

1989 Assembly Bill 429

Date of enactment: December 7, 1989
Date of publication: December 19, 1989

1989 Wisconsin Act 102

(Vetoed in Part)

AN ACT to repeal 20.292 (1) (q), 38.28 (7), 140.83 (intro.) and (1), 146.35 (title) and (1) (title), 146.35 (3) (title), 146.35 (4) to (9), 146.35 (11), 146.35 (12) and 146.50 (9) (b); to renumber 140.83 (2), 140.83 (4) and (5), 146.35 (10) (title) and 146.38 (1); to renumber and amend 140.83 (3), 146.35 (1) (intro.), 146.35 (1) (a) to (e), 146.35 (3), 146.35 (10), 146.37 (1), 146.50 (1) (b), 146.50 (1) (e), 146.50 (3), 146.50 (6), 146.50 (9) (a) and 146.50 (11); to amend 15.07 (3) (b), 25.40 (2), 38.28 (1m) (a) 1, 48.981 (2), 118.29 (1) (c), 146.301 (3) (a), 146.37 (1m), 146.37 (2), 146.38 (2) and (3) (f), 146.50 (title), 146.50 (1) (a), 146.50 (1) (c), 146.50 (2), 146.50 (4), 146.50 (6) (title), 146.50 (7), 146.50 (10), 146.50 (12), 146.82 (2) (a) 2. (intro.), 340.01 (3) (dm) 2, 655.27 (1m) (b) and 941.37 (1) (c); to repeal and recreate 48.981 (2) and 146.50 (5); and to create 15.07 (3) (c), 15.195 (7), 20.435 (1) (dt), 20.435 (1) (r), 146.37 (1), 146.38 (1), 146.50 (1) (d), 146.50 (1) (e) and (g), 146.50 (1) (i) to (k), (m) and (n), 146.50 (4) (c), 146.50 (6) (b) and (c), 146.50 (6m), 146.50 (11) (a) to (e) and 146.55 of the statutes, relating to creating an emergency medical services assistance board, funding local emergency medical services and training for emergency medical services, revising regulation of emergency medical services personnel, granting rule-making authority and making appropriations.

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

SECTION 1. 15.07 (3) (b) of the statutes is amended to read:

15.07 (3) (b) Except as provided in par. (bm) or (c), each board not covered under par. (a) shall meet annually, and may meet at other times on the call of the ~~chairman~~ chairperson or a majority of its members. The real estate board shall also meet on the call of the secretary of the department of regulation and licensing or his or her designee within the department.

SECTION 2. 15.07 (3) (c) of the statutes is created to read:

15.07 (3) (c) The emergency medical services assistance board shall meet semiannually and at other times on the call of the chairperson or on petition by 6 of the members.

SECTION 3. 15.195 (7) of the statutes is created to read:

15.195 (7) EMERGENCY MEDICAL SERVICES ASSISTANCE BOARD. There is created an emergency medical services assistance board, which is attached to the department of health and social services under s.

Vetoed in Part 15.03. The board shall consist of ~~18~~ members appointed for 3-year terms as follows:

SECTION 4. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

		<u>1989-90</u>	<u>1990-91</u>
20.435	Health and social services, department of		
(1)	HEALTH SERVICES PLANNING, REGULATION AND DELIVERY		
(dt)	Emergency medical services	GPR A	-0- 1,100,000
(r)	Emergency medical services	SEG A	-0- 1,100,000

~~(a) One senator appointed by the president of the senate and one senator appointed by the senate minority leader.~~

Vetoed in Part

~~(b) One representative to the assembly appointed by the speaker of the assembly and one representative to the assembly appointed by the assembly minority leader.~~

(c) One physician licensed under ch. 448 whose primary practice is providing emergency medical treatment.

(d) One registered nurse licensed under ch. 441 whose primary practice is providing emergency medical treatment.

(e) From each of 4 equal geographic areas of the state, the following:

1. A licensed emergency medical technician — paramedic, a licensed emergency medical technician — intermediate or a licensed emergency medical technician — basic.

2. A representative of a licensed ambulance service provider.

3. An individual who provides instructional programs for ambulance service providers or emergency medical technicians or provides emergency medical services.

SECTION 5. 20.292 (1) (q) of the statutes, as affected by 1989 Wisconsin Act 31, is repealed.

SECTION 6. 20.435 (1) (dt) of the statutes is created to read:

20.435 (1) (dt) *Emergency medical services.* The amounts in the schedule to pay 50% of the costs for emergency medical technician — basic training and examination aid under s. 146.55 (5) and for ambulance service vehicles or vehicle equipment, emergency medical services supplies or equipment or emergency medical training for personnel under s. 146.55 (4).

SECTION 7. 20.435 (1) (r) of the statutes is created to read:

20.435 (1) (r) *Emergency medical services.* From the transportation fund, the amounts in the schedule to pay 50% of the costs for emergency medical technician — basic training and examination aid under s. 146.55 (5) and for ambulance service vehicles or vehicle equipment, emergency medical services supplies or equipment or emergency medical training for personnel under s. 146.55 (4).

SECTION 8. 25.40 (2) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

25.40 (2) Payments from the transportation fund, except for appropriations made by ss. 20.115 (1) (q), 20.143 (2) (r), 20.255 (2) (r), 20.285 (1) (x), 20.292 (1) (q), (r), (u) and (v), 20.370 (1) (dr) and (mr), (2) (cq), (3) (av) and (4), 20.399 (1) (r), 20.435 (1) (r), 20.465 (1) (q) and (3) (q), (s) and (t), 20.505 (2) (q), 20.566 (1) (u) and (2) (q) and 20.855 (4) (e), (q), (s) and (t) or authorized by s. 25.17 shall be made only on the order of the secretary of transportation, from which order the secretary of administration shall draw a warrant in favor of the payee and charge the same to the transportation fund.

SECTION 9. 38.28 (1m) (a) 1 of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

38.28 (1m) (a) 1. “District aidable cost” means the annual cost of operating a vocational, technical and adult education district, including debt service charges for district bonds and promissory notes for building programs or capital equipment, but excluding all expenditures relating to auxiliary enterprises and community service programs, all expenditures funded by or reimbursed with federal revenues, all receipts under s. 38.12 (9), all receipts under s. 38.14 (3), all receipts under ~~sub. (7)~~ s. 146.55 (5), all receipts from grants awarded under ss. 38.04 (8), 38.14 (11) and 38.27, all fees collected under s. 38.24 and driver education and chauffeur training aids.

SECTION 10. 38.28 (7) of the statutes, as affected by 1989 Wisconsin Act 31, is repealed.

SECTION 11. 48.981 (2) of the statutes is amended to read:

48.981 (2) PERSONS REQUIRED TO REPORT. A physician, coroner, medical examiner, nurse, dentist, chiropractor, optometrist, other medical or mental health professional, social or public assistance worker,

school teacher, administrator or counselor, mediator under s. 767.11, child care worker in a day care center or child caring institution, day care provider, alcohol or other drug abuse counselor, member of the treatment staff employed by or working under contract with a county department under s. 46.23, 51.42 or 51.437, physical therapist, occupational therapist, speech therapist, emergency medical technician — ~~advanced (paramedic), ambulance attendant~~ or police or law enforcement officer having reasonable cause to suspect that a child seen in the course of professional duties has been abused or neglected or having reason to believe that a child seen in the course of professional duties has been threatened with abuse or neglect and that abuse or neglect of the child will occur shall, except as provided under sub. (2m), report as provided in sub. (3). Any other person, including an attorney, having reason to suspect that a child has been abused or neglected or reason to believe that a child has been threatened with abuse or neglect and that abuse or neglect of the child will occur may make such a report. No person making a report under this subsection may be discharged from employment for so doing.

SECTION 12. 48.981 (2) of the statutes, as affected by 1989 Wisconsin Act 31, is repealed and recreated to read:

48.981 (2) PERSONS REQUIRED TO REPORT. A physician, coroner, medical examiner, nurse, dentist, chiropractor, optometrist, acupuncturist, other medical or mental health professional, social or public assistance worker, school teacher, administrator or counselor, mediator under s. 767.11, child care worker in a day care center or child caring institution, day care provider, alcohol or other drug abuse counselor, member of the treatment staff employed by or working under contract with a county department under s. 46.23, 51.42 or 51.437, physical therapist, occupational therapist, speech therapist, emergency medical technician or police or law enforcement officer having reasonable cause to suspect that a child seen in the course of professional duties has been abused or neglected or having reason to believe that a child seen in the course of professional duties has been threatened with abuse or neglect and that abuse or neglect of the child will occur shall, except as provided under sub. (2m), report as provided in sub. (3). Any other person, including an attorney, having reason to suspect that a child has been abused or neglected or reason to believe that a child has been threatened with abuse or neglect and that abuse or neglect of the child will occur may make such a report. No person making a report under this subsection may be discharged from employment for so doing.

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

118.29 (1) (c) “Health care professional” means a person licensed as an ~~ambulance attendant~~ emergency medical technician under s. 146.50 or any person

licensed, certified, permitted or registered under ~~s. 146.35 or~~ chs. 441 or 446 to 449.

SECTION 14. 140.83 (intro.) and (1) of the statutes are repealed.

SECTION 15. 140.83 (2) of the statutes is renumbered 146.55 (2) (b) 2.

SECTION 16. 140.83 (3) of the statutes is renumbered 146.55 (2) (b) 3 and amended to read:

146.55 (2) (b) 3. Assist the development of training for emergency medical ~~technicians—advanced (paramedics)~~ technicians.

SECTION 17. 140.83 (4) and (5) of the statutes are renumbered 146.55 (2) (b) 4 and 5.

SECTION 18. 146.301 (3) (a) of the statutes is amended to read:

146.301 (3) (a) A physician, registered nurse or emergency medical ~~technician—advanced (technician — paramedic)~~.

SECTION 19. 146.35 (title) and (1) (title) of the statutes are repealed.

SECTION 20. 146.35 (1) (intro.) of the statutes is renumbered 146.50 (1) (h) and amended to read:

146.50 (1) (h) ~~As used in this section, “emergency “Emergency medical technician — advanced (paramedic)” means a person an individual who is specially trained in emergency cardiac, trauma and other lifesaving or emergency procedures in a training program or course of instruction prescribed by the department and who is examined and licensed by the department as qualified to render the following services: as an emergency medical technician — paramedic under sub. (5).~~

SECTION 21. 146.35 (1) (a) to (e) of the statutes are renumbered 146.50 (6m) (c) 1 to 5, and 146.50 (6m) (c) 1, 2, 4, (intro.) and 5, as renumbered, are amended to read:

146.50 (6m) (c) 1. Render rescue, emergency care and resuscitation services, including basic life support.

2. While caring for patients in a hospital administer parenteral medications under the direct supervision of a ~~licensed~~ physician or registered nurse.

4. (intro.) ~~Where~~ If voice contact with or without a telemetered electrocardiogram is monitored by a ~~licensed~~ physician and direct communication is maintained, upon order of ~~such~~ the physician perform or administer the following:

5. Perform ~~other~~ emergency medical procedures other than those specified in subds. 1 to 4 that are prescribed by rule in rules promulgated by the department.

SECTION 22. 146.35 (3) (title) of the statutes is repealed.

SECTION 23. 146.35 (3) of the statutes is renumbered 146.55 (2) (a) and amended to read:

146.55 (2) (a) Any county, ~~municipality~~ city, town, village, hospital or combination thereof may, after submission of a plan approved by the department,

conduct ~~a~~ an emergency medical services program utilizing using emergency medical technicians — ~~advanced (paramedics)~~ for the delivery of emergency medical care to ~~the sick and, disabled or injured individuals~~ at the scene of an emergency and during transport to a hospital, while in the hospital emergency department, ~~and~~ until care responsibility for care is assumed by the regular hospital staff and during transfer of a patient between health care facilities. Nothing in this section shall be construed to prohibit the operation of fire department, police department, for-profit ambulance service provider or other emergency vehicles ~~utilizing~~ using the services of emergency medical technicians — ~~advanced (paramedics)~~ in conjunction with a program approved by the department. Hospitals ~~which~~ that offer approved training courses for emergency medical technicians — ~~advanced (paramedics)~~ should, if feasible, serve as the base of operation for approved programs utilizing using emergency medical technicians — ~~advanced (paramedics)~~.

SECTION 24. 146.35 (4) to (9) of the statutes are repealed.

SECTION 25. 146.35 (10) (title) of the statutes is renumbered 146.55 (6) (title).

SECTION 26. 146.35 (10) of the statutes is renumbered 146.55 (6) (b) and amended to read:

146.55 (6) (b) Notwithstanding the existence or pursuit of any other remedy, the department may, in the manner provided by law, upon the advice of the attorney general, who shall represent the department in all proceedings, institute an action in the name of the state against any person, ~~organization or agency, public or private,~~ to restrain or prevent the establishment, management or operation of any emergency medical services program without the licensed personnel required by this section or that is not approved under sub. (2) (a) or that is in violation of the provisions of this section or any department a rule promulgated hereunder under this section.

SECTION 27m. 146.35 (11) of the statutes is repealed.

SECTION 28. 146.35 (12) of the statutes is repealed.

SECTION 29. 146.37 (1) of the statutes is renumbered 146.37 (1g) and amended to read:

146.37 (1g) Except as provided in s. 153.85, no person acting in good faith who participates in the review or evaluation of the services of health care providers or facilities or the charges for such services conducted in connection with any program organized and operated to help improve the quality of health care, to avoid improper utilization of the services of health care providers or facilities or to determine the reasonable charges for such services, or who participates in the obtaining of health care information under ch. 153, is liable for any civil damages as a result of any act or omission by such person in the course of such review or evaluation. Acts and omissions to which

this subsection applies include, but are not limited to, acts or omissions by peer review committees or hospital governing bodies in censuring, reprimanding, limiting or revoking hospital staff privileges or notifying the medical examining board under s. 50.36 or taking any other disciplinary action against a health care provider or facility and acts or omissions by a medical director, as defined in s. 146.50 (1) (j), in reviewing the performance of emergency medical technicians or ambulance service providers.

SECTION 30. 146.37 (1) of the statutes is created to read:

146.37 (1) In this section:

(a) "Health care provider" includes an ambulance service provider, as defined in s. 146.50 (1) (c), and an emergency medical technician, as defined in s. 146.50 (1) (e).

(b) "Medical director" has the meaning specified in s. 146.50 (1) (j).

SECTION 31. 146.37 (1m) of the statutes is amended to read:

146.37 (1m) The good faith of any person specified in subs. ~~(1) (1g)~~ and (3) shall be presumed in any civil action. Any person who asserts that such a person has not acted in good faith has the burden of proving that assertion by clear and convincing evidence.

SECTION 32. 146.37 (2) of the statutes is amended to read:

146.37 (2) In determining whether a member of the reviewing or evaluating organization or the medical director has acted in good faith under sub. ~~(1) (1g)~~, the court shall consider whether ~~such~~ the member or medical director has sought to prevent the health care provider or facility and its counsel from examining the documents and records used in the review or evaluation, from presenting witnesses, establishing pertinent facts and circumstances, questioning or refuting testimony and evidence, confronting and cross-examining adverse witnesses or from receiving a copy of the final report or recommendation of the reviewing organization or medical director.

SECTION 33. 146.38 (1) of the statutes is renumbered 146.38 (1m).

SECTION 34. 146.38 (1) of the statutes is created to read:

146.38 (1) In this section:

(a) "Evaluator" means a medical director or a registered nurse who coordinates review of an emergency medical services program of a health care provider.

(b) "Health care provider" includes an ambulance service provider, as defined in s. 146.50 (1) (c), and an emergency medical technician, as defined in s. 146.50 (1) (e).

(c) "Medical director" has the meaning specified in s. 146.50 (1) (j).

SECTION 35. 146.38 (2) and (3) (f) of the statutes are amended to read:

146.38 (2) All organizations or evaluators reviewing or evaluating the services of health care providers shall keep a record of their investigations, inquiries, proceedings and conclusions. No such record may be released to any person under s. 804.10 (4) or otherwise except as provided in sub. (3). No such record may be used in any civil action for personal injuries against the health care provider or facility; however, information, documents or records presented during the review or evaluation may not be construed as immune from discovery under s. 804.10 (4) or use in any civil action merely because they were so presented. Any person who testifies during or participates in the review or evaluation may testify in any civil action as to matters within his or her knowledge, but may not testify as to information obtained through his or her participation in the review or evaluation, nor as to any conclusion of such review or evaluation.

(3) (f) To the appropriate examining or licensing board or agency, when the organization or evaluator conducting the review or evaluation determines that such action is advisable.

SECTION 36. 146.50 (title) of the statutes is amended to read:

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

SECTION 37. 146.50 (1) (a) of the statutes is amended to read:

146.50 (1) (a) "Ambulance" means an emergency vehicle, including any motor vehicle, boat or aircraft, whether privately or publicly owned, which is designed, constructed or equipped to transport patients sick, disabled or injured individuals.

SECTION 38. 146.50 (1) (b) of the statutes is renumbered 146.50 (1) (f) and amended to read:

146.50 (1) (f) ~~"Ambulance attendant"~~ "Emergency medical technician — basic" means ~~a person who is responsible for the administration of emergency care procedures, proper handling and transporting of the an individual who is licensed by the department to administer basic life support and to properly handle and transport sick, disabled or injured persons individuals.~~

SECTION 39. 146.50 (1) (c) of the statutes is amended to read:

146.50 (1) (c) "Ambulance service provider" means a person engaged in the business of transporting sick, disabled or injured persons individuals by ambulance to or from facilities or institutions providing health services.

SECTION 40. 146.50 (1) (d) of the statutes is created to read:

146.50 (1) (d) "Basic life support" means emergency medical care that is rendered to a sick, disabled or injured individual, based on signs, symptoms or complaints, prior to the individual's hospitalization or while transporting the individual between health care facilities and that is limited to use of the knowledge,

skills and techniques received from training required for licensure as an emergency medical technician — basic.

SECTION 41. 146.50 (1) (e) of the statutes is renumbered 146.50 (1) (L) and amended to read:

146.50 (1) (L) “Person” includes ~~any an~~ individual, firm, partnership, association, corporation, trust, foundation, company, ~~any governmental agency other than the U.S. government, public agency or any a~~ group of individuals, however named, concerned with the operation of an ambulance.

SECTION 42. 146.50 (1) (e) and (g) of the statutes are created to read:

146.50 (1) (e) “Emergency medical technician” means an emergency medical technician — basic, an emergency medical technician — intermediate or an emergency medical technician — paramedic.

(g) “Emergency medical technician — intermediate” means an individual who is licensed by the department as an emergency medical technician — intermediate under sub. (5).

SECTION 43. 146.50 (1) (i) to (k), (m) and (n) of the statutes are created to read:

146.50 (1) (i) “Indian tribe” means a federally recognized American Indian tribe or band in this state.

(j) “Medical director” means a physician who trains, medically coordinates, directs, supervises, establishes standard operating procedures for, and designates physicians for direction and supervision of, emergency medical technicians and who reviews the performance of emergency medical technicians and ambulance service providers.

(k) “Nonprofit corporation” means a nonstock, nonprofit corporation organized under ch. 181.

(m) “Physician” has the meaning specified in s. 448.01 (5).

(n) “Public agency” means this state, a county, city, village or town; an agency of this state or of a county, city, village or town; or an Indian tribe.

SECTION 44. 146.50 (2) of the statutes is amended to read:

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

SECTION 45. 146.50 (3) of the statutes is renumbered 146.50 (13) and amended to read:

146.50 (13) RULES. ~~The secretary department may adopt promulgate~~ rules necessary for administration of this section.

SECTION 46. 146.50 (4) of the statutes is amended to read:

146.50 (4) (title) ~~AMBULANCE STAFFING; LIMITATIONS; RULES.~~ (a) ~~During an ambulance run If a sick, disabled or injured individual is transported by ambulance,~~ the following ~~persons other individuals~~ shall be present in the ambulance:

1. ~~Any 2 licensed ambulance attendants, emergency medical technicians advanced (paramedics) licensed under s. 146.35 technicians, licensed registered nurses, licensed physician’s assistants or physicians, or any combination thereof; or~~

2. ~~One licensed ambulance attendant emergency medical technician plus one person individual with a temporary training permit issued under sub. (9) (5) (b).~~

(b) ~~The An ambulance driver who is not an emergency medical technician may assist with the handling and movement of a sick, injured or disabled person without an ambulance attendant’s license individual if a licensed ambulance attendant, an emergency medical technician advanced (paramedic) technician, registered nurse, physician’s assistant or physician directly supervises the driver. No ambulance driver may administer emergency care procedures without an ambulance attendant’s license that an emergency medical technician is authorized to administer unless he or she is an emergency medical technician.~~

SECTION 47. 146.50 (4) (c) of the statutes is created to read:

146.50 (4) (c) Notwithstanding par. (a), the department may promulgate rules that establish standards for staffing of ambulances in which the primary services provided are those which an emergency medical technician — intermediate is authorized to provide or those which an emergency medical technician — paramedic is authorized to provide.

SECTION 48. 146.50 (5) of the statutes is repealed and recreated to read:

146.50 (5) LICENSING OF AMBULANCE SERVICE PROVIDERS AND EMERGENCY MEDICAL TECHNICIANS; TRAINING PERMITS. (a) The department shall license qualified applicants as ambulance service providers or emergency medical technicians. The department shall, from the information on the certification form specified under sub. (6) (c) 2, establish in each ambulance service provider’s biennial license the primary service or contract area of the ambulance service provider.

(b) The department shall promulgate rules establishing a system and qualifications for issuance of training permits and specifying the period for which an individual may hold a training permit.

(c) A training permit application shall be signed by an ambulance service provider.

(d) An individual who holds a training permit issued under par. (b) may do the following:

1. If issued an emergency medical technician — basic training permit, he or she may perform the actions authorized under this section and under rules promulgated by the department, if any, for an emer-

gency medical technician — basic, but only if an emergency medical technician directly supervises him or her.

2. If issued an emergency medical technician — intermediate training permit, he or she may perform the actions authorized under this section and under rules promulgated by the department, if any, for an emergency medical technician — intermediate, but only if a medical director or training instructor is present and giving direction.

3. If issued an emergency medical technician — paramedic training permit, he or she may perform the actions authorized under this section and under rules promulgated by the department, if any, for an emergency medical technician — paramedic, but only if a medical director or training instructor is present and giving direction.

(e) A license or training permit issued under this subsection is nontransferable and is valid for the balance of the license or training permit period or until surrendered for cancellation or suspended or revoked for violation of this section or of any other statutes or rules relating to ambulance service providers or emergency medical technicians.

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

SECTION 49. 146.50 (6) (title) of the statutes is amended to read:

146.50 (6) (title) QUALIFICATIONS FOR LICENSURE.

SECTION 50. 146.50 (6) of the statutes is renumbered 146.50 (6) (a), and 146.50 (6) (a) (intro.) and 1, as renumbered, are amended to read:

146.50 (6) (a) (intro.) To be eligible for an ~~ambulance attendant's initial~~ license ~~a person as an emergency medical technician~~, an individual shall:

1. Be 18 years of age or older; ~~be~~ capable of performing the ~~duties of actions authorized under sub. (6m) for an ambulance attendant~~ emergency medical technician — basic, an emergency medical technician — intermediate or an emergency medical technician — paramedic, for which licensure is sought; and, subject to ss. 111.321, 111.322 and 111.335, not have an arrest or conviction record.

SECTION 51. 146.50 (6) (b) and (c) of the statutes are created to read:

146.50 (6) (b) 1. To be eligible for a renewal of a license as an emergency medical technician, the licensee shall, in addition to meeting the requirements of par. (a) 1, complete the training, education or examination requirements specified in rules promulgated under subd. 2.

2. The department, in conjunction with the board of vocational, technical and adult education, shall promulgate rules specifying training, education or examination requirements for license renewals for emergency medical technicians.

(c) To be eligible for a license as an ambulance service provider, an individual shall be 18 years of age or older and have such additional qualifications as may be established in rules promulgated by the department, except that no ambulance service provider may be required to take training or an examination or receive education to qualify for licensure or for renewal of licensure. An ambulance service provider shall, as a condition of licensure, provide medical malpractice insurance sufficient to protect all emergency medical technicians who perform for compensation as employes of the ambulance service provider. For renewal of a biennial license as an ambulance service provider, an applicant shall also provide all of the following:

1. A financial report, on a form developed and provided by the department, of all expenditures made in the 2 previous fiscal years from all funds provided to the ambulance service provider under s. 146.55 (4).

2. Certification, on a form developed and provided by the department, signed by a representative of the ambulance service provider and the clerk of each county, city, town or village served by the ambulance service provider, of the population and boundaries of the ambulance service provider's primary service or contract area in that county, city, town or village.

SECTION 52. 146.50 (6m) of the statutes is created to read:

146.50 (6m) AUTHORIZED ACTIONS OF EMERGENCY MEDICAL TECHNICIANS. (a) An emergency medical technician — basic who is licensed under sub. (5) is authorized to administer basic life support and to handle and transport sick, disabled or injured individuals.

(b) An emergency medical technician — intermediate who is licensed under sub. (5) is authorized to administer basic life support, to handle and transport sick, disabled or injured individuals and to provide, under the oral direction and supervision of a physician, all of the following:

1. Application of an esophageal obturator airway or esophageal gastric tube airway.
2. Administration of intravenous infusions.
3. Administration of subcutaneous injections.
4. Application of medical anti-shock trousers.
5. Drawing of blood samples.
6. Administration of selected medications.

(c) An emergency medical technician — paramedic who is licensed under sub. (5) is authorized to do all of the following:

SECTION 53. 146.50 (7) of the statutes is amended to read:

146.50 (7) LICENSING IN OTHER JURISDICTIONS. The department may issue ~~an ambulance attendant's a~~

license as an emergency medical technician, without examination, to any person individual who holds a current license or certificate as an ambulance attendant emergency medical technician from another jurisdiction if the department finds that the standards for licensing or issuing certificates in such the other jurisdiction are at least the substantial substantially equivalent of to those prevailing in this state, and that the applicant is otherwise qualified.

SECTION 54. 146.50 (9) (a) of the statutes, as affected by 1989 Wisconsin Act 31, is renumbered 146.50 (9) and amended to read:

146.50 (9) TRAINING. The department may arrange for or approve courses of or instructional programs within or without in or outside this state as sufficient to meet the education and training requirements of this section and shall make the courses available to the residents of this state. The courses, including training required for license renewal. Courses required for a license or renewal of a license as an emergency medical technician — basic shall be free of charge to any person who holds an ambulance attendant license or a temporary permit, or who will hold a temporary permit upon completion of a portion of the course as defined by the department by rule, if the person is or will be an individual who is employed by a county, city, village or town 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 such the area or community. Initial priority shall be given to the training of ambulance attendants emergency medical technicians — basic serving the rural areas of the state. If a licensed ambulance attendant an emergency medical technician — basic completes a course approved by the department on treatment of anaphylactic shock, the ambulance attendant 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 55. 146.50 (9) (b) of the statutes, as affected by 1989 Wisconsin Act 31, is repealed.

SECTION 56. 146.50 (10) of the statutes is amended to read:

146.50 (10) LICENSE RENEWAL. Every holder of an ambulance service provider a license or an ambulance attendant license issued under sub. (5) or (7) shall renew it biennially the license on July 1 of each even-numbered year by applying to the department on forms provided by the department. As a prerequisite to renewal of an ambulance attendant license, the licensee shall complete the training, education or examination requirements specified in rules which the department shall promulgate in conjunction with the board of vocational, technical and adult education.

~~The department may not require training, education or an examination as a prerequisite for renewal of an ambulance service provider license. Upon receipt of an application for renewal containing documentation acceptable to the department that the requirements of this subsection sub. (6) have been met, the department shall renew the license unless the department finds that the applicant has acted in a manner or under circumstances constituting grounds for suspension or revocation of the license.~~

SECTION 57. 146.50 (11) of the statutes is renumbered 146.50 (11) (intro.) and amended to read:

146.50 (11) UNLICENSED OPERATION. (intro.) Notwithstanding the existence or pursuit of any other remedy, the department may, in the manner provided by law, upon the advice of the attorney general, who shall represent the department in all proceedings, institute an action in the name of the state against any person or agency to restrain or prevent the establishment, management or operation of an ambulance service without the licensed personnel required by this section. for any of the following:

SECTION 58. 146.50 (11) (a) to (e) of the statutes are created to read:

146.50 (11) (a) To restrain or prevent action as an ambulance service provider by a person in violation of sub. (2).

(b) To restrain or prevent action by an ambulance service provider in violation of this section or a rule promulgated under this section.

(c) To restrain or prevent action as an emergency medical technician by an individual in violation of sub. (2).

(d) To restrain or prevent action by an emergency medical technician in violation of this section or a rule promulgated under this section.

(e) To restrain or prevent the establishment, management or operation of an ambulance service, as defined in s. 146.55 (1) (a), in violation of sub. (4).

SECTION 59. 146.50 (12) of the statutes is amended to read:

146.50 (12) CONFIDENTIALITY OF RECORDS. (a) All records made by a licensed an ambulance service provider or an ambulance attendant relating to the administration of emergency medical technician in administering emergency care procedures to and the handling and transportation of transporting sick, disabled or injured persons individuals shall be maintained as confidential patient health care records subject to the requirements of ss. 146.82 and 146.83 and, if applicable, s. 146.025 (5) (a) (intro.), (6), (8) and (9). For the purposes of this paragraph, a licensed an ambulance service provider and a licensed ambulance attendant or an emergency medical technician shall be considered to be a health care provider under s. 146.81 (1). Nothing in this paragraph permits disclosure to a licensed an ambulance service provider or a licensed ambulance attendant an emergency medical

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

(b) Notwithstanding par. (a), a licensed an ambulance service provider, who is an authority, as defined in s. 19.32 (1), may make available, to any requester, information contained on a record of an ambulance run which identifies the ambulance service provider and ambulance attendants emergency medical technicians involved; date of the call; dispatch and response times of the ambulance; reason for the dispatch; location to which the ambulance was dispatched; destination, if any, to which the patient was transported by ambulance; and name, age and gender of the patient. No information disclosed under this paragraph may contain details of the medical history, condition or emergency treatment of any patient.

SECTION 60. 146.55 of the statutes is created to read:

146.55 Emergency medical services programs. (1) DEFINITIONS. In this section:

(a) "Ambulance service" means the business of transporting sick, disabled or injured individuals by ambulance, as defined in s. 146.50 (1) (a), to or from facilities or institutions providing health services.

(b) "Ambulance service provider" has the meaning given in s. 146.50 (1) (c).

(c) "Board" means the emergency medical services assistance board.

(d) "Emergency medical technician" has the meaning given in s. 146.50 (1) (e).

(e) "Emergency medical technician — paramedic" has the meaning given in s. 146.50 (1) (h).

(f) "Nonprofit corporation" means a nonstock, nonprofit corporation organized under ch. 181.

(g) "Public agency" has the meaning given in s. 146.50 (1) (n).

(2) EMERGENCY MEDICAL SERVICES PROGRAMS.

(b) The department shall review and, if the department determines that the plans are satisfactory, approve the plans submitted under par. (a). The department shall:

1. Provide administrative support and technical assistance to emergency medical services programs that use emergency medical technicians or ambulance service providers.

(3) BOARD; DUTIES. The board shall do all of the following:

(a) Advise, make recommendations to and consult with the department concerning the funding under subs. (4) and (5).

(b) Review the annual budget prepared by the department for the expenditures under s. 20.435 (1) (dt) and (r).

(4) SUPPORT AND IMPROVEMENT OF AMBULANCE SERVICES. (a) From the appropriations under s. 20.435 (1) (dt) and (r), the department shall annually allocate funds for ambulance service vehicles or vehicle equipment, emergency medical services supplies or equip-

ment or emergency medical training for personnel to an ambulance service provider that is a public agency, a volunteer fire department or a nonprofit corporation, under a funding formula consisting of an identical base amount for each ambulance service provider plus a supplemental amount based on the population of the ambulance service provider's primary service or contract area, as established under s. 146.50 (5).

(b) If a public agency has contracted for ambulance service with an ambulance service provider that operates for profit, the department shall allocate funds under par. (a) to the public agency.

(c) Funds allocated under par. (a) or (b) shall supplement existing, budgeted moneys of or provided to an ambulance service provider and may not be used to replace, decrease or release for alternative purposes the existing, budgeted moneys of or provided to the ambulance service provider. In order to ensure compliance with this paragraph, the department shall require, as a condition of relicensure, a financial report of expenditures under this subsection from an ambulance service provider and may require a financial report of expenditures under this subsection from an owner or operator of an ambulance service or a public agency, volunteer fire department or a nonprofit corporation with which an ambulance service provider has contracted to provide ambulance services.

(5) EMERGENCY MEDICAL TECHNICIAN TRAINING AND EXAMINATION AID. (a) From the appropriations under s. 20.435 (1) (dt) and (r), the department shall annually allocate funds to entities, including vocational, technical and adult education districts, whose courses or instructional programs are approved by the department under s. 146.50 (9), to assist the entities in providing the training required for licensure and renewal of licensure as an emergency medical technician — basic under s. 146.50 (6), and to fund each examination administered by the entity for licensure or renewal of licensure as an emergency medical technician — basic under s. 146.50 (6) (a) 3 and (b) 1.

(6) (a) In this subsection, "person" has the meaning specified in s. 146.50 (1) (L).

(7) INSURANCE. A physician who participates in an emergency medical services program under this section or as required under s. 146.50 shall purchase health care liability insurance in compliance with subch. III of ch. 655, except for those acts or omissions of a physician who, as a medical director, reviews the performance of emergency medical technicians or ambulance service providers, as specified under s. 146.37 (1g).

SECTION 61. 146.82 (2) (a) 2. (intro.) of the statutes is amended to read:

146.82 (2) (a) 2. (intro.) To the extent that performance of their duties requires access to the records, to a health care provider or any person acting under the supervision of a health care provider or to a person licensed under s. 146.35 or 146.50, including but not

limited to medical staff members, employes or persons serving in training programs or participating in volunteer programs and affiliated with the health care provider, if:

SECTION 62. 340.01 (3) (dm) 2 of the statutes is amended to read:

340.01 (3) (dm) 2. Used by an emergency medical technician — ~~advanced (paramedic) licensed under s. 146.35 (4), an ambulance attendant licensed under s. 146.50 (5) or an ambulance driver or first responder authorized by the chief of an ambulance service or rescue squad.~~

SECTION 63. 655.27 (1m) (b) of the statutes is amended to read:

655.27 (1m) (b) A health care provider who engages in the activities described in s. 146.37 (1) (lg) and (3) shall be liable for not more than the limits expressed under s. 655.23 (4) or the maximum liability limit for which the health care provider is insured, whichever limit is greater, if he or she is found to be liable under s. 146.37, and the fund shall pay the excess amount, unless the health care provider is found not to have acted in good faith during those activities and the failure to act in good faith is found by the trier of fact, by clear and convincing evidence, to be both malicious and intentional.

SECTION 64. 941.37 (1) (c) of the statutes is amended to read:

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

SECTION 65. **Nonstatutory provisions; health and social services.** (1) EMERGENCY MEDICAL SERVICES ASSISTANCE BOARD. Notwithstanding the length of terms specified for the members of the emergency medical services assistance board under section 15.195 (7) of the statutes, as created by this act, the initial members of the emergency medical services assistance board shall be appointed by the first day of the 6th month beginning after the effective date of this subsection for the following terms:

(a) The licensed physician; 2 licensed emergency medical technicians; one representative of a licensed ambulance service provider, as specified in section 15.195 (7) (e) 2 of the statutes; and one individual who provides instructional programs or emergency medical services, as specified in section 15.195 (7) (e) 3 of the statutes, for terms expiring on July 1, 1991.

Vetoed in Part (b) ~~The representatives to the assembly, the registered nurse; one licensed emergency medical technician; one representative of a licensed ambulance service provider, as specified in section 15.195 (7) (e) 2 of the statutes; and 2 individuals who provide instructional programs or emergency medical services, as specified in section 15.195 (7) (e) 3 of the statutes, for terms expiring on July 1, 1992.~~

(c) ~~The members of the senate,~~ one licensed emergency medical technician; 2 representatives of a licensed ambulance service provider, as specified in section 15.195 (7) (e) 2 of the statutes; and one individual who provides instructional programs or emergency medical services, as specified in section 15.195 (7) (e) 3 of the statutes, for terms expiring on July 1, 1993. **Vetoed in Part**

(2m) EMERGENCY MEDICAL SERVICES FUNDING FORMULA. (a) By the date that is 6 months after the effective date of this paragraph, the department of health and social services shall develop and submit to the joint committee on finance for review and approval a plan specifying all of the following:

1. The funding formula under section 146.55 (4) (a) of the statutes, as created by this act, and criteria for the use of the funds.

2. The definition of "primary service or contract area" for the purposes of section 146.55 (4) (a) of the statutes, as created by this act.

3. The criteria for receipt and application procedures.

4. The distribution of the moneys under section 146.56 (5) of the statutes, as created by this act.

(b) The plan adopted under paragraph (a) shall ensure that no vocational, technical and adult education district receives less than it would receive under section 38.28 (7), 1987 stats.

~~(3) EMERGENCY MEDICAL SERVICES RULES. (a) The department of health and social services, in conjunction with the board of vocational, technical and adult education, shall submit in final proposed form the rules required under section 146.50 (6) (b) 2 of the statutes, as affected by this act, to the legislative council staff under section 227.15 (1) of the statutes no later than January 1, 1990. **Vetoed in Part**~~

~~(b) The department of health and social services shall submit in final proposed form the rules required under section 146.50 (5) (b) of the statutes, as affected by this act, to the legislative council staff under section 227.15 (1) of the statutes, no later than January 1, 1990.~~

~~SECTION 66. **Appropriation changes; health and social services.** (1) POSITIONS. The dollar amounts in the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health and social services under section 20.435 (1) (a) of the statutes, as affected by the acts of 1989, are increased by \$35,000 for fiscal year 1990-91 to increase the authorized FTE positions of the department by 1.0 GPP position on July 1, 1990, for the administration of funds for the support and improvement of ambulance services under section 146.55 (4) of the statutes, as created by this act. **Vetoed in Part**~~

~~(2) POSITIONS. The dollar amounts in the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health and social services under section 20.435 (1) (a) of the statutes, as affected by the acts of 1989, are increased by \$99,600~~

Vetoed in Part for fiscal year 1990-91 to increase the authorized FTE positions of the department by 2.0 GPR positions and to fund related costs for regulation, including complaint investigation, of emergency medical services personnel and increased administrative support and technical assistance for emergency medical services.

SECTION 67. Initial applicability. The treatment of section 146.50 (6) (b) 2 and (9) of the statutes first applies to renewals of licenses of emergency medical technicians that expire on June 30, 1992.

SECTION 68. Effective dates. This act takes effect on July 1, 1990, except as follows:

(1) EMERGENCY MEDICAL SERVICES PROGRAM BOARD; RULES. The treatment of sections 15.07 (3) (b) and (c), 15.195 (7), 146.50 (5) (b) and (6) (b) 2 and 146.55 (3) of the statutes and SECTION 65 (1), (2m) and (3) of this act take effect on the day after publication.

Vetoed in Part

(2) EMERGENCY MEDICAL TECHNICIAN CATEGORY CHANGE. The repeal and recreation of section 48.981 (2) of the statutes takes effect on September 1, 1990.