

Tony Evers
Governor



State of Wisconsin
Department of Health Services

Kirsten L. Johnson
Secretary

DIVISION OF PUBLIC HEALTH

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March 1, 2023

(via E-Mail and US Mail)



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 not following patient care protocols or guidelines of the emergency medical service provider which you are serving, as required by Wis. Admin. Code § DHS 110.13(3).

Factual Basis for the Department's Action

On September 20, 2022, the Department received a complaint alleging that you did not assist a patient, who was suffering from severe pain, to the cot and instead made the patient walk, without providing her assistance, from inside her home to outside where the cot was located. The complaint alleged that you did not offer any assistance to the patient with her movement from the patient's bedroom to the ambulance.

The Department's investigation of the complaint revealed that on 9/15/22, while serving as an EMT (emergency medical technician)-basic for the [REDACTED], you responded to a call for pain. In the prehospital care report, which was completed and signed by you, [REDACTED], you confirm that the patient was assisted by her husband in walking from inside her residence to the cot outside the residence.

[REDACTED]'s Operating Guidelines for Emergency Medical Services documents a need for EMS personnel to ensure patient safety when moving a patient. [REDACTED]

[REDACTED]'s Operating Guidelines for Emergency Medical Services also document that the utilization of non-[REDACTED] ([REDACTED]) for assistance in patient movement is discouraged. The guidelines document that "reasonable efforts shall be made to reduce the distance the patients are moved in a non-secure manner" and "[t]he safety of [REDACTED] personnel and the safety of the patient should be deliberated before moving any patient. Crew members should always consider the most appropriate lifting technique or equipment for a given situation and ensure that the techniques to be employed are mutually agreed upon before attempting any movement."

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The investigation confirmed through record review and interview, that you did not assist the patient to the cot per your department's patient care/operating protocols.

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 Department's investigation, it has been determined that while licensed as an EMT-Basic, you did not follow patient care protocols or guidelines of the emergency medical service provider which you are serving, as required by Wis. Admin. Code § DHS 110.13(3).

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.

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

Sincerely,



Natalie Easterday

Director

Office of Preparedness and Emergency Health Care
Wisconsin Department of Health Services