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State of Wisconsin
Department of Health Services

DIVISION OF PUBLIC HEALTH

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September 19, 2023

(Via E-Mail and Certified Mail)

Rocky Berg
15001 125th Ave
Chippewa, WI 54729

Re: Reprimand of Rocky Berg #10331

Dear Mr. Berg:

The Department of Health Services (Department), Emergency Medical Services (EMS) Section, hereby reprimands you, Rocky Berg, License #300254, 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 February 27, 2023, the Department received complaints regarding patient care you provided while functioning as a member of Eagle Point FD First Responders.

The complaints alleged that on several calls you responded to as an Emergency Medical Responder (EMR), that involved patient care, you refused to take vital signs on patients.

Eagle Point FD First Responder's maintains patient care protocols as part of its operational plan in accordance with Wis. Admin. Code § DHS 110.35(2)(a). On March 9, 2023, the Department requested a copy of Eagle Point FD First Responders current patient care protocols. Eagle Point FD First Responders provided a copy of these protocols on March 16, 2023.

The protocols in place for Eagle Point FD First Responders state:

Chippewa Valley Regional EMS Protocols

INITIAL PATIENT CARE: The following INITIAL PATIENT CARE should be viewed as an outline for all patients receiving care by affiliated partners under these regional protocols...

Baseline Vital Signs:

- Blood pressure,
- Pulse Respiration,
- O2 Saturation,

- Lung Sounds,
- Blood Glucose check (Any altered LOC or known diabetic)

The complaints alleged that on medical emergency calls, where you responded to and provided patient care, you failed to take vital signs per Eagle Point FD First Responder's patient care protocols.

When interviewed, you admitted that you did not take vital signs of patients under your care prior to when they were transported to the hospital. You admitted to being aware of Eagle Point FD First Responder's patient care protocols requiring that vital signs be taken and admitted to not taking vitals due to a gut feeling you get when interacting with patients.

You stated that you understood that taking vital signs was part of your patient care protocol as an EMR with Eagle Point FD First Responders, however you informed the Department that you do not take vital signs because of your familiarity with the patients you respond to. Additionally, you stated that while you did not direct other EMS providers to not take vital signs on EMS calls, EMS providers on Eagle Point FD First Responders follow your lead as the fire chief for Eagle Point FD First Responders.

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 110.13(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 of whether the EMS professional is licensed at a practice level higher than that of the provider.

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 violated any provision of ch. 256, Stats., or this chapter.

Department Action

Based on records submitted and interviews conducted, 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.

EMS professionals are responsible for caring for those who are sick and injured. As an EMS professional, you are responsible for conducting appropriate physical assessments and providing the appropriate treatment based on those assessments. Taking vital signs is a fundamental aspect in monitoring your patient's overall wellbeing. Vital signs establish a patient's baseline, aid in the early detection, monitoring, diagnosis, and treatment of various medical conditions and ultimately contribute to better patient care and outcomes. By taking a patient's vital signs, you can help identify early signs of health deterioration and can help you intervene before a critical health situation arises prior to the patient being transported. Your decision to not take vital signs, despite your service's established patient care protocols, demonstrated poor judgment and potentially placed the patient at risk of an adverse reaction or harm.

Your behavior involving patient care is a violation of state regulations and professional ethics, creating a clear and present danger to the patients whom you treated before they were transported. An EMS professional must be capable of making appropriate decisions that are in the best interest of their patients. Your actions demonstrate poor judgement and understanding for EMS patient care protocols and for providing continued patient care from which countless citizens depend on during vulnerable times.

You are a certified EMR responder for Eagle Point FD First Responders. As a member of the EMS service, you failed to take vital signs of patients and follow patient care protocols. The Department reviewed records and conducted interviews to confirm these facts. Additionally, during an interview with you, you confirmed these facts as accurate.

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.

Rocky Berg #10331

September 19, 2023

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

Sincerely,

A handwritten signature in black ink that reads "Mark Mandler". The signature is written in a cursive, flowing style.

Mark Mandler

EMS Section Manager

Office of Preparedness and Emergency Health Care

Wisconsin Department of Health Services