

Tony Evers
Governor



State of Wisconsin
Department of Health Services

DIVISION OF PUBLIC HEALTH

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Kirsten L. Johnson
Secretary

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March 11, 2024

(Via E-Mail and Certified US Mail)

St. Croix Tribal/Hertel FD First Responders

Cody Helstern
3297 Old Highway 70
Hertel, WI 54845

Re: Letter of Warning to Cody Helstern #70100543

Dear Mr. Helstern,

The Department of Health Services (Department), Emergency Medical Services (EMS) Section, hereby reprimands you, Cody Helstern, License #70100543, for providing emergency medical care without a current license, as required by Wis. Admin Code DHS §110.05(1), 110.13(2) and Wis. Admin Code § 256.15(2)(a) and as the service director for St. Croix Tribal/Hertel FD First Responders, related to your failure to ensure that all EMS personnel are properly licensed and credentialed as required by Wis. Admin Code DHS §110.48(3)

Factual Basis for the Department's Action

On February 22, 2024, the Department received a notification that you, Cody Helstern, were functioning as an emergency medical services practitioner with St. Croix Tribal/Hertel FD First Responders without an Emergency Medical Responder (EMR) certification.

Your EMR certification expired on June 30, 2023. On February 23, 2024, you applied to have your EMR certification reinstated. On February 23, 2024, the Department issued you certification as an Emergency Medical Responder (EMR).

Facts related to performing services as an EMS practitioner without EMR certification

On February 22, 2024, the Department requested you provide the number of times you, Cody Helstern, responded with St. Croix Tribal/Hertel FD First Responders with your EMR certificate expired.

On February 27, 2024, you provided the Department with documentation listing at least 11 emergency medical responses you completed with St. Croix Tribal/Hertel FD First Responders after your certificate expired on June 30, 2023, and before it was reinstated on February 23, 2024.

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Facts related to failing to ensure that all EMS personnel are properly licensed and credentialed

As of June 30, 2023, you are the service director on record with St. Croix Tribal/Hertel FD First Responders. In your role as a service director for St. Croix Tribal/Hertel FD First Responders, you are responsible for assuring that EMS personnel working for St. Croix Tribal/Hertel FD First Responders are properly licensed and credentialed.

On February 22, 2024, the Department received a notification that you, Cody Helstern, were functioning as an emergency medical services practitioner with St. Croix Tribal/Hertel FD First Responders without certification.

On February 22, 2024, the Department requested you provide the number of times you, Cody Helstern, responded with St. Croix Tribal/Hertel FD First Responders with your EMR certificate expired.

On February 23, 2024, you applied to have your emergency medical services practitioner certification reinstated. On February 23, 2024, the Department issued you certification as an Emergency Medical Responder (EMR).

On February 27, 2024, you provided the Department with documentation listing at least 11 emergency medical responses you completed with St. Croix Tribal/Hertel FD First Responders after your EMR certificate expired on June 30, 2023.

Legal Authority for Department Action

Under Wis. Admin Code DHS § 110.56,

The department may reprimand a licensee, permit holder, or certificate holder if the department finds that the person has violated a requirement of this chapter or ch. 256, Stats., or engaged in conduct described in s. DHS 110.54. A reprimand documents the department's finding that the permittee, certificate holder or licensee has violated a requirement of this chapter or ch. 256, Stats., or has engaged in conduct described in s. DHS 110.54. A reprimand may be in the form of a letter issued to the person who is the subject of the reprimand...

Wis. Admin. Code DHS § 110.54 provides:

The department may take any enforcement action under ss. 110.55 to 110.58, which it determines is appropriate against a person subject to the requirements of this chapter and ss. 256.12 to 256.18, Stats., for any of the following reasons:

- (4) The person has violated any provision of ch. 256, Stats., or this chapter.

Wis. Admin. Code DHS § 110.05(1) states,

- (1) Before an individual may perform emergency medical care or advertise for the provision of emergency medical care as an EMS professional, the individual shall be certified as an emergency medical responder or licensed as an EMS practitioner by the department...

Wis. Admin Code DHS § 110.13(2) states,

- (2) An EMS professional may only perform emergency medical care that is within the Wisconsin scope of practice for the practice level at which the EMS professional is licensed or certified.

Wis. Admin Code DHS § 256.15(2)(a) states,

- (a) ... no individual may act as or advertise for the provision of services as an emergency medical services practitioner unless he or she holds an emergency medical services practitioner license...

Wis. Admin. Code DHS §110.48 states,

An emergency medical service provider shall have a service director who shall:

- (1) Serve as the primary contact between the emergency medical service provider and the department.
- (2) Assure that all elements of the operational plan are kept current.
- (3) Assure that EMS professionals are properly licensed and credentialed.
- (4) Provide day-to-day supervision of the ambulance service provider's operations.

Department Action

Based on the investigation findings, it has been determined that you provided emergency medical care without a current license, as required by Wis. Admin Code DHS §110.05, 110.13(2) and Wis. Admin Code § 256.15(2)(c) and in your role as the service director for St. Croix Tribal/Hertel FD First Responders, you failed to assure EMS personnel were properly licensed and credentialed in accordance with Wis. Admin. Code 110 and Wis. Stat. ch 256.

Your Wisconsin EMR certification expired on June 30, 2023. You provided services as an EMS provider in the state of Wisconsin between July 1, 2023, and February 23, 2024, while you did not hold valid certification. The Department reviewed records and conducted interviews to confirm these facts. Furthermore, you admitted to practicing without a valid EMR certification during that time period. You have since applied to renew your EMR certificate and your certificate has been renewed.

You responded to at least 11 emergency calls while not having current EMS certification. Having current EMS certification ensures that you have met certain standards and will adhere to best practices. As an EMS provider, you often work in environments where patient's lives are at stake and depend on your care. Maintaining current certification assures the public and your patients

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that you can provide effective care in an emergency situation. Without current certification, there is no assurance that the care you provided met those standards and practices. Your conduct shows that you provided patient care without a current EMS certification, which is contrary to the safe performance of an EMS professional.

You are the service director for a Wisconsin EMS service provider. As the service director with your service, you ran calls after your certificate expired. As the service director for your service, it is your responsibility to ensure that all EMS personnel on your service are licensed and credentialed. By ensuring that all EMS personnel on your service are licensed and credentialed, you safeguard the delivery of patient care by confirming that all EMS personnel on your service are up to date on patient care standards, training, and competency requirements.

In accordance with Wis. Admin. Code DHS §110.56, the Department will post the reprimand on the Department's website, will retain a copy of this letter of reprimand in your file, and may consider it in determining what further enforcement action may be appropriate if violations continue.

Pursuant to Wis. Admin. Code DHS § 110.56, the Department's issuance of this reprimand is a final decision of the Department and is not subject to an administrative hearing.

If you have any questions regarding this decision, please contact me at 608-266-8853 or mark.mandler@dhs.wisconsin.gov.

Sincerely,



Mark Mandler

EMS Section Manager

Office of Preparedness and Emergency Health Care

Wisconsin Department of Health Services