

Tony Evers
Governor



DIVISION OF PUBLIC HEALTH

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Kirsten L. Johnson
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State of Wisconsin
Department of Health Services

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February 20, 2024

(Via 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], License [REDACTED], for failure to notify the Department within seven days of any arrest for violation of any law substantially related to the practice of emergency medical services, as required by Wis. Admin. Code § DHS 110.13(6).

Factual Basis for the Department's Action

On May 15, 2023, you, [REDACTED] completed and submitted a 2023-2026 EMS Practitioner Paramedic Renewal application through the Department's electronic licensing system. Part of that application involves attesting to statements regarding professional responsibility requirements with statute and administrative rule. On the 2023-2026 EMS Practitioner Paramedic Renewal application, you entered your initials in the box provided to indicate you agree with the following statement:

I understand that Wis. Admin. Code § DHS 110.13(6) states "An EMS professional shall notify the department within seven days of any arrest for violation of any law substantially related to the practice of emergency medical services."

On July 3, 2023, you, [REDACTED], were charged in [REDACTED] County Circuit Court case number [REDACTED] with the following:

- One count of causing mental harm to a child, domestic abuse, a Class F felony, in violation of Wis. Stat. §§ 948.04(1) and 968.075(1)(a).
- One count of operating under the influence of an intoxicant (3rd), an unclassified misdemeanor, in violation of Wis. Stat. § 346.63(1)(a).
- One count of criminal damage to property, domestic abuse, a Class A misdemeanor, in violation of Wis. Stat. §§ 943.01(1) and 968.075(1)(a).
- Two (2) counts of battery, domestic abuse, Class A misdemeanors, in violation of Wis. Stat. §§ 940.19(1) and 968.075(1)(a).

- One count of disorderly conduct, domestic abuse, a Class B misdemeanor, in violation of Wis. Stat. §§ 947.01(1) and 968.075(1)(a).

You first disclosed your pending charges to the Department by telephone call on or about September 6, 2023.

On October 30, 2023, you were convicted in ██████████ County Circuit Court case number ██████████ of one count of operating with a prohibited alcohol concentration (3rd), an unclassified misdemeanor, in violation of Wis. Stat. § 346.63(1)(b). All other charges were dismissed.

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 § 110.54 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.

(26m) The person failed to notify the department within seven days of any arrest for violation of any law substantially related to the practice of emergency medical services.

Wis. Admin. Code § DHS 110.13(6) states,

An EMS professional shall notify the department within seven days of any arrest for violation of any law substantially related to the practice of emergency medical services.

Department Action

Based on the records submitted, it has been determined that you did not notify the Department within seven days of an arrest for violation of a law substantially related to the practice of emergency medical services. You were charged with multiple criminal offenses on July 3, 2023. However, you did not notify Department until on or about September 6, 2023, over two months after you were charged. Furthermore, you were made aware and attested to your understanding of your professional responsibility to notify the Department within seven days of any arrest for violation of any law

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substantially related to the practice of emergency medical services as part of your 2023-2026 EMS Practitioner Paramedic Renewal application.

Your original charges for disorderly conduct, battery, criminal damage to property, and causing mental harm to a child substantially related to the role of an EMS professional to be entrusted with the care of other people and their property. EMS professionals in the course of their official duties routinely receive unsupervised access to the bodies, homes, and property of their patients. In addition, patients giving this access are frequently unable to protect or defend themselves or their property due to illness, injury, or medical condition. They grant EMS professionals this access freely and out of necessity based on a trust that the EMS professionals will act with integrity while caring for the patient. The conduct alleged in your original charges ran against the basic tenet of emergency medical care. Specifically, you were alleged of damaging a door and pushing and slapping another person during an argument. This alleged conduct was reported to have occurred in front of children, causing those children and their mother to flee from you. The resulting charges for disorderly conduct, battery, criminal damage to property, and causing mental harm to a child demonstrated a willingness to resort to violence and a willingness to damage property substantially related to the role of an EMS professional. These charges therefore should have been reported to the Department under Wis. Admin. Code § DHS 110.13(6).

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.

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.

Sincerely,



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