

1999 DRAFTING REQUEST

Bill

Received: **09/24/98**

Received By: **kenneda**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget 7-9546**

By/Representing: **Jablonsky**

This file may be shown to any legislator: **NO**

Drafter: **kenneda**

May Contact: **Richard Chao (DHFS)**

Alt. Drafters:

Subject: **Health - miscellaneous**

Extra Copies: **TAY**

Topic:

DOA:.....Jablonsky - Emergency medical services fees and forfeitures

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	kenneda 10/27/98	ptellez 10/28/98	martykr 10/28/98	_____	lrb_docadmin 10/28/98		
/2	kenneda 12/26/98	gilfokm 12/26/98	ismith 12/28/98	_____	lrb_docadmin 12/28/98		
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/4	kenneda 02/2/99	ygeller 02/2/99	lpaasch 02/3/99	_____	lrb_docadmin 02/3/99		

FE Sent For:

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14 2/2 jlg 23LP
~~23LP~~
 WJ
 <ENDS>

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FE Sent For: *13-1-14-98 kmf* *1-14 LP. 1-14 LP. km*
~~_____~~
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/1	kenneda 10/27/98	ptellez 10/28/98	martykr 10/28/98	_____	lrb_docadmin 10/28/98		
FE Sent For:		12-12-26 KMG	IS 12/28	IS/WLJ 12/28			
				<END>			

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May Contact: **Richard Chao (DHFS)**

Alt. Drafters:

Subject: **Health - miscellaneous**

Extra Copies: **TAY**

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Instructions:

See Attached

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Drafter: **kenneda**

May Contact: **Richard Chao (DHFS)**

Alt. Drafters:

Subject: **Health - miscellaneous**

Extra Copies: **TAY, DHFS**

Topic:

DOA:.....Jablonsky - Emergency medical services fees and fines

Instructions:

See Attached

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/?	kenneda		<i>Km 10/28</i>	<i>JA Km 10/28</i>			

FE Sent For:

<END>

DHFS

Department of Health and Family Services
1999-2001 Biennial Budget Statutory Language Request
September 14, 1998

Emergency Medical Services Fees and Fines

Current Language

Currently the Emergency Medical Services (EMS) Section of DHFS does not charge fees or initiate fines to EMS ambulance providers or Emergency Medical Technicians (EMTs).

Proposed Change

The Department proposes the creation of statutory language in Chapter s. 146, which would permit the EMS section to charge licensing fees for processing applications and impose late submission penalties to EMS providers and EMTs. The Department also proposes the creation of statutory language permitting the EMS section to levy fines on EMS providers for violations.

Effect and Rationale for the Change

Most other regulatory programs have authority to charge fees and fines. The use of fees and fines is an appropriate mechanism to fund the EMS program. The most recent statistics are over four years old, but at that time 24 other state's EMS programs had some type of fee structure and at least as many had a fine structure. The EMS Board has gone on record (May 1998) as conceptually supporting the Department's ability to levy fees and fines.

*Specify by rule,
with emerg. rule making (See Jablonsky)
10/22/98*

The use of fines is a valuable mechanism for effective program administration. Currently, the Department has only three responses to rules violations or to the late submissions of license renewals by EMS providers and technicians. These three options are: 1.) Take no action, 2.) Issue a reprimand, or 3.) Suspend the provider or technician's license. Under the current system, the differences between options 1 and 2 are negligible. The third option, suspension of license is so extreme that it is infrequently used except in cases of very serious infractions. Therefore, for the vast majority of providers and technicians there are no real consequences for non-compliance of rules and regulations. For example, there is no sanction for renewing a license up to one year late. As a result, the Department incurs additional expenses in processing the approximate 4,000 (25% of total) late requests each biennium. In addition, although the number of fineable violations in a year is not very high (10-30), this request would create an effective intermediate sanction that would be a deterrent to poor practices.

Desired Effective Date: Upon Passage
Agency: DHFS
Agency Contact: Richard T. Chao
Phone: 7-0356

10/26/98: Phone conversation with Rich Chao:

① Author. to impose fees for licensure already exists under s. 146.50(5)(f)

② Fines - DHFS can't impose; can impose admin. forfeitures, but \$ goes to school fund

③ I could draft a late payment processing fee for renewals - DHFS wd. get money

Chao:

③ ok

Also: admin. forfeitures for rules vials by amb. serv. providers



SOON
State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0329/1

DAK...
g
ksh

D.NOTE

DOA:.....Jablonsky - Emergency medical services fees and forfeitures
FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

do not get cat.

1 AN ACT...; relating to: the budget.

Analysis by the Legislative Reference Bureau
HEALTH AND HUMAN SERVICES

HEALTH

Under current law, the department of health and family services (DHFS) licenses and otherwise regulates emergency medical services personnel, including emergency medical technicians and ambulance service providers. DHFS may charge a reasonable fee for licensure.

This bill authorizes DHFS to impose forfeitures on ambulance service providers for violation of laws that prescribe conditions for licensure and for operation of ambulances. The bill clarifies that DHFS may charge a fee for renewal of licenses for emergency medical technicians and ambulance service providers and authorizes DHFS to charge fees for untimely license renewal. DHFS must, under the bill, promulgate rules to establish the amounts for assessments of the forfeitures and late renewal fees. DHFS may promulgate these rules as emergency rules without the necessity of making a finding of emergency.

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

2 SECTION 1. 20.435 (1) (gm) of the statutes is amended to read:

1 20.435 (1) (gm) *Licensing, review and certifying activities.* The amounts in the
 2 schedule for the purposes specified in ss. 146.50 (8), 250.05 (6), 252.23, 252.24,
 3 252.245, 254.176, 254.178, 254.20 (5) and (8), 254.31 to 254.39, 254.47, 254.61 to
 4 254.89 and 255.08 (2) and ch. 150. All moneys received under ss. 146.50 (5) (f), (8) (d)
 5 and (10) (a) 2. and 3., 150.13, 250.05 (6), 252.23 (4) (a), 252.24 (4) (a), 252.245 (9),
 6 254.176, 254.178, 254.20 (5) and (8), 254.31 to 254.39, 254.47, 254.61 to 254.89 and
 7 255.08 (2) (b) shall be credited to this appropriation account. From the fees collected
 8 under s. 50.135 (2), \$444,700 in fiscal year 1997–98 and \$451,600 in fiscal year
 9 1998–99 shall be credited to this appropriation account.

History: 1971 c. 125 ss. 138 to 155, 522 (1); 1971 c. 211, 215, 302, 307, 322; 1973 c. 90, 198, 243; 1973 c. 284 s. 32; 1973 c. 308, 321, 322, 333, 336; 1975 c. 39 ss. 153 to 173, 732 (1), (2); 1975 c. 41 s. 52; 1975 c. 82, 224, 292; 1975 c. 413 s. 18; 1975 c. 422, 423; 1975 c. 430 ss. 1, 2, 80; 1977 c. 29 ss. 236 to 273, 1657 (18); 1977 c. 112; 1977 c. 203 s. 106; 1977 c. 213, 233, 327; 1977 c. 354 s. 101; 1977 c. 359; 1977 c. 418 ss. 129 to 137, 924 (18) (d), 929 (55); 1977 c. 428 s. 115; 1977 c. 447; 1979 c. 32 s. 92 (11); 1979 c. 34, 48; 1979 c. 102 s. 237; 1979 c. 111, 175, 177; 1979 c. 221 ss. 118g to 133, 2202 (20); 1979 c. 238, 300, 331, 361; 1981 c. 20 ss. 301 to 356b, 2202 (20) (b), (d), (g); 1981 c. 93 ss. 3 to 8, 186; 1981 c. 298, 314, 317, 359, 390; 1983 a. 27 ss. 313 to 410, 2202 (20); 1983 a. 192, 199, 245; 1983 a. 333 s. 6; 1983 a. 363, 398, 410, 427; 1983 a. 435 ss. 2, 3, 7; 1983 a. 538; 1985 a. 24, 29, 56, 73, 120, 154, 176, 255, 281, 285, 332; 1987 a. 27, 339, 368, 398, 399, 402; 1987 a. 403 ss. 23, 256; 1987 a. 413; 1989 a. 31, 53; 1989 a. 56 ss. 13, 259; 1989 a. 102; 1989 a. 107 ss. 11, 13, 17 to 37; 1989 a. 120, 122, 173, 199, 202, 318, 336, 359; 1991 a. 6, 39, 189, 269, 275, 290, 315, 322; 1993 a. 16, 27, 76, 98, 99, 168, 183, 377, 437, 445, 446, 450, 469, 479, 490, 491; 1995 a. 27 ss. 806 to 961r, 9126 (19); 1995 a. 77, 98; 1995 a. 216 ss. 26, 27; 1995 a. 266, 276, 289, 303, 404, 417, 440, 448, 464, 468; 1997 a. 27 ss. 211, 214, 216, 217, 527 to 609; 1997 a. 35, 105, 231, 237, 280, 293.

10 **SECTION 2.** 146.50 (5) (f) of the statutes is amended to read:

11 146.50 (5) (f) The department may charge a reasonable fee for a an initial
 12 license or training permit issued under this subsection, except that no fee may be
 13 charged to an individual who is an employe of a public agency and who works for
 14 volunteer or paid-on-call ambulance service providers and who is an applicant for
 15 a license as an emergency medical technician — basic or for a training permit.

History: 1973 c. 321; 1975 c. 39 ss. 645 to 647d, 732 (2); 1975 c. 224; 1977 c. 29, 167; 1979 c. 321; 1981 c. 73, 380; 1981 c. 391 s. 211; 1983 a. 189; 1985 a. 120, 135; 1987 a. 70, 399; 1989 a. 31; 1989 a. 102 ss. 20, 21, 36 to 59; 1991 a. 39, 238; 1993 a. 27, 29, 105, 183, 251, 399; 1997 a. 79, 191, 237.

16 **SECTION 3.** 146.50 (10) of the statutes is renumbered 146.50 (10) (a) (intro.) and
 17 amended to read:

18 146.50 (10) (a) (intro.) ~~LICENSE RENEWAL~~ Every holder of a license issued under
 19 sub. (5) or (7) shall renew the license on July 1 of each even-numbered year by
 20 applying to the department on forms provided by the department. Upon receipt of
 21 an application for renewal containing documentation acceptable to the department
 22 that the requirements of sub. (6) have been met Unless the department finds that the

1 applicant has acted in a manner or under circumstances constituting grounds for
 2 suspension or revocation of the license and except as provided in ss. 146.51 and
 3 146.52, the department shall renew the license unless the department finds that the
 4 applicant has acted in a manner or under circumstances constituting grounds for
 5 suspension or revocation of the license. upon receipt of all of the following:

6 SECTION 4. 146.50 (10) (a) 1. of the statutes is created to read:

7 146.50 (10) (a) 1. An application for renewal containing documentation
 8 acceptable to the department that the applicable requirements of sub. (6) have been
 9 met.

10 SECTION 5. 146.50 (10) (a) 2. of the statutes is created to read:

11 146.50 (10) (a) 2. A reasonable fee for license renewal. *prescribed by the department*

12 SECTION 6. 146.50 (10) (a) 3. of the statutes is created to read:

13 146.50 (10) (a) 3. If applicable, late fees for untimely license renewal. *prescribed by rule by the department*

14 SECTION 7. 146.50 (10) (b) of the statutes is created to read: *credit*

15 *3.* 146.50 (10) (b) The department shall ~~deposit~~ all late fees assessed under par.
 16 (a) ~~2~~ in the appropriation account under s. 20.435 (1) (gm).

17 SECTION 8. 146.50 (11m) of the statutes is created to read:

18 146.50 (11m) FORFEITURES; AMBULANCE SERVICE PROVIDERS. (a) Any ambulance
 19 service provider who violates this section or any rule promulgated under the
 20 authority of this section shall forfeit not more than the amount specified by rule by
 21 the department. Each day of violation constitutes a separate offense, except that no
 22 day in the period between the date on which a request for hearing is filed under s.
 23 227.44 and the date of the conclusion of all administrative and judicial proceedings
 24 arising out of a decision under this subsection constitutes a violation.

1 (b) The department may directly assess forfeitures under par. (a). If the
 2 department determines that a forfeiture should be assessed for a particular violation
 3 or for failure to correct the violation, the department shall send a notice of
 4 assessment to the alleged violator. The notice shall specify the alleged violation of
 5 the statute or rule and the amount of the forfeiture assessed and shall inform the
 6 alleged violator of the right to contest the assessment under s. 227.44.

7 (c) All forfeitures shall be paid to the department within 10 days after receipt
 8 of notice of assessment or, if the forfeiture is contested as specified in par. (b), within
 9 10 days after receipt of the final decision, unless the final decision is appealed and
 10 the decision is in favor of the appellant. The department shall remit all forfeitures
 11 paid under this subsection to the state treasurer for deposit in the school fund.

12 **SECTION 9.** 146.50 (13) (a) of the statutes is repealed.

13 **SECTION 10.** 146.50 (13) (d) of the statutes is created to read:

14 146.50 (13) (d) The department shall promulgate rules that prescribe all of the
 15 following:

16 1. The amounts for late fees to be assessed under sub. (10) (a) 3. against an
 17 applicant for untimely renewal of a license issued under sub. (5) or (7).

18 2. The amounts for forfeitures to be assessed under sub. (11m) against an
 19 ambulance service provider.

20 **SECTION 9123. Nonstatutory provisions; health and family services.**

21 (1) **EMERGENCY MEDICAL SERVICES LATE FEES AND FORFEITURES.**

22 (a) The department of health and family services shall submit in proposed form
 23 the rules required under section 146.50 (13) (d) of the statutes, as created by this act,
 24 to the legislative council staff under section 227.15 (1) of the statutes no later than
 25 the first day of the 4th month beginning after the effective date of this paragraph.

1 (b) Using the procedure under section 227.24 of the statutes, the department
2 of health and family services may promulgate rules required under section 146.50
3 (13) (d) of the statutes, as created by this act, for the period before the effective date
4 of the rules submitted under paragraph (a), but not to exceed the period authorized
5 under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24
6 (1) (a), (2) (b) and (3) of the statutes, the ~~commission~~ is not required to provide
7 evidence that promulgating a rule under this paragraph as an emergency rule is
8 necessary for the preservation of the public peace, health, safety or welfare and is not
9 required to provide a finding of emergency for a rule promulgated under this
10 paragraph.

department

(END)

D-NOTE

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0329/1dn

DAK: t:....

ESW

To Sue Jablonsky:

1. The instructions for this bill state, in part, "[T]he Department proposes the creation of statutory language in Chapter 146 which would permit the EMS section to charge licensing fees for processing applications . . . to EMS providers and EMTs." The authority for DHFS to charge fees for licenses or training permits for ambulance service providers and for emergency medical technicians already exists in current law, at s. 146.50 (5) (f), although there appears to be no appropriation account that specifies receipt of the moneys; arguably, the language in that paragraph is sufficiently broad at present to cover both initial and renewal licenses, but I have amended it to clarify that the fee charged applies to initial licensure; I have also provided for reasonable renewal fees in s. 146.50 (10) (a) 2.

2. Note that I have made the ambulance service provider forfeitures applicable to violations of s. 146.50 only. I have assumed that this section comprises all of the statutory regulations for which you seek this enforcement tool; correct?

3. Note that I have repealed s. 146.50 (13) (a); it is redundant to the general rule-making powers of agencies under ch. 227.

4. Note that I have added "... except as provided in ss. 146.51 and 146.52" in s. 146.50 (10) (a) (intro.); I believe that the omission of this exception was an oversight in 1997 Wisconsin Act 27; if you disagree, please let me know.

5. Note that I have provided for emergency rule-making without a finding of emergency; did you want rule-making for the renewal fees?

Debora A. Kennedy
Assistant Chief Counsel
266-0137

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0329/1dn
DAK:ksh:km

October 28, 1998

Sue Jablonsky:

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Debra A. Kennedy
Assistant Chief Counsel
266-0137



(SOON - in edit 12/26/98)

State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0329/2

DAK:ksh

D-NOTE

ckg

DOA:.....Jablonsky - Emergency medical services fees and forfeitures
FOR 1999-01 BUDGET -- NOT READY FOR INTRODUCTION

change on p.
3 + D-NOTE only

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11 146.50 (5) (f) The department may charge a reasonable fee for a an initial
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13 charged to an individual who is an employe of a public agency and who works for
14 volunteer or paid-on-call ambulance service providers and who is an applicant for
15 a license as an emergency medical technician — basic or for a training permit.

16 **SECTION 3.** 146.50 (10) of the statutes is renumbered 146.50 (10) (a) (intro.) and
17 amended to read:

18 146.50 (10) (a) (intro.) Every holder of a license issued under sub. (5) or (7) shall
19 renew the license on July 1 of each even-numbered year by applying to the
20 department on forms provided by the department. ~~Upon receipt of an application for~~
21 ~~renewal containing documentation acceptable to the department that the~~
22 ~~requirements of sub. (6) have been met~~ Unless the department finds that the
23 applicant has acted in a manner or under circumstances constituting grounds for
24 suspension or revocation of the license and except as provided in ss. 146.51 and
25 146.52, the department shall renew the license unless the department finds that the

1 applicant has acted in a manner or under circumstances constituting grounds for
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3 **SECTION 4.** 146.50 (10) (a) 1. of the statutes is created to read:

4 146.50 (10) (a) 1. An application for renewal containing documentation
5 acceptable to the department that the applicable requirements of sub. (6) have been
6 met.

7 **SECTION 5.** 146.50 (10) (a) 2. of the statutes is created to read:

8 146.50 (10) (a) 2. A reasonable fee prescribed by the department for license
9 renewal.

10 **SECTION 6.** 146.50 (10) (a) 3. of the statutes is created to read:

11 146.50 (10) (a) 3. If applicable, late fees prescribed by rule by the department
12 for untimely license renewal.

13 **SECTION 7.** 146.50 (10) (b) of the statutes is created to read:

14 146.50 (10) (b) The department shall credit all late fees assessed under par. (a)
15 3. ~~to~~ the appropriation account under s. 20.435 (1) (gm).

16 **SECTION 8.** 146.50 (11m) of the statutes is created to read:

17 146.50 (11m) FORFEITURES; AMBULANCE SERVICE PROVIDERS. (a) Any ambulance
18 service provider who violates this section or any rule promulgated under the
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20 the department. Each day of violation constitutes a separate offense, except that no
21 day in the period between the date on which a request for hearing is filed under s.
22 227.44 and the date of the conclusion of all administrative and judicial proceedings
23 arising out of a decision under this subsection constitutes a violation.

24 (b) The department may directly assess forfeitures under par. (a). If the
25 department determines that a forfeiture should be assessed for a particular violation

1 or for failure to correct the violation, the department shall send a notice of
2 assessment to the alleged violator. The notice shall specify the alleged violation of
3 the statute or rule and the amount of the forfeiture assessed and shall inform the
4 alleged violator of the right to contest the assessment under s. 227.44.

5 (c) All forfeitures shall be paid to the department within 10 days after receipt
6 of notice of assessment or, if the forfeiture is contested as specified in par. (b), within
7 10 days after receipt of the final decision, unless the final decision is appealed and
8 the decision is in favor of the appellant. The department shall remit all forfeitures
9 paid under this subsection to the state treasurer for deposit in the school fund.

10 **SECTION 9.** 146.50 (13) (a) of the statutes is repealed.

11 **SECTION 10.** 146.50 (13) (d) of the statutes is created to read:

12 146.50 (13) (d) The department shall promulgate rules that prescribe all of the
13 following:

14 1. The amounts for late fees to be assessed under sub. (10) (a) 3. against an
15 applicant for untimely renewal of a license issued under sub. (5) or (7).

16 2. The amounts for forfeitures to be assessed under sub. (11m) against an
17 ambulance service provider.

18 **SECTION 9123. Nonstatutory provisions; health and family services.**

19 (1) EMERGENCY MEDICAL SERVICES LATE FEES AND FORFEITURES.

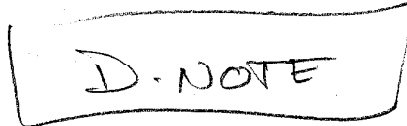
20 (a) The department of health and family services shall submit in proposed form
21 the rules required under section 146.50 (13) (d) of the statutes, as created by this act,
22 to the legislative council staff under section 227.15 (1) of the statutes no later than
23 the first day of the 4th month beginning after the effective date of this paragraph.

24 (b) Using the procedure under section 227.24 of the statutes, the department
25 of health and family services may promulgate rules required under section 146.50

1 (13) (d) of the statutes, as created by this act, for the period before the effective date
2 of the rules submitted under paragraph (a), but not to exceed the period authorized
3 under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24
4 (1) (a), (2) (b) and (3) of the statutes, the department is not required to provide
5 evidence that promulgating a rule under this paragraph as an emergency rule is
6 necessary for the preservation of the public peace, health, safety or welfare and is not
7 required to provide a finding of emergency for a rule promulgated under this
8 paragraph.

9

(END)

A handwritten note in a hand-drawn rectangular box with a slightly wavy border. The text inside the box is "D-NOTE" written in capital letters.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0329/2dn

DAK:ksh:km

ckg

To Sue Jablonsky:

This redraft changes the word "in" in s. 146.50 (10) (b) to "to". No other change is made. The questions on the Drafter's Note for the /1 version of this bill remain.

Debora A. Kennedy
Assistant Chief Counsel
266-0137

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0329/2dn
DAK:ksh&kg:ijs

December 28, 1998

To Sue Jablonsky:

This redraft changes the word "in" in s. 146.50 (10) (b) to "to". No other change is made. The questions on the Drafter's Note for the /1 version of this bill remain.

Debora A. Kennedy
Assistant Chief Counsel
266-0137

1/13/99: From Rich Chao, DHFS

0329/2

Re D-N # 5: DHFS wants rule-making for
the renewal fees.



SOON In edit 1/13

State of Wisconsin
1999 - 2000 LEGISLATURE

D-NOTE

LRB-0329/3
DAK:ksh&kg:js

DOA:.....Jablonsky - Emergency medical services fees and forfeitures
FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

1 AN ACT ^{Don't Gen. Col.} relating to: the budget.

Analysis by the Legislative Reference Bureau
HEALTH AND HUMAN SERVICES

HEALTH

Under current law, the department of health and family services (DHFS) licenses and otherwise regulates emergency medical services personnel, including emergency medical technicians and ambulance service providers. DHFS may charge a reasonable fee for licensure.

This bill authorizes DHFS to impose forfeitures on ambulance service providers for violation of laws that prescribe conditions for licensure and for operation of ambulances. The bill clarifies that DHFS may charge a fee for renewal of licenses for emergency medical technicians and ambulance service providers and authorizes DHFS to charge fees for untimely license renewal. DHFS must, under the bill, promulgate rules to establish the amounts for assessments of the forfeitures and late renewal fees. DHFS may promulgate these rules as emergency rules without the necessity of making a finding of emergency.

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

2 SECTION 1. 20.435 (1) (gm) of the statutes is amended to read:

fee for license renewal

1 20.435 (1) (gm) *Licensing, review and certifying activities*. The amounts in the
2 schedule for the purposes specified in ss. 146.50 (8), 250.05 (6), 252.23, 252.24,
3 252.245, 254.176, 254.178, 254.20 (5) and (8), 254.31 to 254.39, 254.47, 254.61 to
4 254.89 and 255.08 (2) and ch. 150. All moneys received under ss. 146.50 (5)(f), (8) (d)
5 and (10) (a) 2. and 3., 150.13, 250.05 (6), 252.23 (4) (a), 252.24 (4) (a), 252.245 (9),
6 254.176, 254.178, 254.20 (5) and (8), 254.31 to 254.39, 254.47, 254.61 to 254.89 and
7 255.08 (2) (b) shall be credited to this appropriation account. From the fees collected
8 under s. 50.135 (2), \$444,700 in fiscal year 1997–98 and \$451,600 in fiscal year
9 1998–99 shall be credited to this appropriation account.

10 **SECTION 2.** 146.50 (5) (f) of the statutes is amended to read:

11 146.50 (5) (f) The department may charge a reasonable fee for a an initial
12 license or training permit issued under this subsection, except that no fee may be
13 charged to an individual who is an employe of a public agency and who works for
14 volunteer or paid-on-call ambulance service providers and who is an applicant for
15 a license as an emergency medical technician — basic or for a training permit.

16 **SECTION 3.** 146.50 (10) of the statutes is renumbered 146.50 (10) (a) (intro.) and
17 amended to read:

18 146.50 (10) (a) (intro.) Every holder of a license issued under sub. (5) or (7) shall
19 renew the license on July 1 of each even-numbered year by applying to the
20 department on forms provided by the department. ~~Upon receipt of an application for~~
21 ~~renewal containing documentation acceptable to the department that the~~
22 ~~requirements of sub. (6) have been met~~ Unless the department finds that the
23 applicant has acted in a manner or under circumstances constituting grounds for
24 suspension or revocation of the license and except as provided in ss. 146.51 and
25 146.52, the department shall renew the license ~~unless the department finds that the~~

1 ~~applicant has acted in a manner or under circumstances constituting grounds for~~
2 ~~suspension or revocation of the license. upon receipt of all of the following:~~

3 **SECTION 4.** 146.50 (10) (a) 1. of the statutes is created to read:

4 146.50 (10) (a) 1. An application for renewal containing documentation
5 acceptable to the department that the applicable requirements of sub. (6) have been
6 met.

7 **SECTION 5.** 146.50 (10) (a) 2. of the statutes is created to read:

8 146.50 (10) (a) 2. A reasonable fee prescribed by ^{rule by} the department for license
9 renewal.

10 **SECTION 6.** 146.50 (10) (a) 3. of the statutes is created to read:

11 146.50 (10) (a) 3. If applicable, late fees prescribed by rule by the department
12 for untimely license renewal.

13 **SECTION 7.** 146.50 (10) (b) of the statutes is created to read:

14 146.50 (10) (b) The department shall credit all late fees assessed under par. (a)
15 3. to the appropriation account under s. 20.435 (1) (gm).

16 **SECTION 8.** 146.50 (11m) of the statutes is created to read:

17 146.50 (11m) FORFEITURES; AMBULANCE SERVICE PROVIDERS. (a) Any ambulance
18 service provider who violates this section or any rule promulgated under the
19 authority of this section shall forfeit not more than the amount specified by rule by
20 the department. Each day of violation constitutes a separate offense, except that no
21 day in the period between the date on which a request for hearing is filed under s.
22 227.44 and the date of the conclusion of all administrative and judicial proceedings
23 arising out of a decision under this subsection constitutes a violation.

24 (b) The department may directly assess forfeitures under par. (a). If the
25 department determines that a forfeiture should be assessed for a particular violation

1 or for failure to correct the violation, the department shall send a notice of
2 assessment to the alleged violator. The notice shall specify the alleged violation of
3 the statute or rule and the amount of the forfeiture assessed and shall inform the
4 alleged violator of the right to contest the assessment under s. 227.44.

5 (c) All forfeitures shall be paid to the department within 10 days after receipt
6 of notice of assessment or, if the forfeiture is contested as specified in par. (b), within
7 10 days after receipt of the final decision, unless the final decision is appealed and
8 the decision is in favor of the appellant. The department shall remit all forfeitures
9 paid under this subsection to the state treasurer for deposit in the school fund.

10 **SECTION 9.** 146.50 (13) (a) of the statutes is repealed.

11 **SECTION 10.** 146.50 (13) (d) of the statutes is created to read:

12 146.50 (13) (d) The department shall promulgate rules that prescribe all of the
13 following:

1. The amounts for license renewal fees to be assessed under sub. (10) (a) 2.

14 (2) 1. The amounts for late fees to be assessed under sub. (10) (a) 3. against an
15 applicant for untimely renewal of a license issued under sub. (5) or (7).

16 (3) 2. The amounts for forfeitures to be assessed under sub. (11m) against an
17 ambulance service provider.

18 **SECTION 9123. Nonstatutory provisions; health and family services.**

19 (1) EMERGENCY MEDICAL SERVICES LICENSE RENEWAL AND
LATE FEES AND FORFEITURES. ; RULES

auto ref. "a"
20 (a) The department of health and family services shall submit in proposed form
21 the rules required under section 146.50 (13) (d) of the statutes, as created by this act,
22 to the legislative council staff under section 227.15 (1) of the statutes no later than
23 the first day of the 4th month beginning after the effective date of this paragraph.

24 (b) Using the procedure under section 227.24 of the statutes, the department
25 of health and family services may promulgate rules required under section 146.50

*WFO:
act to
ref: a"*

1 (13) (d) of the statutes, as created by this act, for the period before the effective date
2 of the rules submitted under paragraph (a), but not to exceed the period authorized
3 under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24
4 (1) (a), (2) (b) and (3) of the statutes, the department is not required to provide
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6 necessary for the preservation of the public peace, health, safety or welfare and is not
7 required to provide a finding of emergency for a rule promulgated under this
8 paragraph.

9 (END)

D - NOTE

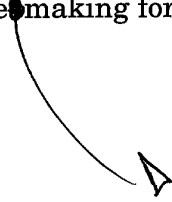
DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0329/3dn
DAK:ksh&kg:ijs

stays

To Sue Jablonsky:

This redraft is at the behest of Richard Chao, who said he was authorized by you.
It adds rulemaking for the renewal fees under s. 146.50 (10) (a) 2.



Debra A. Kennedy
Managing Attorney
266-0137

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0329/3dn
DAK:ksh&kg:lp

January 14, 1999

To Sue Jablonsky:

This redraft is at the behest of Richard Chao, who said he was authorized by you. It adds rule making for the renewal fees under s. 146.50 (10) (a) 2.

Debora A. Kennedy
Managing Attorney
266-0137

SOON - credit 2/2

1999 - 2000 LEGISLATURE

LRB-0329/24

DAK:ksh&kg:lj

D-NOTE

DOA:.....Jablonsky - Emergency medical services fees and forfeitures

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

do not gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

HEALTH

Under current law, the department of health and family services (DHFS) licenses and otherwise regulates emergency medical services personnel, including emergency medical technicians and ambulance service providers. DHFS may charge a reasonable fee for licensure.

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

2 SECTION 1. 20.435 (1) (gm) of the statutes is amended to read:

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2 schedule for the purposes specified in ss. 146.50 (8), ~~250.05 (6), 252.23, 252.24,~~
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4 ~~254.89 and 255.08 (2) and ch. 150.~~ All moneys received under ss. 146.50 ~~(5) (f), (8) (d)~~
5 ~~and (10) (a) 2. and 3., 150.13, 250.05 (6), 252.23 (4) (a), 252.24 (4) (a), 252.245 (9),~~
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15 a license as an emergency medical technician — basic or for a training permit.

16 **SECTION 3.** 146.50 (10) of the statutes is renumbered 146.50 (10) (a) (intro.) and
17 amended to read:

18 146.50 (10) (a) (intro.) Every holder of a license issued under sub. (5) or (7) shall
19 renew the license on July 1 of each even-numbered year by applying to the
20 department on forms provided by the department. ~~Upon receipt of an application for~~
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23 applicant has acted in a manner or under circumstances constituting grounds for
24 suspension or revocation of the license and except as provided in ss. 146.51 and
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6 met.

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8 146.50 (10) (a) 2. A reasonable fee prescribed by rule by the department for
9 license renewal.

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18 service provider who violates this section or any rule promulgated under the
19 authority of this section shall forfeit not more than the amount specified by rule by
20 the department. Each day of violation constitutes a separate offense, except that no
21 day in the period between the date on which a request for hearing is filed under s.
22 227.44 and the date of the conclusion of all administrative and judicial proceedings
23 arising out of a decision under this subsection constitutes a violation.

24 (b) The department may directly assess forfeitures under par. (a). If the
25 department determines that a forfeiture should be assessed for a particular violation

1 or for failure to correct the violation, the department shall send a notice of
2 assessment to the alleged violator. The notice shall specify the alleged violation of
3 the statute or rule and the amount of the forfeiture assessed and shall inform the
4 alleged violator of the right to contest the assessment under s. 227.44.

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15 2. The amounts for late fees to be assessed under sub. (10) (a) 3. against an
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17 3. The amounts for forfeitures to be assessed under sub. (11m) against an
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19 **SECTION 9123. Nonstatutory provisions; health and family services.**

20 (1) EMERGENCY MEDICAL SERVICES LICENSE RENEWAL AND LATE FEES AND
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22 (a) The department of health and family services shall submit in proposed form
23 the rules required under section 146.50 (13) (d) of the statutes, as created by this act,
24 to the legislative council staff under section 227.15 (1) of the statutes no later than
25 the first day of the 4th month beginning after the effective date of this paragraph.

1 (b) Using the procedure under section 227.24 of the statutes, the department
2 of health and family services may promulgate rules required under section 146.50
3 (13) (d) of the statutes, as created by this act, for the period before the effective date
4 of the rules submitted under paragraph (a), but not to exceed the period authorized
5 under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24
6 (1) (a), (2) (b) and (3) of the statutes, the department is not required to provide
7 evidence that promulgating a rule under this paragraph as an emergency rule is
8 necessary for the preservation of the public peace, health, safety or welfare and is not
9 required to provide a finding of emergency for a rule promulgated under this
10 paragraph.

11

(END)

D-NOTE

DRAFTER'S NOTE

¶ This draft reconciles LRB-0027/4, LRB-0028/6
and LRB-0329/3. LRB-0027, LRB-0028 and
LRB-0329 should all continue to appear in
the compiled bill.

DAK

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0329/4dn
DAK:ksh&kg:lp

February 3, 1999

This draft reconciles LRB-0027/4, LRB-0028/6 and LRB-0329/3. LRB-0027, LRB-0028 and LRB-0329 should all continue to appear in the compiled bill.

Debra A. Kennedy
Managing Attorney
Phone: (608) 266-0137



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0329/4
DAK:ksh&kg:lp

DOA:.....Jablonsky - Emergency medical services fees and forfeitures
FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

HEALTH

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

2 SECTION 1. 146.50 (5) (f) of the statutes is amended to read:

1 146.50 (5) (f) The department may charge a reasonable fee for a an initial
2 license or training permit issued under this subsection, except that no fee may be
3 charged to an individual who is an employe of a public agency and who works for
4 volunteer or paid-on-call ambulance service providers and who is an applicant for
5 a license as an emergency medical technician — basic or for a training permit.

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7 amended to read:

8 146.50 (10) (a) (intro.) Every holder of a license issued under sub. (5) or (7) shall
9 renew the license on July 1 of each even-numbered year by applying to the
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13 applicant has acted in a manner or under circumstances constituting grounds for
14 suspension or revocation of the license and except as provided in ss. 146.51 and
15 146.52, the department shall renew the license unless the department finds that the
16 ~~applicant has acted in a manner or under circumstances constituting grounds for~~
17 ~~suspension or revocation of the license.~~ upon receipt of all of the following:

18 **SECTION 3.** 146.50 (10) (a) 1. of the statutes is created to read:

19 146.50 (10) (a) 1. An application for renewal containing documentation
20 acceptable to the department that the applicable requirements of sub. (6) have been
21 met.

22 **SECTION 4.** 146.50 (10) (a) 2. of the statutes is created to read:

23 146.50 (10) (a) 2. A reasonable fee prescribed by rule by the department for
24 license renewal.

25 **SECTION 5.** 146.50 (10) (a) 3. of the statutes is created to read:

1 146.50 (10) (a) 3. If applicable, late fees prescribed by rule by the department
2 for untimely license renewal.

3 **SECTION 6.** 146.50 (10) (b) of the statutes is created to read:

4 146.50 (10) (b) The department shall credit all late fees assessed under par. (a)
5 3. to the appropriation account under s. 20.435 (1) (gm).

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7 146.50 (11m) FORFEITURES; AMBULANCE SERVICE PROVIDERS. (a) Any ambulance
8 service provider who violates this section or any rule promulgated under the
9 authority of this section shall forfeit not more than the amount specified by rule by
10 the department. Each day of violation constitutes a separate offense, except that no
11 day in the period between the date on which a request for hearing is filed under s.
12 227.44 and the date of the conclusion of all administrative and judicial proceedings
13 arising out of a decision under this subsection constitutes a violation.

14 (b) The department may directly assess forfeitures under par. (a). If the
15 department determines that a forfeiture should be assessed for a particular violation
16 or for failure to correct the violation, the department shall send a notice of
17 assessment to the alleged violator. The notice shall specify the alleged violation of
18 the statute or rule and the amount of the forfeiture assessed and shall inform the
19 alleged violator of the right to contest the assessment under s. 227.44.

20 (c) All forfeitures shall be paid to the department within 10 days after receipt
21 of notice of assessment or, if the forfeiture is contested as specified in par. (b), within
22 10 days after receipt of the final decision, unless the final decision is appealed and
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24 paid under this subsection to the state treasurer for deposit in the school fund.

25 **SECTION 8.** 146.50 (13) (a) of the statutes is repealed.

1 **SECTION 9.** 146.50 (13) (d) of the statutes is created to read:

2 146.50 (13) (d) The department shall promulgate rules that prescribe all of the
3 following:

4 1. The amounts for license renewal fees to be assessed under sub. (10) (a) 2.

5 2. The amounts for late fees to be assessed under sub. (10) (a) 3. against an
6 applicant for untimely renewal of a license issued under sub. (5) or (7).

7 3. The amounts for forfeitures to be assessed under sub. (11m) against an
8 ambulance service provider.

9 **SECTION 9123. Nonstatutory provisions; health and family services.**

10 (1) EMERGENCY MEDICAL SERVICES LICENSE RENEWAL AND LATE FEES AND
11 FORFEITURES; RULES.

12 (a) The department of health and family services shall submit in proposed form
13 the rules required under section 146.50 (13) (d) of the statutes, as created by this act,
14 to the legislative council staff under section 227.15 (1) of the statutes no later than
15 the first day of the 4th month beginning after the effective date of this paragraph.

16 (b) Using the procedure under section 227.24 of the statutes, the department
17 of health and family services may promulgate rules required under section 146.50
18 (13) (d) of the statutes, as created by this act, for the period before the effective date
19 of the rules submitted under paragraph (a), but not to exceed the period authorized
20 under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24
21 (1) (a), (2) (b) and (3) of the statutes, the department is not required to provide
22 evidence that promulgating a rule under this paragraph as an emergency rule is
23 necessary for the preservation of the public peace, health, safety or welfare and is not

1 required to provide a finding of emergency for a rule promulgated under this
2 paragraph.

3 (END)