

1991 Assembly Bill 664

Date of enactment: **April 27, 1992**

Date of publication\*: **May 11, 1992**

# 1991 WISCONSIN ACT 238

AN ACT *to renumber* 146.50 (13); *to amend* 146.50 (title), 146.50 (2), 146.50 (6m) (c) 3, 146.50 (9), 146.50 (11) (title) and 146.50 (12) (a); and *to create* 146.50 (1) (cm), (dm), (hm), (im), (o) and (p), 146.50 (6g), 146.50 (6m) (am) and (bm), 146.50 (8), 146.50 (11) (f) and 146.50 (13) (b) of the statutes, **relating to:** creating certification of first responders, creating certification for certain emergency medical services personnel, including first responders to perform certain defibrillation and granting rule-making authority.

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

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

**146.50 (title) Emergency medical services personnel; licensure; certification; training.**

**SECTION 2.** 146.50 (1) (cm), (dm), (hm), (im), (o) and (p) of the statutes are created to read:

146.50 (1) (cm) “Automatic defibrillator” means a heart monitor and defibrillator that:

1. Is capable of recognizing the presence or absence of ventricular fibrillation and rapid ventricular tachycardia and determining, without intervention by an operator, whether defibrillation should be performed;

2. Upon determining that defibrillation should be performed, either automatically charges and delivers an electrical impulse to an individual’s heart or charges and delivers the electrical impulse at the command of the operator; and

3. In the case of a defibrillator that may be operated in either an automatic or a manual mode, is set to operate in the automatic mode.

(dm) “Defibrillation” means administering an electrical impulse to an individual’s heart in order to stop ventricular fibrillation or rapid ventricular tachycardia.

(hm) “First responder” means an individual who is certified by the department as a first responder under sub. (8).

(im) “Manual defibrillator” means a heart monitor and defibrillator that:

1. Is operated only after an operator has first analyzed and recognized an individual’s cardiac rhythm;

2. Charges and delivers, only at the command of the operator, an electrical impulse to an individual’s heart; and

3. In the case of a defibrillator that may be operated in either an automatic or a manual mode, is set to operate in the manual mode.

(o) “Semiautomatic defibrillator” means a heart monitor and defibrillator that:

1. Is capable of recognizing the presence or absence of ventricular fibrillation or rapid ventricular tachycardia and determining, without intervention by an operator, whether defibrillation should be performed; and

2. Charges and, at the command of the operator, delivers an electrical impulse to an individual’s heart.

(p) “Ventricular fibrillation” means a disturbance in the normal rhythm of the heart that is characterized by rapid, irregular and ineffective twitching of the ventricles of the heart.

**SECTION 3.** 146.50 (2) of the statutes is amended to read:

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

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provision of services as an emergency medical technician unless he or she holds an emergency medical technician license or training permit issued under sub. (5). No individual may act as or advertise for the provision of services as a first responder unless he or she holds a first responder certificate issued under sub. (8).

**SECTION 4.** 146.50 (6g) of the statutes is created to read:

146.50 (6g) CERTIFICATION FOR PERFORMANCE OF DEFIBRILLATION. (a) The department shall certify qualified applicants for the performance of defibrillation, under certification standards that the department shall promulgate as rules.

(b) A certificate issued under this subsection shall specify whether the holder of the certificate is authorized to perform defibrillation by use of any of the following:

1. An automatic defibrillator.
2. A semiautomatic defibrillator.
3. A manual defibrillator.

**SECTION 5.** 146.50 (6m) (am) and (bm) of the statutes are created to read:

146.50 (6m) (am) An emergency medical technician — basic who is licensed under sub. (5) is authorized to perform the following defibrillation on a pulseless, nonbreathing patient under the following circumstances:

1. If certified under sub. (6g) (b) 1., operation of an automatic defibrillator.
2. If certified under sub. (6g) (b) 2., operation of a semiautomatic defibrillator.
3. If certified under sub. (6g) (b) 3., operation of a manual defibrillator.

(bm) An emergency medical technician — intermediate who is licensed under sub. (5) is authorized to perform the following defibrillation on a pulseless, nonbreathing patient under the following circumstances:

1. If certified under sub. (6g) (b) 1., operation of an automatic defibrillator.
2. If certified under sub. (6g) (b) 2., operation of a semiautomatic defibrillator.
3. If certified under sub. (6g) (b) 3., operation of a manual defibrillator.

**SECTION 6.** 146.50 (6m) (c) 3. of the statutes is amended to read:

146.50 (6m) (c) 3. Perform cardiopulmonary resuscitation and ~~defibrillation~~ defibrillation on a pulseless, nonbreathing patient.

**SECTION 7.** 146.50 (8) of the statutes is created to read:

146.50 (8) CERTIFICATION OF FIRST RESPONDERS. (a) The department shall certify qualified applicants as first responders.

(b) To be eligible for initial certification as a first responder, an individual shall meet requirements specified in rules promulgated by the department.

(c) To be eligible for a renewal of a certificate as a first responder, the holder of the certificate shall satisfac-

torily complete any requirements specified in rules promulgated by the department.

(d) The department may charge a reasonable fee for a certificate initially issued or renewed under this subsection.

(e) A certified first responder is authorized to perform the emergency medical procedures, including use of an automatic or semiautomatic defibrillator, that are prescribed for first responders in rules promulgated by the department. The rules shall include 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.

(f) The department may issue a certificate as a first responder, 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 in this state, and that the applicant is otherwise qualified.

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

146.50 (9) TRAINING. The department may arrange for or approve courses of or instructional programs in or outside this state to meet the education and training requirements of this section, including training required for license or certificate renewal. Courses required for a license or renewal of a license as an emergency medical technician — basic shall be free of charge to an individual who is employed by or affiliated with a public agency, volunteer fire company or nonprofit corporation and is the holder of a license or training permit as an emergency medical technician — basic or eligible to hold such a license or training permit. If the department determines that an area or community need exists, the courses shall be offered at vocational, technical and adult education schools in the area or community. Initial priority shall be given to the training of emergency medical technicians — basic serving the rural areas of the state. If an emergency medical technician — basic completes a course approved by the department on treatment of anaphylactic shock, the emergency medical technician — basic acts within the scope of the license if he or she performs injections or other treatment for anaphylactic shock under the direction of a physician.

**SECTION 9.** 146.50 (11) (title) of the statutes is amended to read:

146.50 (11) (title) UNLICENSED OR UNCERTIFIED OPERATION.

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

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

**SECTION 11.** 146.50 (12) (a) of the statutes, as affected by 1991 Wisconsin Act 39, is amended to read:

146.50 (12) (a) All records made by an ambulance service provider ~~or~~, an emergency medical technician ~~or~~ a first responder in administering emergency care procedures to and handling and transporting sick, disabled or injured individuals shall be maintained as confidential patient health care records subject to ss. 146.81 to 146.84 and, if applicable, s. 146.025 (5) (a) (intro.), (6), (8) and (9). For the purposes of this paragraph, an ambulance service provider ~~or~~, an emergency medical technician ~~or~~ a first responder shall be considered to be a health care provider under s. 146.81 (1). Nothing in this paragraph permits disclosure to an ambulance service provider ~~or~~, an emergency medical technician ~~or~~ a first responder

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under s. 146.025 (5) (a), except under s. 146.025 (5) (a) 11.

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

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

146.50 (13) (b) The department shall promulgate rules under sub. (8) (b), (c) and (e).

**SECTION 14. Nonstatutory provisions; rules on certification of first responders.** The department of health and social services shall submit proposed rules required under section 146.50 (13) (b) of the statutes, as created by this act, to the legislative council staff no later than January 1, 1993.

**SECTION 15. Effective dates.** This act takes effect on the day after publication, except as follows:

(1) The treatment of section 146.50 (title), (1) (hm), (2), (8), (9), (11) (title) and (f) and (12) (a) of the statutes take effect on June 1, 1993.