

1999 DRAFTING REQUEST

Bill

Received: **01/20/1999**

Received By: **yacketa**

Wanted: **As time permits**

Identical to LRB:

For: **DuWayne Johnsrud (608) 266-3534**

By/Representing: **Sarah**

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

Drafter: **yacketa**

May Contact:

Alt. Drafters:

Subject: **Health - miscellaneous**

Extra Copies: **DAK**

Pre Topic:

No specific pre topic given

Topic:

Certification of first responders

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>
/P1	yacketa 03/10/1999	jgeller 03/10/1999	martykr 03/11/1999	_____	lrb_docadmin 03/11/1999		State
/P2	yacketa 05/03/1999	jgeller 05/07/1999	jfrantze 05/10/1999	_____	lrb_docadmin 05/10/1999		State
/1	yacketa 07/20/1999	jgeller 07/21/1999	jfrantze 07/27/1999	_____	lrb_docadmin 07/27/1999	lwilliam 08/17/1999 lrb_docadmin 08/17/1999	S&L

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/P2	yacketa 05/3/99	jgeller 05/7/99	jfrantze 05/10/99	_____	lrb_docadmin 05/10/99		State

FE Sent For:

1 1/2 jg 8/7/99
 8/6/99
 7/27
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/P1	yacketa 03/10/99	ygeller 03/10/99	martykr 03/11/99	_____	lrb_docadmin 03/11/99		State

FE Sent For:

1/2 5/7 jg *5/10* *5/10* *5/10*
of/mrc
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Please Submit

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1?	yacketa	1/13/99 jg	1/13/99 km11	1/13/99 km11			

FE Sent For:

<END>

B I L L
REQUEST FORM

TAY

LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street

Use of this form is optional. It is often better to talk directly with the LRB attorney who will draft the bill.

Use this form only for **BILL** drafts. Attach more pages if necessary.

Legislator, agency or other body requesting this draft: Rep. Johnson - 6-3534

Date: 1-20-99 Person submitting request (name, phone number): same as above

Persons to contact for questions about this draft (names, phone numbers): Sarah DeCorah
6-3534

Describe the problem, including any helpful examples.

How do you want to solve the problem? See attached -

Please attach a copy of any correspondence or other material that may help us.

If you know of any statute sections that might be affected, list them or provide a marked-up (not retyped) copy. _____

You may attach a marked-up (not retyped) copy of any LRB draft, or provide its number (e.g., 1997 LRB-2345/1 or 1995 AB-67): _____

Requests are confidential unless stated otherwise.

- May we tell others that we are working on this for you? Yes No
- If yes: Anyone who asks? Yes No Any legislator? Yes No Only the following persons: _____

Do you consider this request urgent? Yes No If yes, please indicate why: _____

Should we give this request priority over any other pending request of this legislator, agency or body? Yes No If yes, sign your name here: _____

8) **CERTIFICATION OF FIRST RESPONDERS—DEFIBRILLATION.** (a) Except as provided in ss. 146.51 and 146.52, the department shall certify qualified applicants as first responders—~~defibrillation~~.

(b) To be eligible for initial certification as a first responder—~~defibrillation~~, except as provided in ss. 146.51 and 146.52, an individual shall ~~meet requirements specified in rules promulgated by the department~~—**have completed initial instruction using a national standard first responder curriculum authorized by the department, and shall be currently certified including the completion of a national standard first responder refresher course authorized by the department. Any person who has not completed a national standard first responder refresher course within the past two years but has completed initial first responder training may obtain certification following the completion of the refresher. Any person who cannot provide evidence of original training may not become certified as a first responder until initial training is completed.**

(c) To be eligible for a renewal of a certificate as a first responder—~~defibrillation~~, except as provided in ss. 146.51 and 146.52, the holder of the certificate shall satisfactorily complete ~~any requirements specified in rules promulgated by the department~~—**A national standard first responder refresher course authorized by the department**

(d) ~~The department may not charge a reasonable~~ **any** fee for a certificate initially issued or renewed under this subsection.

(e) A certified first responder—~~defibrillation~~ is authorized to use an automatic or semiautomatic defibrillator, as prescribed for first responders — ~~defibrillation~~ in rules promulgated by the department. The rules shall set forth authorization for the use of an automatic defibrillator, a semiautomatic defibrillator or, for a defibrillator that may be operated in more than one mode, use in the automatic or semiautomatic mode only. **A certified first responder is authorized to use an advanced airway as prescribed for first responders in rules promulgated by the department. Other authorized actions of first responders include those in the most current national standard curriculum or those authorized by the department based on the recommendations of the state EMS medical director, EMS advisory board, and physician advisory committee {comment: use wording from current DHFS rules hss 111 or 112 in the authorized actions section}**

(f) Except as provided in ss. 146.51 and 146.52, the department may issue a certificate as a first responder = ~~defibrillation~~, without requiring satisfactory completion of any instruction or training that may be required under par. (b), to any individual who holds a current license or certificate as a first responder from another jurisdiction if the department finds that the standards for licensing or issuing certificates in the other jurisdiction are at least substantially equivalent to the standards for issuance of certificates for first responders — ~~defibrillation~~ in this state, and that the applicant is otherwise qualified.

Comment: Other areas relating to emergency medical technicians that are appropriate for first responders but are not referred to in the above section should be added or altered as needed. It is our intent to assign the same rules, regulations, rights, benefits, and requirements to first responders as are currently found for EMT-Basics. We do not support any fees charged for licensure. We do not support wording that could require first responders to obtain additional training not supported in the current national standard curriculum. For additional information or questions, contact Don Hunjadi, Executive Manager, Wisconsin EMS Association at 800-793-6820 or donh@wisconsinems.com



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-1882/P1

TAY.....

RMR/jlg

D-NOTE

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

gen cat

1 AN ACT ...; relating to: certification of first responders.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.

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

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

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

3 146.50 (1) (hm) "First ~~responder~~ ^{responder} defibrillation" means an individual who is

4 certified by the department as a first ~~responder~~ defibrillation under sub. (8).

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.

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

6 146.50 (2) LICENSE OR CERTIFICATE REQUIRED. No person may act as or advertise
7 for the provision of services as an ambulance service provider unless the person holds
8 an ambulance service provider license issued under this section. No individual may

1 act as or advertise for the provision of services as an emergency medical technician
 2 unless he or she holds an emergency medical technician license or training permit
 3 issued under sub. (5). No individual may act as or advertise for the provision of
 4 services as a first ~~responder~~ ^{responder} defibrillation ^{responder} unless he or she holds a first ~~responder~~
 5 ~~defibrillation~~ ^{responder} certificate issued under sub. (8).

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.

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

CS
RESPONDERS

7 146.50 (8) (title) [✓] CERTIFICATION OF FIRST ~~RESPONDERS~~ DEFIBRILLATION

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.

8 SECTION 4. 146.50 (8) (a) of the statutes is amended to read:

9 146.50 (8) (a) Except as provided in ss. 146.51 and 146.52, the department shall
 10 certify qualified applicants as first ~~responders~~ ^{responders} ~~defibrillation~~.

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.

11 SECTION 5. 146.50 (8) (b) of the statutes is amended to read:

12 146.50 (8) (b) To be eligible for initial certification as a first ~~responder~~
 13 ~~defibrillation~~ ^{responder}, except as provided in ss. 146.51 and 146.52, an individual shall meet
 14 requirements specified in rules promulgated ^{approved} ~~by the department~~ ^(plan) satisfactorily
 15 complete a first responder course that uses a nationally standardized first responder
 16 curriculum that is ~~approved by the department~~.

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.

17 SECTION 6. 146.50 (8) (c) of the statutes is amended to read:

18 146.50 (8) (c) To be eligible for a renewal of a certificate as a first ~~responder~~
 19 ~~defibrillation~~ ^{responder}, except as provided in ss. 146.51 and 146.52, the holder of the
 20 certificate shall satisfactorily complete any ~~requirements specified in rules~~

1 promulgated by the department a first responder refresher course that uses a
 2 nationally standardized curriculum approved by the department.

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.

3 **SECTION 7.** 146.50 (8) (d) of the statutes is amended to read:

4 146.50 (8) (d) The department may not charge a reasonable fee for a certificate
 5 initially issued or renewed under this subsection.

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.

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

7 146.50 (8) (e) A certified first ~~responder~~ ^{responder} defibrillation is authorized to use
 8 an automatic or semiautomatic defibrillator, as prescribed for first ~~responders~~
 9 ~~defibrillation~~ ^{responders} in rules promulgated by the department. The rules shall set forth
 10 authorization for the use of an automatic defibrillator, a semiautomatic defibrillator
 11 or, for a defibrillator that may be operated in more than one mode, use in the
 12 automatic or semiautomatic mode only. A certified first responder is also authorized
 13 to employ other techniques, including advanced airway, specified by the department
 14 by rule. In promulgating the rules under this paragraph, the department shall
 15 consult with the state medical director for emergency medical services and the
 16 emergency medical services board. The rule shall include those techniques that are
 17 specified in the most current national standard curriculum.

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.

18 **SECTION 9.** 146.50 (8) (f) of the statutes is amended to read:

19 146.50 (8) (f) Except as provided in ss. 146.51 and 146.52, the department may
 20 issue a certificate as a first ~~responder~~ ^{responder} defibrillation, without requiring satisfactory
 21 completion of any instruction or training that may be required under par. (b), to any
 22 individual who holds a current license or certificate as a first responder from another
 23 jurisdiction if the department finds that the standards for licensing or issuing

1 certificates in the other jurisdiction are at least substantially equivalent to the ^{responders}
 2 standards for issuance of certificates for first ~~responders~~ defibrillation in this
 3 state, and that the applicant is otherwise qualified.

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.

4 SECTION 10. 146.50 (11) (f) of the statutes is amended to read:

5 146.50 (11) (f) To restrain or prevent action by a first ~~responder~~
^{responder}
 6 defibrillation in violation of this section or a rule promulgated under this section.

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.

7 SECTION 11. 146.50 (12) (a) of the statutes is amended to read:

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

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.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1882/P1dn

TAY.....

JLg

Representative Johnsrud:

1. I have drafted this proposal as a preliminary draft because the instructions for the draft are ambiguous. The comment at the bottom of the instructions states that “[o]ther areas relating to emergency medical technicians that are appropriate for first responder but are not referred to in [the instructions] should be added or altered as needed.” That instruction does not provide me with much guidance as to what changes or additions should be made. The only statutory provisions that I’ve included that were not included in the instructions are those that reference “first responder – defibrillation” to make those references consistent with the amended references included in the instructions. Please let me know with some measure of specificity what other provisions the Wisconsin EMS Association would like included in this draft.

2. Please review the definition of “first responder” in s. 146.50 (1) (hm), as affected by this draft. Note that “first responder” is defined in s. 146.53 (1) (d). The definitions are not necessarily inconsistent, but since this draft eliminates the distinction between a first responder and a first responder–defibrillation you may wish to review each definition to ensure that they are both what you want.

3. The language that the EMS Association proposes to add to s. 146.50 (8) (b) does not make sense. The paragraph concerns initial certification. Under the suggested language, a person who was never initially certified would be ineligible for initial certification.

Additionally, the EMS Association proposes to add language in that paragraph regarding refresher courses. However, refresher courses would not be for initial certification but for renewal. Not only is it inappropriate to include that language in a paragraph concerning *initial* certification (rather than including it in the following paragraph, which actually concerns renewals), but it is not clear what the Association is trying to accomplish. Under the proposed language, a “person who has not completed a refresher course within the past two years but has completed initial first responder training may obtain certification following completion of the refresher.” What is the referent for the two years? Is it two years from the completion of an initial course? Two years from initial certification? Two years from the effective date of the bill? Is this intended to be a requirement that first responders take a refresher course every two years in order to maintain their certification?

4. Please review the amendment of s. 146.50 (8) (d) to ensure that I captured the EMS Association’s intent. The Association’s amendment of that paragraph effected an

incomplete sentence and I was unsure what the Association was trying to accomplish. I assumed it was asking that no certification fee be imposed for first responders. This would make the certification process for first responders unusual since certifying agencies generally are given authority to charge a certification fee to cover at least the cost of certifying.

5. Regarding the proposed change to s. 146.50 (8) (e), I do not know what "advanced airway" is (it should probably be defined) and I do not know what other actions a first responder might take that need specific authorization. There is generally no reason to restate rules in the statutes; both rules and statutes are valid law. What is the EMS Association trying to accomplish with this suggested language?

If you would like to discuss this draft, I would be happy to meet with you.

Tina A. Yacker
Legislative Attorney
Phone: (608) 261-6927
E-mail: Tina.Yacker@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1882/P1dn
TAY:jlg:km

March 11, 1999

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Tina A. Yacker
Legislative Attorney
Phone: (608) 261-6927
E-mail: Tina.Yacker@legis.state.wi.us

3-30

Don - WI. EMS ASSOC.

1-800-793-6820

donh@wisconsinems.com

Review

regs related to EMT Basic, etc.

First responders to be certified
must have 40 hrs of training +
15 hrs refreshers

Any laws referring to EMTs regarding
duties, responsibilities, protection, authority,

should also refer to First Responders

Course developed (?) by Nat'l Highway Traffic
Safety Administration

(see 23 CFR ch. 2, § 1200 et
seq.)



D-NOTE
State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-1882 P2

TAY:jlg:km

RMR

Soon

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Regen

1 AN ACT to amend 146.50 (1) (hm), 146.50 (2), 146.50 (8) (title), 146.50 (8) (a),
2 146.50 (8) (b), 146.50 (8) (c), 146.50 (8) (d), 146.50 (8) (e), 146.50 (8) (f), 146.50
3 (11) (f) and 146.50 (12) (a) of the statutes; relating to: certification of first
4 responders.

Analysis by the Legislative Reference Bureau

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

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✓
INSERT
1-5

5 SECTION 1. 146.50 (1) (hm) of the statutes is amended to read:
6 146.50 (1) (hm) "First responder — defibrillation responder" means an
7 individual who is certified by the department as a first responder — defibrillation
8 responder under sub. (8).
9 SECTION 2. 146.50 (2) of the statutes is amended to read:

1 146.50 (2) LICENSE OR CERTIFICATE REQUIRED. No person may act as or advertise
 2 for the provision of services as an ambulance service provider unless the person holds
 3 an ambulance service provider license issued under this section. No individual may
 4 act as or advertise for the provision of services as an emergency medical technician
 5 unless he or she holds an emergency medical technician license or training permit
 6 issued under sub. (5). No individual may act as or advertise for the provision of
 7 services as a first responder—defibrillation responder unless he or she holds a first
 8 responder—defibrillation responder certificate issued under sub. (8).

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

10 146.50 (8) (title) **CERTIFICATION OF FIRST RESPONDERS—DEFIBRILLATION**
 11 **RESPONDERS.**

12 **SECTION 4.** 146.50 (8) (a) of the statutes is amended to read:

13 146.50 (8) (a) Except as provided in ss. 146.51 and 146.52, the department shall
 14 certify qualified applicants as first responders—defibrillation responders.

Fix Component

15 **SECTION 5.** 146.50 (8) (b) of the statutes is ^{renumbered 146.50(8)(b)(intro.) and} amended to read:

16 146.50 (8) (b) ^(intro.) To be eligible for initial certification as a first responder—
 17 defibrillation responder, except as provided in ss. 146.51 and 146.52, an individual
 18 shall ~~meet~~ ^{all of the following} ~~requirements~~ specified in rules promulgated ^{! # 3. The individual} ~~(satisfactorily complete)~~ a
 19 ~~first responder course that uses a nationally standardized first responder~~
 20 ~~curriculum that is approved by the department.~~

insert 2-20-01

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

22 146.50 (8) (c) To be eligible for a renewal of a certificate as a first responder—
 23 defibrillation responder, except as provided in ss. 146.51 and 146.52, the holder of the
 24 certificate shall satisfactorily complete ~~any requirements specified in rules~~

40-hour

scored

meets the guidelines issued by the National Highway Traffic Safety Administration under 23 CFR 1265.3 (5) and

National

meets the guidelines issued by the Highway Traffic Safety Administration under 23 CFR ~~1205.3~~ 1205.3 (5) and that is

✓ 15-hour

1 promulgated a first responder refresher course that ~~uses a nationally standardized~~
2 ~~curriculum~~ approved by the department.

3 SECTION 7. 146.50 (8) (d) of the statutes is amended to read:

4 146.50 (8) (d) The department may not charge a reasonable fee for a certificate
5 initially issued or renewed under this subsection.

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

7 146.50 (8) (e) A certified first responder—defibrillation responder is authorized
8 to use an automatic or semiautomatic defibrillator, as prescribed for first responders
9 —defibrillation responders in rules promulgated by the department. The rules shall
10 set forth authorization for the use of an automatic defibrillator, a semiautomatic
11 defibrillator or, for a defibrillator that may be operated in more than one mode, use
12 in the automatic or semiautomatic mode only. A certified first responder is also
13 authorized to employ other techniques, including advanced airway, specified by the
14 department by rule. In promulgating the rules under this paragraph, the
15 department shall consult with the state medical director for emergency medical
16 services and the emergency medical services board. The rule shall include those
17 techniques that are specified in the most current ~~national standard curriculum~~

18 SECTION 9. 146.50 (8) (f) of the statutes is amended to read:

19 146.50 (8) (f) Except as provided in ss. 146.51 and 146.52, the department may
20 issue a certificate as a first responder—defibrillation responder, without requiring
21 satisfactory completion of any instruction or training that may be required under
22 par. (b), to any individual who holds a current license or certificate as a first
23 responder from another jurisdiction if the department finds that the standards for
24 licensing or issuing certificates in the other jurisdiction are at least substantially

National
guidelines issued by the Highway Traffic Safety Administration under 23 CFR, ~~1205.3~~ 1205.3 (5).

1 equivalent to the standards for issuance of certificates for first responder—
2 ~~defibrillation responders~~ in this state, and that the applicant is otherwise qualified.

INSERT
4-2

3 SECTION 10. 146.50 (11) (f) of the statutes is amended to read:

4 146.50 (11) (f) To restrain or prevent action by a first responder—~~defibrillation~~
5 responder in violation of this section or a rule promulgated under this section.

6 SECTION 11. 146.50 (12) (a) of the statutes is amended to read:

7 146.50 (12) (a) All records made by an ambulance service provider, an
8 emergency medical technician or a first responder—~~defibrillation responder~~ in
9 administering emergency care procedures to and handling and transporting sick,
10 disabled or injured individuals shall be maintained as confidential patient health
11 care records subject to ss. 146.81 to 146.84 and, if applicable, s. 252.15 (5) (a) (intro.),
12 (6), (8) and (9). For the purposes of this paragraph, an ambulance service provider,
13 an emergency medical technician or a first responder—~~defibrillation responder~~ shall
14 be considered to be a health care provider under s. 146.81 (1). Nothing in this
15 paragraph permits disclosure to an ambulance service provider, an emergency
16 medical technician or a first responder—~~defibrillation responder~~ under s. 252.15 (5)
17 (a), except under s. 252.15 (5) (a) 11.

(END)

INSERT
4-17

MOVE

SECTION #. Initial applicability.

(#) CERTIFICATION OF FIRST RESPONDERS. The treatment of section 146.50 (8) (b) ^{and (c)} of the statutes first applies to an application for certification or made on the effective date of this subsection.

SECTION #. Effective date.

(#) FIRST RESPONDERS. This act takes effect on the first day of the 7th month beginning after publication.

recertification

CS

CS

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1882/P2dn

TAY:

JL

Representative Johnsrud:

In this draft, I have not always included first responders in provisions that mention emergency medical technicians (EMT) because I was uncertain whether the EMS Association contemplated or intended their inclusion. In reviewing this draft, please determine whether it would be appropriate to include first responders in the following statutory provisions:

1. Section 40.02 (48) (bm) defines "protective occupation participant" under the public employe trust fund chapter. Protective occupation participants, which include emergency medical technicians (who are public employes), enjoy certain benefits that other public employes do not. For example, they may retire as early as age 50 rather than having to wait until they are 65. Also, the multiplier used to determine the annuity amount is higher than for other employes (2% vs. 1.6%). Is it the EMS Association's intent to include first responders (who are public employes) in the definition of "protective occupation participant"? Note that amending them into the provision would require that the the bill be sent to the joint committee on employment relations, in addition to any other committee to which the bill would be sent.

2. Section 48.98 (2) requires certain persons, including EMTs, to report suspected child abuse or neglect. I included first responders in this provision. Is that consistent with the EMS Association's intent?

3. Sections 59.34 (2) (a) and 59.35 (5) allow coroners to serve as volunteer EMTs, volunteer firefighters, etc. and places certain restrictions on coroners in cases of in which an apparent or actual conflict of interest arises. I have included first responders in these provisions (i.e. permitting a coroner to be a volunteer first responder). Is that consistent with the EMS Association's intent?

4. Section 108.05 (3) (a) concerns the calculation of a person's unemployment compensation benefit in the case of a person who has some wages. Under that provision, certain wages are disregarded (and therefore the benefit amount is not reduced), including "any amount that a claimant earns for services performed as a volunteer . . . emergency medical technician." Of course, we all recognize the contradiction in this provision (how can a volunteer earn any amount for services performed and still be considered a volunteer?); however, this is language that the administering agency has always insisted on. Given that, I included "wages earned by volunteer first responders" in this provision. OK?

5. The effect of including first responders in the definition of health care professionals under s. 118.29 (1) (c) (which I have done in this draft) is to subject first responders to potential civil liability (under s. 118.29 (2) (a) 3.) for their acts or omissions in administering a drug or prescription drug to a pupil. This potential exists currently for EMTs.

6. Section 146.37 (1g) exempts from civil liability a person who, acting in good faith, participates in reviewing or evaluating the services of health care providers, including emergency medical technicians. Should a person reviewing or evaluating the services of first responders also be exempt from liability?

7. I originally was going to amend the definition of "basic life support" under s. 146.50 (1) (d); however, I decided against it since "knowledge, skills and techniques received from training required for licensure as an emergency medical technician -basic" would presumably include knowledge, skills and techniques received from training required to be certified as a first responder. That is, I assume that the training for an EMT-basic covers at least everything that the training for a first responder covers.

8. There are three provisions that refer to rules regarding emergency medical technicians: s. 146.50 (6) (b) 2. (requiring rules to specify training, education or examination requirements for license renewals) and 146.50 (6n) and (13) (c) (authorizing EMTs to undertake only those actions authorized by rule). In addition, s. 146.55 (5) requires DHFS to distribute funds to certain entities to assist the entities in providing training required for licensure and licensure renewal and to fund licensure examinations administered by the entities. Should these provisions be duplicated for first responders? Does the amendment of s. 146.50 (8) (e) in this draft effect the intent of the EMS Association?

9. Please review s. 146.55 (2) to determine if the inclusion of first responders under that subsection is appropriate.

10. In s. 895.48 (1m) I included first responders in the list of persons who, under certain conditions, are immune from civil liability if they render voluntary health care to a participant in an athletic event sponsored by a nonprofit corporation, a school or a public agency. OK?

11. I did not include first responders in s. 941.37 (1) (c), which defines "emergency medical personnel" (for the purpose of criminalizing the obstruction of or interference with emergency medical personnel in the performance of their duties) because the definition includes "other person[s] operating or staffing an ambulance or an authorized emergency vehicle." First responders who operate or staff an authorized emergency vehicle or ambulance would be covered under that definition. However, if the EMS Association would like first responders specified in that definition, I can certainly add them to the provision.

If you would like to discuss this draft or any of the questions that I've raised, I would be happy to meet with you. It would probably be useful to have Don Hunjadi of the EMS

I included a delayed effective date to give DHFS time to promulgate rules and to give applicants for certification time to take the proper courses.

Association there as well so that we can all review the statutes together and determine the best way to effect the intent of the EMS Association.

Tina A. Yacker
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E-mail: Tina.Yacker@legis.state.wi.us

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1882/P2ins
TAY:

1 **insert 1-5**

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

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

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

History: Sup. Ct. Order, 59 W (2d) R1, R3 (1973); 1977 c. 355; 1977 c. 447 s. 210; 1979 c. 300; 1983 a. 172, 190, 299, 538; 1985 a. 29 ss. 917 to 930m, 3200 (56); 1985 a. 176, 234; 1987 a. 27, 186, 209; 1987 a. 332 s. 64; 1987 a. 334, 355, 399, 403; 1989 a. 31, 41, 102, 316, 359; 1991 a. 160, 263; 1993 a. 16, 105, 218, 227, 230, 246, 272, 318, 395, 443, 446, 491; 1995 a. 275, 289, 369, 456; 1997 a. 27, 114, 292, 393; s. 13.93 (2) (c).

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

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

History: 1973 c. 272; 1983 a. 146, 279, 538; 1989 a. 31, 268, 359; 1991 a. 316; 1995 a. 201 ss. 296 to 299; 1997 a. 35.

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

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

History: 1973 c. 272; 1983 a. 146, 279, 538; 1989 a. 31, 268, 359; 1991 a. 316; 1995 a. 201 ss. 296 to 299; 1997 a. 35.

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

1 59.35 (5) A person holding office under this section may also serve as a
2 volunteer emergency medical technician, a volunteer first responder,[✓] a volunteer fire
3 fighter or a chief, deputy chief or assistant chief of a fire department.

4 History: 1973 c. 272; 1975 c. 294, 421; 1985 a. 315; 1989 a. 31; 1991 a. 316; 1995 a. 201 s. 306; Stats. 1995 s. 59.35; 1997 a. 35.

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

5 66.11 (4) COMPATIBLE OFFICES AND POSITIONS. A volunteer fire fighter ~~or~~,
6 emergency medical technician or first responder[✓] in a city, village or town whose
7 annual compensation, including fringe benefits, does not exceed \$2,500 may also
8 hold an elected office in that city, village or town.

9 History: 1979 c. 110; 1987 a. 27, 403; 1991 a. 316; 1993 a. 246. ^X

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

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

History: 1971 c. 53; 1973 c. 247; 1975 c. 343; 1977 c. 29; 1979 c. 52; 1981 c. 28, 36; 1983 a. 8, 168, 384; 1985 a. 17, 40; 1987 a. 38 ss. 60 to 66, 136; 1987 a. 255; 1989 a. 77; 1991 a. 89; 1993 a. 373; 1995 a. 118; 1997 a. 39.

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

2 118.29 (1) (c) "Health care professional" means a person licensed as an
3 emergency medical technician under s. 146.50, a person certified as a first responder
4 under s. 146.50 (8) [✓] or any person licensed, certified, permitted or registered under
5 chs. 441 or 446 to 449.

6 History: 1983 a. 334; 1985 a. 146 s. 8; 1985 a. 218; 1987 a. 14, 399; 1989 a. 56, 102, 105; 1991 a. 103; 1997 a. 164.

6 SECTION 8. 146.37 (1) (a) ^X of the statutes is amended to read:

7 146.37 (1) (a) "Health care provider" includes an ambulance service provider,
8 as defined in s. 146.50 (1) (c), and an emergency medical technician, as defined in s.
9 146.50 (1) (e), and a first responder, as defined in s. 146.50 (1) (hm). [✓]

10 History: 1975 c. 187; 1979 c. 221; 1981 c. 323; 1983 a. 27; 1985 a. 27 s. 3202 (27); 1985 a. 340; 1987 a. 27, 399; 1989 a. 102; 1997 a. 175.

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

11 146.38 (1) (b) "Health care provider" includes an ambulance service provider,
12 as defined in s. 146.50 (1) (c), ~~and~~ an emergency medical technician, as defined in s.
13 146.50 (1) (e), and a first responder, as defined in s. 146.50 (1) (hm). [✓]

14 History: 1975 c. 187; 1979 c. 89; 1983 a. 27; 1989 a. 102; 1991 a. 217 ^X

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

15 146.50 (1) (d) "Basic life support" means emergency medical care that is
16 rendered to a sick, disabled or injured individual, based on signs, symptoms or
17 complaints, prior to the individual's hospitalization or while transporting the
18 individual between health care facilities and that is limited to use of the knowledge,
19 skills and techniques received from training required for licensure as an emergency
20 medical technician - basic, or for certification as a first responder. [✓]

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.

21 insert 2-20

22 SECTION 11. 146.50 (8) (b) 1. and 2. ^X of the statutes are created to read:

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

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~~146.50 (8) (b) 2.~~ Subject to ss. 111.321,[✓] 111.322[✓] and 111.335,[✓] the individual does not have an arrest or conviction record.

6

7

insert 4-2

8

SECTION 12. 146.50 (8) (g)[✓] of the statutes is created to read:

9

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

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insert 4-17

13

SECTION 13. 895.48 (1m) (intro.)[✓] of the statutes, as affected by 1997 Wisconsin Act 156, is amended to read:

14

895.48 (1m) (intro.) Any physician licensed under ch. 448, chiropractor licensed under ch. 446, dentist licensed under ch. 447, emergency medical technician licensed under s. 146.50, first responder certified under s. 146.50 (8), physician assistant licensed under ch. 448, registered nurse licensed under ch. 441 or massage therapist or bodyworker issued a license of registration under subch. ~~XI~~⁵ of ch. 440 who renders voluntary health care to a participant in an athletic event or contest sponsored by a nonprofit corporation, as defined in s. 46.93 (1m) (c), a private school, as defined in s. 115.001 (3r), a public agency, as defined in s. 46.93 (1m) (e), or a school,

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1 as defined in s. 609.655 (1) (c), is immune from civil liability for his or her acts or
2 omissions in rendering that care if all of the following conditions exist:

NOTE: NOTE: Sub. (1m) (intro.) is shown as affected eff. 2-1-99 by two acts of the 1997 legislature and as merged by the revisor under s. 13.93 (2) (c). The bracketed language indicates the correct cross-reference as renumbered by the revisor under s. 13.93 (1) (b). Prior to 2-1-99 it reads:NOTE:

3 (1m) Any physician licensed under ch. 448, chiropractor licensed under ch. 446, dentist licensed under ch. 447, emergency medical technician licensed under s. 146.59,
4 physician assistant licensed under ch. 448 or registered nurse licensed under ch. 441 who renders voluntary health care to a participant in an athletic event or contest
5 sponsored by a nonprofit corporation, as defined in s. 46.93 (1m) (c), a private school, as defined in s. 115.001 (3r), a public agency, as defined in s. 46.93 (1m) (c), or
6 a school, as defined in s. 609.655 (1) (c), is immune from civil liability for his or her acts or omissions in rendering that care if all of the following conditions exist:

7 History: 1977 c. 164; 1987 a. 14; 1989 a. 31; 1993 a. 109; 1995 a. 227; 1997 a. 67, 156, 191; s. 13.93 (2) (c).

SECTION 14. 895.48 (1m) (b) of the statutes, as affected by 1997 Wisconsin Act

8 156, is amended to read:

9 895.48 (1m) (b) The physician, chiropractor, dentist, emergency medical
10 technician, first responder, physician assistant, registered nurse, massage therapist
11 or bodyworker does not receive compensation for the health care, other than
12 reimbursement for expenses.

NOTE: NOTE: Par. (b) is shown as amended eff. 2-1-99 by 1997 Wis. Act 156. Prior to 2-1-99 it reads:NOTE:

13 (b) The physician, chiropractor, dentist, emergency medical technician, physician assistant or registered nurse does not receive compensation for the health care,
14 other than reimbursement for expenses.

History: 1977 c. 164; 1987 a. 14; 1989 a. 31; 1993 a. 109; 1995 a. 227; 1997 a. 67, 156, 191; s. 13.93 (2) (c).

15

(END)
of INSERTS

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1882/P2dn
TAY:jl:gjf

May 10, 1999

Representative Johnsrud:

In this draft, I have not always included first responders in provisions that mention emergency medical technicians (EMT) because I was uncertain whether the EMS Association contemplated or intended their inclusion. In reviewing this draft, please determine whether it would be appropriate to include first responders in the following statutory provisions:

1. Section 40.02 (48) (bm) defines "protective occupation participant" under the public employe trust fund chapter. Protective occupation participants, which include emergency medical technicians (who are public employes), enjoy certain benefits that other public employes do not. For example, they may retire as early as age 50 rather than having to wait until they are 65. Also, the multiplier used to determine the annuity amount is higher than for other employes (2% vs. 1.6%). Is it the EMS Association's intent to include first responders (who are public employes) in the definition of "protective occupation participant"? Note that amending them into the provision would require that the bill be sent to the joint committee on employment relations, in addition to any other committee to which the bill would be sent.

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9. Please review s. 146.55 (2) to determine if the inclusion of first responders under that subsection is appropriate.

10. In s. 895.48 (1m), I included first responders in the list of persons who, under certain conditions, are immune from civil liability if they render voluntary health care to a participant in an athletic event sponsored by a nonprofit corporation, a school or a public agency. OK?

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I included a delayed effective date to give DHFS time to promulgate rules and to give applicants for certification time to take the proper courses.

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Association there as well so that we can all review the statutes together and determine the best way to effect the intent of the EMS Association.

Tina A. Yacker
Legislative Attorney
Phone: (608) 261-6927
E-mail: Tina.Yacker@legis.state.wi.us



DuWayne Johnsrud

State Representative

Date:

6/7

To:

Tina

From:

Wah

Telephone:

63524

This is from the EMS Assoc
re: ?s raised on the 1st Responder
draft — Call w/ questions —
(not that I'll know the answer!)

The following comments are in response to questions from and text relating to LRB 1882/2

Questions Presented by LRB:

- 1. Should First Responders be included in Section 40.02 (48) (bm) Answer: No ✓
- 2. Should First Responders be included in Section 48.98 (2) Answer: Yes ✓
- 3. Should First Responders be included in Section 59.34 et al Answer: Yes ✓
In addition, why does this section only refer to Volunteer EMTs, Firefighters etc. Should volunteer be dropped? *I don't know*
- 4. Should First Responders be included in Section 108.05 (3) (a) Answer: Yes ✓
Even though "volunteers" are considered not to be paid in any form, some "volunteers" are paid a minimal amount for certain activities. They however are not paid unless a call is received or a task is completed. Many "earn" less than \$500/year while being "on call" many more hours. Thus the term "volunteer" is still applied to these people.
- 5. Currently an EMT may not administer a prescription drug to a pupil. They may only administer medications that have been approved in their level of practice. Any medication that a first responder might administer would first be approved through the means set up in 146.50 (8) (c). It therefore is permissible that we include First Responders in 118.29 (1) (c) ✓
- 6. Should First Responder reviews be included in 146.37 (1g) Answer: Yes ✓
- 7. *how to amend?* The current definition language under 146.50(1) (d) for "Basic Life Support" appears to us to be outdated, vague and poor. Your original idea to amend the definition may be a prudent course of action since the current definition does not state what most individuals involved in medicine would equate with basic life support.
- 8. Should we duplicate the FAP funds for First Responders? Answer: Ideally yes. However, it is our concern that adding a fiscal change or necessitating a change in the FAP formula might be a serious detraction to this bill. We will need to discuss this with Rep. Johnsrud to obtain the best course of action.
- 9. Is 146.55 (2) correct as amended? *it's not amended* Answer: In simple form the wording is correct. However, some of the actions a first responder may take at an emergency are similar or the same as what a bystander might do. For instance, CPR, splinting or bleeding control. We do not want this section to hinder the aid of a person passing by or that happens to be near the area the illness or injury occurs. We only wish to regulate anyone that routinely performs as a first responder when requested to do so.
- 10. Should First Responders be included in Section 895.48 (1m) Answer: Yes ✓
- 11. Should First Responders be included in Section 941 (1) (c) Answer: Yes Many first responders will arrive in their personal vehicle and will not operate or staff an ambulance. Depending upon their charter, they may or may not operate an authorized emergency vehicle. Therefore we must include them in this statute.

Questions Raised by Wisconsin EMS Association:

- 1. As noted in question three above, page 3 lines 2, 4, 7 refer to volunteer first responders. We question what the ethical difference with regard to the intent of the statute is whether the person is a volunteer or not. We would think that the statute points out and addresses a potential conflict of interest regardless if the person is a volunteer or is paid.
- 2. Throughout the draft, the term used is "certified" rather than licensed. EMT statutes appear to use the term licensed. What is the legal difference of these two terms? Are we correct in using certified instead of licensed?
- 3. As noted in question 7 above, we may, depending upon the problems we might create, want to address the definition of "basic life support" and alter it to conform with a more current and national definition of this term.

4. We would suggest that the wording on page 6 starting on line 8 146.50 (8) (b) 3 read "The individual satisfactorily completes a course of instruction which meets or exceeds the minimum competencies established by the current edition of the United States Department of Transportation, National Traffic Highway Safety Administration curriculum for the First Responder under 23 CFR 1205.3(5) and that is approved by the department".
5. We would suggest that some wording be created to allow anyone that has completed a First Responder course and has satisfactorily completed a refresher course of instruction which meets or exceeds the minimum competencies established by the current edition of the United States Department of Transportation, National Traffic Highway Safety Administration curriculum for the First Responder under 23 CFR 1205.3(5) and that is approved by the department" within the past two years prior to application, (only an original course is necessary if the course was completed within the previous two years) be granted a license as a certified first responder. This section should only apply for a certain period of time (to be determined) to allow for individuals who have voluntarily obtained this training prior to this legislation to be eligible for initial certification. Following this "grace period" only the language addressed in number four would apply.
6. We would suggest that the wording on page 6 starting on line 21 146.50 (8) (b) read "The individual satisfactorily completes a course of instruction which meets or exceeds the minimum competencies established by the current edition of the United States Department of Transportation, National Traffic Highway Safety Administration curriculum for the First Responder , Refresher under 23 CFR 1205.3(5) and that is approved by the department".
7. On page 7 lines 6, 8, 9, the wording that begins "the rules shall... and ends...or semiautomatic mode only, is likely now outdated due to current technology. We may consider striking these lines as noted.
8. Under page 7 lines 9 - 13 we would suggest the wording read "A certified first responder is authorized to employ other techniques, including the administration of non-visualized advanced airways, and the administration of certain medications as specified by the department by rule. In promulgating the rules under this paragraph, the department shall consult with the state medical director for emergency medical services, the physician advisory committee and the emergency medical services board."
9. We question if the word "jurisdiction" on page 7 line 21 should read "state". Or does jurisdiction in this instance already mean "another state"?
10. There is a statute (number unknown) that requires police officers completing accident reports note an accident involving a fire fighter or EMT be listed as "on duty" if the accident occurred in the course of duty for these listed individuals (as well as some others). Does this statute already include First Responders? If not, we would like to amend it to include them since many will be driving to the scene and will meet the "spirit" of this statute.
11. Are we able to receive a listing of all of the statues that were identified as currently relating to EMT's? We understand that there are over 50 such statues. It is not our intent to amend every one of these. However, we would like the opportunity to review these references to be certain no major reference has been missed by us during the creation of this legislation.

D-NOT

R MR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Regen

1 AN ACT to renumber and amend 146.50 (8) (b); to amend 48.981 (2), 59.34 (2)

2 (a), 59.34 (2) (b) 1., 59.35 (5), 66.11 (4), 108.05 (3) (a), 118.29 (1) (c), 146.37 (1)

3 (a), 146.38 (1) (b), 146.50 (1) (d), 146.50 (1) (hm), 146.50 (2), 146.50 (8) (title),

4 146.50 (8) (a), 146.50 (8) (c), 146.50 (8) (d), 146.50 (8) (e), 146.50 (8) (f), 146.50

5 (11) (f), 146.50 (12) (a), 895.48 (1m) (intro.) and 895.48 (1m) (b); and to create

6 146.50 (8) (b) 1. and 2. and 146.50 (8) (g) of the statutes; relating to:

7 certification of first responders.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.
 For further information see the state fiscal estimate, which will be printed as
 an appendix to this bill.

✓ INSERT ANAL

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

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

9 48.981 (2) PERSONS REQUIRED TO REPORT. A physician, coroner, medical

10 examiner, nurse, dentist, chiropractor, optometrist, acupuncturist, other medical or

1 mental health professional, social worker, marriage and family therapist,
2 professional counselor, public assistance worker, including a financial and
3 employment planner, as defined in s. 49.141 (1) (d), school teacher, administrator or
4 counselor, mediator under s. 767.11, child care worker in a day care center or child
5 caring institution, day care provider, alcohol or other drug abuse counselor, member
6 of the treatment staff employed by or working under contract with a county
7 department under s. 46.23, 51.42 or 51.437, physical therapist, occupational
8 therapist, dietitian, speech-language pathologist, audiologist, emergency medical
9 technician, first responder or police or law enforcement officer having reasonable
10 cause to suspect that a child seen in the course of professional duties has been abused
11 or neglected or having reason to believe that a child seen in the course of professional
12 duties has been threatened with abuse or neglect and that abuse or neglect of the
13 child will occur shall, except as provided under sub. (2m), report as provided in sub.
14 (3). Any other person, including an attorney, having reason to suspect that a child
15 has been abused or neglected or reason to believe that a child has been threatened
16 with abuse or neglect and that abuse or neglect of the child will occur may make such
17 a report. Any person, including an attorney having reason to suspect that an unborn
18 child has been abused or reason to believe that an unborn child is at substantial risk
19 of abuse may report as provided in sub. (3). No person making a report under this
20 subsection may be discharged from employment for so doing.

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

22 59.34 (2) (a) Notwithstanding s. 979.04 (3) and except as provided in par. (b),
23 any person holding office under sub. (1) may also serve as a volunteer emergency
24 medical technician, first responder or volunteer fire fighter.

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

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

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

15 59.35 (5) A person holding office under this section may also serve as a
16 volunteer emergency medical technician, a volunteer first responder, a volunteer fire
17 fighter or a chief, deputy chief or assistant chief of a fire department.

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

19 66.11 (4) COMPATIBLE OFFICES AND POSITIONS. A volunteer fire fighter or,
20 emergency medical technician or first responder in a city, village or town whose
21 annual compensation, including fringe benefits, does not exceed \$2,500 may also
22 hold an elected office in that city, village or town.

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

24 108.05 (3) (a) Except as provided in par. (b), if an eligible employe earns wages
25 in a given week, the first \$30 of the wages shall be disregarded and the employe's

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

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

14 118.29 (1) (c) "Health care professional" means a person licensed as an
15 emergency medical technician under s. 146.50, a person certified as a first responder
16 under s. 146.50 (8) or any person licensed, certified, permitted or registered under
17 chs. 441 or 446 to 449.

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

19 146.37 (1) (a) "Health care provider" includes an ambulance service provider,
20 as defined in s. 146.50 (1) (c), and an emergency medical technician, as defined in s.
21 146.50 (1) (e), and a first responder, as defined in s. 146.50 (1) (hm).

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

23 146.38 (1) (b) "Health care provider" includes an ambulance service provider,
24 as defined in s. 146.50 (1) (c), ~~and~~ an emergency medical technician, as defined in s.
25 146.50 (1) (e), and a first responder, as defined in s. 146.50 (1) (hm).

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

2 146.50 (1) (d) "Basic life support" means emergency medical care that is
3 rendered to a sick, disabled or injured individual, based on signs, symptoms or
4 complaints, prior to the individual's hospitalization or while transporting the
5 individual between health care facilities and that is limited to use of the knowledge,
6 skills and techniques received from training required for licensure as an emergency
7 medical technician -- basic, or for certification as a first responder.

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

9 146.50 (1) (hm) "~~First responder~~ defibrillation responder" means an
10 individual who is certified by the department as a ~~first responder~~ defibrillation
11 responder under sub. (8).

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

13 146.50 (2) LICENSE OR CERTIFICATE REQUIRED. No person may act as or advertise
14 for the provision of services as an ambulance service provider unless the person holds
15 an ambulance service provider license issued under this section. No individual may
16 act as or advertise for the provision of services as an emergency medical technician
17 unless he or she holds an emergency medical technician license or training permit
18 issued under sub. (5). No individual may act as or advertise for the provision of
19 services as a ~~first responder~~ defibrillation responder unless he or she holds a first
20 ~~responder~~ defibrillation responder certificate issued under sub. (8).

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

22 146.50 (8) (title) ~~CERTIFICATION OF FIRST RESPONDERS~~ DEFIBRILLATION
23 RESPONDERS.

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

1 146.50 (8) (a) Except as provided in ss. 146.51 and 146.52, the department shall
2 certify qualified applicants as first responders—defibrillation responders.

3 SECTION 15. 146.50 (8) (b) of the statutes is renumbered 146.50 (8) (b) (intro.)
4 and amended to read:

5 146.50 (8) (b) (intro.) To be eligible for initial certification as a first responder
6 —defibrillation responder, except as provided in ss. 146.51 and 146.52, an individual
7 shall meet all of the following requirements specified in rules promulgated:

8 3. The individual satisfactorily completes a 40-hour first responder course that
9 meets the guidelines issued by the National Highway Traffic Safety Administration
10 under 23 CFR 1205.3 (5) and that is approved by the department.

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

12 146.50 (8) (b) 1. The individual is 18 years of age or older and capable of
13 performing the actions authorized under par. (e), or in rules promulgated under par.
14 (e), for a first responder.

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

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

18 146.50 (8) (c) To be eligible for a renewal of a certificate as a first responder—
19 defibrillation responder, except as provided in ss. 146.51 and 146.52, the holder of the
20 certificate shall satisfactorily complete any requirements specified in rules
21 promulgated a 40-hour first responder refresher course that meets the guidelines
22 issued by the National Highway Traffic Safety Administration under 23 CFR 1205.3
23 (5) and that is approved by the department.

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

1 146.50 (8) (d) The department may not charge a reasonable fee for a certificate
2 initially issued or renewed under this subsection.

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

4 146.50 (8) (e) A certified first responder—defibrillation responder is authorized
5 to use an automatic or semiautomatic defibrillator, as prescribed for first responders
6 —defibrillation responders in rules promulgated by the department. The rules shall
7 set forth authorization for the use of an automatic defibrillator, a semiautomatic
8 defibrillator or, for a defibrillator that may be operated in more than one mode, use
9 in the automatic or semiautomatic mode only. A certified first responder is also
10 authorized to employ other techniques, including advanced ^{the administration of nonvisualized} ~~airways~~ specified by the
11 department by rule. In promulgating the rules under this paragraph, the
12 department shall consult with the state medical director for emergency medical
13 services and the emergency medical services board. The rule shall include those
14 techniques that are specified in the most current guidelines issued by the National
15 Highway Traffic Safety Administration under 23 CFR 1205.3 (5).

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

17 146.50 (8) (f) Except as provided in ss. 146.51 and 146.52, the department may
18 issue a certificate as a first responder—defibrillation responder, without requiring
19 satisfactory completion of any instruction or training that may be required under
20 par. (b), to any individual who holds a current license or certificate as a first
21 responder from another jurisdiction if the department finds that the standards for
22 licensing or issuing certificates in the other jurisdiction are at least substantially
23 equivalent to the standards for issuance of certificates for first responder—
24 defibrillation responders in this state, and that the applicant is otherwise qualified.

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

and the administration of medications that are

1 146.50 (8) (g) The department may not impose a requirement that an
2 individual be affiliated with an ambulance service provider in order to receive a first
3 responder certificate.

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

5 146.50 (11) (f) To restrain or prevent action by a first responder – defibrillation
6 responder in violation of this section or a rule promulgated under this section.

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

8 146.50 (12) (a) All records made by an ambulance service provider, an
9 emergency medical technician or a first responder – defibrillation responder in
10 administering emergency care procedures to and handling and transporting sick,
11 disabled or injured individuals shall be maintained as confidential patient health
12 care records subject to ss. 146.81 to 146.84 and, if applicable, s. 252.15 (5) (a) (intro.),
13 (6), (8) and (9). For the purposes of this paragraph, an ambulance service provider,
14 an emergency medical technician or a first responder – defibrillation responder shall
15 be considered to be a health care provider under s. 146.81 (1). Nothing in this
16 paragraph permits disclosure to an ambulance service provider, an emergency
17 medical technician or a first responder – defibrillation responder under s. 252.15 (5)
18 (a), except under s. 252.15 (5) (a) 11.

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

21 895.48 (1m) (intro.) Any physician licensed under ch. 448, chiropractor licensed
22 under ch. 446, dentist licensed under ch. 447, emergency medical technician licensed
23 under s. 146.50, first responder certified under s. 146.50 (8), physician assistant
24 licensed under ch. 448, registered nurse licensed under ch. 441 or massage therapist
25 or bodyworker issued a license of registration under subch. X XI of ch. 440 who

1 renders voluntary health care to a participant in an athletic event or contest
 2 sponsored by a nonprofit corporation, as defined in s. 46.93 (1m) (c), a private school,
 3 as defined in s. 115.001 (3r), a public agency, as defined in s. 46.93 (1m) (e), or a school,
 4 as defined in s. 609.655 (1) (c), is immune from civil liability for his or her acts or
 5 omissions in rendering that care if all of the following conditions exist:

6 SECTION 25. 895.48 (1m) (b) of the statutes, as affected by 1997 Wisconsin Act
 7 156, is amended to read:

8 895.48 (1m) (b) The physician, chiropractor, dentist, emergency medical
 9 technician, first responder, physician assistant, registered nurse, massage therapist
 10 or bodyworker does not receive compensation for the health care, other than
 11 reimbursement for expenses.

12 SECTION 26. Initial applicability.

13 (1) CERTIFICATION OF FIRST RESPONDERS. ^{P(a)} The treatment of section 146.50 (8) (b)
 14 ~~and (c)~~ of the statutes first applies to an application for ^{initial} certification ~~or recertification~~
 15 made on the effective date of this ~~subsection~~ ^{paragraph}.

16 SECTION 27. Effective date.

17 (1) FIRST RESPONDERS. This act takes effect on the first day of the 7th month
 18 beginning after publication.

19 (END)

INSECT
9-11

P(b) The treatment of section 146.50 (8)(c) of the statutes
 first applies to an application for renewal of ^{of} this
 certification made on the effective date of this
 paragraph.

D-note
↓

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1882/lins
TAY:jlq:jf

INSERT ANAL

Under current law, the department of health and family services (DHFS) certifies first responders ~~in~~^e fibrillation. Currently, the requirements for certification and recertification are established by DHFS by rule.

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

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

INSERT 9-11

first responder certified under s. 146.50(8)

Section #. 941.37 (1) (c) of the statutes is amended to read:

941.37 (1) (c) "Emergency medical personnel" means an emergency medical technician licensed under s. 146.50, peace officer or fire fighter, or other person operating or staffing an ambulance or an authorized emergency vehicle.

History: 1983 a. 515; 1989 a. 102.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1882/1dn
TAY:jlj:jf

The EMS Association has raised a number of questions, some of which I can answer and some of which I cannot.

1. Regarding the conflict of interest provisions regarding coroners, I suspect that the legislature wanted to make clear that in the case of a coroner who also served as a volunteer EMT or firefighter, there is no conflict of interest; but when both positions are paid, there well could be a conflict. Because the legislature was so insistent on using the word "volunteer" throughout those provisions, I hesitate to remove the word without knowing precisely what led to its inclusion in the first place.

2. Although there may have been at one time a clear distinction between license and certification, that distinction does not seem to exist anymore. According to LRB drafter Mark Kunkel, licensure is often viewed as professional protection and certification as practice protection; however, even this distinction is not consistently maintained throughout the statutes. The answer to the EMS Association's question is, therefore, that use of the term "certified" is correct, unless you prefer to refer to the credential as a license instead. Legally, it does not appear to make a difference. If you decide that you prefer licensure to certification of first responders, please let me know so that I can redraft all of the provisions that refer to a "certified" first responder.

3. With respect to changing the definition of "basic life support," this is not something I can do without more specific instructions on what that definition should and should not include.

4. Regarding a "grandfathering" of already certified first responders, this bill provides a kind of grandfathering clause with the initial applicability section. That section says that anybody who is already certified as a first responder is not subject to the requirements of the bill until that person renews the certification. At that point, the provisions of the bill relating to requirements for renewal of certification would apply to that person. It seems contrary to the intent of the bill to have different standards for renewal based on whether a person was initially certified before or after the effective date of the bill. Is that really what the EMS Association is asking for?

5. There is no mention in the statutes of a physician advisory committee. Do you want to create it?

6. The word jurisdiction is used to refer not only to other states but other governments, such as the United States government or a Native American tribe.

7. In preparing this draft, I searched the statutes for all instances of the term "emergency medical technician." I did not come across a provision requiring police officers to note the involvement of emergency medical technicians. It is possible that this provision appears in the administrative code.

8. The web site for the state statutes is: <http://www.legis.state.wi.us/rsb/stats.html>. You can search on this site for all instances of "emergency medical technician*" to determine if I've included all of the pertinent hits.

Tina A. Yacker
Legislative Attorney
Phone: (608) 261-6927
E-mail: Tina.Yacker@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1882/1dn
TAY:jl:gjf

July 27, 1999

The EMS Association has raised a number of questions, some of which I can answer and some of which I cannot.

1. Regarding the conflict of interest provisions regarding coroners, I suspect that the legislature wanted to make clear that in the case of a coroner who also served as a volunteer EMT or firefighter, there is no conflict of interest; but when both positions are paid, there well could be a conflict. Because the legislature was so insistent on using the word "volunteer" throughout those provisions, I hesitate to remove the word without knowing precisely what led to its inclusion in the first place.

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Tina A. Yacker
Legislative Attorney
Phone: (608) 261-6927
E-mail: Tina.Yacker@legis.state.wi.us



DuWayne Johnsrud

State Representative

Date: 8/17

To: Tina Yacker

From: Sarah Decorah

Re: First Responder legis. - 1882

Telephone: 6-3534

Hi Tina -

This is a portion of a memo sent to DuWayne from Don Hunjadi. Does this answer the 2 questions?

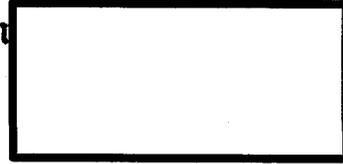
DuWayne wants to get this introduced as soon as possible.

Give me a call after you look at the responses from Don.

Thanks!

1. In Tina Yacker's letter dated July 27, 1999, in question five she asked about the physician advisory committee. I had thought this committee was created by statute. However, I was not able to find that statute. I certainly know that this committee exists. Perhaps they were simply created by DHFS to advise on these issues. However, if we are not able to reference them, it should not be an issue as long as we require input by the EMS Board and State Medical Director as the bill currently lists.

2. In question 7 of her letter, she stated she was unable to find the statute that I was referring to. I was able to find it in 343.23 (2) (a). I was unaware that First Responders were already listed here, so again, we don't need to do anything.



CAROLINE: THIS IS IN THE INSAID FILE.

CORRECTIONS IN: CCC

TO 1999 ASSEMBLY BILL 521

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Prepared by the Legislative Reference Bureau
(Date)

1. Page 6, line 16: delete "(5)" and substitute "(a) (5)".
2. Page 7, line 4: delete "(5)" and substitute "(a) (5)".
3. Page 7, line 22: delete "(5)" and substitute "(a) (5)".

TRAY
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KMG:

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Minor clerical corrections in legislation are authorized under s. 35.17, stats.; Senate Rule 31, Assembly Rule 37 and Joint Rule 56.