

Tony Evers
Governor



State of Wisconsin
Department of Health Services

Kirsten L. Johnson
Secretary

DIVISION OF PUBLIC HEALTH

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September 19, 2023

(Via E-Mail and Certified US Mail)

[REDACTED]

[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], as service director for [REDACTED], related to failure to ensure that all EMS personnel are properly licensed and credentialed as required by Wis. Admin Code DHS §110.48(3).

Factual Basis for the Department's Action

From 2018 to 2023, you have been the service director on record with [REDACTED]. In your role as a service director for [REDACTED], you completed the 2018-2020 EMS Service Provider Renewal Application on June 22, 2018. On the 2018-2020 EMS Service Provider Renewal Application, you entered your initials in the box provided to indicate you agreed with the following statements:

As a service director, I understand the requirements of DHS 110.48 that state an emergency medical service provider shall have a service director who shall:

- 1. Serve as the primary contact between the emergency medical service provider and the department.*
- 2. Assure that all elements of the operational plan are kept current.*
- 3. Assure that EMS personnel are properly licensed and credentialed.*
- 4. Provide day-to-day supervision of the ambulance service provider's operations."*

In your role as the current service director for [REDACTED], you completed the 2023-2026 EMS Service Provider Renewal Application on June 18, 2023. On the 2023-2026 EMS Service Provider Renewal Application, you entered your initials in the box provided to indicate you agreed with the following statements:

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I understand that Wis. Admin. Code DHS § 110.48 states “Service director. An emergency medical service provider shall have a service director who shall:

- (1) Serve as the primary contact between the emergency medical service provider and the department.*
- (2) Assure that all elements of the operational plan are kept current.*
- (3) Assure that EMS personnel are properly licensed and credentialed.*
- (4) Provide day-to-day supervision of the ambulance service provider's operations.”*

Facts related to practitioner practicing without a valid EMS Certificate

██████████ was credentialed with ██████████. ██████████’s Emergency Medical Responder (EMR) certificate expired on June 30, 2018.

On June 28, 2023, the Department received a notification that ██████████ was functioning as an EMR practitioner with ██████████ from July 1, 2018, to June 28, 2023, without a valid EMR certificate.

On July 14, 2023, the Department requested you provide the number of times ██████████ had responded with ██████████ after his certificate expired.

On July 28, 2023, you provided the Department with documentation listing at least 19 emergency medical responses ██████████ completed with ██████████ since January 1, 2020, after his certificate expired.

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.

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Wis. Admin. Code DHS §110.48 states,

An emergency medical service provider shall have a service director who shall:

- (1) Serve as the primary contact between the emergency medical service provider and the department.
- (2) Assure that all elements of the operational plan are kept current.
- (3) Assure that EMS professionals are properly licensed and credentialed.
- (4) Provide day-to-day supervision of the ambulance service provider's operations.

Department Action

Based on the records submitted, it has been determined that you failed to assure EMS personnel were properly licensed and credentialed in accordance with Wis. Admin. Code 110 and Wis. Stat. ch 256.

You are the service director for a Wisconsin EMS service provider. One of the practitioners with your service ran calls after their certificate expired. 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 §110.55, 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 have any questions regarding this decision, please contact me at 608-266-8853 or mark.mandler@dhs.wisconsin.gov.

Sincerely,



Mark Mandler

EMS Section Manager

Office of Preparedness and Emergency Health Care

Wisconsin Department of Health Services