



2013 ASSEMBLY BILL 921

April 3, 2014 – Introduced by Representatives BERCEAU, WACHS, POPE, KAHL, RINGHAND, OHNSTAD, GOYKE and HULSEY. Referred to Committee on Health.

1 **AN ACT to create** 165.85 (4) (b) 1d. g., 256.15 (6) (a) 5., 256.15 (8) (b) 4. and 256.15
2 (9r) of the statutes; **relating to:** training in traumatic brain injury and
3 post-traumatic stress disorder awareness for law enforcement officers, tribal
4 officers, emergency medical technicians, and first responders and granting
5 rule-making authority.

Analysis by the Legislative Reference Bureau

Under current law, the Law Enforcement Standards Board (LESB) creates a training program that most law enforcement officers and tribal officers are required to complete. Current law requires the program to include some specialized training, including training in handling domestic abuse situations, training on emergency detention standards, awareness of Alzheimer's and other dementia-related diseases, responses to terrorist acts, and cultural diversity and sensitivity.

Under current law, the Department of Health Services (DHS) may license a person as an emergency medical technician or certify a person as a first responder if the person satisfactorily completes a course of instruction and training or otherwise demonstrates that he or she is sufficiently trained and educated in emergency care. Current law requires specialized training in responses to terrorist acts and allows DHS to set additional qualification requirements and to promulgate rules for specialized training.

This bill requires LESB and DHS to develop, by rule, a portion of the training program for law enforcement officers and tribal officers and the course of instruction

ASSEMBLY BILL 921

and training for emergency medical technicians and first responders, that includes specialized training in recognizing and interacting with persons who have suffered a traumatic brain injury or who suffer from post-traumatic stress disorder. Under the bill, LESB and DHS may operate their training program and course of instruction under emergency rule authority until the permanent rules are promulgated.

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:

1 **SECTION 1.** 165.85 (4) (b) 1d. g. of the statutes is created to read:

2 165.85 (4) (b) 1d. g. Training on interacting with persons with post-traumatic
3 stress disorder or who have suffered traumatic brain injuries, including general
4 knowledge of traumatic brain injuries and post-traumatic stress disorder and
5 recognizing the symptoms of, and assessing a person's behaviors to determine if they
6 may be associated with, a traumatic brain injury or post-traumatic stress disorder.

7 **SECTION 2.** 256.15 (6) (a) 5. of the statutes is created to read:

8 256.15 (6) (a) 5. Have successfully completed the training under sub. (9r).

9 **SECTION 3.** 256.15 (8) (b) 4. of the statutes is created to read:

10 256.15 (8) (b) 4. The individual successfully completes the training under sub.
11 (9r).

12 **SECTION 4.** 256.15 (9r) of the statutes is created to read:

13 256.15 (9r) TRAUMATIC BRAIN INJURY AND POST-TRAUMATIC STRESS DISORDER
14 TRAINING. The department shall promulgate rules requiring emergency medical
15 technicians, first responders, and individuals who apply for an initial license as an
16 emergency medical technician or for initial certification as a first responder to
17 successfully complete training on traumatic brain injuries and post-traumatic
18 stress disorder. The training shall include general knowledge of traumatic brain

ASSEMBLY BILL 921

1 injuries and post-traumatic stress disorder and recognizing the symptoms of, and
2 assessing a person's behaviors to determine if they may be associated with, a
3 traumatic brain injury or post-traumatic stress disorder.

SECTION 5. Nonstatutory provisions.

4
5 (1) PROPOSED PERMANENT RULES. The law enforcement standards board and the
6 department of health services shall submit in proposed form the rules required under
7 sections 165.85 (4) (b) 1d. g. and 256.15 (9r) of the statutes, as created by this act, to
8 the legislative council staff under section 227.15 (1) of the statutes no later than the
9 first day of the 4th month beginning after the effective date of this subsection.

10 (2) RULE-MAKING EXCEPTIONS FOR PERMANENT RULES.

11 (a) Notwithstanding section 227.135 (2) of the statutes, the law enforcement
12 standards board and the department of health services are not required to present
13 the statement of the scope of the rules required under section 165.85 (4) (b) 1d. g. and
14 256.15 (9r) of the statutes, as created by this act, to the governor for approval.

15 (b) Notwithstanding section 227.185 of the statutes, the law enforcement
16 standards board and the department of health services are not required to present
17 the rules required under sections 165.85 (4) (b) 1d. g. and 256.15 (9r) of the statutes,
18 as created by this act, in final draft form to the governor for approval.

19 (c) Notwithstanding section 227.137 (2) of the statutes, the law enforcement
20 standards board and the department of health services are not required to prepare
21 an economic impact report for the rules required under sections 165.85 (4) (b) 1d. g.
22 and 256.15 (9r) of the statutes, as created by this act.

23 (d) Notwithstanding sections 227.14 (2g) and 227.19 (3) (e) of the statutes, the
24 law enforcement standards board and the department of health services are not
25 required to submit the proposed rules required under sections 165.85 (4) (b) 1d. g.

ASSEMBLY BILL 921

1 and 256.15 (9r) of the statutes, as created by this act, to the small business regulatory
2 review board and are not required to prepare a final regulatory flexibility analysis
3 for those rules.

4 (3) **EMERGENCY RULES.** Using the procedure under section 227.24 of the statutes,
5 the law enforcement standards board and the department of health services shall
6 promulgate the rules required under sections 165.85 (4) (b) 1d. g. and 256.15 (9r) of
7 the statutes, as created by this act, for the period before the effective date of the
8 permanent rules promulgated under sections 165.85 (4) (b) 1d. g. and 256.15 (9r) of
9 the statutes, as created by this act, but not to exceed the period authorized under
10 section 227.24 (1) (c) of the statutes, subject to extension under section 227.24 (2) of
11 the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes,
12 the law enforcement standards board and the department of health services are not
13 required to provide evidence that promulgating a rule under this subsection as an
14 emergency rule is necessary for the preservation of public peace, health, safety, or
15 welfare and are not required to provide a finding of an emergency for a rule
16 promulgated under this subsection. Notwithstanding section 227.24 (1) (e) 1d. and
17 1g. of the statutes, the law enforcement standards board and the department of
18 health services are not required to prepare a statement of the scope of the rules
19 promulgated under this subsection or present the rules to the governor for approval.

20 **SECTION 6. Effective dates.** This act takes effect on the first day of the 4th
21 month beginning after publication, except as follows:

22 (1) SECTION 5 (1), (2), and (3) of this act takes effect on the day after publication.

23 (END)