

January 19, 1999

Secretary Joseph Leeann  
Department of Health and Family Services  
1 West Wilson Street, Room 650  
Madison, WI 53703

Dear Secretary Leeann:

The Wisconsin EMS Association currently represents over 2,700 members in Wisconsin. Though the Association does not oppose Caregiver Background Checks, it is our position that a separate standard or list should be created specifically for emergency response personnel. The type of care emergency medical technicians provide is distinct as compared to care in an institutional setting. In addition, current Wisconsin law dictates that when a patient is being transported, the ambulance service provider must have the ambulance staffed with a minimum of two licensed EMTs or a licensed EMT and a registered nurse, a physician assistant or a physician. Therefore, during the short period of time a patient is being transported, that patient is with two individuals.

The Wisconsin EMS Association further suggests that the Department allow the employer greater flexibility in determining employment decisions. The category of convictions that would automatically prevent or bar employment should only include the five crimes listed in the Caregiver Statutes. All other crimes should be listed in the category that allows the individual an opportunity to demonstrate they have been rehabilitated.

In addition, the definition of "rehabilitation" should allow a person who has been convicted of a crime in the distant past to be automatically considered "rehabilitated" when the person has been employed without further convictions during a five year period prior to the caregiver background check. The proposed Caregiver Criminal Background Check Rule will impact local communities already struggling to find volunteers. It is not cost effective for many communities to hire full-time EMTs. These communities rely on volunteers to provide their EMS response. This proposed rule will make it even more difficult for local ambulance providers to recruit new EMTs and retain the ones they already have.

If you or a family member were involved in a serious accident or became ill, and the need for medical assistance was necessary, I cannot believe that you or anyone else would refuse care from an EMT who has not been "Rehabilitated". The Wisconsin EMS Association concurs with the reasoning that persons convicted of any of the original five permanently barred offenses should be prevented from serving as a care provider. However, DHFS' proposed rule goes too far and removes the flexibility the employer

should have when making hiring decisions.

In conclusion, the Wisconsin EMS Association believes the individual employer should be given greater flexibility when making employment decisions. Additionally, the following provisions should be incorporated:

- Create a list of crimes specific to the emergency response profession.
- Only the five crimes listed in the Caregiver Statutes should be subject to a permanent bar from all programs.
- Automatically assume rehabilitation for those individuals who have demonstrated five years of employment as a caregiver, without further convictions in that time period.
- Allow the employer greater flexibility when determining employment.

If you have any questions regarding this matter, please feel free to contact me at (800) 793-6820 or Forbes McIntosh at (608) 255-0566.

Sincerely,

Richard F. Meeker  
President

cc J Kiesow  
J. Robson