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CLEARINGHOUSE RULE 95-226

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 October 1994.]

2. Form, Style and Placement in Administrative Code

a. The analysis to the rule states that a purpose of the rule is to specify the actions that emergency medical technicians-intermediate (EMTs-intermediate) may carry out, as required by s. 146.50 (6n), Stats. At the least, one of the section headings in ch. HSS 111 should indicate where the authorized actions of EMTs-intermediate are set forth. As drafted, these provisions are placed in the section dealing with licensure.

b. In s. HSS 111.01, the parenthetical material should be deleted. [See s. 1.01 (6), Manual.]

c. The definition of “advanced life support” set forth in s. HSS 111.03 (2) is confusing. Could that definition be made more straightforward by referring instead to the “skills and medications covered in the national standard curriculum for training EMTs-intermediate,” as is done in s. HSS 111.04 (4) (b) 1.?

d. In s. HSS 111.03 (3), it may be preferable to limit the definition to the cross-reference to the statutory definition, and not repeat the statutory definition, so that an amendment to the rule would not be necessary in the event that the statutory definition is amended. The statutory definition could then be included in a note in the rule. This comment applies also to s. HSS 111.03 (4), (5) and (6).

e. In s. HSS 111.03 (13), should “for” be changed to “by”? In addition, to whom must the operational plan be submitted? Also, should a phrase similar to “which is intended to be used by the ambulance service provider” be inserted at the end of that sentence?

f. It appears that the descriptive text in s. HSS 111.03 (14) could instead be replaced with a cross-reference to the rule section that provides for department approval of EMT-intermediate training courses.

g. There appears to be some inconsistency in the use of the term “medical director” which is defined in s. HSS 111.03 (19). Specifically, the term “program medical director” is used throughout the rule; for example, in ss. HSS 111.03 (26) and 111.07 (2) (b) and (e) and (4) (intro.). Is a “program medical director” a person other than a medical director as defined in the rule? If so, a separate definition should be provided.

h. In s. HSS 111.04 (1) (a), the term “currently” is redundant and should be deleted.

i. Should s. HSS 111.04 (1) (f) be changed to clarify whether a person must have completed a training course within the past 24 months or whether the entire course must have been attended during the previous 24-month period?

j. Section HSS 111.04 (1) (h) should specify the conditions that must be met for the department to find the “documentation” referred to as acceptable.

k. The phrase “shall be evidenced as” in s. HSS 111.04 (1) (i) is awkward and should be replaced. Could “evidenced as” be deleted?

l. Section HSS 111.04 (3) (a), which sets forth the requirements for an examination for an EMT-intermediate license, provides very little direction as to the content of the examination. Is there another rule section or a source such as the national standard curriculum that sets forth required elements for the examination? If so, that section or other source should be cited. Further, the rule should more clearly specify what level of performance is necessary to achieve a passing grade.

m. In s. HSS 111.04 (4) (intro.), “may” should replace “is authorized to.”

n. In s. HSS 111.04 (5) (b) 2., a cross-reference to the rule provision which provides for approval of courses in cardiopulmonary resuscitation should be inserted. In addition, is the term “certification” used in the rule pertaining to cardiopulmonary resuscitation?

o. In s. HSS 111.04 (5) (b) 4., should the second occurrence of “an” be changed to “the”? In addition, it appears that “system” should be changed to “program.”

p. Is the successful completion of a course for professionals, approved by the department, a prerequisite to obtaining certification in cardiopulmonary resuscitation? If so, s. HSS 111.04 (5) (d) 1. b. need not mention the requirement to complete a course.

q. In s. HSS 111.04 (5) (d) 1. d., it should be made clear that the medical director from whom the statement is required must be the medical director of the EMT-intermediate program in which the licensee functions.

r. Section HSS 111.05 (2) states that a “complete application” means a completed application form and documentation from the medical director that the requirements of sub. (1) (b) to

(d) are met. However, sub. (1) does not require the medical director to provide documentation that the requirements of pars. (b) through (d) are met. These apparently inconsistent requirements are confusing and should be clarified.

s. In s. HSS 111.06 (1) (b), what is the difference between EMT-intermediate training and EMT-intermediate training courses?

t. There appears to be some inconsistency between s. HSS 111.06 (1) (c) 2., which requires an applicant for training center approval to sign a commitment to “provide EMT-intermediate training in accordance with the national standard curriculum for training EMTs-intermediate” and s. HSS 111.06 (2) (b) 1., which indicates that an EMT-intermediate training center may use a curriculum other than the national standard curriculum for training EMTs-intermediate. This discrepancy should be addressed.

u. Section HSS 111.06 (1) (c) 3. a. requires an application for training center certification to include “endorsement of the training center medical director by the training center.” It is unclear what is meant by “endorsement” and it is unclear who must sign the endorsement.

v. In s. HSS 111.06 (1) (c) 3. b. and c., “and” should be deleted after the semicolon. “And” should also be removed immediately following the semicolon in s. HSS 111.06 (1) (c) 4. b. Throughout the rule, all subunits should end with periods, rather than semicolons or the word “or” or “and.” The only exception is for introductory material, which ends with a colon. [See s. 1.03 (intro.), Manual.] As another example, all of the paragraphs in s. HSS 111.04 (1) should end with a period. Also see s. HSS 111.04 (4) (a) and (b) (intro.), 1., 2. and 3.

w. In s. HSS 111.06 (1) (c) 4. a., it is unclear whether anyone other than the listed personnel are considered to be “trained or licensed to at least the EMT-intermediate level.”

x. Section HSS 111.06 (1) (e) should read as follows: “No person may initiate EMT-intermediate training until the department has certified the training center under par. (d).” [See s. 1.01 (2), Manual.]

y. Section HSS 111.06 (2) (b) 1. refers to “any additional training approved by the department....” Under what section of the rule is additional training approved?

z. For how long is certification of an EMT-intermediate training course under s. HSS 111.06 (2) (c) valid?

aa. Section HSS 111.06 (3) (d) requires 100 hours of instruction to be divided among classroom, clinical and supervised field training, and further requires that 60 of those hours be spent in “the patient care setting.” Under which of the three categories of training does “the patient care setting” fall?

ab. It appears that the contents of s. HSS 111.07 (1) are covered by sub. (2) (intro.) and therefore sub. (1) could be deleted.

ac. Section HSS 111.07 (2) (e) refers to protocols for EMT-intermediate use of drugs, equipment and medications “approved by the program medical director and the department.”

Which section of the rule provides for departmental approval of those protocols? What criteria will the department use to evaluate protocols? A cross-reference to that rule section should be set forth in par. (e).

ad. Section HSS 111.07 (2) (j) should specify which local and regional medical, governmental and emergency medical service agencies and authorities must provide “endorsements” and should specify what is required in the “endorsement.”

ae. It is unclear whether the equipment and supplies listed in s. HSS 111.07 (2) (L) are the only equipment and supplies that must be carried in ambulances or whether other equipment and supplies may be required. If other equipment and supplies are to be required, they should be set forth in the rule. In addition, what are the “standard operating procedures” referred to in subd. 5. of that paragraph?

af. Section HSS 111.07 (2) (m) refers to “an ambulance run report form approved by the department.” What are the requirements for an ambulance run report? What section of the rule provides for department approval of an ambulance run report? A cross-reference should be provided.

ag. It appears that “an” in s. HSS 111.06 (2) (n) should be replaced with “every.”

ah. It is unclear what is meant by “replaced” in s. HSS 111.06 (2) (o). Specifically, it appears that the rule requires that an EMT-intermediate must be present with a patient initially but that, at some point in the care and transport of the patient, one of the other health care professionals listed in the rule may take over the care of that patient from the EMT-intermediate. Is this the intent of the rule?

ai. How is the department to determine what number of ambulances is “sufficient” under s. HSS 111.06 (2) (q)?

aj. The rule should clearly set forth the requirement that an EMT-intermediate program employ or utilize all of the personnel listed in s. HSS 111.06 (4) (a) if that is the intent of the rule.

ak. Should s. HSS 111.06 (6) require the submission of proof that an EMT-intermediate program is continuing to operate in conformance with the requirements of subs. (2) and (4)?

al. In s. HSS 111.08 (2) (b), the phrase “certified center” should be replaced with “certified training center.” In addition, the rule should specify the person to whom certification for a training center is issued and should refer to that person in par. (b) when setting forth the requirements for requesting a hearing.

am. In s. HSS 111.08 (3), it appears that the phrase “held by the same person” should be inserted after the second occurrence of “license” in the text of that subsection. Likewise, the phrase “held by that same person” should be inserted after the last occurrence of “license” in sub. (4).

an. In s. HSS 111.08 (6), “If” should replace “In the event that.”

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

a. The cross-references contained in s. HSS 111.03 (11) would be more useful if they were more specific; for example, the cross-reference to “chs. HSS 110” could be changed to cite the specific rule section which provides for licensure of EMTs-basic. This comment also applies to s. HSS 111.03 (12) and (15).

b. Section HSS 111.08 (1) (g) should contain a cross-reference to the rule section that provides for certification in cardiopulmonary resuscitation.

c. In s. HSS 111.08 (6), it appears that the cross-reference to “sub. (1)” should be placed after “license” to clarify that all of the potential departmental actions listed occur under sub. (1).

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

a. The statement in s. HSS 111.02 that ch. HSS 111 applies to any person who is “involved in” the development or operation of an ambulance service using EMTs-intermediate to deliver emergency medical care is vague and should be replaced with more specific language.

b. In s. HSS 111.06 (1) (c) 1., the phrase “do training of” should be changed to “train.” In addition, should “all” be inserted before the second occurrence of “training” in the second sentence of that subdivision?

c. Should s. HSS 111.08 (6) state that the department must provide written notice of the opportunity for a hearing, as is set forth in subs. (1) and (2) (b)?