



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE REPORT TO AGENCY

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

CLEARINGHOUSE RULE 01-052

AN ORDER to amend HFS 110 (title), 110.02, 110.03 (25) and (54), 110.05 (4) (b) 3., 110.06 (title), (1) (title), (2) (title) and (3) to (5) and Note, 110.07 (3) (b) (intro.) and 110.09 (1) (intro.), (2) (a) and (6); and to create HFS 110.03 (42m), 110.06 (2m) and 110.07 (1) (c) 6m. and 6r., relating to licensing of ambulance service providers and licensing of emergency medical technicians—basic and emergency medical technicians—basic IV.

Submitted by **DEPARTMENT OF HEALTH AND FAMILY SERVICES**

05-10-01 RECEIVED BY LEGISLATIVE COUNCIL.

06-04-01 REPORT SENT TO AGENCY.

RNS:MM:jal;rv

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

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

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

Comment Attached YES NO

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

Comment Attached YES NO

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

Comment Attached YES NO

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

Comment Attached YES NO

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

Comment Attached YES NO

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

Comment Attached YES NO

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

Comment Attached YES NO



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Comments

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

4. Adequacy of References to Related Statutes, Rules and Forms

In s. HFS 110.03 (42m), it appears that the cite to s. HFS 110.07 (1) (c) 8. is incorrect and should be changed.

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

a. The analysis should explain that the rule deletes the reference to the national standard curriculum in s. HFS 110.03 (54).

b. The intent of s. HFS 110.06 (4) (b) is unclear because it refers to a "licensed individual under s. HFS 110.04 (1) (b) 3.". However, s. HFS 110.04 (1) (b) 3. does not use the term "licensed individual." Could an individual holding an EMT-Basic IV training permit be considered a licensed EMT-Basic under s. HFS 110.04 (1) (b) 3., if that individual holds an EMT-Basic license?

PROPOSED ORDER OF THE
DEPARTMENT OF HEALTH AND FAMILY SERVICES
REPEALING AND RECREATING RULES

To amend HFS 110 (title), 110.02, 110.03 (25) and (54), 110.05 (4) (b) 3., 110.06 (title), (1) (title) and (2) (title), 110.06 (3) to (5) and Note, 110.07 (3) (b) (intro.), 110.09 (1) (intro.), 110.09 (2) (a) and 110.09 (6), and create HFS 110.03 (42m), 110.07 (1) (c) 6m. and 6r. and 110.06 (2m), relating to licensing of ambulance service providers and licensing of emergency medical technicians-basic and emergency medical technicians-basic IV.

Analysis Prepared by the Department of Health and Family Services

Chapter HFS 110 concerns the licensing of ambulance service providers, the certification of training centers, and the licensing and training of emergency medical technicians at the EMT-basic and EMT-basic IV levels of ability. Although the current rules recognize an EMT-basic IV licensure level, the current rules omit provisions providing for the Department's ability to issue EMT-basic IV training permits. The principal purpose of this proposed rulemaking order is to correct this oversight. The rulemaking order also proposes deleting the requirement to administer specific concentrations of epinephrine for anaphylactic shock. *Why?*

The Department's authority to repeal and recreate these rules is found in ss. 146.50 (5) (b) and (d) 1., (6) (b) 2. and (c) (intro.), (6n), (8m) and (13) (a) and (c) and 250.04 (7), Stats. The rules interpret s. 146.50, Stats.

SECTION 1. Chapter HFS 110 (title) is amended to read:

**HFS 110 LICENSING OF AMBULANCE SERVICE PROVIDERS AND EMERGENCY
MEDICAL TECHNICIANS-BASIC AND BASIC IV**

SECTION 2. HFS 110.02 is amended to read:

HFS 110.02 Applicability. This chapter applies to all applicants for and holders of an ambulance service provider license, an EMT-basic or EMT-basic IV license or an EMT-basic or EMT-basic IV training permit.

SECTION 3. HFS 110.03 (25) is amended to read:

HFS 110.03 (25) "Epinephrine" means the administration of epinephrine ~~in a concentration of 1:1000~~ for signs and symptoms of anaphylactic shock using an auto-injector or other approved administration device.

SECTION 4. HFS 110.03 (42m) is created to read:

HFS 110.03 (42m) "Preceptor" means an individual licensed as an EMT-basic IV, EMT-intermediate, EMT-paramedic, a physician, a registered nurse or a physician assistant who meets the requirements listed in s. HFS 110.07 (1) (c) 8. and who provides supervision of clinical or field experiences for individuals with an EMT-basic IV training permit.

SECTION 5. HFS 110.03 (54) is amended to read:

change d

HFS 110.03 (54) "Wisconsin standard curriculum for training EMT-basic IV personnel" means the curriculum developed and approved by the department as essential for training EMT-basic IV personnel. ~~This training is based on the 1985 national standard curriculum for training EMTs-Intermediate with adaptations developed and approved by the department.~~

SECTION 6. HFS 110.05 (4) (b) 3. is amended to read:

HFS 110.05 (4) (b) 3. Administration of epinephrine in a concentration of 1:1000 for adults or 1:2000 for pediatric patients, for anaphylactic shock.

SECTION 7. HFS 110.06 (title), (1) (title) and (2) (title) are amended to read:

HFS 110.06 EMT-basic and EMT-basic IV training permit. (1) EMT-BASIC APPLICATION.

(2) EMT-BASIC REQUIRED TRAINING.

SECTION 8. HFS 110.06 (2m) is created to read:

(2m) EMT-BASIC IV APPLICATION. An individual requesting an EMT-basic IV training permit shall comply with all of the following:

(a) Apply on a form provided by the department.

(b) Hold a valid EMT license issued by the department or document equivalent training that, at a minimum, meets the national standard curriculum for training EMTs-basic as defined in s. HFS 110.03 (34).

(c) Be at least 18 years of age.

(d) Subject to ss. 111.321, 111.322, 111.335 and 146.50 (6), Stats., not have an arrest or conviction record that substantially relates to performance of the duties as an EMT as determined by the department.

(e) Present documentation of enrollment in department-approved EMT-basic IV training as evidenced by the course registration list.

(f) Provide any additional information requested by the department during its review of the application.

SECTION 9. HFS 110.06 (3) to (5) and Note are amended to read:

(3) ACTION BY THE DEPARTMENT. Within 40 business days after receiving a complete application for an EMT-basic or EMT-basic IV training permit, the department shall either approve the application and issue the permit or deny the application. If the application for a permit is denied, the department shall give the applicant reasons, in writing, for the denial and shall inform the applicant of the right to appeal that decision under s. HFS 110.09 (5). In this subsection, "complete application" means a completed application form and documentation that, for an EMT-

basic, the requirements of sub. (1) (b) to (f) are met or, for an EMT-basic IV, the requirements of sub. (2m) (a) to (f) are met.

(4) RESTRICTIONS. (a) EMT-basic. 1. An individual holding an EMT-basic training permit may function as an EMT only under the direction of an EMT-basic, a registered nurse, a physician assistant or a physician.

~~(b)~~2. An individual holding an EMT-basic training permit is not considered a licensed individual under s. HFS 110.04 (1) (b) 2.

~~(c)~~3. An individual holding an EMT-basic training permit may perform any of the actions authorized for an EMT-basic for which he or she has been trained, except advanced skills requiring medical director approval, but only if directly supervised by a licensed EMT-basic, a registered nurse, a physician assistant or a physician.

(b) EMT-basic IV. 1. An individual holding an EMT-basic IV training permit is not considered a licensed individual under s. HFS 110.04 (1) (b) 3.

2. An individual holding an EMT-basic IV training permit may perform the actions authorized for an EMT-basic IV only if the medical director or a preceptor designated by the medical director or training center medical director is present and giving direction.

(5) DURATION OF PERMIT. An EMT-basic or EMT-basic IV training permit shall be issued for 2 years and may not be extended or renewed. A new EMT-basic training permit can be granted if the applicant enrolls in an EMT-basic course and successfully completes the first 46 hours of that course. A new EMT-basic IV training permit can be granted if the applicant enrolls in an EMT-basic IV course and successfully completes the classroom portion of the course.

Note: Copies of the form required to apply for issuance of an EMT-basic or EMT-basic IV training permit are available without charge from the EMS Systems and Licensing Section, Division of Public Health, P.O. Box 2659, Madison, WI 53701-2659 or download the form from the DHFS website at www.dhfs.state.wi.us/DPH_EMSIP/index.htm.

SECTION 10. HFS 110.07 (1) (c) 6m. and 6r. are created to read:

6m. Identification and a listing of the qualifications of each person who will function as preceptor of EMT-basic IV field training, with specifications of that person's responsibilities. A copy of the preceptor's resume shall be kept on file at the training center and made available to the department upon request. The preceptor shall comply with all of the following:

a. Be licensed to at least the EMT-basic IV level. Physicians, registered nurses and physician assistants, with training and experience in the pre-hospital emergency care of patients, shall be considered to be trained to at least the EMT-intermediate level.

b. Have a minimum of 2 years experience as a licensed practicing EMT-basic IV or equivalent as determined by the department and be designated by the service medical director.

c. Have responsibility for completing records of the field training of EMT-basic IV students and forwarding them to the training center.

6r. Documentation that field training for EMTs-basic IV will be provided by a Wisconsin licensed EMT-basic IV ambulance provider or providers as evidenced by the signatures of the training center representative, training center medical director and the medical director and operator for all ambulance service providers agreeing to provide supervised field training. A copy of the signed agreement shall be kept on file at the training center and made available to the department upon request.

SECTION 11. HFS 110.07 (3) (b) (intro.) is amended to read:

(b) Application for initial course approval at the EMT-basic or EMT-basic IV level shall be made by submitting to the department a statement that all sections of the national standard curriculum and department standards for training EMTs-basic ~~in advanced skills~~ or EMTs-basic IV will be used and which identifies the number of hours devoted to classroom training and supervised clinical or field experience. Applications for approval of an initial course from a Wisconsin technical college system district shall be jointly reviewed by the department and the Wisconsin technical college system board. An application for initial course approval shall include all of the following:

SECTION 12. HFS 110.09 (1) (intro.), (2) (a) and (6) are amended to read:

HFS 110.09 Enforcement. (1) DENIAL OF LICENSE, AUTHORIZATION, PERMIT OR CERTIFICATION; NONRENEWAL; SUSPENSION; REVOCATION; OR REPRIMAND OF LICENSEE, PERMIT HOLDER, CERTIFIED TRAINING CENTER OR CERTIFIED EMT-BASIC OR EMT-BASIC IV INSTRUCTOR-COORDINATOR. The department may deny, refuse to renew, suspend or revoke an ambulance service provider license, an EMT-basic or EMT-basic IV license, an authorization for an EMT-basic or EMT-basic IV to use advanced skills, an EMT-basic or EMT-basic IV training permit, a training center certification or an EMT-basic or EMT-basic IV instructor-coordinator certification or reprimand a licensee, permit holder, certified training center or certified EMT-basic or EMT-basic IV instructor-coordinator after providing the applicant, ambulance service provider, EMT-basic or EMT-basic IV licensee, EMT training permit holder, certified training center or certified EMT-basic or EMT-basic IV instructor-coordinator with written notice of the proposed action and written notice of opportunity for a hearing under sub. (5) if the department makes a finding of any of the following:

(2) EMERGENCY SUSPENSION OF LICENSE, PERMIT OR CERTIFICATION. (a) The department may summarily suspend an ambulance service provider license, EMT-basic or EMT-basic IV license, authorization for an EMT-basic or EMT-basic IV to use advanced skills, EMT-basic or EMT-basic IV training permit, training center certification or EMT-basic or EMT-basic IV instructor-coordinator certification when the department has probable cause to believe that the licensee, permit holder, certified training center or certified EMT-basic or EMT-basic IV instructor-coordinator has violated the provisions of s. 146.50, Stats., or this chapter, and that it is necessary to suspend the license or permit immediately, without advance written notice, to protect the public health, safety or welfare.

(6) REPRIMANDS. The department may reprimand a licensee, permit holder, certified training center or certified EMT-basic or EMT-basic IV instructor-coordinator if the department finds that the licensee, permit holder, certified training center or certified EMT-basic or EMT-basic IV instructor-coordinator falls within any of the circumstances specified in sub. (1) (a) to (h). The

department's issuance of the reprimand shall constitute the final decision of the department and is not subject to a hearing under sub. (5).

The repeal and rules included in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, as provided in s. 227.22 (2), Stats.

Wisconsin Department of Health
and Family Services

Dated:

By: _____

Phyllis J. Dubé
Secretary

SEAL: