

Tony Evers
Governor



State of Wisconsin
Department of Health Services

DIVISION OF PUBLIC HEALTH

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Karen E. Timberlake
Secretary

November 15, 2021

(Via E-Mail and Certified US Mail)

[REDACTED]
[REDACTED]
[REDACTED]

RE: Letter of Warning to [REDACTED]

Dear Mr. [REDACTED]:

The Department of Health Services (Department), Emergency Medical Services (EMS) Section, hereby issues a letter of warning to you, [REDACTED], for failure to follow the patient care protocols of the emergency medical service provider with which you were serving while performing patient care, regardless whether the EMS professional is licensed at a practice level higher than that of the provider, as required by Wis. Admin. Code § DHS 110.13(3).

Factual Basis for the Department's Action

On February 8, 2020, the Department received a complaint that you initiated intravenous access on a patient on February 6, 2021 while functioning as a member of [REDACTED] service.

[REDACTED] is licensed at the emergency medical technician level (EMT). [REDACTED] does not utilize Wis. Stat. § 256.15(4m).

You have a state license at the paramedic level. While holding a state license at the paramedic level, you are credentialed with [REDACTED] at only the emergency medical responder level.

[REDACTED] maintains patient care protocols as part of its operational plan in accordance with Wis. Admin. Code § DHS 110.35(2)(a). [REDACTED] last submitted its patient care protocols to the Department in 2016. [REDACTED]'s patient care protocols, as on file with the Department, only list interventions at the EMR and EMT levels. [REDACTED]'s patient care protocols do not include or allow for initiation of intravenous access at any level. Wisconsin scope of practice also does not allow intravenous access at the EMT or EMR levels.

On February 6, 2021, you responded as a member of the [REDACTED] to a medical emergency. While on the scene of the medical emergency as a member of the [REDACTED], you initiated an intravenous access on the patient.

On February 9, 2021, the Department requested [REDACTED] provide a copy of its current protocols. [REDACTED] provided a copy of its protocols on February 9, 2021. Review of these protocols confirmed that they were unchanged from the protocols submitted to the Department in 2016 and did not contain any provision for initiating intravenous access.

Legal Authority for Department Action

Under Wis. Admin Code § DHS 110.55,

The department may issue a warning letter to a licensee, permit holder, or certificate holder if the department finds that the person has committed a minor, first-time violation of a requirement of this chapter or ch. 256, Stats., or a minor, first-time violation identified in s. DHS 110.54. The department shall retain a copy of the warning letter in the person's file and may consider it when determining what enforcement action is appropriate if the person commits subsequent violations...

Wis. Admin. Code § DHS 110.13(3) states,

An emergency medical service professional shall follow the patient care protocols of the emergency medical service provider with which the EMS professional is serving while performing patient care, regardless whether the EMS professional is licensed at a practice level higher than that of the provider.

Department Action

Based on the records submitted, it has been determined that you failed to follow the patient care protocols of the emergency medical service provider with which the EMS professional is serving while performing patient care, regardless whether the EMS professional is licensed at a practice level higher than that of the provider, in accordance with Wis. Admin. Code 110 and Wis. Stat. ch 256.

In accordance with Wis. Admin. Code § DHS 110.55, the Department will post a copy or summary of the letter of warning, which does not identify the recipient of the letter, on the Department's EMS website, will retain a copy of this letter of warning in your file, and may consider it in determining what further enforcement action may be appropriate if subsequent violations occur.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Phillips". The signature is written in a cursive, flowing style.

Jeff Phillips
Director
Office of Preparedness and Emergency Health Care
Wisconsin Department of Health Services