

Tony Evers
Governor



DIVISION OF PUBLIC HEALTH

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Kirsten L. Johnson
Secretary

State of Wisconsin
Department of Health Services

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March 8, 2023

(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, as required by Wis. Admin. Code DHS §110.13(3).

Factual Basis for the Department's Action

On August 8, 2022, the Department received a complaint regarding patient care you participated in on February 11, 2022, while functioning as a member of [REDACTED] ([REDACTED]) [REDACTED].

[REDACTED] maintains patient care protocols as part of its operational plan in accordance with Wis. Admin Code DHS §110.35(2)(a). On October 19, 2022, the Department requested a copy of the [REDACTED]'s protocols for Pain Management, including the administration of pain medication. [REDACTED]'s Pain Management protocol requires emergency medical service practitioners to complete a pain assessment on a patient complaining of pain. Once a pain scale is established, the protocol requires emergency medical practitioners to consider pain medication administration if the patient's pain is moderate to severe (5-10) on the pain scale assessment. [REDACTED]'s Pain Management protocol states:

“Required Exam: Vitals Signs, GCS, Neuro Exam, Lung Sounds, Abdominal Exam, Musculoskeletal Exam, Area of Pain.

- Provider discretion to be used for patient's suffering from chronic pain related issues. However, please note that history of chronic pain does not preclude the patient from treatment of acute pain related etiologies.
- Pain severity (1-10) is a vital sign to be recorded pre- and post- medication delivery and at disposition.

March 8, 2023

Page 2 of 3

- As with all medical interventions, assess and document change in a patient condition pre-and post-treatment.”

The patient care reports documents that the initial call was due to pain; specifically, “[the patient] felt as if the pain was so bad that [the patient] was unable to move.” Despite the complaint of pain, the patient care report does not document a pain assessment being completed and or consideration for the administration of pain medication. Additionally, the patient care report does not document a secondary set of vitals that would assess and document a change in the patient’s condition of any pre-and post-treatment that was provided.

Documentation on the patient care report does not follow the protocol established by [REDACTED]’s Pain Management protocol. A review of the call conducted by [REDACTED] confirms that there was a clear deviation from [REDACTED]’s Pain Management protocol.

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 EMS professional shall follow the patient care protocols or guidelines 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, in accordance with Wis. Admin Code 110.

In accordance with Wis. Admin. Code DHS §110.55, the Department will post a copy of 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.

Pursuant to Wis. Admin. Code DHS § 110.55, the Department’s issuance of this letter of warning is a final decision of the Department and is not subject to an administrative hearing.

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March 8, 2023

Page 3 of 3

If you need additional assistance, please contact me by phone at 608-267-7178 or via email at natalie.easterday@dhs.wisconsin.gov.

Sincerely,

A handwritten signature in blue ink that reads "Natalie Easterday". The signature is written in a cursive style with a horizontal line extending to the right.

Natalie Easterday
Director
Office of Preparedness and Emergency Health Care
Wisconsin Department of Health Services