



1999 ASSEMBLY BILL 521

October 12, 1999 - Introduced by Representatives JOHNSRUD, UNDERHEIM, AINSWORTH, ALBERS, BOYLE, BRANDEMUEHL, CARPENTER, GOETSCH, GUNDERSON, HAHN, HANDRICK, HUBER, KEDZIE, LADWIG, LA FAVE, F. LASEE, LASSA, MEYER, MUSSER, MEYERHOFER, OLSEN, OTT, PETTIS, PLOUFF, SERATTI, SHERMAN, SKINDRUD, SPILLNER, STEINBRINK, SYKORA, TRAVIS, TURNER, URBAN, WARD, WAUKAU, WASSERMAN and POWERS, cosponsored by Senators ROBSON, BRESKE, CLAUSING, ERPENBACH, ROSENZWEIG, RUDE, SCHULTZ, WIRCH and ZIEN. Referred to Committee on Health.

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

Analysis by the Legislative Reference Bureau

Under current law, the department of health and family services (DHFS) certifies first responders — defibrillation. Currently, the requirements for certification and recertification are established by DHFS by rule.

This bill eliminates the distinction between first responders — defibrillation and first responders generally. The bill establishes criteria for the certification and recertification of first responders, including completion of a first responder course that meets or exceeds the standards established by the National Highway Traffic Safety Board and that is approved by DHFS. Finally, the bill provides the same privileges and responsibilities for first responders that currently exist for emergency medical technicians — basic.

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

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

2 48.981 (2) PERSONS REQUIRED TO REPORT. A physician, coroner, medical
3 examiner, nurse, dentist, chiropractor, optometrist, acupuncturist, other medical or
4 mental health professional, social worker, marriage and family therapist,
5 professional counselor, public assistance worker, including a financial and
6 employment planner, as defined in s. 49.141 (1) (d), school teacher, administrator or
7 counselor, mediator under s. 767.11, child care worker in a day care center or child
8 caring institution, day care provider, alcohol or other drug abuse counselor, member
9 of the treatment staff employed by or working under contract with a county
10 department under s. 46.23, 51.42 or 51.437, physical therapist, occupational
11 therapist, dietitian, speech–language pathologist, audiologist, emergency medical
12 technician, first responder or police or law enforcement officer having reasonable
13 cause to suspect that a child seen in the course of professional duties has been abused
14 or neglected or having reason to believe that a child seen in the course of professional
15 duties has been threatened with abuse or neglect and that abuse or neglect of the
16 child will occur shall, except as provided under sub. (2m), report as provided in sub.
17 (3). Any other person, including an attorney, having reason to suspect that a child
18 has been abused or neglected or reason to believe that a child has been threatened
19 with abuse or neglect and that abuse or neglect of the child will occur may make such
20 a report. Any person, including an attorney having reason to suspect that an unborn
21 child has been abused or reason to believe that an unborn child is at substantial risk

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1 of abuse may report as provided in sub. (3). No person making a report under this
2 subsection may be discharged from employment for so doing.

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

4 59.34 (2) (a) Notwithstanding s. 979.04 (3) and except as provided in par. (b),
5 any person holding office under sub. (1) may also serve as a volunteer emergency
6 medical technician, first responder or volunteer fire fighter.

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

8 59.34 (2) (b) 1. No person serving as a coroner under sub. (1) who also serves
9 as a volunteer emergency medical technician, volunteer first responder or a
10 volunteer fire fighter may participate as a coroner in any case in which he or she may
11 be required to participate as a volunteer emergency medical technician, volunteer
12 first responder or a volunteer fire fighter. If an apparent or actual conflict of interest
13 arises between the person's duties as coroner and as volunteer emergency medical
14 technician, volunteer first responder or volunteer fire fighter, the deputy coroner
15 shall act as coroner in the case in which the conflict exists. If there is no deputy
16 coroner, the coroner shall request that the coroner, medical examiner, deputy coroner
17 or a medical examiner's assistant in a nearby county act as coroner in the case in
18 which the conflict exists. Any fees owed to or expenses incurred by the acting coroner
19 from the nearby county shall be paid by the county that requested the acting
20 coroner's services.

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

22 59.35 (5) A person holding office under this section may also serve as a
23 volunteer emergency medical technician, a volunteer first responder, a volunteer fire
24 fighter or a chief, deputy chief or assistant chief of a fire department.

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

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1 66.11 (4) COMPATIBLE OFFICES AND POSITIONS. A volunteer fire fighter or,
2 emergency medical technician or first responder in a city, village or town whose
3 annual compensation, including fringe benefits, does not exceed \$2,500 may also
4 hold an elected office in that city, village or town.

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

6 108.05 (3) (a) Except as provided in par. (b), if an eligible employe earns wages
7 in a given week, the first \$30 of the wages shall be disregarded and the employe's
8 applicable weekly benefit payment shall be reduced by 67% of the remaining
9 amount, except that no such employe is eligible for benefits if the employe's benefit
10 payment would be less than \$5 for any week. For purposes of this paragraph, "wages"
11 includes any salary reduction amounts earned that are not wages and that are
12 deducted from the salary of a claimant by an employer pursuant to a salary reduction
13 agreement under a cafeteria plan, within the meaning of 26 USC 125, and any
14 amount that a claimant would have earned in available work which is treated as
15 wages under s. 108.04 (1) (a), but excludes any amount that a claimant earns for
16 services performed as a volunteer fire fighter or, volunteer emergency medical
17 technician or volunteer first responder. In applying this paragraph, the department
18 shall disregard discrepancies of less than \$2 between wages reported by employes
19 and employers.

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

21 118.29 (1) (c) "Health care professional" means a person licensed as an
22 emergency medical technician under s. 146.50, a person certified as a first responder
23 under s. 146.50 (8) or any person licensed, certified, permitted or registered under
24 chs. 441 or 446 to 449.

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

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1 146.37 (1) (a) “Health care provider” includes an ambulance service provider,
2 as defined in s. 146.50 (1) (c), and an emergency medical technician, as defined in s.
3 146.50 (1) (e), and a first responder, as defined in s. 146.50 (1) (hm).

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

5 146.38 (1) (b) “Health care provider” includes an ambulance service provider,
6 as defined in s. 146.50 (1) (c), ~~and~~ an emergency medical technician, as defined in s.
7 146.50 (1) (e), and a first responder, as defined in s. 146.50 (1) (hm).

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

9 146.50 (1) (d) “Basic life support” means emergency medical care that is
10 rendered to a sick, disabled or injured individual, based on signs, symptoms or
11 complaints, prior to the individual’s hospitalization or while transporting the
12 individual between health care facilities and that is limited to use of the knowledge,
13 skills and techniques received from training required for licensure as an emergency
14 medical technician – basic, or for certification as a first responder.

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

16 146.50 (1) (hm) “~~First responder~~ —defibrillation responder” means an
17 individual who is certified by the department as a ~~first responder~~ —defibrillation
18 responder under sub. (8).

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

20 146.50 (2) LICENSE OR CERTIFICATE REQUIRED. No person may act as or advertise
21 for the provision of services as an ambulance service provider unless the person holds
22 an ambulance service provider license issued under this section. No individual may
23 act as or advertise for the provision of services as an emergency medical technician
24 unless he or she holds an emergency medical technician license or training permit
25 issued under sub. (5). No individual may act as or advertise for the provision of

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1 services as a first responder ~~— defibrillation responder~~ unless he or she holds a first
2 responder ~~— defibrillation responder~~ certificate issued under sub. (8).

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

4 146.50 (8) (title) CERTIFICATION OF FIRST RESPONDERS ~~— DEFIBRILLATION~~
5 ~~RESPONDERS.~~

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

7 146.50 (8) (a) Except as provided in ss. 146.51 and 146.52, the department shall
8 certify qualified applicants as first responders ~~— defibrillation responders.~~

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

11 146.50 (8) (b) (intro.) To be eligible for initial certification as a first responder
12 ~~— defibrillation responder~~, except as provided in ss. 146.51 and 146.52, an individual
13 shall meet all of the following requirements ~~specified in rules promulgated:~~

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

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

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

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

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

24 146.50 (8) (c) To be eligible for a renewal of a certificate as a first responder ~~—~~
25 ~~defibrillation responder~~, except as provided in ss. 146.51 and 146.52, the holder of the

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1 certificate shall satisfactorily complete any requirements specified in rules
2 promulgated a first responder refresher course that meets or exceeds the guidelines
3 issued by the National Highway Traffic Safety Administration under 23 CFR 1205.3
4 (5) and that is approved by the department.

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

6 146.50 (8) (d) The department may not charge a reasonable fee for a certificate
7 initially issued or renewed under this subsection.

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

9 146.50 (8) (e) A certified first responder — defibrillation responder is authorized
10 to use an automatic or semiautomatic defibrillator, as prescribed for first responders
11 — defibrillation responders in rules promulgated by the department. The rules shall
12 set forth authorization for the use of an automatic defibrillator, a semiautomatic
13 defibrillator or, for a defibrillator that may be operated in more than one mode, use
14 in the automatic or semiautomatic mode only. A certified first responder is also
15 authorized to employ other techniques, including the administration of
16 nonvisualized advanced airways, and the administration of medications that are
17 specified by the department by rule. In promulgating the rules under this
18 paragraph, the department shall consult with the state medical director for
19 emergency medical services and the emergency medical services board. The rule
20 shall include those techniques that are specified in the most current guidelines
21 issued by the National Highway Traffic Safety Administration under 23 CFR 1205.3
22 (5).

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

24 146.50 (8) (f) Except as provided in ss. 146.51 and 146.52, the department may
25 issue a certificate as a first responder — defibrillation responder, without requiring

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1 satisfactory completion of any instruction or training that may be required under
2 par. (b), to any individual who holds a current license or certificate as a first
3 responder from another jurisdiction if the department finds that the standards for
4 licensing or issuing certificates in the other jurisdiction are at least substantially
5 equivalent to the standards for issuance of certificates for first responder—
6 ~~defibrillation responders~~ responders in this state, and that the applicant is otherwise qualified.

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

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

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

12 146.50 (11) (f) To restrain or prevent action by a first responder—defibrillation
13 responder in violation of this section or a rule promulgated under this section.

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

15 146.50 (12) (a) All records made by an ambulance service provider, an
16 emergency medical technician or a first responder—defibrillation responder in
17 administering emergency care procedures to and handling and transporting sick,
18 disabled or injured individuals shall be maintained as confidential patient health
19 care records subject to ss. 146.81 to 146.84 and, if applicable, s. 252.15 (5) (a) (intro.),
20 (6), (8) and (9). For the purposes of this paragraph, an ambulance service provider,
21 an emergency medical technician or a first responder—defibrillation responder shall
22 be considered to be a health care provider under s. 146.81 (1). Nothing in this
23 paragraph permits disclosure to an ambulance service provider, an emergency
24 medical technician or a first responder—defibrillation responder under s. 252.15 (5)
25 (a), except under s. 252.15 (5) (a) 11.

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

3 895.48 **(1m)** (intro.) Any physician licensed under ch. 448, chiropractor licensed
4 under ch. 446, dentist licensed under ch. 447, emergency medical technician licensed
5 under s. 146.50, first responder certified under s. 146.50 (8), physician assistant
6 licensed under ch. 448, registered nurse licensed under ch. 441 or massage therapist
7 or bodyworker issued a license of registration under subch. ~~X~~ XI of ch. 440 who
8 renders voluntary health care to a participant in an athletic event or contest
9 sponsored by a nonprofit corporation, as defined in s. 46.93 (1m) (c), a private school,
10 as defined in s. 115.001 (3r), a public agency, as defined in s. 46.93 (1m) (e), or a school,
11 as defined in s. 609.655 (1) (c), is immune from civil liability for his or her acts or
12 omissions in rendering that care if all of the following conditions exist:

13 **SECTION 25.** 895.48 (1m) (b) of the statutes, as affected by 1997 Wisconsin Act
14 156, is amended to read:

15 895.48 **(1m)** (b) The physician, chiropractor, dentist, emergency medical
16 technician, first responder, physician assistant, registered nurse, massage therapist
17 or bodyworker does not receive compensation for the health care, other than
18 reimbursement for expenses.

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

20 941.37 **(1)** (c) “Emergency medical personnel” means an emergency medical
21 technician licensed under s. 146.50, first responder certified under s. 146.50 (8),
22 peace officer or fire fighter, or other person operating or staffing an ambulance or an
23 authorized emergency vehicle.

24 **SECTION 27. Initial applicability.**

25 (1) CERTIFICATION OF FIRST RESPONDERS.

