the individual must complete a national certification exam. In addition to NREMT registration, all applicants must have completed training in applicable Wisconsin curriculum within the last 24 months or may, in the alternative, submit proof of licensure or training from another state, or experience in connection with military service. [s. 256.15 (6) (a) 2., Stats.; and s. DHS 110.06, Wis. Adm. Code.]

Continuing Education

EMS personnel must renew their certification or license every two years, and, before each renewal, must complete continuing education courses. The continuing education requirements vary as follows based upon license level:

- A first responder must complete an 18-hour first responder refresher course.
- An EMT-basic must complete a 30-hour EMT-basic refresher course.
- An EMT-intermediate technician must complete a 30-hour EMT-basic refresher course and a 12-hour EMT-intermediate technician refresher course.
- An EMT-intermediate must complete a 48-hour EMT-intermediate refresher course, or in the alternative, obtain recertification through exam by NREMT.
- An EMT-paramedic must complete a 48-hour EMT-paramedic refresher course, or in the alternative, obtain recertification through exam by NREMT.
- An EMT-paramedic with a critical care endorsement must complete a 48-hour EMT-paramedic refresher course and 24 hours of additional training as specified by DHS.

Completion of an initial training course above a person's current license level, or recertification through examination by NREMT, may also satisfy the refresher course requirement. Wisconsin does not otherwise require EMS personnel to recertify with NREMT, although NREMT certification expires after two years. [s. DHS 110.07, Wis. Adm. Code.]

Availability of Training

The technical colleges in Wisconsin are not required to make training programs available for EMS personnel, but such programs are offered under the colleges' general directive to provide occupational education and training. Such programs are offered at each of the technical colleges. WTCS is required to charge uniform per-credit tuition fees statewide, which may not vary between programs. [ss. 38.001 (2) (a) and 38.24 (1m) (b), Stats.]

DHS administers a funding assistance program, from which a portion of the funds are available to public agencies, volunteer fire departments, and nonprofit corporations to obtain training and refresher courses for individuals at the EMT-basic licensure level. The remaining

funds may be used to obtain any level of training for personnel, or to obtain ambulance service vehicles, vehicle equipment, or EMS supplies or equipment. [s. 256.12 (4) and (5), Stats.]

OPTIONS

The concepts listed in the sections below have been presented to the committee as ideas that may alleviate the training and continuing education barriers that may contribute to the shortage of volunteer firefighters and EMS personnel. Proposals that are more specific to increasing recruitment and retention of volunteers will be included in a separate Memo, and include, for example, ideas to create a tax credit for training expenses and to expand the scope of the EMS funding assistance program.

Training Hours and Examinations

- Limit the number of training hours that may be required for EMS training. [Compare, e.g., the 60-hour training limit for firefighters with municipal fire departments, in s. 38.04 (9), Stats.]
- Direct DHS and WTCS to assess and reconsider the number of required hours for EMS personnel training to teach strictly to required competencies and scopes of practice.
- Recommend to WTCS that firefighting courses be structured to allow local technical colleges to choose from a selection of courses within specific categories of requirements, in order to better tailor for local needs.
- Recommend that WTCS tailor the EMS personnel training to teach students how to take the NREMT written exam.
- Eliminate the requirement that first-aid personnel and first responders obtain automated defibrillation (AED) training.
- Eliminate the NREMT certification requirement for EMS personnel.
- Submit recommendations to NREMT.

Licensure Options

- Create an Intravenous Technician (IV-Tech) level of EMT.
- Create an intravenous (IV) specialist endorsement within the EMT-basic license level. [Compare, e.g., the critical care endorsement.]
- Create a community paramedicine specialist endorsement within the various EMT licensure levels.
- Promote or require the offering of leadership training for volunteer fire and EMS departments.
- Create a leadership specialist endorsement for firefighters and EMS personnel.

- Extend the licensure period for EMS personnel from two years to three or four years.
- Extend the time period during which EMS personnel may renew a lapsed license from two years to three or four years.
- Authorize a prior EMS license holder to obtain a new license through completion of a bridge or refresher course, rather than completion of training and examination requirements for an initial license.

Accessibility of Training

- Direct WTCS to maximize the amount of firefighter and EMS training offered online.
- Recommend to WTCS that in rural areas the highest number of course hours that is practical be offered on site at local fire departments and EMS providers.
- Require WTCS to standardize the availability of firefighter and EMS course offerings in order to be offered at a known, regular schedule at each technical college.
- Require WTCS district colleges to notify fire departments and EMS providers when training will be offered. Alternatively, require WTCS district colleges to notify DSPS and DHS of this information, and require DHS to electronically notify EMS providers within the district, and DSPS to electronically notify fire departments within the district.
- Prohibit WTCS district colleges from requiring more than a specified number (e.g., 4, 6, or 8) of class participant registrations for firefighter and EMS training.
- Specify that within a certain period (e.g., 14 days; 30 days) before a firefighter or EMS class is scheduled to begin, a person who resides within a district cannot displace a person who is registered for a course but resides in a different district from the one in which the course is given.

MSK:AB:jal