

1997-98 SESSION
COMMITTEE HEARING
RECORDS

Committee Name:

Joint Committee for
Review of
Administrative Rules
(JCR-AR)

Sample:

- Record of Comm. Proceedings
- 97hrAC-EdR_RCP_pt01a
- 97hrAC-EdR_RCP_pt01b
- 97hrAC-EdR_RCP_pt02

- Appointments ... Appt
-
- Clearinghouse Rules ... CRule
- 97hr_JCR-AR_CRule_98-140
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- Committee Hearings ... CH
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- Executive Sessions ... ES
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- Hearing Records ... HR
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- Miscellaneous ... Misc
-
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- Record of Comm. Proceedings ... RCP
-

18-146 TRANS 309-AMBULANCE
98-140 INSPECTION

WISCONSIN LEGISLATIVE COUNCIL STAFF

LCRC
FORM 2

RULES CLEARINGHOUSE

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CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 98-140

AN ORDER to repeal Trans 309.05, 309.07 (1) and (4), 309.24 (1) (u), (w), (zb) and (zc), (2) (b) and (c) and (4) (b); to renumber Trans 309.02 (1), (7) to (9) and (11), 309.07 (2) (a) and (b) 5. and 309.24 (1) (x), (y), (za) and (zd); to renumber and amend Trans 309.02 (10) and (12), 309.07 (2) (b) (intro.) and 1. to 4., (5) and (6), 309.23 (1) and 309.24 (1) (z) and (2) (d) and (e); to amend Trans 309.01 (2), 309.03 (1), (3) (b) 1. (intro.), a. and b. and 2. and (4), 309.04 (2), 309.09 (1) (c), 309.12 (1) and (2), 309.13, 309.15 (2) (b), (c) and (e), 309.16 (2), 309.17 (1) and (2), 309.18 (2), 309.19 (1) and (2) (b), 309.21 (1), 309.22 (1) and (2), 309.23 (3), 309.24 (1) (c), (d), (f), (h) to (k), (m), (o), (q) and (v) 7., (2) (intro.), (3) (a) and (d) and (4) (c) and (d) and 309.25 (1) (b) and (2); to repeal and recreate Trans 309.24 (1) (a), (b) and (s); and to create Trans 309.01 (1) (Note), 309.02 (1), (7) and (11), 309.03 (1m), (1r) and (5) to (7), 309.04 (3), 309.08, 309.12 (5), 309.15 (2) (f), 309.17 (1m), 309.20, 309.23 (1) (b), 309.24 (1) (am), (bm), (dm), (v) 8., (xm), (xr), (y), (ym) and (yr) and (4) (e) to (i), relating to ambulance inspection.

Submitted by **DEPARTMENT OF TRANSPORTATION**

09-14-98 RECEIVED BY LEGISLATIVE COUNCIL.

10-12-98 REPORT SENT TO AGENCY.

RNS:MM:jal;rv

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached YES NO

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CLEARINGHOUSE RULE 98-140

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

2. Form, Style and Placement in Administrative Code

a. In s. Trans 309.01 (2), it appears that the phrase "after December 30, 1998" is unnecessary.

b. In s. Trans 309.02 (1), "Advance" should be changed to "Advanced."

c. In s. Trans 309.02 (11), the quotation marks around "in-service ambulance" are unnecessary and should be deleted.

d. The new sentence in s. Trans 309.02 (12) should be rewritten as follows:

"Type I ambulance" includes a vehicle that is used for a combination of fire and ambulance purposes.

e. In s. Trans 309.03 (5), the material contained in the paragraphs does not follow grammatically from the introductory material. Either the paragraphs or the introductory material should be rewritten. In addition, in sub. (5) (intro.), after "deficient," the following should be inserted: "and sub. (4) does not apply." Finally, in sub. (5) (intro.), "any of" should be inserted after "inspection."

f. In s. Trans 309.03 (7), "Penalties" should be changed to "The penalty" and that subsection should be divided into three separate sentences following the same format as the first sentence. In addition, the cross-reference errors should be corrected. The subsection could be rewritten as follows:

(7) The penalty for violating sub. (5) (a) to (h) is a forfeiture of \$50. The penalty for violating sub. (5) (i) is a forfeiture of \$100. The penalty for violating sub. (6) is a forfeiture of \$200.

Also, should a phrase such as “up to” or “not more than” precede the above dollar amounts?

g. In s. Trans 309.04 (2), “Vehicles” should be changed to “A vehicle.” This comment applies also to s. Trans 309.04 (3).

h. In s. Trans 309.04 (3), the phrase “be allowed to” is unnecessary.

i. In the first sentence of s. Trans 309.23 (1) (b), the phrase “be required to” is unnecessary.

j. Is the last sentence in s. Trans 309.24 (1) (a) necessary? The introductory material in sub. (1) states that “all ambulances shall be equipped with the following:”. Is it not the case that all of the paragraphs in sub. (1) apply to all “in-service ambulances”?

k. In s. Trans 309.24 (1) (b), “should” should be changed to “may.”

l. In s. Trans 309.24 (1) (bm), should the first occurrence of “airway” be changed to “airways”?

m. In s. Trans 309.24 (1) (m), should “one adult” be changed to “one regular adult” or “one other adult”?

n. The requirements set forth in s. Trans 309.24 (1) (y) and (ym) should not be contained in that subsection because those requirements do not apply to all ambulances. Should the material contained in par. (y) be moved to sub. (3) and the material contained in par. (ym) be moved to sub. (4)?

o. In SECTION 61 of the rule-making order, in the first rule citation, “(1)” should be inserted between “309.24” and “(zd).”

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. In the second bullet item under the heading “General Summary of Proposed Rule” in the analysis, it is unclear what is meant by “an out-of-service criteria.” In addition, in that sentence, “of” should be changed to “with.”

b. In the Note following s. Trans 309.01 (1), “the ambulance” should be changed to “all ambulances used by the ambulance service provider.”

c. In s. Trans 309.03 (1), in the first sentence, it appears that “and approved” should be inserted after “inspected.” In addition, in the third sentence, the term “service provider” should be used consistently. In addition, when a reserve ambulance is put into in-service ambulance

status, must the service provider notify the department and must an inspection be conducted? Finally, the quotation marks in the last sentence are unnecessary and should be deleted.

d. The title to s. Trans 309.08 should be changed to be more descriptive of the requirements of that section. For example, the title could be changed to either **“Recordkeeping”** or **“Documentation.”**

e. Section Trans 309.08 (3) and (4) should specify how long the vehicle maintenance records and equipment maintenance records must be maintained. In addition, both provisions should be written in the active voice, i.e., “_____ shall develop, maintain and follow procedures”

f. Section Trans 309.08 (4) refers to performance testing. Is performance testing required? If so, this requirement should be set forth clearly in the rule.

g. In s. Trans 309.15 (2) (f), what is meant by “understandable”? Should this term be replaced with “recognizable as emergency vehicle lights”?

h. It is unclear whether s. Trans 309.17 (1m) applies to any ambulance that is in service three months after the chapter takes effect or only to those ambulances that are put into service for the first time three months after the chapter takes effect. This point should be clarified. This comment also applies to s. Trans 309.19 (2) (b). Also, “subsection applies to” should replace “requirement shall take effect on all.” Finally, “the first day of the 3rd month beginning after the effective date of this subsection . . . [revisor inserts date]” should replace “3 months after this chapter takes effect.” [See s. 1.001 (9) (b), Manual.]

i. In s. Trans 309.18 (2), “EMTs” should replace EMT’s.”

j. In the second and third sentences of s. Trans 309.24 (1) (b), should “clear” be changed to “transparent”?

k. In s. Trans 309.24 (1) (s), “of” should be inserted after “immobilization” and “design” should be changed to “material.”

l. In s. Trans 309.24 (1) (xm), a comma should be inserted after “materials” and “include” should be changed to “including all of the following.”

m. Section Trans 309.24 (1) (xr) states that the latex-free items are to be used for a latex-sensitive patient or an emergency medical technician. However, instead of the latex-free items listed, the personal protective equipment kit may include a mechanism to isolate “the patient” from latex-made items. Would such a mechanism provide adequate protection to a latex-sensitive emergency medical technician? Also, note that “latex-free” and “latex-sensitive” are hyphenated terms.

n. In s. Trans 309.24 (1) (xr) 3., the two types of airway sets that are required should be specified. In addition, in subds. 6. and 7., the acronym should not be used because it is not a defined term.

o. In s. Trans 309.24 (1) (y), "the items specified in" should be inserted after "to." This comment applies also to par. (ym).

The Wisconsin Department of Transportation proposes an order to repeal TRANS 309.05, 309.07(1) and (4), 309.24(1)(u), (w), (zb), (zc), (2)(b) and (c), and (4)(b); renumber TRANS 309.02(1), (7) to (9) and (11), 309.07(2)(a), (b)5., and 309.24(1)(x) and (y), (za) and (zd); renumber and amend TRANS 309.02(10) and (12), 309.07(2)(b)(intro.) and 1. to 4., and (5) and (6), 309.23(1), 309.24(1)(z), (2)(d) and (e); amend TRANS 309.01(2), 309.03(1), (3)(b)1.(intro.), (b)1.a. and b., and 2., and (4), 309.04(2), 309.09(1)(c), 309.12(1) and (2), 309.13, 309.15(2)(b), (c) and (e), 309.16(2), 309.17(1) and (2), 309.18(2), 309.19(1) and (2)(b), 309.21(1), 309.22(1) and (2), 309.23(3), 309.24(1)(c) and (d), (f), (h) to (k), (m), (o), (q), (v)7., (2)(intro.), (3)(a) and (d), and (4)(c) and (d), and 309.25(1)(b) and (2); repeal and recreate TRANS 309.24(1)(a), (b) and (s); and create TRANS 309.01(1)(note), 309.02(1), (7) and (11), 309.03(1m), (1r) and (5) to (7), 309.04(3), 309.08, 309.12(5), 309.15(2)(f), 309.17(1m), 309.20, 309.23(1)(b), 309.24(1)(am), (bm), (dm), (v)8., (xm), (xr), (y), (ym), (yr), and (4)(e) to (i), relating to ambulance inspection.

**NOTICE OF HEARING
AND
TEXT OF PROPOSED RULE**

NOTICE IS HEREBY GIVEN that pursuant to s. 341.085, Stats., and interpreting s. 341.085, Stats., the Department of Transportation will hold a public hearing at the following location to consider the amendment of ch. Trans 309, Wisconsin Administrative Code, relating to ambulance inspection:

Thursday, October 15, 1998
State Patrol Headquarters District 4
Downstairs Meeting Room
Hwys. NN & 51
Wausau, Wisconsin
9:00 AM

An interpreter for the hearing impaired will be available on request for this hearing. Please make reservations for a hearing interpreter at least 10 days prior to the hearing.

The public record on this proposed rule making will be held open until close of business October 16, 1998, to permit the submission of written comments from persons unable to attend the public hearing or who wish to supplement testimony offered at the hearing. Any such comments should be submitted to Ted Waite, Department of Transportation, Division of State Patrol, Room 551, P. O. Box 7912, Madison, WI 53707-7912.

Parking for persons with disabilities and an accessible entrance are available on the north and south sides of the Hill Farms State Transportation Building.

Analysis Prepared by the Wisconsin Department of Transportation

STATUTORY AUTHORITY: s. 341.085, Stats.
STATUTES INTERPRETED: s. 341.085, Stats.

General Summary of Proposed Rule. Chapter Trans 309 was created in November 1, 1986, replacing ch. Trans 157. The purpose of this chapter is to prescribe minimum vehicle and medical equipment specifications for ambulances and to establish administrative procedures for implementing the ambulance inspection program under s. 341.085, Stats.

The rule was last revised in 1993-94. This rule change came about after requests came from the Wisconsin EMS Physician's Board and the Wisconsin EMS Board. Their request was to bring the rule up to today's medical standard.

This proposed rule making:

◆ Addresses the problem of an increased number of ambulances that need to be inspected and the allotted person power to do those inspections. The inspections would go from annual to biennial, with the option of spot checks to verify compliance.

◆ Sets up an out of service criteria and a penalty section for noncompliance of the rule. 11/16/05

◆ Establishes requirements for required paper work the service provider is to keep and provide to the inspector upon inspection of the ambulance. This requirement will help ensure that the ambulance and equipment used has been properly maintained for the safe transportation of the sick and injured. §

◆ Provides that all "In-Service" ambulances carry defibrillators which will bring the rule into compliance with DHFS requirements. With the advent of public defibrillation, the ambulance service provider must be able to maintain or increase the level of care given to the patient. ?

◆ Provides that the medical and surgical equipment carried on an ambulance meets the requirements of the medical field. must §

◆ Provides for the protection of a latex sensitive patient or EMT by requiring that the ambulance carries a latex free kit containing items most used in care for a patient.

Fiscal Effect. This proposed rule will have an adverse effect on a limited number of public entities providing ambulance service. For those services that keep their ambulances stocked with the bare minimum of medical and surgical equipment, the Department estimates that their cost per ambulance would be less than \$1,000. Most service providers will have very little monetary hardship because they already carry most of the equipment that this rule would require. The Department estimates that there would be a \$200 cost per ambulance. This proposed rule will increase revenues for noncompliance of certain parts of this rule by assessing monetary penalties by about \$1,000.00 per year.

Initial Regulatory Flexibility Analysis. This proposed rule will have an adverse effect on a limited number of small businesses providing ambulance service. For those services that keep their ambulances stocked with the bare minimum of medical and surgical equipment, the Department estimates that their cost per ambulance would be less than \$1,000. Most service providers will have very little monetary hardship because they already carry most of the equipment that this rule would require. The Department estimates that there would be a \$200 cost per ambulance.

Copies of Proposed Rule. Copies of the rule may be obtained upon request, without cost, by writing to Frieda Andreas, Division of State Patrol, P. O. Box 7912, Madison, WI 53707-7912, or by calling (608) 266-6936. Alternate formats of the proposed rule will be provided to individuals at their request.

TEXT OF PROPOSED RULE

Under the authority vested in the state of Wisconsin, department of transportation, by s. 341.085, Stats., the department of transportation hereby proposes an order to amend a rule interpreting s. 341.085, Stats., relating to ambulance inspection.

SECTION 1. Trans 309.01(1)(note) is created to read:

NOTE: To be licensed as an Ambulance Service Provider in Wisconsin, the ambulance must be first inspected by Wisconsin DOT per ch. Trans 309, ss. HFS 110.04(1)(b) and (2), 111.06(2)(k) and 112.07(2)(l). *? alignment on used by the provider?*

SECTION 2. Trans 309.01(2) is amended to read:

Trans 309.01(2) This chapter applies to all ambulances in service in this state after December 30, 1979 1998. *1. 10/1/98*

SECTION 3. Trans 309.02(1) is renumbered Trans 309.02(1m).

SECTION 4. Trans 309.02(1) is created to read:

Trans 309.02(1) "Advance ^{check} skill" has the meaning given in s. HSS 110.03(3).

SECTION 5. Trans 309.02(7) to (9) are renumbered Trans 309.02(8) to (10).

SECTION 6. Trans 309.02(7) is created to read:

Trans 309.02(7) "In-service ambulance" means an ambulance that is ready to take calls, including emergencies, transfers or standing by at a special function.

SECTION 7. Trans 309.02(10) is renumbered Trans 309.02(12) and amended to read:

Trans 309.02(12) "Type I ambulance" means a motor truck with a modular unit having a rear window opening or a walk-through from the cab to the modular unit. It also includes a combination of fire/ambulance vehicle.

SECTION 8. Trans 309.02(11) is renumbered Trans 309.02(13).

SECTION 9. Trans 309.02(11) is created to read:

Trans 309.02(11) "Reserve ambulance" means an ambulance kept in reserve in case an ^{one} "in-service ambulance" ^{one} needs to be taken out of service for repairs. (2)

SECTION 10. Trans 309.02(12) is renumbered Trans 309.02(14) and amended to read:

Trans 309.02(14) "Type III ambulance" means a specialty van and modular unit with a rear window opening or walk-through from the cab to the modular unit.

SECTION 11. Trans 309.03(1) is amended to read:

Trans 309.03(1) No person may use any motor vehicle for the purpose of providing ambulance services unless the vehicle has been inspected ^{and approved?} by the department for use as an ambulance in this state. Except as otherwise provided, each ambulance ~~so shall be inspected shall meet~~ at least biennially to the satisfaction of the inspector to ensure that the ambulance meets the minimum standards applicable to that vehicle under subchs. I, II and III. ~~Each~~ Whenever the ambulance service provider shall be inspected annually and shall be inspected upon upgrade upgrades to a higher level of provider service, the service ^{provider} shall notify the inspector. When a "reserve ambulance" is put into "in-service ambulance" status, it shall meet all requirements of this chapter. ^{quality} (5)

SECTION 12. Trans 309.03(1m) and (1r) are created to read:

Trans 309.03(1m) Sub. (1) does not prevent the inspector from doing spot inspections to check for compliance with this chapter. ^{are there any spot inspections?} ^{time/place must then be random?}

(1r) Whenever the department receives a complaint about a service provider alleging non-compliance with this chapter, the inspector shall investigate and, where appropriate, inspect the provider's ambulances. ^{standards determine when appropriate?} ^{what does investigation consist of? time limit?} (5)

SECTION 13. Trans 309.03(3)(b)1.(intro.), (b)1.a. and b., and 2., and (4) are amended to read:

Trans 309.03(3)(b)1. If a vehicle that has been declared "out of service" is no longer to serve as an ambulance, the owner or lessee of the vehicle shall remove the "OUT OF SERVICE" sticker and all special ambulance markings and features from the vehicle, including all of the following:

a. The warning, flood lights and siren unless the vehicle is being converted for use as another kind of authorized emergency vehicle;

b. Any lettering identifying the vehicle as an ambulance; ~~and~~

2. The owner or lessee of the vehicle is not required to obtain approval from the department ~~or to~~ but shall notify the department when he or she proceeds under this paragraph.

(4) If upon inspection a vehicle is found defective or deficient but, in the judgment of the inspector, may nevertheless be operated as an ambulance without seriously affecting the safe transportation of sick, injured or disabled persons, the inspector shall note the deficiency on the ambulance inspection report and shall specify the time, not to exceed 30 days, in which the ambulance service provider is required to correct the defect or deficiency. If the defect or deficiency is not corrected within the time allowed, the vehicle shall may not be used as an ambulance.

SECTION 14. Trans 309.03(5) to (7) are created to read:

Trans 309.03(5) If upon inspection, the following is found defective or deficient, the vehicle being used as an ambulance shall immediately be rendered out of service and the service provider may be assessed a monetary penalty:

- (a) Malfunctioning brake system.
- (b) Faulty exhaust system.
- (c) Faulty battery system.

and (4) doesn't apply

and (4)

stays for when assessed, when not

doesn't lead into subunits

4

set forth in (7)

(d) Malfunctioning fuel system.

(e) Inadequate on-board oxygen system.)

(f) Structurally unsafe.)

(g) Unsafe tires.)

(h) Ten or more minor violations which, in the opinion of the inspector, shows a lack of effort on the part of the service provider to stay in compliance with this chapter.

(i) Repeat violations from the previous inspection report with no maintenance history or documentation that the problem had been corrected.

(6) The vehicle shall be rendered out of service and the provider may be assessed monetary penalties when the provider knowingly resists or obstructs the inspector while the inspector is doing any act in an official capacity and with lawful authority. For purposes of this subsection, "obstructs" includes, without limitation, knowingly giving or demonstrating false information to the inspector.

(7) Penalties for violating s. Trans 309.03(5)(a) to (h) is \$50.00, (violations of par.

sub. (5)(i) is \$100.00, and violations of sub. (6) is \$200.00.

SECTION 15. Trans 309.04(2) is amended to read:

Trans 309.04(2) Vehicles subject to this section may not be used to respond to accident calls and shall as a primary response vehicle, but may be used only for mobile intensive care or neonatal neonatology medical care purposes.

SECTION 16. Trans 309.04(3) is created to read:

Trans 309.04(3) Vehicles subject to this section may be allowed to respond as an additional resource vehicle during times such as a disaster emergency when local resources, including mutual aid resources, are exceeded.

SECTION 17. Trans 309.05 is repealed.

SECTION 18. Trans 309.07(1) is repealed.

SECTION 19. Trans 309.07(2)(a) is renumbered Trans 309.07(1).

SECTION 20. Trans 309.07(2)(b)(intro.) and (2)(b)1. to 4 are renumbered Trans 309.07(2)(intro.), (a) to (d) and amended to read:

Trans 309.07(2)(intro.) In determining whether an undue hardship may be created if a variance is not granted, the department shall consider all of the following:

(a) The kind and amount of emergency medical services available in the immediate area served by the applicant;

(b) The presence of other ambulance service providers in surrounding communities that might be available to assist in emergencies through mutual aid agreements or other similar arrangements;

(c) The number and type of emergency and nonemergency service calls made by the applicant within the 2-year period immediately preceding the date of application;

(d) Any plans developed by the applicant to upgrade the existing vehicles to established specifications; ~~and~~

SECTION 21. Trans 309.07(2)(b)5. is renumbered Trans 309.07(2)(e).

SECTION 22. Trans 309.07(4) is repealed.

SECTION 23. Trans 309.07(5) is renumbered Trans 309.07(4) and amended to read:

Trans 309.07(4) The issuance of a variance to any person for any ambulance does not exempt that vehicle from the ~~annual~~ biennial inspection requirements imposed in this chapter.

SECTION 24. Trans 309.07(6) is renumbered Trans 309.07(5) and amended to read:

Trans 309.07(5) The right to continue operation of an ambulance for which a waiver or a variance has been granted or recognized under this section is not transferable to any other person or vehicle.

SECTION 25. Trans 309.08 is created to read:

DOCUMENTATION? RECORD KEEPING

Trans 309.08 REQUIRED PAPER WORK. (1) **REGISTRATION.** At the time of inspection, the service provider shall open to inspection the proof of current registration on each ambulance to be inspected. The proof of registration or copy of it shall be available upon request of the inspector at the place of inspection.

(2) **DRUG LIST.** Upon inspection, the service provider shall provide a copy of the current list of approved drugs from the services medical director. The list shall state the minimum amount of each drug the provider will carry on each ambulance.

minimum amount of each drug in the ambulance?

(3) **VEHICLE MAINTENANCE RECORDS.** Each ambulance shall be maintained in full operating condition and in good repair and documentation of maintenance shall be kept and upon request be shown to the inspector.

Documentation of maintenance shall be kept and upon request be shown to the inspector.

(4) **EQUIPMENT MAINTENANCE RECORDS.** Procedures for the periodic maintenance of patient care equipment shall be developed, maintained, and followed, and records of performance testing shall be kept and shown upon request of the inspector. Maintenance shall occur at the intervals recommended by the manufacturer of the equipment.

periodic maintenance of patient care equipment shall be developed, maintained, and followed, and records of performance testing shall be kept and shown upon request of the inspector.

SECTION 26. Trans 309.09(1)(c) is amended to read:

Trans 309.09(1)(c) Height. The patient compartment shall not be not less than 60 inches in height over the patient area measured from the floor to the ceiling, exclusive of cabinets or equipment and symmetrical corners and edges.

SECTION 27. Trans 309.12(1) and (2) are amended to read:

Trans 309.12(1) Each tire shall have not less than ~~4/46~~ 1/8 inch tread depth. The depth shall be measured at 2 points not less than 15 inches apart in any major tread groove at or near the center of the tire.

(2) Wheels, tires and brake drum assemblies shall be in balance up to speeds of ~~70 miles per hour~~.

SECTION 28. Trans 309.12(5) is created to read:

Trans 309.12(5) Tires shall be maintained in good working condition.

SECTION 29. Trans 309.13 is amended to read:

Trans 309.13 BATTERIES. All ambulances shall be equipped with a labeled ~~"Battery Selector Device"~~ 2-battery system. All batteries should be securely attached to prevent dislocation in the event of an accident. When mounted outside of the engine compartment the battery shall be contained in a closed, drained, weather-tight and vented compartment in the body skirt, which shall retain the battery in the event of an upset or rollover. The battery compartment door or cover shall be secured by a latch. The battery cables may not be spliced.

SECTION 30. Trans 309.15(2)(b), (c) and (e) are amended to read:

Trans 309.15(2)(b) The lights required in par. (a)1. may be replaced with a light bar with 2 or more rotating or flashing red or red and white lights which covers the same area.

(c) The lights required in par. (a)2. may each be replaced with a rotating red light revolving or flashing on a horizontal plane.

(e) Ambulance service providers ~~shall~~ may not be required to alter emergency warning lamps already installed on ambulances in service prior to November 1, 1986.

SECTION 31. Trans 309.15(2)(f) is created to read:

Trans 309.15(2)(f) The lamps shall be designed and mounted to be plainly visible and understandable from a distance of 500 feet during both normal sunlight and hours of darkness. *rotating or flashing emergency vehicle lights?*

SECTION 32. Trans 309.16(2) is amended to read:

Trans 309.16(2) PATIENT COMPARTMENT. The patient compartment shall be equipped with overhead or dome lighting and switch panel lighting. Only white colored lamps or lenses may be used in the patient compartment. Patient compartment lights shall be automatically activated when the entrance doors are opened or when otherwise controlled by the driver's master switch. Interior light fixtures shall may not protrude more than 1.5 inches. Fluorescent lights that operate on 12 volts may be used, but they shall may not extend more than 4 inches from the mounting surface. Fluorescent fixtures may be mounted at the intersection of the ceiling and walls, and shall be equipped with removable covers that positively lock in place.

SECTION 33. Trans 309.17(1) is amended to read:

Trans 309.17(1) Each ambulance shall have an electric or electronic siren and amplified public address system ~~with radio amplification capacity~~. The siren or siren speakers shall be mounted below the windshield and forward of the front wheels. The siren shall produce wail and yelp sound patterns. The wail sound pattern shall have both automatic and manual controls.

SECTION 34. Trans 309.17(1m) is created to read:

Trans 309.17(1m) The siren shall be activated by the steering wheel horn. The emergency light control panel shall have a switch marked "horn/siren" to activate either the vehicle's horn or siren. *sub-section applies to* This requirement shall take effect on all ambulances that are put in service 3 months after this chapter takes effect. *← new version date*

SECTION 35. Trans 309.17(2) is amended to read:

Trans 309.17(2) Ambulance service providers shall may not be required to alter siren mountings already installed on ambulances in service prior to May 1, 1994.

SECTION 36. Trans 309.18(2) is amended to read:

Trans 309.18(2) Each ambulance service provider operating ambulances staffed either wholly or partially with ~~EMT-intermediates, EMT-defibrillator, EMT-epinephrine or EMT-paramedics~~ EMT's practicing advance skills shall have remote 2-way medical control communications for personnel when they are away from the ambulance.

SECTION 37. Trans 309.19(1) and (2)(b) are amended to read:

Trans 309.19(1) ~~Any ambulance~~ Ambulances may be painted any color or combination of colors and shall bear the lettering and markings prescribed in sub. (2).

(2)(b) Reflectorized striping totaling not less than 4 inches shall encircle the entire ambulance body excluding the front end. The top edge of this stripe shall be no higher than 48 inches above the ground. This stripe may be broken up by wheel wells, hinges, handles, windows or lights. Reflectorized lettering may be included as part of this striping. This striping requirement shall apply to all units placed in service ~~3 months~~ after the ~~effective date of this rule~~ June 1, 1994. *ready? 5*

SECTION 38. Trans 309.20 is created to read:

Trans 309.20 SMOKING IN AMBULANCES. No smoking may be allowed in any area of the ambulance at any time.

SECTION 39. Trans 309.21(1) is amended to read:

Trans 309.21(1) Every ambulance shall be equipped with ~~the following:~~ one commercial elevating wheeled cot maintained in good working order made up with a sheet, and a blanket, ~~and a pillow;~~ one bench seat or a non-elevating wheeled cot-bench; and a chair stretcher or a combination stretcher chair with legs and 2 wheels, designed to permit a patient to be carried on stairways and through other narrow areas. Each ambulance shall be equipped with a crash stable slide, center mounted, or equivalent cot fastener assembly of the quick release type to secure the elevating wheeled cot and the non-elevating wheeled cot-bench to the ambulance body. The cot fastener assembly shall be the manufacturer's approved bracket for the cot used.

SECTION 40. Trans 309.22(1) and (2) are amended to read:

Trans 309.22(1) An engine vacuum operated or electrically powered suction aspirator system shall be provided in the patient's compartment. The installed suction system shall be powerful enough to provide an air flow of at least 20 liters per minute at the end of the delivery tube and a vacuum of at least 300 millimeters of mercury to be reached within 4 seconds after the tubes clamped. The suction line shall be securely fastened to prevent damage, but shall remain accessible for inspection and repair. The engine vacuum type aspirator system shall be connected to a check valve and reservoir chamber having a volume of not less than 575 cubic inches, in line between the vacuum source and the aspirator. Aspiration suction shall be connected to a single, plug-in, self-sealing valve. The suction line connection shall be a labeled, plug-in outlet located near the oxygen outlets, but far enough away to permit easy handling of necessary

component parts. The suction system shall include 2 mating outlet fittings or a yoke for the valve connection. The aspirator unit shall be securely mounted and located near the primary patient. The vacuum indicator gauge shall be ~~approximately 3 inches in diameter, with readout increments of not less than 10 mm. Hg., and numerical markers at least every 100 mm. Hg.~~ The total range shall be at least 0- capable of reading vacuum pressure up to 300 mm. Hg. The vacuum adjuster shut-off valves, either in combination or separately controlled, shall control vacuum setting within 10 mm. Hg. and discontinue aspiration instantly. The collecting bottle shall be nonbreakable and transparent with not less than 500 cc holding capacity. One spare nonbreakable suction collecting bottle shall be stored nearby if a disposable bag is not used. The following accessories shall be furnished and stored to be readily available, and shall be a single patient use item: one suction rinsing water bottle; one semi-rigid non-metallic pharyngeal suction tip; at least one spare suction tip and at least one adult and one infant catheter; one 6-foot length or more of translucent wide bore, nonkinking suction tubing, reasonably thick walled to prevent its collapse under high suction.

(2) Every ambulance shall be equipped with a portable suction unit providing a vacuum of at least 300 mm. Hg. and a free airflow rate of at least 15 liters per minute. Units shall be ~~oxygen or~~ battery powered units capable of providing at least 20 minutes of continuous operation at the required vacuum and flow levels. The portable suction unit shall be fitted with the following single patient use items: one 3-foot length or more wide bore, clear, nonkinking suction tubing and a rigid nonmetallic pharyngeal suction tip and applicable accessories and controls.

SECTION 41. Trans 309.23(1) is renumbered Trans 309.23(1)(a) and amended to read:

Trans 309.23(1)(a) The ambulance shall have a hospital type piped oxygen system capable of storing and supplying a minimum of 120 cubic feet of medical oxygen. The main oxygen supply shall have a minimum of 500 PSI. The oxygen containers shall be secured in a storage compartment. The cylinder controls shall be accessible from inside the vehicle. The pressure gauge shall be visible ~~from the EMT's seat or squad bench~~ inside the patient compartment. The piped oxygen system shall include a ~~reducing valve, a nonadjustable~~ pressure regulator preset to 50 PSI line pressure installed at the cylinder, and nonferrous piping and low pressure hoses suitable for medical oxygen. Oxygen piping shall be concealed and not exposed to the elements or damage, securely supported, and readily accessible for inspection and replacement. Oxygen shall be piped to self-sealing outlets. One duplex oxygen outlet station for the primary patient shall be located on the action wall or a single outlet on the action wall and a single outlet on the ceiling above the cot, and one oxygen outlet for the secondary patient shall be located at the squad bench. The oxygen wall outlet for the primary and secondary patient shall be equipped with a plug-in flowmeter and delivery tube located within 40 inches of the EMT's seat. The flowmeter shall be capable of delivering at least 15 liters per minute.

SECTION 42. Trans 309.23(1)(b) is created to read:

Trans 309.23(1)(b) Ambulances wishing to carry liquid oxygen in place of, or in addition to, the main compressed gas oxygen system shall be required to ² comply with sub. (1)(a), with the exception of the main oxygen supply needing to have a minimum of 500 PSI. Ambulances equipped with liquid oxygen shall have documentation available to the inspector as to the minimum gauge reading that is equivalent to 1000 liters of oxygen. The ambulance shall be equipped to allow the attendant to monitor the tank

levels from inside the patient compartment. The ambulance service shall have the capability of re-filling the liquid oxygen system and this service available to them 24 hours per day, 7 days per week.

SECTION 43. Trans 309.23(3) is amended to read:

Trans 309.23(3) A portable oxygen unit shall be carried. It shall be located near a patient compartment door and shall be accessible from outside of the ambulance. The portable oxygen unit shall have at least a 13 cubic foot container and shall be equipped with a yoke, a pressure gauge, a non-gravity dependent flowmeter, a delivery tube and oxygen masks. The portable oxygen supply shall have a minimum 500 PSI. The unit shall be capable of delivering an oxygen flow of at least 15 liters per minute. Portable cylinders or kits located in the patient compartment shall be secured with quick-release securing fittings. A full spare cylinder shall be stored in the ambulance. Oxygen masks, ~~with or without bags, shall be semi-open, valveless, transparent and easy to clean and decontaminate, or shall be disposable.~~

SECTION 44. Trans 309.24(1)(a) is repealed and recreated to read:

Trans 309.24(1)(a) An automatic, semiautomatic or manual defibrillator as specified in the standard operating procedures approved by the medical director of the service, and included in the plan approved by the department of health and family services, with appropriately sized defibrillation or conduction pads. ~~This paragraph applies to all "in-service" ambulances.~~

What about the other paragraphs?

SECTION 45. Trans 309.24(1)(am) is created to read:

Trans 309.24(1)(am) Two transparent nonbreathing reservoir oxygen masks of each size, adult and child, and 2 infant size masks with adequate length tubing, and 2 adult nasal cannula. All masks, tubing and cannulas shall be single-patient use.

SECTION 46. Trans 309.24(1)(b) is repealed and recreated to read:

Trans 309.24(1)(b) One bag-valve-mask unit for each size, adult, child and infant.

The bag shall be hand-operated, self-refilling with an accumulator capable of delivering an FiO_2 of 90%, and should not have a pop-off valve. The mask portion shall be ^{may ③} clear. ^{transparent?} (5)

The valve portion shall be clear, disposable and operable in cold weather. A child bag shall have a reservoir of approximately 450 ml., and an adult bag shall have a reservoir of at least 1000 ml.

SECTION 47. Trans 309.24(1)(bm) is created to read:

Trans 309.24(1)(bm) Two approved advanced nonvisualized airway, such as a combitube, for all services providing advanced airway skills.

SECTION 48. Trans 309.24(1)(c) and (d) are amended to read:

Trans 309.24(1)(c) ~~Two sets~~ One set of oral airways from size ~~one~~ 0 to 6.

(d) Not less than 6 nasopharyngeal airways sized from size ~~20~~ 12 fr to 34 fr.

SECTION 49. Trans 309.24(1)(dm) is created to read:

Trans 309.24(1)(dm) Water soluble lubricant.

SECTION 50. Trans 309.24(1)(f), (h) to (k), (m), (o) and (q) are amended to read:

Trans 309.24(1)(f) Not less than ~~25-assorted~~ 50 sterile gauze pads, 4 x 4 inches or larger.

(h) A Four sterile occlusive ~~dressing~~ dressings at least 3 inches by 9 inches.

(i) Two rolls of medical tape, ~~4-inch~~ 2 inches or larger.

(j) Two sterile clean burn sheets.

(k) ~~Six~~ Eight triangular bandages.

revised?

(m) One large adult, one adult and one child and ~~one large adult~~ size blood pressure cuff calibrated to measure within + or -4mm. Hg.

(o) One adult and one pediatric commercial traction splint.

(q) ~~One~~ Two long spine ~~board~~ boards or comparable spinal immobilization device with appropriate straps.

SECTION 51. Trans 309.24(1)(s) is repealed and recreated to read:

of 7/9

Trans 309.24(1)(s) Splinting devices capable of rigid support and immobilization a joint above and a joint below an injury made from an appropriate design, *material?* such as cardboard, metal, pneumatic, vacuum, wood or plastic, 2 at least 3 feet long, and 2 at least 15 inches long.

SECTION 52. Trans 309.24(1)(u) is repealed.

SECTION 53. Trans 309.24(1)(v)7. is amended to read:

Trans 309.24(1)(v)7. Blanket or other ~~swaddling device~~ appropriate heat-reflective material, enough to cover a newborn.

SECTION 54. Trans 309.24(1)(v)8. is created to read:

Trans 309.24(1)(v)8. Bulb syringe.

SECTION 55. Trans 309.24(1)(w) is repealed.

SECTION 56. Trans 309.24(1)(x) and (y) are renumbered Trans 309.24(1)(w) and (wm).

SECTION 57. Trans 309.24(1)(z) is renumbered Trans 309.24(1)(wr) and amended to read:

Trans 309.24(1)(wr) An orthopedic break apart stretcher ~~of sufficient rigid construction so as to facilitate spinal immobilization.~~

SECTION 58. Trans 309.24(1)(za) is renumbered Trans 309.24(1)(x).

SECTION 59. Trans 309.24(1)(xm), (xr), (y), (ym) and (yr) are created to read:

Trans 309.24(1)(xm) Infection control personal protective equipment and materials,

⑤ include: ^{ing}

1. Three or more eye protection units (full peripheral glasses or shield).
2. Three or more surgical masks.
3. Three or more pairs of nonsterile gloves.
4. Three or more jumpsuits or gowns that are disposable and impervious to body fluids.
5. Three or more disposable shoe covers.
6. Hand wash of a commercial antimicrobial type, such as a towelette, spray or liquid.
7. At least one commercial sharps container.
8. Bio-hazard bags of identifiable color or markings, or both.

(xr) A personal protective equipment kit ^{to be ⑤} used for a latex sensitive patient or EMT, made up of the following latex free items or a mechanism to isolate the patient from latex made items: ⑤ ?

1. Sphygmomanometer.
2. Stethoscope.
3. Airway set, either type. ^⑤
4. 2-inch tape.
5. Gloves.
6. Adult BVM. ← ^{no acronym ⑤}
7. Child BVM. ← ^③

8. Infant nonrebreathing O₂ mask.

9. Child nonrebreathing O₂ mask.

10. Adult nonrebreathing O₂ mask.

11. Nasal cannula.

separate subsection doesn't follow (1)(2)(3) - move to (3)?

(y) All intermediate services shall carry the following latex free items, in addition to par. (xr): *the items spec. in (5)*

1. 6 tourniquets.
2. 3 1cc syringes.
3. 3 3cc syringes.
4. 3 5cc syringes.
5. 3 12cc syringes.
6. 3 60cc syringes.

same

move to (4)?

(ym) All paramedic services shall carry the following latex free items, in addition to pars. (xr) and (y): *the items spec. in (5)*

1. 6 stopcocks.
2. 6 filter needles.

(yr) Medications and drugs specified in the standard operating procedures approved by the medical director of the service. This shall include oral glucose in single patient use containers, and epinephrine as specified in the standard operating procedures approved by the medical director of the service, and included in the plan approved by the department of health and family services.

SECTION 60. Trans 309.24(1)(zb) and (zc) are repealed.

SECTION 61. Trans 309.24¹(zd) is renumbered Trans 309.24(1)(z).

SECTION 62. Trans 309.24(2)(intro.) is amended to read:

Trans 309.24(2)(intro.) The following are one patient-use items and shall remain sealed until the time of use. Unsealed containers of the following shall may not be kept:

SECTION 63. Trans 309.24(2)(b) and (c) are repealed.

SECTION 64. Trans 309.24(2)(d) and (e) are renumbered Trans 309.24(2)(b) and (c) and amended to read:

Trans 309.24(2)(b) Liquid oral glucose.

(c) Epinephrine ~~as specified in the standard operating procedures approved by the medical director of the service. Two ampules or 2 preloaded syringes, or 2 adult and 2 child automatic injection devices of epinephrine.~~

SECTION 65. Trans 309.24(3)(a) and (d) are amended to read:

Trans 309.24(3)(a) Sterile intravenous infusion agents, in plastic containers, with necessary IV starting equipment, including an assortment of appropriately sized adult and pediatric IV catheters, including small sized catheters to at least 24 gauge.

(d) Prepackaged medications, drugs and solutions specified in the standard operating procedures approved by the medical director of the service and the department of health and family services.

SECTION 66. Trans 309.24(4)(b) is repealed and recreated to read:

Trans 309.24(4)(b) At least 2 intraosseous needles.

SECTION 67. Trans 309.24(4)(c) and (d) are amended to read:

Trans 309.24(4)(c) ~~Intubation~~ Airway intubation equipment as specified by the medical director of the service adequate to cover infants through adults.

(d) Medications and drugs specified in the standard operating procedures approved by the medical director of the service and the department of health and family services.

SECTION 68. Trans 309.24(4)(e) to (i) are created to read:

Trans 309.24(4)(e) One pediatric stethoscope.

(f) One infant size blood pressure cuff calibrated to + or - 4mm. Hg.

(g) Pediatric paddles.

(h) Pediatric and adult size endotracheal tube stylets.

(i) Length/weight-based drug dose chart or tape.

SECTION 69. Trans 309.25(1)(b) and (2) are amended to read:

Trans 309.25(1)(b) One ~~2-pound~~ 5-pound minimum fire extinguisher with a 10BC rating mounted in a bracket in the patient compartment.

(2) Small hand tools shall be ~~contained in a single pouch style carrying device or a tool box~~ stored in a single container and carried in an easily accessible area.

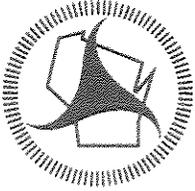
(END OF RULE TEXT)

Effective Date. 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), Stats.

Signed at Madison, Wisconsin, this 14 day of September, 1998.



CHARLES H. THOMPSON
Secretary
Wisconsin Department of Transportation



Wisconsin Department of Transportation



Tommy G. Thompson
Governor

Charles H. Thompson
Secretary

OFFICE OF GENERAL COUNSEL
P. O. Box 7910
Madison, WI 53707-7910

The Honorable Robert Welch
Senate Chairman
Joint Committee for Review
of Administrative Rules
One East Main, Suite 201
Madison, Wisconsin 53707

September 14, 1998

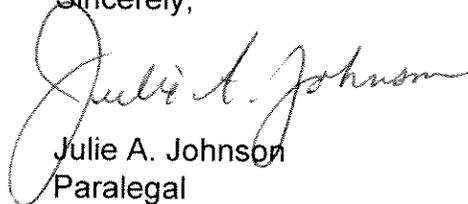
The Honorable Glenn Grothman
Assembly Chairman
Joint Committee for Review
of Administrative Rules
Room 125, State Capitol
Madison, Wisconsin 53707

RE: **NOTICE OF PUBLIC HEARING** and Text of Proposed Rule, relating to **Ambulance Inspection**, Trans 309

Dear Senator Welch and Representative Grothman:

Enclosed for your information is a Notice of Public Hearing and Text of Proposed Rulemaking relating to the above-entitled matter. These documents have also been filed with the Revisor of Statutes, the Legislative Council, and the Department of Administration in accordance with the requirements of §§ 227.15 and 227.17, Stats.

Sincerely,


Julie A. Johnson
Paralegal

Enclosure

cc: Gene Kussart
Sandy Beaupre
Mike Goetzman
Bill Singletary
Ted Waite
Frieda Andreas

The Wisconsin Department of Transportation proposes an order to repeal TRANS 309.05, 309.07(1) and (4), 309.24(1)(u), (w), (zb), (zc), (2)(b) and (c), and (4)(b); renumber TRANS 309.02(1), (7) to (9) and (11), 309.07(2)(a), (b)5., and 309.24(1)(x) and (y), (za) and (zd); renumber and amend TRANS 309.02(10) and (12), 309.07(2)(b)(intro.) and 1. to 4., and (5) and (6), 309.23(1), 309.24(1)(z), (2)(d) and (e); amend TRANS 309.01(2), 309.03(1), (3)(b)1.(intro.), (b)1.a. and b., and 2., and (4), 309.04(2), 309.09(1)(c), 309.12(1) and (2), 309.13, 309.15(2)(b), (c) and (e), 309.16(2), 309.17(1) and (2), 309.18(2), 309.19(1) and (2)(b), 309.21(1), 309.22(1) and (2), 309.23(3), 309.24(1)(c) and (d), (f), (h) to (k), (m), (o), (q), (v)7., (2)(intro.), (3)(a) and (d), and (4)(c) and (d), and 309.25(1)(b) and (2); repeal and recreate TRANS 309.24(1)(a), (b) and (s); and create TRANS 309.01(1)(note), 309.02(1), (7) and (11), 309.03(1m), (1r) and (5) to (7), 309.04(3), 309.08, 309.12(5), 309.15(2)(f), 309.17(1m), 309.20, 309.23(1)(b), 309.24(1)(am), (bm), (dm), (v)8., (xm), (xr), (y), (ym), (yr), and (4)(e) to (i), relating to ambulance inspection.

**NOTICE OF HEARING
AND
TEXT OF PROPOSED RULE**

NOTICE IS HEREBY GIVEN that pursuant to s. 341.085, Stats., and interpreting s. 341.085, Stats., the Department of Transportation will hold a public hearing at the following location to consider the amendment of ch. Trans 309, Wisconsin Administrative Code, relating to ambulance inspection:

Thursday, October 15, 1998
State Patrol Headquarters District 4
Downstairs Meeting Room
Hwys. NN & 51
Wausau, Wisconsin
9:00 AM

An interpreter for the hearing impaired will be available on request for this hearing. Please make reservations for a hearing interpreter at least 10 days prior to the hearing.

The public record on this proposed rule making will be held open until close of business October 16, 1998, to permit the submission of written comments from persons unable to attend the public hearing or who wish to supplement testimony offered at the hearing. Any such comments should be submitted to Ted Waite, Department of Transportation, Division of State Patrol, Room 551, P. O. Box 7912, Madison, WI 53707-7912.

Parking for persons with disabilities and an accessible entrance are available on the north and south sides of the Hill Farms State Transportation Building.

Analysis Prepared by the Wisconsin Department of Transportation

STATUTORY AUTHORITY: s. 341.085, Stats.

STATUTES INTERPRETED: s. 341.085, Stats.

General Summary of Proposed Rule. Chapter Trans 309 was created in November 1, 1986, replacing ch. Trans 157. The purpose of this chapter is to prescribe minimum vehicle and medical equipment specifications for ambulances and to establish administrative procedures for implementing the ambulance inspection program under s. 341.085, Stats.

The rule was last revised in 1993-94. This rule change came about after requests came from the Wisconsin EMS Physician's Board and the Wisconsin EMS Board. Their request was to bring the rule up to today's medical standard.

This proposed rule making:

◆ Addresses the problem of an increased number of ambulances that need to be inspected and the allotted person power to do those inspections. The inspections would go from annual to biennial, with the option of spot checks to verify compliance.

◆ Sets up an out of service criteria and a penalty section for noncompliance of the rule.

◆ Establishes requirements for required paper work the service provider is to keep and provide to the inspector upon inspection of the ambulance. This requirement will help ensure that the ambulance and equipment used has been properly maintained for the safe transportation of the sick and injured.

◆ Provides that all "In-Service" ambulances carry defibrillators which will bring the rule into compliance with DHFS requirements. With the advent of public defibrillation, the ambulance service provider must be able to maintain or increase the level of care given to the patient.

◆ Provides that the medical and surgical equipment carried on an ambulance meets the requirements of the medical field.

◆ Provides for the protection of a latex sensitive patient or EMT by requiring that the ambulance carries a latex free kit containing items most used in care for a patient.

Fiscal Effect. This proposed rule will have an adverse effect on a limited number of public entities providing ambulance service. For those services that keep their ambulances stocked with the bare minimum of medical and surgical equipment, the Department estimates that their cost per ambulance would be less than \$1,000. Most service providers will have very little monetary hardship because they already carry most of the equipment that this rule would require. The Department estimates that there would be a \$200 cost per ambulance. This proposed rule will increase revenues for noncompliance of certain parts of this rule by assessing monetary penalties by about \$1,000.00 per year.

Initial Regulatory Flexibility Analysis. This proposed rule will have an adverse effect on a limited number of small businesses providing ambulance service. For those services that keep their ambulances stocked with the bare minimum of medical and surgical equipment, the Department estimates that their cost per ambulance would be less than \$1,000. Most service providers will have very little monetary hardship because they already carry most of the equipment that this rule would require. The Department estimates that there would be a \$200 cost per ambulance.

Copies of Proposed Rule. Copies of the rule may be obtained upon request, without cost, by writing to Frieda Andreas, Division of State Patrol, P. O. Box 7912, Madison, WI 53707-7912, or by calling (608) 266-6936. Alternate formats of the proposed rule will be provided to individuals at their request.

TEXT OF PROPOSED RULE

Under the authority vested in the state of Wisconsin, department of transportation, by s. 341.085, Stats., the department of transportation hereby proposes an order to amend a rule interpreting s. 341.085, Stats., relating to ambulance inspection.

SECTION 1. Trans 309.01(1)(note) is created to read:

NOTE: To be licensed as an Ambulance Service Provider in Wisconsin, the ambulance must be first inspected by Wisconsin DOT per ch. Trans 309, ss. HFS 110.04(1)(b) and (2), 111.06(2)(k) and 112.07(2)(l).

SECTION 2. Trans 309.01(2) is amended to read:

Trans 309.01(2) This chapter applies to all ambulances in service in this state after December 30, ~~1979~~ 1998.

SECTION 3. Trans 309.02(1) is renumbered Trans 309.02(1m).

SECTION 4. Trans 309.02(1) is created to read:

Trans 309.02(1) "Advance skill" has the meaning given in s. HSS 110.03(3).

SECTION 5. Trans 309.02(7) to (9) are renumbered Trans 309.02(8) to (10).

SECTION 6. Trans 309.02(7) is created to read:

Trans 309.02(7) "In-service ambulance" means an ambulance that is ready to take calls, including emergencies, transfers or standing by at a special function.

SECTION 7. Trans 309.02(10) is renumbered Trans 309.02(12) and amended to read:

Trans 309.02(12) "Type I ambulance" means a motor truck with a modular unit having a rear window opening or a walk-through from the cab to the modular unit. It also includes a combination of fire/ambulance vehicle.

SECTION 8. Trans 309.02(11) is renumbered Trans 309.02(13).

SECTION 9. Trans 309.02(11) is created to read:

Trans 309.02(11) "Reserve ambulance" means an ambulance kept in reserve in case an "in-service ambulance" needs to be taken out of service for repairs.

SECTION 10. Trans 309.02(12) is renumbered Trans 309.02(14) and amended to read:

Trans 309.02(14) "Type III ambulance" means a specialty van and modular unit with a rear window opening or walk-through from the cab to the modular unit.

SECTION 11. Trans 309.03(1) is amended to read:

Trans 309.03(1) No person may use any motor vehicle for the purpose of providing ambulance services unless the vehicle has been inspected by the department for use as an ambulance in this state. Except as otherwise provided, each ambulance ~~so shall be inspected shall meet~~ at least biennially to the satisfaction of the inspector to ensure that the ambulance meets the minimum standards applicable to that vehicle under subchs. I, II and III. ~~Each~~ Whenever the ambulance service provider shall be inspected annually and shall be inspected upon upgrade upgrades to a higher level of provider service, the service shall notify the inspector. When a "reserve ambulance" is put into "in-service ambulance" status, it shall meet all requirements of this chapter.

SECTION 12. Trans 309.03(1m) and (1r) are created to read:

Trans 309.03(1m) Sub. (1) does not prevent the inspector from doing spot inspections to check for compliance with this chapter.

(1r) Whenever the department receives a complaint about a service provider alleging non-compliance with this chapter, the inspector shall investigate and, where appropriate, inspect the provider's ambulances.

SECTION 13. Trans 309.03(3)(b)1.(intro.), (b)1.a. and b., and 2., and (4) are amended to read:

Trans 309.03(3)(b)1. If a vehicle that has been declared "out of service" is no longer to serve as an ambulance, the owner or lessee of the vehicle shall remove the "OUT OF SERVICE" sticker and all special ambulance markings and features from the vehicle, including all of the following:

a. The warning, flood lights and siren unless the vehicle is being converted for use as another kind of authorized emergency vehicle;

b. Any lettering identifying the vehicle as an ambulance; ~~and~~

2. The owner or lessee of the vehicle is not required to obtain approval from the department ~~or to~~ but shall notify the department when he or she proceeds under this paragraph.

(4) If upon inspection a vehicle is found defective or deficient but, in the judgment of the inspector, may nevertheless be operated as an ambulance without seriously affecting the safe transportation of sick, injured or disabled persons, the inspector shall note the deficiency on the ambulance inspection report and shall specify the time, not to exceed 30 days, in which the ambulance service provider is required to correct the defect or deficiency. If the defect or deficiency is not corrected within the time allowed, the vehicle ~~shall~~ may not be used as an ambulance.

SECTION 14. Trans 309.03(5) to (7) are created to read:

Trans 309.03(5) If upon inspection the following is found defective or deficient, the vehicle being used as an ambulance shall immediately be rendered out of service and the service provider may be assessed a monetary penalty:

(a) Malfunctioning brake system.

(b) Faulty exhaust system.

(c) Faulty battery system.

(d) Malfunctioning fuel system.

(e) Inadequate on-board oxygen system.

(f) Structurally unsafe.

(g) Unsafe tires.

(h) Ten or more minor violations which, in the opinion of the inspector, shows a lack of effort on the part of the service provider to stay in compliance with this chapter.

(i) Repeat violations from the previous inspection report with no maintenance history or documentation that the problem had been corrected.

(6) The vehicle shall be rendered out of service and the provider may be assessed monetary penalties when the provider knowingly resists or obstructs the inspector while the inspector is doing any act in an official capacity and with lawful authority. For purposes of this subsection, "obstructs" includes, without limitation, knowingly giving or demonstrating false information to the inspector.

(7) Penalties for violating s. Trans 309.03(5)(a) to (h) is \$50.00, violations of par. (5)(i) is \$100.00, and violations of sub. (6) is \$200.00.

SECTION 15. Trans 309.04(2) is amended to read:

Trans 309.04(2) Vehicles subject to this section may not be used ~~to respond to accident calls and shall~~ as a primary response vehicle, but may be used only for mobile intensive care or neonatal neonatology medical care purposes.

SECTION 16. Trans 309.04(3) is created to read:

Trans 309.04(3) Vehicles subject to this section may be allowed to respond as an additional resource vehicle during times such as a disaster emergency when local resources, including mutual aid resources, are exceeded.

SECTION 17. Trans 309.05 is repealed.

SECTION 18. Trans 309.07(1) is repealed.

SECTION 19. Trans 309.07(2)(a) is renumbered Trans 309.07(1).

SECTION 20. Trans 309.07(2)(b)(intro.) and (2)(b)1. to 4 are renumbered Trans 309.07(2)(intro.), (a) to (d) and amended to read:

Trans 309.07(2)(intro.) In determining whether an undue hardship may be created if a variance is not granted, the department shall consider all of the following:

(a) The kind and amount of emergency medical services available in the immediate area served by the applicant;

(b) The presence of other ambulance service providers in surrounding communities that might be available to assist in emergencies through mutual aid agreements or other similar arrangements;

(c) The number and type of emergency and nonemergency service calls made by the applicant within the 2-year period immediately preceding the date of application;

(d) Any plans developed by the applicant to upgrade the existing vehicles to established specifications; ~~and~~

SECTION 21. Trans 309.07(2)(b)5. is renumbered Trans 309.07(2)(e).

SECTION 22. Trans 309.07(4) is repealed.

SECTION 23. Trans 309.07(5) is renumbered Trans 309.07(4) and amended to read:

Trans 309.07(4) The issuance of a variance to any person for any ambulance does not exempt that vehicle from the annual biennial inspection requirements imposed in this chapter.

SECTION 24. Trans 309.07(6) is renumbered Trans 309.07(5) and amended to read:

Trans 309.07(5) The right to continue operation of an ambulance for which a waiver or a variance has been granted or recognized under this section is not transferable to any other person or vehicle.

SECTION 25. Trans 309.08 is created to read:

Trans 309.08 REQUIRED PAPER WORK. (1) **REGISTRATION.** At the time of inspection, the service provider shall open to inspection the proof of current registration on each ambulance to be inspected. The proof of registration or copy of it shall be available upon request of the inspector at the place of inspection.

(2) **DRUG LIST.** Upon inspection, the service provider shall provide a copy of the current list of approved drugs from the services medical director. The list shall state the minimum amount of each drug the provider will carry on each ambulance.

(3) **VEHICLE MAINTENANCE RECORDS.** Each ambulance shall be maintained in full operating condition and in good repair and documentation of maintenance shall be kept and upon request be shown to the inspector.

(4) **EQUIPMENT MAINTENANCE RECORDS.** Procedures for the periodic maintenance of patient care equipment shall be developed, maintained, and followed, and records of performance testing shall be kept and shown upon request of the inspector. Maintenance shall occur at the intervals recommended by the manufacturer of the equipment.

SECTION 26. Trans 309.09(1)(c) is amended to read:

Trans 309.09(1)(c) Height. The patient compartment shall ~~not~~ be not less than 60 inches in height over the patient area measured from the floor to the ceiling, exclusive of cabinets or equipment and symmetrical corners and edges.

SECTION 27. Trans 309.12(1) and (2) are amended to read:

Trans 309.12(1) Each tire shall have not less than ~~4/16~~ 1/8 inch tread depth. The depth shall be measured at 2 points not less than 15 inches apart in any major tread groove at or near the center of the tire.

(2) Wheels, tires and brake drum assemblies shall be in balance ~~up to speeds of 70 miles per hour.~~

SECTION 28. Trans 309.12(5) is created to read:

Trans 309.12(5) Tires shall be maintained in good working condition.

SECTION 29. Trans 309.13 is amended to read:

Trans 309.13 BATTERIES. All ambulances shall be equipped with a labeled ~~"Battery Selector Device"~~ 2-battery system. All batteries should be securely attached to prevent dislocation in the event of an accident. When mounted outside of the engine compartment the battery shall be contained in a closed, drained, weather-tight and vented compartment in the body skirt, which shall retain the battery in the event of an upset or rollover. The battery compartment door or cover shall be secured by a latch. The battery cables may not be spliced.

SECTION 30. Trans 309.15(2)(b), (c) and (e) are amended to read:

Trans 309.15(2)(b) The lights required in par. (a)1. may be replaced with a light bar with 2 or more rotating or flashing red or red and white lights which covers the same area.

(c) The lights required in par. (a)2. may each be replaced with a rotating red light revolving or flashing on a horizontal plane.

(e) Ambulance service providers ~~shall~~ may not be required to alter emergency warning lamps already installed on ambulances in service prior to November 1, 1986.

SECTION 31. Trans 309.15(2)(f) is created to read:

Trans 309.15(2)(f) The lamps shall be designed and mounted to be plainly visible and understandable from a distance of 500 feet during both normal sunlight and hours of darkness.

SECTION 32. Trans 309.16(2) is amended to read:

Trans 309.16(2) PATIENT COMPARTMENT. The patient compartment shall be equipped with overhead or dome lighting and switch panel lighting. Only white colored lamps or lenses may be used in the patient compartment. Patient compartment lights shall be automatically activated when the entrance doors are opened or when otherwise controlled by the driver's master switch. Interior light fixtures ~~shall~~ may not protrude more than 1.5 inches. Fluorescent lights that operate on 12 volts may be used, but they ~~shall~~ may not extend more than 4 inches from the mounting surface. Fluorescent fixtures may be mounted at the intersection of the ceiling and walls, and shall be equipped with removable covers that positively lock in place.

SECTION 33. Trans 309.17(1) is amended to read:

Trans 309.17(1) Each ambulance shall have an electric or electronic siren and amplified public address system ~~with radio amplification capacity~~. The siren or siren speakers shall be mounted below the windshield and forward of the front wheels. The siren shall produce wail and yelp sound patterns. The wail sound pattern shall have both automatic and manual controls.

SECTION 34. Trans 309.17(1m) is created to read:

Trans 309.17(1m) The siren shall be activated by the steering wheel horn. The emergency light control panel shall have a switch marked "horn/siren" to activate either the vehicle's horn or siren. This requirement shall take effect on all ambulances that are put in service 3 months after this chapter takes effect.

SECTION 35. Trans 309.17(2) is amended to read:

Trans 309.17(2) Ambulance service providers shall may not be required to alter siren mountings already installed on ambulances in service prior to May 1, 1994.

SECTION 36. Trans 309.18(2) is amended to read:

Trans 309.18(2) Each ambulance service provider operating ambulances staffed either wholly or partially with ~~EMT intermediates, EMT defibrillator, EMT epinephrine or EMT paramedics~~ EMT's practicing advance skills shall have remote 2-way medical control communications for personnel when they are away from the ambulance.

SECTION 37. Trans 309.19(1) and (2)(b) are amended to read:

Trans 309.19(1) ~~Any ambulance~~ Ambulances may be painted any color or combination of colors and shall bear the lettering and markings prescribed in sub. (2).

(2)(b) Reflectorized striping totaling not less than 4 inches shall encircle the entire ambulance body excluding the front end. The top edge of this stripe shall be no higher than 48 inches above the ground. This stripe may be broken up by wheel wells, hinges, handles, windows or lights. Reflectorized lettering may be included as part of this striping. This striping requirement shall apply to all units placed in service ~~3 months~~ after the ~~effective date of this rule~~ June 1, 1994.

SECTION 38. Trans 309.20 is created to read:

Trans 309.20 SMOKING IN AMBULANCES. No smoking may be allowed in any area of the ambulance at any time.

SECTION 39. Trans 309.21(1) is amended to read:

Trans 309.21(1) Every ambulance shall be equipped with ~~the following:~~ one commercial elevating wheeled cot maintained in good working order made up with a sheet, and a blanket, ~~and a pillow;~~ one bench seat or a non-elevating wheeled cot-bench; and a chair stretcher or a combination stretcher chair with legs and 2 wheels, designed to permit a patient to be carried on stairways and through other narrow areas. Each ambulance shall be equipped with a crash stable slide, center mounted, or equivalent cot fastener assembly of the quick release type to secure the elevating wheeled cot and the non-elevating wheeled cot-bench to the ambulance body. The cot fastener assembly shall be the manufacturer's approved bracket for the cot used.

SECTION 40. Trans 309.22(1) and (2) are amended to read:

Trans 309.22(1) An engine vacuum operated or electrically powered suction aspirator system shall be provided in the patient's compartment. The installed suction system shall be powerful enough to provide an air flow of at least 20 liters per minute at the end of the delivery tube and a vacuum of at least 300 millimeters of mercury to be reached within 4 seconds after the tubes clamped. The suction line shall be securely fastened to prevent damage, but shall remain accessible for inspection and repair. The engine vacuum type aspirator system shall be connected to a check valve and reservoir chamber having a volume of not less than 575 cubic inches, in line between the vacuum source and the aspirator. Aspiration suction shall be connected to a single, plug-in, self-sealing valve. The suction line connection shall be a labeled, plug-in outlet located near the oxygen outlets, but far enough away to permit easy handling of necessary

component parts. The suction system shall include 2 mating outlet fittings or a yoke for the valve connection. The aspirator unit shall be securely mounted and located near the primary patient. The vacuum indicator gauge shall be ~~approximately 3 inches in diameter, with readout increments of not less than 10 mm. Hg., and numerical markers at least every 100 mm. Hg.~~ The total range shall be at least 0- capable of reading vacuum pressure up to 300 mm. Hg. The vacuum adjuster shut-off valves, either in combination or separately controlled, shall control vacuum setting within 10 mm. Hg. and discontinue aspiration instantly. The collecting bottle shall be nonbreakable and transparent with not less than 500 cc holding capacity. One spare nonbreakable suction collecting bottle shall be stored nearby if a disposable bag is not used. The following accessories shall be furnished and stored to be readily available, and shall be a single patient use item: one suction rinsing water bottle; one semi-rigid non-metallic pharyngeal suction tip; at least one spare suction tip and at least one adult and one infant catheter; one 6-foot length or more of translucent wide bore, nonkinking suction tubing, reasonably thick walled to prevent its collapse under high suction.

(2) Every ambulance shall be equipped with a portable suction unit providing a vacuum of at least 300 mm. Hg. and a free airflow rate of at least 15 liters per minute. Units shall be ~~oxygen~~ or battery powered units capable of providing at least 20 minutes of continuous operation at the required vacuum and flow levels. The portable suction unit shall be fitted with the following single patient use items: one 3-foot length or more wide bore, clear, nonkinking suction tubing and a rigid nonmetallic pharyngeal suction tip and applicable accessories and controls.

SECTION 41. Trans 309.23(1) is renumbered Trans 309.23(1)(a) and amended to read:

Trans 309.23(1)(a) The ambulance shall have a hospital type piped oxygen system capable of storing and supplying a minimum of 120 cubic feet of medical oxygen. The main oxygen supply shall have a minimum of 500 PSI. The oxygen containers shall be secured in a storage compartment. The cylinder controls shall be accessible from inside the vehicle. The pressure gauge shall be visible ~~from the EMT's seat or squad bench~~ inside the patient compartment. The piped oxygen system shall include a ~~reducing valve, a nonadjustable~~ pressure regulator preset to 50 PSI line pressure installed at the cylinder, and nonferrous piping and low pressure hoses suitable for medical oxygen. Oxygen piping shall be concealed and not exposed to the elements or damage, securely supported, and readily accessible for inspection and replacement. Oxygen shall be piped to self-sealing outlets. One duplex oxygen outlet station for the primary patient shall be located on the action wall or a single outlet on the action wall and a single outlet on the ceiling above the cot, and one oxygen outlet for the secondary patient shall be located at the squad bench. The oxygen ~~wall~~ outlet for the primary and secondary patient shall be equipped with a plug-in flowmeter and delivery tube located within 40 inches of the EMT's seat. The flowmeter shall be capable of delivering at least 15 liters per minute.

SECTION 42. Trans 309.23(1)(b) is created to read:

Trans 309.23(1)(b) Ambulances wishing to carry liquid oxygen in place of, or in addition to, the main compressed gas oxygen system shall be required to comply with sub. (1)(a), with the exception of the main oxygen supply needing to have a minimum of 500 PSI. Ambulances equipped with liquid oxygen shall have documentation available to the inspector as to the minimum gauge reading that is equivalent to 1000 liters of oxygen. The ambulance shall be equipped to allow the attendant to monitor the tank

levels from inside the patient compartment. The ambulance service shall have the capability of re-filling the liquid oxygen system and this service available to them 24 hours per day, 7 days per week.

SECTION 43. Trans 309.23(3) is amended to read:

Trans 309.23(3) A portable oxygen unit shall be carried. It shall be located near a patient compartment door and shall be accessible from outside of the ambulance. The portable oxygen unit shall have at least a 13 cubic foot container and shall be equipped with a yoke, a pressure gauge, a non-gravity dependent flowmeter, a delivery tube and oxygen masks. The portable oxygen supply shall have a minimum 500 PSI. The unit shall be capable of delivering an oxygen flow of at least 15 liters per minute. Portable cylinders or kits located in the patient compartment shall be secured with quick-release securing fittings. A full spare cylinder shall be stored in the ambulance. Oxygen masks, ~~with or without bags, shall be semi-open, valveless, transparent and easy to clean and decontaminate, or shall be disposable.~~

SECTION 44. Trans 309.24(1)(a) is repealed and recreated to read:

Trans 309.24(1)(a) An automatic, semiautomatic or manual defibrillator as specified in the standard operating procedures approved by the medical director of the service, and included in the plan approved by the department of health and family services, with appropriately sized defibrillation or conduction pads. This paragraph applies to all "in-service" ambulances.

SECTION 45. Trans 309.24(1)(am) is created to read:

Trans 309.24(1)(am) Two transparent nonrebreathing reservoir oxygen masks of each size, adult and child, and 2 infant size masks with adequate length tubing, and 2 adult nasal cannula. All masks, tubing and cannulas shall be single-patient use.

SECTION 46. Trans 309.24(1)(b) is repealed and recreated to read:

Trans 309.24(1)(b) One bag-valve-mask unit for each size, adult, child and infant. The bag shall be hand-operated, self-refilling with an accumulator capable of delivering an FiO₂ of 90%, and should not have a pop-off valve. The mask portion shall be clear. The valve portion shall be clear, disposable and operable in cold weather. A child bag shall have a reservoir of approximately 450 ml., and an adult bag shall have a reservoir of at least 1000 ml.

SECTION 47. Trans 309.24(1)(bm) is created to read:

Trans 309.24(1)(bm) Two approved advanced nonvisualized airway, such as a combitube, for all services providing advanced airway skills.

SECTION 48. Trans 309.24(1)(c) and (d) are amended to read:

Trans 309.24(1)(c) ~~Two sets~~ One set of oral airways from size ~~one 0~~ 0 to 6.

(d) Not less than 6 nasopharyngeal airways sized from size ~~20~~ 12 fr to 34 fr.

SECTION 49. Trans 309.24(1)(dm) is created to read:

Trans 309.24(1)(dm) Water soluble lubricant.

SECTION 50. Trans 309.24(1)(f), (h) to (k), (m), (o) and (q) are amended to read:

Trans 309.24(1)(f) Not less than ~~25-assorted~~ 50 sterile gauze pads, 4 x 4 inches or larger.

(h) A Four sterile occlusive ~~dressing~~ dressings at least 3 inches by 9 inches.

(i) Two rolls of medical tape, ~~4-inch~~ 2 inches or larger.

(j) Two sterile clean burn sheets.

(k) ~~Six~~ Eight triangular bandages.

(m) One large adult, one adult and one child and ~~one large adult~~ size blood pressure cuff calibrated to measure within + or -4mm. Hg.

(o) One adult and one pediatric commercial traction splint.

(q) ~~One~~ Two long spine ~~board~~ boards or comparable spinal immobilization device with appropriate straps.

SECTION 51. Trans 309.24(1)(s) is repealed and recreated to read:

Trans 309.24(1)(s) Splinting devices capable of rigid support and immobilization a joint above and a joint below an injury made from an appropriate design, such as cardboard, metal, pneumatic, vacuum, wood or plastic, 2 at least 3 feet long, and 2 at least 15 inches long.

SECTION 52. Trans 309.24(1)(u) is repealed.

SECTION 53. Trans 309.24(1)(v)7. is amended to read:

Trans 309.24(1)(v)7. Blanket or other ~~swaddling device~~ appropriate heat-reflective material, enough to cover a newborn.

SECTION 54. Trans 309.24(1)(v)8. is created to read:

Trans 309.24(1)(v)8. Bulb syringe.

SECTION 55. Trans 309.24(1)(w) is repealed.

SECTION 56. Trans 309.24(1)(x) and (y) are renumbered Trans 309.24(1)(w) and (wm).

SECTION 57. Trans 309.24(1)(z) is renumbered Trans 309.24(1)(wr) and amended to read:

Trans 309.24(1)(wr) An orthopedic break apart stretcher ~~of sufficient rigid construction so as to facilitate spinal immobilization.~~

SECTION 58. Trans 309.24(1)(za) is renumbered Trans 309.24(1)(x).

SECTION 59. Trans 309.24(1)(xm), (xr), (y), (ym) and (yr) are created to read:

Trans 309.24(1)(xm) Infection control personal protective equipment and materials include:

1. Three or more eye protection units (full peripheral glasses or shield).
2. Three or more surgical masks.
3. Three or more pairs of nonsterile gloves.
4. Three or more jumpsuits or gowns that are disposable and impervious to body fluids.
5. Three or more disposable shoe covers.
6. Hand wash of a commercial antimicrobial type, such as a towelette, spray or liquid.
7. At least one commercial sharps container.
8. Bio-hazard bags of identifiable color or markings, or both.

(xr) A personal protective equipment kit used for a latex sensitive patient or EMT, made up of the following latex free items or a mechanism to isolate the patient from latex made items:

1. Sphygmomanometer.
2. Stethoscope.
3. Airway set, either type.
4. 2-inch tape.
5. Gloves.
6. Adult BVM.
7. Child BVM.

8. Infant nonrebreathing O₂ mask.
9. Child nonrebreathing O₂ mask.
10. Adult nonrebreathing O₂ mask.
11. Nasal cannula.

(y) All intermediate services shall carry the following latex free items, in addition to par. (xr):

1. 6 tourniquets.
2. 3 1cc syringes.
3. 3 3cc syringes.
4. 3 5cc syringes.
5. 3 12cc syringes.
6. 3 60cc syringes.

(ym) All paramedic services shall carry the following latex free items, in addition to pars. (xr) and (y):

1. 6 stopcocks.
2. 6 filter needles.

(yr) Medications and drugs specified in the standard operating procedures approved by the medical director of the service. This shall include oral glucose in single patient use containers, and epinephrine as specified in the standard operating procedures approved by the medical director of the service, and included in the plan approved by the department of health and family services.

SECTION 60. Trans 309.24(1)(zb) and (zc) are repealed.

SECTION 61. Trans 309.24(zd) is renumbered Trans 309.24(1)(z).

SECTION 62. Trans 309.24(2)(intro.) is amended to read:

Trans 309.24(2)(intro.) The following are one patient-use items and shall remain sealed until the time of use. Unsealed containers of the following ~~shall~~ may not be kept:

SECTION 63. Trans 309.24(2)(b) and (c) are repealed.

SECTION 64. Trans 309.24(2)(d) and (e) are renumbered Trans 309.24(2)(b) and (c) and amended to read:

Trans 309.24(2)(b) Liquid oral glucose.

~~(c) Epinephrine as specified in the standard operating procedures approved by the medical director of the service. Two ampules or 2 preloaded syringes, or 2 adult and 2 child automatic injection devices of epinephrine.~~

SECTION 65. Trans 309.24(3)(a) and (d) are amended to read:

Trans 309.24(3)(a) Sterile intravenous infusion agents, in plastic containers, with necessary IV starting equipment, including an assortment of appropriately sized adult and pediatric IV catheters, including small sized catheters to at least 24 gauge.

(d) Prepackaged medications, drugs and solutions specified in the standard operating procedures approved by the medical director of the service and the department of health and family services.

SECTION 66. Trans 309.24(4)(b) is repealed and recreated to read:

Trans 309.24(4)(b) At least 2 intraosseous needles.

SECTION 67. Trans 309.24(4)(c) and (d) are amended to read:

Trans 309.24(4)(c) ~~Intubation~~ Airway intubation equipment as specified by the medical director of the service adequate to cover infants through adults.

(d) Medications and drugs specified in the standard operating procedures approved by the medical director of the service and the department of health and family services.

SECTION 68. Trans 309.24(4)(e) to (i) are created to read:

Trans 309.24(4)(e) One pediatric stethoscope.

(f) One infant size blood pressure cuff calibrated to + or - 4mm. Hg.

(g) Pediatric paddles.

(h) Pediatric and adult size endotracheal tube stylets.

(i) Length/weight-based drug dose chart or tape.

SECTION 69. Trans 309.25(1)(b) and (2) are amended to read:

Trans 309.25(1)(b) One ~~2-pound~~ 5-pound minimum fire extinguisher with a 10BC rating mounted in a bracket in the patient compartment.

(2) Small hand tools shall be ~~contained in a single pouch style carrying device or a tool box~~ stored in a single container and carried in an easily accessible area.

(END OF RULE TEXT)

Effective Date. 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), Stats.

Signed at Madison, Wisconsin, this 14 day of September, 1998.


CHARLES H. THOMPSON
Secretary
Wisconsin Department of Transportation

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CLEARINGHOUSE RULE 98-140

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

2. Form, Style and Placement in Administrative Code

a. In s. Trans 309.01 (2), it appears that the phrase "after December 30, 1998" is unnecessary.

b. In s. Trans 309.02 (1), "Advance" should be changed to "Advanced."

c. In s. Trans 309.02 (11), the quotation marks around "in-service ambulance" are unnecessary and should be deleted.

d. The new sentence in s. Trans 309.02 (12) should be rewritten as follows:

"Type I ambulance" includes a vehicle that is used for a combination of fire and ambulance purposes.

e. In s. Trans 309.03 (5), the material contained in the paragraphs does not follow grammatically from the introductory material. Either the paragraphs or the introductory material should be rewritten. In addition, in sub. (5) (intro.), after "deficient," the following should be inserted: "and sub. (4) does not apply." Finally, in sub. (5) (intro.), "any of" should be inserted after "inspection."

f. In s. Trans 309.03 (7), "Penalties" should be changed to "The penalty" and that subsection should be divided into three separate sentences following the same format as the first sentence. In addition, the cross-reference errors should be corrected. The subsection could be rewritten as follows:

(7) The penalty for violating sub. (5) (a) to (h) is a forfeiture of \$50. The penalty for violating sub. (5) (i) is a forfeiture of \$100. The penalty for violating sub. (6) is a forfeiture of \$200.

Also, should a phrase such as “up to” or “not more than” precede the above dollar amounts?

g. In s. Trans 309.04 (2), “Vehicles” should be changed to “A vehicle.” This comment applies also to s. Trans 309.04 (3).

h. In s. Trans 309.04 (3), the phrase “be allowed to” is unnecessary.

i. In the first sentence of s. Trans 309.23 (1) (b), the phrase “be required to” is unnecessary.

j. Is the last sentence in s. Trans 309.24 (1) (a) necessary? The introductory material in sub. (1) states that “all ambulances shall be equipped with the following:”. Is it not the case that all of the paragraphs in sub. (1) apply to all “in-service ambulances”?

k. In s. Trans 309.24 (1) (b), “should” should be changed to “may.”

l. In s. Trans 309.24 (1) (bm), should the first occurrence of “airway” be changed to “airways”?

m. In s. Trans 309.24 (1) (m), should “one adult” be changed to “one regular adult” or “one other adult”?

n. The requirements set forth in s. Trans 309.24 (1) (y) and (ym) should not be contained in that subsection because those requirements do not apply to all ambulances. Should the material contained in par. (y) be moved to sub. (3) and the material contained in par. (ym) be moved to sub. (4)?

o. In SECTION 61 of the rule-making order, in the first rule citation, “(1)” should be inserted between “309.24” and “(zd).”

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. In the second bullet item under the heading “General Summary of Proposed Rule” in the analysis, it is unclear what is meant by “an out-of-service criteria.” In addition, in that sentence, “of” should be changed to “with.”

b. In the Note following s. Trans 309.01 (1), “the ambulance” should be changed to “all ambulances used by the ambulance service provider.”

c. In s. Trans 309.03 (1), in the first sentence, it appears that “and approved” should be inserted after “inspected.” In addition, in the third sentence, the term “service provider” should be used consistently. In addition, when a reserve ambulance is put into in-service ambulance

status, must the service provider notify the department and must an inspection be conducted? Finally, the quotation marks in the last sentence are unnecessary and should be deleted.

d. The title to s. Trans 309.08 should be changed to be more descriptive of the requirements of that section. For example, the title could be changed to either **“Recordkeeping”** or **“Documentation.”**

e. Section Trans 309.08 (3) and (4) should specify how long the vehicle maintenance records and equipment maintenance records must be maintained. In addition, both provisions should be written in the active voice, i.e., “_____ shall develop, maintain and follow procedures”

f. Section Trans 309.08 (4) refers to performance testing. Is performance testing required? If so, this requirement should be set forth clearly in the rule.

g. In s. Trans 309.15 (2) (f), what is meant by “understandable”? Should this term be replaced with “recognizable as emergency vehicle lights”?

h. It is unclear whether s. Trans 309.17 (1m) applies to any ambulance that is in service three months after the chapter takes effect or only to those ambulances that are put into service for the first time three months after the chapter takes effect. This point should be clarified. This comment also applies to s. Trans 309.19 (2) (b). Also, “subsection applies to” should replace “requirement shall take effect on all.” Finally, “the first day of the 3rd month beginning after the effective date of this subsection [revisor inserts date]” should replace “3 months after this chapter takes effect.” [See s. 1.001 (9) (b), Manual.]

i. In s. Trans 309.18 (2), “EMTs” should replace EMT’s.”

j. In the second and third sentences of s. Trans 309.24 (1) (b), should “clear” be changed to “transparent”?

k. In s. Trans 309.24 (1) (s), “of” should be inserted after “immobilization” and “design” should be changed to “material.”

l. In s. Trans 309.24 (1) (xm), a comma should be inserted after “materials” and “include” should be changed to “including all of the following.”

m. Section Trans 309.24 (1) (xr) states that the latex-free items are to be used for a latex-sensitive patient or an emergency medical technician. However, instead of the latex-free items listed, the personal protective equipment kit may include a mechanism to isolate “the patient” from latex-made items. Would such a mechanism provide adequate protection to a latex-sensitive emergency medical technician? Also, note that “latex-free” and “latex-sensitive” are hyphenated terms.

n. In s. Trans 309.24 (1) (xr) 3., the two types of airway sets that are required should be specified. In addition, in subs. 6. and 7., the acronym should not be used because it is not a defined term.

o. In s. Trans 309.24 (1) (y), “the items specified in” should be inserted after “to.” This comment applies also to par. (ym).

PART 4
CR 98-140

ANALYSIS OF FINAL DRAFT OF TRANS 309

(a) **Need for Amended Rule.** Chapter Trans 309 was created in November 1, 1986, replacing ch. Trans 157. The purpose of this chapter is to prescribe minimum vehicle and medical equipment specifications for ambulances and to establish administrative procedures for implementing the ambulance inspection program under s. 341.085, Stats.

The rule was last revised in 1993-94. This rule change came about after requests came from the Wisconsin EMS Physician's Board and the Wisconsin EMS Board. Their request was to bring the rule up to today's medical standard.

(b) **Modifications as a Result of Testimony at Public Hearing.** The public hearing was held in Wausau on 10-15-98. Modifications made as a result of public testimony

(c) **List of Persons who Appeared or Registered at Public Hearing.** The following persons appeared/registered at the public hearing:

SPOKE IN FAVOR

John T. Pinson, Vice President of Operations, Madison West Ambulance Service Ltd., 803 Mayfair Avenue, Madison, WI 53714.

W. H. Perloff, M.D., EPAC, AmTrauma Society, Wisconsin Division, 9527 North Bay Drive, Baileys Harbor, WI 54202.

SPOKE IN OPPOSITION

Joe Aldworth, Division Chief, EMS Manager, City of Madison Fire Department, 325 West Johnson Street, Madison, WI 53703.

Robert Stedman, Fire Chief, City of Waukesha, 130 West St. Paul Avenue, Waukesha, WI 53188.

SPOKE IN FAVOR AND IN OPPOSITION TO CERTAIN SECTIONS

Tom Fennell, Manager, Gold Cross Ambulance, P. O. Box 1614, St. Cloud, MN 56302.

Don Hunjadi, Executive Manager, Wisconsin EMS Association, 21332 Seven Mile Road, Franksville, WI 53126.

SPOKE FOR INFORMATION

Michael Fraley, EMS Coordinator, Saint Joseph's Hospital, 611 Saint Joseph's Avenue, Marshfield, WI 54449.

Kevin Schlosser, Clinical Coordinator, Oneida County EMS, 1044 Kabel Avenue, Rhinelander, WI 54501.

REGISTERED IN FAVOR

Tim Ehlenfeldt, Transportation Officer, Madison West Ambulance Service Ltd., 803 Mayfair, Madison, WI 53714.

Lt. James R. Young, Schofield Fire Department, 200 Park Street, Schofield, WI 54476.

Ruth Riopel, RN, Coordinator of EMS, Wausau Hospital, 333 Pine Ridge Blvd., Wausau, WI 54401.

Capt. Tom Leslie, EMS Coordinator, Wausau Fire Department, 606 East Thomas Street, Wausau, WI 54403.

REGISTERED FOR INFORMATION

Alan Marcoux, EMT-I, Nekoosa Ambulance Service, 951 Market Street, Nekoosa, WI 54457.

Kris Kruckman, Fire Department Battalion Chief, Eau Claire Fire Department, 216 South Dewey Street, Eau Claire, WI 54701.

Kathy Worden, EMS Captain, Rib Mountain Fire, 2000 N. Mountain Road, Wausau, WI 54401.

(d) Response to Legislative Council Recommendations.

2a.-i. The Legislative Council's recommendations are adopted.

2.j. The Legislative Council questions whether the last sentence is necessary. Yes, reserve ambulances are not required to have a defibrillator, but are required to have all of the other equipment requirement by the rule.

2k.-m. The Legislative Council's recommendations are adopted.

2.n. Trans 309.24(1)(y) and (ym) have been deleted. Sub. (1)(xr) was amended to address latex-sensitive patients and attendants.

2.o. The Legislative Council's recommendation is adopted.

5.a. The Legislative Council recommends clarification of "out-of-service" criteria in the second bullet item in the Analysis of the rule. Out-of-service criteria is a set of guidelines used by the inspector when determining what type of vehicle defect is bad enough to put it out of service on the spot. The second recommendation in 5.a. is adopted.

5.c. In response to whether a reserve ambulance, when put into in-service ambulance status, is required to be inspected, the answer is yes. All ambulances, including reserve ambulances, are required to be inspected by the first sentence of s. Trans 309.03(1). The other recommendations in 5.c. have been incorporated.

5.d. The Legislative Council's recommendation is adopted.

5e-f. Trans 309.08(3) and (4) have been deleted from the rule.

5g.-l. The Legislative Council's recommendations are adopted.

5m.-n. Trans 309.24(1)(xr) has been re-written.

5.o. See response to 2.n.

(e) **Final Regulatory Flexibility Analysis**. This proposed rule will have an adverse effect on a limited number of small businesses providing ambulance service. For those services that keep their ambulances stocked with the bare minimum of medical and surgical equipment, the Department estimates that their cost per ambulance would be less than \$1,000. Most service providers will have very little monetary hardship because they already carry most of the equipment that this rule would require. The Department estimates that there would be a \$200 cost per ambulance.



Wisconsin Department of Transportation



Tommy G. Thompson
Governor

Charles H. Thompson
Secretary

OFFICE OF GENERAL COUNSEL
P. O. Box 7910
Madison, WI 53707-7910

October 29, 1998

The Honorable Brian Rude
President, Wisconsin State Senate
Room 301
119 MLK Jr. Blvd.
Madison, Wisconsin 53707

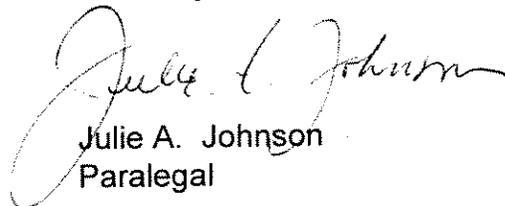
The Honorable Scott Jensen
Speaker, Wisconsin State Assembly
Room 315 North, State Capitol
Madison, Wisconsin 53707

RE: Proposed Administrative Rule **TRANS 309**
Notification of Legislative Standing Committees
CLEARINGHOUSE RULE 98-140

Gentlemen:

Enclosed is a copy of Clearinghouse Rule **98-140**, relating to **Ambulance Inspections**. The rule is submitted to you for referral to the appropriate standing committees.

Sincerely,


Julie A. Johnson
Paralegal

JAJ/dim

Enclosure

cc: Gary Poulson (Deputy Revisor of Statutes)/Senator Robert Welch/
Representative Glenn Grothman/Gene Kussart/Bill Singletary/Ted Waite
Frieda Andreas

CR 98-140

The Wisconsin Department of Transportation proposes an order to repeal TRANS 309.05, 309.07(1) and (4), 309.24(1)(u), (w), (zb), (zc), (2)(b) and (c), and (4)(b); renumber TRANS 309.02(1), (7) to (9) and (11), 309.07(2)(a), (b)5., and 309.24(1)(x) and (y), (za) and (zd); renumber and amend TRANS 309.02(10) and (12), 309.07(2)(b)(intro.) and 1. to 4., and (5) and (6), 309.23(1), 309.24(1)(z), (2)(d) and (e); amend TRANS 309.01(2), 309.03(1), (3)(b)1(intro.), (b)1.a. and b., and 2., and (4), 309.04(2), 309.09(1)(c), 309.12(1) and (2), 309.13, 309.15(2)(b), (c) and (e), 309.16(2), 309.17(1) and (2), 309.18(2), 309.19(1) and (2)(b), 309.21(1), 309.22(1) and (2), 309.23(3), 309.24(1)(c) and (d), (f), (h) to (k), (m), (q), (v)7., (2)(intro.), (3)(a) and (d), and (4)(c) and (d), and 309.25(2); repeal and recreate TRANS 309.24(1)(a), (b), (s) and (4)(b); and create TRANS 309.01(1)(note), 309.02(1), (7) and (11), 309.03(1m), (1r) and (5) to (7), 309.04(3), 309.08, 309.12(5), 309.15(2)(f), 309.17(1m), 309.20, 309.23(1)(b), 309.24(1)(am), (bm), (br), (dm), (v)8., (xm), (xr) and (y), and (4)(e) to (h), and 309.25(1)(bm), relating to ambulance inspection.

**REPORT OF THE DEPARTMENT OF TRANSPORTATION
ON THE FINAL RULE DRAFT**

This report is submitted to the presiding officers of the Senate and Assembly for referral to the appropriate standing committees. The report consists of the following parts:

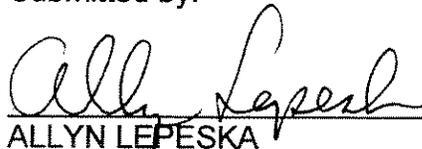
Part 1--Analysis prepared by the Department of Transportation.

Part 2--Rule text in final draft form.

Part 3--Recommendations of the Legislative Council.

Part 4--Analysis prepared pursuant to the provisions of s. 227.19(3), Stats.

Submitted by:



ALLYN LEPEŠKA

Assistant General Counsel
Office of General Counsel
Department of Transportation
Room 115-B, Hill Farms State
Transportation Building
P. O. Box 7910
Madison, WI 53707-7910
(608) 266-0253

PART 1

Analysis Prepared by the Wisconsin Department of Transportation

STATUTORY AUTHORITY: s. 341.085, Stats.

STATUTES INTERPRETED: s. 341.085, Stats.

General Summary of Proposed Rule. Chapter Trans 309 was created in November 1, 1986, replacing ch. Trans 157. The purpose of this chapter is to prescribe minimum vehicle and medical equipment specifications for ambulances and to establish administrative procedures for implementing the ambulance inspection program under s. 341.085, Stats.

The rule was last revised in 1993-94. This rule change came about after requests came from the Wisconsin EMS Physician's Board and the Wisconsin EMS Board. Their request was to bring the rule up to today's medical standard.

This proposed rule making:

- ◆ Addresses the problem of an increased number of ambulances that need to be inspected and the allotted person power to do those inspections. The inspections would go from annual to biennial, with the option of spot checks to verify compliance.
- ◆ Sets up an out of service criteria and a penalty section for noncompliance with the rule.
- ◆ Establishes requirements for required paper work the service provider is to keep and provide to the inspector upon inspection of the ambulance. This requirement will help ensure that the ambulance and equipment used has been properly maintained for the safe transportation of the sick and injured.
- ◆ Provides that all "In-Service" ambulances carry defibrillators which will bring the rule into compliance with DHFS requirements. With the advent of public defibrillation, the ambulance service provider must be able to maintain or increase the level of care given to the patient.
- ◆ Provides that the medical and surgical equipment carried on an ambulance meets the requirements of the medical field.
- ◆ Provides for the protection of a latex sensitive patient or EMT by requiring that the ambulance carries a latex free kit containing items most used in care for a patient.

Fiscal Effect. This proposed rule will have an adverse effect on a limited number of public entities providing ambulance service. For those services that keep their ambulances stocked with the bare minimum of medical and surgical equipment, the Department estimates that their cost per ambulance would be less than \$1,000. Most service providers will have very little monetary hardship because they already carry most of the equipment that this rule would require. The Department estimates that there would

be a \$200 cost per ambulance. This proposed rule will increase revenues for noncompliance of certain parts of this rule by assessing monetary penalties by about \$1,000.00 per year.

Copies of Proposed Rule. Copies of the rule may be obtained upon request, without cost, by writing to Frieda Andreas, Division of State Patrol, P. O. Box 7912, Madison, WI 53707-7912, or by calling (608) 266-6936. Alternate formats of the proposed rule will be provided to individuals at their request.

PART 2
TEXT OF PROPOSED RULE

Under the authority vested in the state of Wisconsin, department of transportation, by s. 341.085, Stats., the department of transportation hereby proposes an order to amend a rule interpreting s. 341.085, Stats., relating to ambulance inspection.

SECTION 1. Trans 309.01(1)(note) is created to read:

NOTE: To be licensed as an Ambulance Service Provider in Wisconsin, all ambulances used by the ambulance service provider must be first inspected by Wisconsin DOT per ch. Trans 309, ss. HFS 110.04(1)(b) and (2), 111.06(2)(k) and 112.07(2)(l).

SECTION 2. Trans 309.01(2) is amended to read:

Trans 309.01(2) This chapter applies to all ambulances in service in this state ~~after~~
~~December 30, 1979.~~

SECTION 3. Trans 309.02(1) is renumbered Trans 309.02(1m).

SECTION 4. Trans 309.02(1) is created to read:

Trans 309.02(1) "Advanced skill" has the meaning given in s. HSS 110.03(3).

SECTION 5. Trans 309.02(7) to (9) are renumbered Trans 309.02(8) to (10).

SECTION 6. Trans 309.02(7) is created to read:

Trans 309.02(7) "In-service ambulance" means an ambulance that is ready to take calls, including emergencies, transfers or standing by at a special function.

SECTION 7. Trans 309.02(10) is renumbered Trans 309.02(12) and amended to read:

Trans 309.02(12) "Type I ambulance" means a motor truck with a modular unit having a rear window opening or a walk-through from the cab to the modular unit. "Type I ambulance" includes a vehicle that is used for a combination of fire and ambulance purposes.

SECTION 8. Trans 309.02(11) is renumbered Trans 309.02(13).

SECTION 9. Trans 309.02(11) is created to read:

Trans 309.02(11) "Reserve ambulance" means an ambulance kept in reserve in case an in-service ambulance needs to be taken out of service for repairs.

SECTION 10. Trans 309.02(12) is renumbered Trans 309.02(14) and amended to read:

Trans 309.02(14) "Type III ambulance" means a specialty van and modular unit with a rear window opening or walk-through from the cab to the modular unit.

SECTION 11. Trans 309.03(1) is amended to read:

Trans 309.03(1) No person may use any motor vehicle for the purpose of providing ambulance services unless the vehicle has been inspected and approved by the department for use as an ambulance in this state. Except as otherwise provided, each ambulance ~~so shall be inspected shall meet~~ at least biennially to the satisfaction of the inspector to ensure that the ambulance meets the minimum standards applicable to that vehicle under subchs. I, II and III. Each Whenever the ambulance service provider shall be inspected annually and shall be inspected upon upgrade upgrades to a higher level of provider service, the service provider shall notify the inspector. When a reserve ambulance is put into in-service ambulance status, it shall meet all requirements of this chapter.

SECTION 12. Trans 309.03(1m) and (1r) are created to read:

Trans 309.03(1m) Sub. (1) does not prevent the inspector from doing spot inspections to check for compliance with this chapter.

(1r) Whenever the department receives a complaint about a service provider alleging non-compliance with this chapter, the inspector shall investigate and, where appropriate, inspect the provider's ambulances.

SECTION 13. Trans 309.03(3)(b)1.(intro.), (b)1.a. and b., and 2., and (4) are amended to read:

Trans 309.03(3)(b)1. If a vehicle that has been declared "out of service" is no longer to serve as an ambulance, the owner or lessee of the vehicle shall remove the "OUT OF SERVICE" sticker and all special ambulance markings and features from the vehicle, including all of the following:

a. The warning, flood lights and siren unless the vehicle is being converted for use as another kind of authorized emergency vehicle;

b. Any lettering identifying the vehicle as an ambulance; ~~and~~

2. The owner or lessee of the vehicle is not required to obtain approval from the department ~~or to~~ but shall notify the department when he or she proceeds under this paragraph.

(4) If upon inspection a vehicle is found defective or deficient but, in the judgment of the inspector, may nevertheless be operated as an ambulance without seriously affecting the safe transportation of sick, injured or disabled persons, the inspector shall note the deficiency on the ambulance inspection report and shall specify the time, not to exceed 30 days, in which the ambulance service provider is required to correct the defect or deficiency. If the defect or deficiency is not corrected within the time allowed, the vehicle ~~shall~~ may not be used as an ambulance.

SECTION 14. Trans 309.03(5) to (7) are created to read:

Trans 309.03(5) A vehicle being used as an ambulance shall immediately be rendered out of service and the service provider may be assessed a monetary penalty if, upon inspection, the ambulance is found to have any of the following, and sub. (4) does not apply:

- (a) A malfunctioning brake system.
- (b) A faulty exhaust system.
- (c) A faulty battery system.
- (d) A malfunctioning fuel system.
- (e) An inadequate on-board oxygen system.
- (f) An unsafe structure.
- (g) Unsafe tires.

(h) Ten or more minor violations which, in the opinion of the inspector, shows a lack of effort on the part of the service provider to stay in compliance with this chapter.

(i) Repeat violations from the previous inspection report with no maintenance history or documentation that the problem had been corrected.

(6) The vehicle shall be rendered out of service and the provider may be assessed monetary penalties when the provider knowingly resists or obstructs the inspector while the inspector is doing any act in an official capacity and with lawful authority. For purposes of this subsection, "obstructs" includes, without limitation, knowingly giving or demonstrating false information to the inspector.

(7) The penalty for violating sub. (5)(a) to (h) is a forfeiture of up to \$50.00 per violation. The penalty for violating sub. (5)(i) is a forfeiture of up to \$100.00. The penalty for violating sub. (6) is a forfeiture of up to \$200.00.

SECTION 15. Trans 309.04(2) is amended to read:

Trans 309.04(2) ~~Vehicles~~ A vehicle subject to this section may not be used ~~to respond to accident calls and shall~~ as a primary response vehicle, but may be used only for mobile intensive care or ~~neonatal~~ neonatology medical care purposes.

SECTION 16. Trans 309.04(3) is created to read:

Trans 309.04(3) A vehicle subject to this section may respond as an additional resource vehicle during times such as a disaster emergency when local resources, including mutual aid resources, are exceeded.

SECTION 17. Trans 309.05 is repealed.

SECTION 18. Trans 309.07(1) is repealed.

SECTION 19. Trans 309.07(2)(a) is renumbered Trans 309.07(1).

SECTION 20. Trans 309.07(2)(b)(intro.) and (2)(b)1. to 4 are renumbered Trans 309.07(2)(intro.), (a) to (d) and amended to read:

Trans 309.07(2)(intro.) In determining whether an undue hardship may be created if a variance is not granted, the department shall consider all of the following:

(a) The kind and amount of emergency medical services available in the immediate area served by the applicant;

(b) The presence of other ambulance service providers in surrounding communities that might be available to assist in emergencies through mutual aid agreements or other similar arrangements;

(c) The number and type of emergency and nonemergency service calls made by the applicant within the 2-year period immediately preceding the date of application;

(d) Any plans developed by the applicant to upgrade the existing vehicles to established specifications; and

SECTION 21. Trans 309.07(2)(b)5. is renumbered Trans 309.07(2)(e).

SECTION 22. Trans 309.07(4) is repealed.

SECTION 23. Trans 309.07(5) and (6) are renumbered Trans 309.07(4) and (5) and amended to read:

Trans 309.07(4) The issuance of a variance to any person for any ambulance does not exempt that vehicle from the ~~annual~~ biennial inspection requirements imposed in this chapter.

(5) The right to continue operation of an ambulance for which a waiver or a variance has been granted or recognized under this section is not transferable to any other person or vehicle.

SECTION 25. Trans 309.08 is created to read:

TRANS 309.08 Documentation. (1) REGISTRATION. At the time of inspection, the service provider shall open to inspection the proof of current registration on each ambulance to be inspected. The proof of registration or copy of it shall be available upon request of the inspector at the place of inspection.

(2) DRUG LIST. Upon inspection, the service provider shall provide a copy of the current list of approved drugs from the services medical director. The list shall state the minimum amount of each drug the provider will carry on each ambulance.

SECTION 26. Trans 309.09(1)(c) is amended to read:

Trans 309.09(1)(c) *Height*. The patient compartment shall ~~not~~ be not less than 60 inches in height over the patient area measured from the floor to the ceiling, exclusive of cabinets or equipment and symmetrical corners and edges.

SECTION 27. Trans 309.12(1) and (2) are amended to read:

Trans 309.12(1) Each tire shall have not less than ~~4/46~~ 1/8 inch tread depth. The depth shall be measured at 2 points not less than 15 inches apart in any major tread groove at or near the center of the tire.

(2) Wheels, tires and brake drum assemblies shall be in balance ~~up to speeds of 70 miles per hour.~~

SECTION 28. Trans 309.12(5) is created to read:

Trans 309.12(5) Tires shall be maintained in good working condition.

SECTION 29. Trans 309.13 is amended to read:

TRANS 309.13 Batteries. All ambulances shall be equipped with ~~a labeled "Battery Selector Device" 2 battery~~ 2 or more battery system. All batteries should be securely attached to prevent dislocation in the event of an accident. When mounted outside of the engine compartment the battery shall be contained in a closed, drained, weather-tight and vented compartment in the body skirt, which shall retain the battery in the event of an upset or rollover. The battery compartment door or cover shall be secured by a latch. The battery cables may not be spliced.

SECTION 30. Trans 309.15(2)(b), (c) and (e) are amended to read:

Trans 309.15(2)(b) The lights required in par. (a)1. may be replaced with a light bar with 2 or more rotating or flashing red or red and white lights which covers the same area.

(c) The lights required in par. (a)2. may each be replaced with a rotating red light revolving or flashing on a horizontal plane.

(e) Ambulance service providers ~~shall~~ may not be required to alter emergency warning lamps already installed on ambulances in service prior to November 1, 1986.

SECTION 31. Trans 309.15(2)(f) is created to read:

Trans 309.15(2)(f) The lamps shall be designed and mounted to be plainly visible and recognizable as emergency vehicle lights from a distance of 500 feet during both normal sunlight and hours of darkness.

SECTION 32. Trans 309.16(2) is amended to read:

Trans 309.16(2) PATIENT COMPARTMENT. The patient compartment shall be equipped with overhead or dome lighting and switch panel lighting. Only white colored lamps or lenses may be used in the patient compartment. Patient compartment lights shall be automatically activated when the entrance doors are opened or when otherwise controlled by the driver's master switch. Interior light fixtures ~~shall~~ may not protrude more than 1.5 inches. Fluorescent lights that operate on 12 volts may be used, but they ~~shall~~ may not extend more than 4 inches from the mounting surface. Fluorescent fixtures may be mounted at the intersection of the ceiling and walls, and shall be equipped with removable covers that positively lock in place.

SECTION 33. Trans 309.17(1) is amended to read:

Trans 309.17(1) Each ambulance shall have an electric or electronic siren and amplified public address system ~~with radio amplification capacity~~. The siren or siren speakers shall be mounted below the windshield and forward of the front wheels. The siren shall produce wail and yelp sound patterns. The wail sound pattern shall have both automatic and manual controls.

SECTION 34. Trans 309.17(1m) is created to read:

Trans 309.17(1m) The siren shall be activated by the steering wheel horn. The emergency light control panel shall have a switch marked "horn/siren" to activate either the vehicle's horn or siren. This subsection applies to all ambulances that are put in

service the first day of the 3rd month beginning after the effective date of this subsection
.... [revisor inserts date].

SECTION 35. Trans 309.17(2) is amended to read:

Trans 309.17(2) Ambulance service providers ~~shall~~ may not be required to alter siren mountings already installed on ambulances in service prior to May 1, 1994.

SECTION 36. Trans 309.18(2) is amended to read:

Trans 309.18(2) Each ambulance service provider operating ambulances staffed either wholly or partially with ~~EMT intermediates, EMT defibrillator, EMT epinephrine or EMT paramedics~~ EMTs practicing advance skills shall have remote 2-way communications for personnel when they are away from the ambulance.

SECTION 37. Trans 309.19(1) and (2)(b) are amended to read:

Trans 309.19(1) ~~Any ambulance~~ Ambulances may be painted any color or combination of colors and shall bear the lettering and markings prescribed in sub. (2).

(2)(b) Reflectorized striping totaling not less than 4 inches shall encircle the entire ambulance body excluding the front end. The top edge of this stripe shall be no higher than 48 inches above the ground. This stripe may be broken up by wheel wells, hinges, handles, windows or lights. Reflectorized lettering may be included as part of this striping. This striping requirement shall apply to all units placed in service ~~3 months~~ after ~~the effective date of this rule~~ June 1, 1994.

SECTION 38. Trans 309.20 is created to read:

TRANS 309.20 Smoking in ambulances. No smoking may be allowed in any area of the ambulance at any time.

SECTION 39. Trans 309.21(1) is amended to read:

Trans 309.21(1) Every ambulance shall be equipped with ~~the following~~: one commercial elevating wheeled cot maintained in good working order made up with a sheet, and a blanket, ~~and a pillow~~; one bench seat or a non-elevating wheeled cot-bench; and a chair stretcher or a combination stretcher chair with legs and 2 wheels, designed to permit a patient to be carried on stairways and through other narrow areas. Each ambulance shall be equipped with a crash stable slide, center mounted, or equivalent cot fastener assembly of the quick release type to secure the elevating wheeled cot and the non-elevating wheeled cot-bench to the ambulance body. The cot fastener assembly shall be the manufacturer's approved bracket for the cot used.

SECTION 40. Trans 309.22(1) and (2) are amended to read:

Trans 309.22(1) An engine vacuum operated or electrically powered suction aspirator system shall be provided in the patient's compartment. The installed suction system shall be powerful enough to provide an air flow of at least 20 liters per minute at the end of the delivery tube and a vacuum of at least 300 millimeters of mercury to be reached within 4 seconds after the tubes clamped. The suction line shall be securely fastened to prevent damage, but shall remain accessible for inspection and repair. The engine vacuum type aspirator system shall be connected to a check valve and reservoir chamber having a volume of not less than 575 cubic inches, in line between the vacuum source and the aspirator. Aspiration suction shall be connected to a single, plug-in, self-sealing valve. The suction line connection shall be a labeled, plug-in outlet located near the oxygen outlets, but far enough away to permit easy handling of necessary component parts. The suction system shall include 2 mating outlet fittings or a yoke for the valve connection. The aspirator unit shall be securely mounted and located near the primary patient. The vacuum indicator gauge shall be ~~approximately 3 inches in~~

~~diameter, with readout increments of not less than 10 mm. Hg., and numerical markers at least every 100 mm. Hg. The total range shall be at least 0-~~ capable of reading vacuum pressure up to 300 mm. Hg. The vacuum adjuster shut-off valves, either in combination or separately controlled, shall control vacuum setting within 10 mm. Hg. and discontinue aspiration instantly. The collecting bottle shall be nonbreakable and transparent with not less than 500 cc holding capacity. One spare nonbreakable suction collecting bottle shall be stored nearby if a disposable bag is not used. The following accessories shall be furnished and stored to be readily available, and shall be a single patient use item: one suction rinsing water bottle; one semi-rigid non-metallic pharyngeal suction tip; at least one spare suction tip and at least one adult and one infant catheter; one 6-foot length or more of translucent wide bore, nonkinking suction tubing, reasonably thick walled to prevent its collapse under high suction.

(2) Every ambulance shall be equipped with a portable suction unit providing a vacuum of at least 300 mm. Hg. and a free airflow rate of at least 15 liters per minute. Units shall be ~~oxygen or~~ battery powered units capable of providing at least 20 minutes of continuous operation at the required vacuum and flow levels. The portable suction unit shall be fitted with the following single patient use items: one 3-foot length or more wide bore, ~~clear~~ transparent, nonkinking suction tubing and a rigid nonmetallic pharyngeal suction tip and applicable accessories and controls.

SECTION 41. Trans 309.23(1) is renumbered Trans 309.23(1)(a) and amended to read:

Trans 309.23(1)(a) The ambulance shall have a hospital type piped oxygen system capable of storing and supplying a minimum of 120 cubic feet of medical oxygen. The main oxygen supply shall have a minimum of 500 PSI. The oxygen containers shall

be secured in a storage compartment. The cylinder controls shall be accessible from inside the vehicle. The pressure gauge shall be visible ~~from the EMT's seat or squad bench~~ inside the patient compartment. The piped oxygen system shall include a ~~reducing valve, a nonadjustable~~ pressure regulator preset to 50 PSI line pressure installed at the cylinder, and nonferrous piping and low pressure hoses suitable for medical oxygen. Oxygen piping shall be concealed and not exposed to the elements or damage, securely supported, and readily accessible for inspection and replacement. Oxygen shall be piped to self-sealing outlets. One duplex oxygen outlet station for the primary patient shall be located on the action wall or a single outlet on the action wall and a single outlet on the ceiling above the cot, and one oxygen outlet for the secondary patient shall be located at the squad bench. The oxygen ~~wall~~ outlet for the primary and secondary patient shall be equipped with a plug-in flowmeter and delivery tube located within 40 inches of the EMT's seat. The flowmeter shall be capable of delivering at least 15 liters per minute.

SECTION 42. Trans 309.23(1)(b) is created to read:

Trans 309.23(1)(b) Ambulances wishing to carry liquid oxygen in place of, or in addition to, the main compressed gas oxygen system shall comply with sub. (1)(a), with the exception of the main oxygen supply needing to have a minimum of 500 PSI. Ambulances equipped with liquid oxygen shall have documentation available to the inspector as to the minimum gauge reading that is equivalent to 1000 liters of oxygen. The ambulance shall be equipped to allow the attendant to monitor the tank levels from inside the patient compartment.

SECTION 43. Trans 309.23(3) is amended to read:

Trans 309.23(3) A portable oxygen unit shall be carried. It shall be located near a patient compartment door and shall be accessible from outside of the ambulance. The

portable oxygen unit shall have at least a 13 cubic foot container and shall be equipped with a yoke, a pressure gauge, a non-gravity dependent flowmeter, a delivery tube and oxygen masks. The portable oxygen supply shall have a minimum 500 PSI. The unit shall be capable of delivering an oxygen flow of at least 15 liters per minute. Portable cylinders or kits located in the patient compartment shall be secured with quick-release securing fittings. A full spare cylinder shall be stored in the ambulance. Oxygen masks, ~~with or without bags, shall be semi-open, valveless, transparent and easy to clean and decontaminate, or shall be~~ disposable.

SECTION 44. Trans 309.24(1)(a) is repealed and recreated to read:

Trans 309.24(1)(a) An automatic, semiautomatic or manual defibrillator as specified in the standard operating procedures approved by the medical director of the service, and included in the plan approved by the department of health and family services, with appropriately sized defibrillation or conduction pads. This paragraph applies to all "in-service" ambulances.

SECTION 45. Trans 309.24(1)(am) is created to read:

Trans 309.24(1)(am) Two transparent nonbreathing reservoir oxygen masks of each size, adult and child, and 2 infant size masks with adequate length tubing, and 2 adult nasal cannula. All masks, tubing and cannulas shall be single-patient use.

SECTION 46. Trans 309.24(1)(b) is repealed and recreated to read:

Trans 309.24(1)(b) One bag-valve-mask unit for each size, adult, child and infant. The bag shall be hand-operated, self-refilling with an accumulator capable of delivering an FiO_2 of 90%, and may not have a pop-off valve. The mask portion shall be transparent. The valve portion shall be clear, disposable and operable in cold weather. A

child bag shall have a reservoir of approximately 450 ml., and an adult bag shall have a reservoir of at least 1000 ml.

SECTION 47. Trans 309.24(1)(bm) and (br) are created to read:

Trans 309.24(1)(bm) All in-service ambulances shall have 2 approved advanced airways.

(br) All in-service ambulances shall carry epinephrine as specified in the standard operating procedures approved by the medical director of the service. The service shall carry 2 ampules with approved delivery devices or 2 preloaded syringes, or 2 adult and 2 child automatic injection devices.

SECTION 48. Trans 309.24(1)(c) and (d) are amended to read:

Trans 309.24(1)(c) ~~Two sets~~ One set of oral airways from size ~~one~~ 0 to 6.

(d) ~~Not less than 6~~ Six or more nasopharyngeal airways sized from ~~size 20~~ 12 fr to 34 fr.

SECTION 49. Trans 309.24(1)(dm) is created to read:

Trans 309.24(1)(dm) Water soluble lubricant.

SECTION 50. Trans 309.24(1)(f), (h) to (k) and (m) are amended to read:

Trans 309.24(1)(f) ~~Not less than 25 assorted~~ Fifty or more sterile gauze pads, 4 x 4 inches or larger.

(h) ~~A~~ Four sterile occlusive ~~dressing~~ dressings at least 3 inches by 9 inches.

(i) Two rolls of medical tape, ~~4 inch~~ 2 inches or larger.

(j) Two ~~sterile~~ clean burn sheets.

(k) ~~Six~~ Eight triangular bandages.

(m) One large adult, one regular adult and one child ~~and one large adult~~ size blood pressure cuff calibrated to measure within + or -4mm. Hg.

SECTION 51. Trans 309.24(1)(o) is repealed and recreated to read:

Trans 309.24(1)(o) Traction splints. This requirement may be met by one of the following:

1. One adult commercial traction splint and documented methodology for the stabilization of a pediatric femur fracture signed by the ambulance provider's medical director with appropriate equipment.

2. One adult and pediatric commercial traction splint capable of immobilizing femur fractures in patients over the age of 4.

3. One adult and one pediatric traction splint.

SECTION 52. Trans 309.24(1)(q) is amended to read:

Trans 309.24(1)(q) ~~One~~ Two long spine ~~board~~ boards or comparable spinal immobilization device with appropriate straps.

SECTION 53. Trans 309.24(1)(s) is repealed and recreated to read:

Trans 309.24(1)(s) Splinting devices capable of rigid support and immobilization of a joint above and a joint below an injury made from an appropriate material, such as cardboard, metal, pneumatic, vacuum, wood or plastic, 2 at least 3 feet long, and 2 at least 15 inches long.

SECTION 54. Trans 309.24(1)(u) is repealed.

SECTION 55. Trans 309.24(1)(v)7. is amended to read:

Trans 309.24(1)(v)7. Blanket or other ~~swaddling device~~ appropriate heat-reflective material, enough to cover a newborn.

SECTION 56. Trans 309.24(1)(v)8. is created to read:

Trans 309.24(1)(v)8. Bulb syringe.

SECTION 57. Trans 309.24(1)(w) is repealed.

SECTION 58. Trans 309.24(1)(x) and (y) are renumbered Trans 309.24(1)(w) and (wm).

SECTION 59. Trans 309.24(1)(xm), (xr) and (y) are created to read:

Trans 309.24(1)(xm) Infection control personal protective equipment and materials, including all of the following:

1. Three or more eye protection units (full peripheral glasses or shield).
2. Three or more surgical masks.
3. Three or more pairs of nonsterile gloves.
4. Three or more jumpsuits or gowns that are disposable and impervious to body fluids.
5. Three or more disposable shoe covers.
6. Hand wash of a commercial antimicrobial type, such as a towelette, spray or liquid.
7. At least one commercial sharps container.
8. Bio-hazard bags of identifiable color or markings, or both.

(xr) All services shall have latex-free equipment and supplies as directed by a protocol, approved by the services medical director for the treatment, care and used by latex-sensitive patients and attendants.

(y) Medications and drugs specified in the standard operating procedures approved by the medical director of the service. This shall include oral glucose in single patient use containers, and epinephrine as specified in the standard operating procedures approved by the medical director of the service, and included in the plan approved by the department of health and family services.

SECTION 60. Trans 309.24(1)(z) is renumbered Trans 309.24(1)(wr) and amended to read:

Trans 309.24(1)(wr) An orthopedic break apart stretcher ~~of sufficient rigid construction so as to facilitate spinal immobilization.~~

SECTION 61. Trans 309.24(1)(za) is renumbered Trans 309.24(1)(x).

SECTION 62. Trans 309.24(1)(zb) and (zc) are repealed.

SECTION 63. Trans 309.24(1)(zd) is renumbered Trans 309.24(1)(z).

SECTION 64. Trans 309.24(2)(intro.) is amended to read:

Trans 309.24(2)(intro.) The following are one patient-use items and shall remain sealed until the time of use. Unsealed containers of the following ~~shall~~ may not be kept:

SECTION 65. Trans 309.24(2)(b) and (c) are repealed.

SECTION 66. Trans 309.24(2)(d) and (e) are renumbered Trans 309.24(2)(b) and (c) and amended to read:

Trans 309.24(2)(b) Liquid oral glucose.

(c) Epinephrine ~~as specified in the standard operating procedures approved by the medical director of the service. Two ampules or 2 preloaded syringes, or 2 adult and 2 child automatic injection devices of epinephrine.~~

SECTION 67. Trans 309.24(3)(a) and (d) are amended to read:

Trans 309.24(3)(a) Sterile intravenous infusion agents, in plastic containers, with necessary IV starting equipment, including an assortment of appropriately sized adult and pediatric IV catheters, including small sized catheters to at least 24 gauge.

(d) Prepackaged medications, drugs and solutions specified in the standard operating procedures approved by the medical director of the service and the department of health and family services.

SECTION 68. Trans 309.24(4)(b) is repealed and recreated to read:

Trans 309.24(4)(b) Two or more intraosseous needles.

SECTION 69. Trans 309.24(4)(c) and (d) are amended to read:

Trans 309.24(4)(c) ~~Intubation~~ Endotracheal intubation equipment as specified by the medical director of the service adequate to cover infants through adults.

(d) Medications and drugs specified in the standard operating procedures approved by the medical director of the service and the department of health and family services.

SECTION 70. Trans 309.24(4)(e) to (h) are created to read:

Trans 309.24(4)(e) One pediatric stethoscope.

(f) Pediatric paddles or 2 sets of pads.

(g) Pediatric and adult size endotracheal tube stylets.

(h) Length/weight-based drug dose chart or tape.

SECTION 71. Trans 309.25(1)(bm) is created to read:

Trans 309.25(1)(bm) One 5-pound minimum fire extinguisher with a 10BC rating mounted in a bracket in the patient compartment on all new ambulances put in service after the effective date of this subsection [revisor inserts date].

SECTION 72. Trans 309.25(2) is amended to read:

Trans 309.25(2) Small hand tools shall be ~~contained in a single pouch style carrying device or a tool box~~ stored in a single container and carried in an easily accessible area.

(END OF RULE TEXT)

Effective Date. This rule shall take effect on April 1, 1999.

Signed at Madison, Wisconsin, this 28 day of
October, 1998.



CHARLES H. THOMPSON
Secretary
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RULES CLEARINGHOUSE

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PART 3

CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 98-140

AN ORDER to repeal Trans 309.05, 309.07 (1) and (4), 309.24 (1) (u), (w), (zb) and (zc), (2) (b) and (c) and (4) (b); to renumber Trans 309.02 (1), (7) to (9) and (11), 309.07 (2) (a) and (b) 5. and 309.24 (1) (x), (y), (za) and (zd); to renumber and amend Trans 309.02 (10) and (12), 309.07 (2) (b) (intro.) and 1. to 4., (5) and (6), 309.23 (1) and 309.24 (1) (z) and (2) (d) and (e); to amend Trans 309.01 (2), 309.03 (1), (3) (b) 1. (intro.), a. and b. and 2. and (4), 309.04 (2), 309.09 (1) (c), 309.12 (1) and (2), 309.13, 309.15 (2) (b), (c) and (e), 309.16 (2), 309.17 (1) and (2), 309.18 (2), 309.19 (1) and (2) (b), 309.21 (1), 309.22 (1) and (2), 309.23 (3), 309.24 (1) (c), (d), (f), (h) to (k), (m), (o), (q) and (v) 7., (2) (intro.), (3) (a) and (d) and (4) (c) and (d) and 309.25 (1) (b) and (2); to repeal and recreate Trans 309.24 (1) (a), (b) and (s); and to create Trans 309.01 (1) (Note), 309.02 (1), (7) and (11), 309.03 (1m), (1r) and (5) to (7), 309.04 (3), 309.08, 309.12 (5), 309.15 (2) (f), 309.17 (1m), 309.20, 309.23 (1) (b), 309.24 (1) (am), (bm), (dm), (v) 8., (xm), (xr), (y), (ym) and (yr) and (4) (e) to (i), relating to ambulance inspection.

Submitted by **DEPARTMENT OF TRANSPORTATION**

09-14-98 RECEIVED BY LEGISLATIVE COUNCIL.

10-12-98 REPORT SENT TO AGENCY.

RNS:MM:jal;rv

