

**SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION**

S.F. No. 5387

(SENATE AUTHORS: WIKLUND)

DATE
04/08/2024

D-PG

Introduction and first reading
Referred to Health and Human Services

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to health; establishing an Office of Emergency Medical Services to replace
1.3 the Emergency Medical Services Regulatory Board; specifying duties for the
1.4 office; transferring duties; establishing an advisory council; establishing alternative
1.5 EMS response model pilot program; establishing emergency ambulance service
1.6 aid; making conforming changes; requiring a report; appropriating money;
1.7 amending Minnesota Statutes 2022, sections 62J.49, subdivision 1; 144E.001, by
1.8 adding subdivisions; 144E.16, subdivision 5; 144E.19, subdivision 3; 144E.27,
1.9 subdivision 5; 144E.28, subdivisions 5, 6; 144E.285, subdivision 6; 144E.287;
1.10 144E.305, subdivision 3; 214.025; 214.04, subdivision 2a; 214.29; 214.31; 214.355;
1.11 Minnesota Statutes 2023 Supplement, sections 15A.0815, subdivision 2; 43A.08,
1.12 subdivision 1a; 152.126, subdivision 6; proposing coding for new law in Minnesota
1.13 Statutes, chapter 144E; repealing Minnesota Statutes 2022, sections 144E.001,
1.14 subdivision 5; 144E.01; 144E.123, subdivision 5; 144E.50, subdivision 3.

1.15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.16 **ARTICLE 1**
1.17 **OFFICE OF EMERGENCY MEDICAL SERVICES**

1.18 Section 1. Minnesota Statutes 2022, section 144E.001, is amended by adding a subdivision
1.19 to read:

1.20 Subd. 16. **Advisory council.** "Advisory council" means the Emergency Medical Services
1.21 Advisory Council.

1.22 **EFFECTIVE DATE.** This section is effective January 1, 2025.

1.23 Sec. 2. Minnesota Statutes 2022, section 144E.001, is amended by adding a subdivision
1.24 to read:

1.25 Subd. 17. **Director.** "Director" means the director of the Office of Emergency Medical
1.26 Services.

2.1 **EFFECTIVE DATE.** This section is effective January 1, 2025.

2.2 Sec. 3. Minnesota Statutes 2022, section 144E.001, is amended by adding a subdivision
2.3 to read:

2.4 Subd. 18. **Office.** "Office" means the Office of Emergency Medical Services.

2.5 **EFFECTIVE DATE.** This section is effective January 1, 2025.

2.6 Sec. 4. **[144E.011] OFFICE OF EMERGENCY MEDICAL SERVICES.**

2.7 Subdivision 1. **Establishment.** The Office of Emergency Medical Services is established
2.8 with the powers and duties established in law. In administering this chapter, the office must
2.9 promote the public health and welfare, protect the safety of the public, and effectively
2.10 regulate and support the operation of the emergency medical services system in this state.

2.11 Subd. 2. **Director.** The governor must appoint a director for the office with the advice
2.12 and consent of the senate. The director must be in the unclassified service and must serve
2.13 at the pleasure of the governor. The salary of the director shall be determined according to
2.14 section 15A.0815. The director shall direct the activities of the office.

2.15 Subd. 3. **Powers and duties.** The director has the following powers and duties:

2.16 (1) to administer and enforce this chapter and adopt rules as needed to implement this
2.17 chapter. Rules for which notice is published in the State Register before July 1, 2026, may
2.18 be adopted using the expedited rulemaking process in section 14.389;

2.19 (2) to license ambulance services in the state and regulate their operation;

2.20 (3) to establish and modify primary service areas;

2.21 (4) to designate an ambulance service as authorized to provide service in a primary
2.22 service area and to remove an ambulance service's authorization to provide service in a
2.23 primary service area;

2.24 (5) to register medical response units in the state and regulate their operation;

2.25 (6) to certify emergency medical technicians, advanced emergency medical technicians,
2.26 community emergency medical technicians, paramedics, and community paramedics and
2.27 to register emergency medical responders;

2.28 (7) to approve education programs for ambulance service personnel and emergency
2.29 medical responders and to administer qualifications for instructors of education programs;

2.30 (8) to administer grant programs related to emergency medical services;

3.1 (9) to make recommendations to the legislature on improving access to emergency
3.2 medical services, improving service delivery by ambulance services and medical response
3.3 units, and improving the effectiveness of the state's emergency medical services system;

3.4 (10) to investigate complaints against and hold hearings regarding ambulance services,
3.5 ambulance service personnel, and emergency medical responders and to impose disciplinary
3.6 action or otherwise resolve complaints; and

3.7 (11) to perform other duties related to the provision of emergency medical services in
3.8 the state.

3.9 Subd. 4. **Employees.** The director may employ personnel in the classified service and
3.10 unclassified personnel as necessary to carry out the duties of this chapter.

3.11 Subd. 5. **Work plan.** The director must prepare a work plan to guide the work of the
3.12 office. The work plan must be updated biennially.

3.13 **EFFECTIVE DATE.** This section is effective January 1, 2025.

3.14 Sec. 5. **[144E.03] EMERGENCY MEDICAL SERVICES ADVISORY COUNCIL.**

3.15 Subdivision 1. **Establishment; membership.** The Emergency Medical Services Advisory
3.16 Council is established and consists of the following members:

3.17 (1) one emergency medical technician currently practicing with a licensed ambulance
3.18 service, appointed by the Minnesota Ambulance Association;

3.19 (2) one paramedic currently practicing with a licensed ambulance service or a medical
3.20 response unit, appointed jointly by the Minnesota Professional Fire Fighters Association
3.21 and the Minnesota Ambulance Association;

3.22 (3) one medical director of a licensed ambulance service, appointed by the Minnesota
3.23 Ambulance Association;

3.24 (4) one firefighter currently serving as an emergency medical responder, appointed by
3.25 the Minnesota State Fire Chiefs Association;

3.26 (5) one registered nurse who is certified or currently practicing as a flight nurse, appointed
3.27 by the Board of Nursing;

3.28 (6) one hospital administrator, appointed by the Minnesota Hospital Association;

3.29 (7) one social worker, appointed by the Board of Social Work;

3.30 (8) one member of a federally recognized Tribal Nation in Minnesota, appointed by the
3.31 Minnesota Indian Affairs Council;

4.1 (9) three public members, appointed by the governor;

4.2 (10) one member appointed by an employee organization representing paramedics or
4.3 emergency medical technicians;

4.4 (11) one member of the house of representatives and one member of the senate, appointed
4.5 according to subdivision 2; and

4.6 (12) the commissioner of health and commissioner of public safety or their designees
4.7 as ex officio members.

4.8 Subd. 2. **Legislative members.** The speaker of the house must appoint one member of
4.9 the house of representatives to serve on the advisory council and the senate majority leader
4.10 must appoint one member of the senate to serve on the advisory council. Legislative members
4.11 appointed under this subdivision serve until successors are appointed. Legislative members
4.12 may receive per diem compensation and reimbursement for expenses according to the rules
4.13 of their respective bodies.

4.14 Subd. 3. **Terms, compensation, removal, vacancies, and expiration.** Compensation
4.15 and reimbursement for expenses for members appointed under subdivision 1, clauses (1)
4.16 to (10); removal of members; filling of vacancies of members; and, except for initial
4.17 appointments, membership terms are governed by section 15.059. Notwithstanding section
4.18 15.059, subdivision 6, the advisory council does not expire.

4.19 Subd. 4. **Officers; meetings.** (a) The advisory council must elect a chair and vice-chair
4.20 from among its membership and may elect other officers as the advisory council deems
4.21 necessary.

4.22 (b) The advisory council must meet quarterly or at the call of the chair.

4.23 (c) Meetings of the advisory council are subject to chapter 13D.

4.24 Subd. 5. **Duties.** The advisory council must review and make recommendations to the
4.25 director on the administration of this chapter; the regulation of ambulance services,
4.26 ambulance service personnel, medical response units, and emergency medical responders;
4.27 the operation of the emergency medical services system in the state; and other topics as
4.28 directed by the director.

4.29 **EFFECTIVE DATE.** This section is effective January 1, 2025.

5.1 Sec. 6. **[144E.035] EMERGENCY MEDICAL SERVICES PHYSICIAN ADVISORY**
5.2 **COMMITTEE.**

5.3 **Subdivision 1. Establishment; membership.** The Emergency Medical Services Physician
5.4 Advisory Committee is established as a standing committee of the Emergency Medical
5.5 Services Advisory Council and shall consist of the following members:

5.6 (1) eight physicians who meet the qualifications for medical directors in section 144E.265,
5.7 subdivision 1, with one physician appointed by each of the regional emergency medical
5.8 services systems designated under section 144E.50, subdivision 5;

5.9 (2) one physician who meets the qualifications for medical directors in section 144E.265,
5.10 subdivision 1, appointed by the Minnesota State Fire Chiefs Association;

5.11 (3) one physician who is board-certified in pediatrics, appointed by the Minnesota
5.12 Emergency Medical Services for Children program; and

5.13 (4) the medical director member of the Emergency Medical Services Advisory Council
5.14 appointed under section 144E.03, subdivision 1, clause (3).

5.15 **Subd. 2. Terms, compensation, removal, vacancies, and expiration.** Compensation
5.16 and reimbursement for expenses, removal of members, filling of vacancies of members,
5.17 and, except for initial appointments, membership terms are governed by section 15.059.
5.18 Notwithstanding section 15.059, subdivision 6, the advisory committee shall not expire.

5.19 **Subd. 3. Officers; meetings.** (a) The advisory committee must elect a chair and vice-chair
5.20 from among its membership and may elect other officers as it deems necessary.

5.21 (b) The advisory committee must meet twice per year or upon the call of the chair.

5.22 (c) Meetings of the advisory committee are subject to chapter 13D.

5.23 **Subd. 4. Duties.** The advisory committee must:

5.24 (1) review and make recommendations to the advisory council on clinical aspects of
5.25 prehospital medical care. In doing so, the advisory committee must incorporate information
5.26 from medical literature, advances in bedside clinical practice, and advisory committee
5.27 member experience; and

5.28 (2) serve as subject matter experts for the advisory council and the director on evolving
5.29 topics in clinical medicine, including but not limited to infectious disease, pharmaceutical
5.30 and equipment shortages, and implementation of new therapeutics.

5.31 **EFFECTIVE DATE.** This section is effective January 1, 2025.

6.1 Sec. 7. [144E.105] ALTERNATIVE EMS RESPONSE MODEL PILOT PROGRAM.

6.2 Subdivision 1. Definitions. (a) For purposes of this section, the following terms have
6.3 the meanings given.

6.4 (b) "Partnering ambulance services" means the basic life support ambulance service and
6.5 the advanced life support ambulance service that partner to jointly respond to emergency
6.6 ambulance calls under the pilot program.

6.7 (c) "Pilot program" means the alternative EMS response model pilot program established
6.8 under this section.

6.9 Subd. 2. Pilot program established. The board must establish and administer an
6.10 alternative EMS response model pilot program. Under the pilot program, the board may
6.11 authorize basic life support ambulance services to partner with advanced life support
6.12 ambulance services to provide expanded advanced life support service intercept capability
6.13 and staffing support for emergency ambulance calls.

6.14 Subd. 3. Application. A basic life support ambulance service that wishes to participate
6.15 in the pilot program must apply to the board. An application from a basic life support
6.16 ambulance service must be submitted jointly with the advanced life support ambulance
6.17 service with which the basic life support ambulance service proposes to partner. The
6.18 application must identify the ambulance services applying to be partnering ambulance
6.19 services and must include:

6.20 (1) approval to participate in the pilot program from the medical directors of the proposed
6.21 partnering ambulance services;

6.22 (2) procedures the basic life support ambulance service will implement to respond to
6.23 emergency ambulance calls when the basic life support ambulance service is unable to meet
6.24 the minimum staffing requirements under section 144E.101, subdivision 6, and the partnering
6.25 advanced life support ambulance service is unavailable to jointly respond to emergency
6.26 ambulance calls;

6.27 (3) an agreement between the proposed partnering ambulance services specifying which
6.28 ambulance service is responsible for:

6.29 (i) workers' compensation insurance;

6.30 (ii) motor vehicle insurance; and

7.1 (iii) billing, identifying which if any ambulance service will bill the patient or the patient's
7.2 insurer and specifying how payments received will be distributed among the proposed
7.3 partnering ambulance services;

7.4 (4) communication procedures to coordinate and make known the real-time availability
7.5 of the advanced life support ambulance service to its proposed partnering basic life support
7.6 ambulance services and public safety answering points;

7.7 (5) an acknowledgment that the proposed partnering ambulance services must coordinate
7.8 compliance with the prehospital care data requirements in section 144E.123; and

7.9 (6) an acknowledgment that the proposed partnering ambulance services remain
7.10 responsible for providing continual service as required under section 144E.101, subdivision
7.11 3.

7.12 Subd. 4. **Operation.** Under the pilot program, an advanced life support ambulance
7.13 service may partner with one or more basic life support ambulance services. Under this
7.14 partnership, the advanced life support ambulance service and basic life support ambulance
7.15 service must jointly respond to emergency ambulance calls originating in the primary service
7.16 area of the basic life support ambulance service. The advanced life support ambulance
7.17 service must respond to emergency ambulance calls with either an ambulance or a
7.18 nontransporting vehicle fully equipped with the advanced life support complement of
7.19 equipment and medications required for that nontransporting vehicle by that ambulance
7.20 service's medical director.

7.21 Subd. 5. **Staffing.** (a) When responding to an emergency ambulance call and when an
7.22 ambulance or nontransporting vehicle from the partnering advanced life support ambulance
7.23 service is confirmed to be available and is responding to the call:

7.24 (1) the basic life support ambulance must be staffed with a minimum of one emergency
7.25 medical technician; and

7.26 (2) the advanced life support ambulance or nontransporting vehicle must be staffed with
7.27 a minimum of one paramedic.

7.28 (b) The staffing specified in paragraph (a) is deemed to satisfy the staffing requirements
7.29 in section 144E.101, subdivisions 6 and 7.

7.30 Subd. 6. **Medical director oversight.** The medical director for an ambulance service
7.31 participating in the pilot program retains responsibility for the ambulance service personnel
7.32 of their ambulance service. When a paramedic from the partnering advanced life support
7.33 ambulance service makes contact with the patient, the standing orders; clinical policies;

8.1 protocols; and triage, treatment, and transportation guidelines for the advanced life support
8.2 ambulance service must direct patient care related to the encounter.

8.3 Subd. 7. **Waivers and variances.** The board may issue any waivers of or variances to
8.4 this chapter or Minnesota Rules, chapter 4690, to partnering ambulance services that are
8.5 needed to implement the pilot program, provided the waiver or variance does not adversely
8.6 affect the public health or welfare.

8.7 Subd. 8. **Data and evaluation.** In administering the pilot program, the board shall collect
8.8 from partnering ambulance services data needed to evaluate the impacts of the pilot program
8.9 on response times, patient outcomes, and patient experience for emergency ambulance calls.

8.10 Subd. 9. **Transfer of authority.** Effective January 1, 2025, the duties and authority
8.11 assigned to the board in this section are transferred to the director.

8.12 Subd. 10. **Expiration.** This section expires June 30, 2026.

8.13 **EFFECTIVE DATE.** This section is effective July 1, 2024.

8.14 Sec. 8. Minnesota Statutes 2022, section 144E.16, subdivision 5, is amended to read:

8.15 Subd. 5. **Local government's powers.** (a) Local units of government may, with the
8.16 approval of the ~~board~~ director, establish standards for ambulance services which impose
8.17 additional requirements upon such services. Local units of government intending to impose
8.18 additional requirements shall consider whether any benefit accruing to the public health
8.19 would outweigh the costs associated with the additional requirements.

8.20 (b) Local units of government that desire to impose additional requirements shall, prior
8.21 to adoption of relevant ordinances, rules, or regulations, furnish the ~~board~~ director with a
8.22 copy of the proposed ordinances, rules, or regulations, along with information that
8.23 affirmatively substantiates that the proposed ordinances, rules, or regulations:

8.24 (1) will in no way conflict with the relevant rules of the ~~board~~ office;

8.25 (2) will establish additional requirements tending to protect the public health;

8.26 (3) will not diminish public access to ambulance services of acceptable quality; and

8.27 (4) will not interfere with the orderly development of regional systems of emergency
8.28 medical care.

8.29 (c) The ~~board~~ director shall base any decision to approve or disapprove local standards
8.30 upon whether or not the local unit of government in question has affirmatively substantiated

9.1 that the proposed ordinances, rules, or regulations meet the criteria specified in paragraph
9.2 (b).

9.3 **EFFECTIVE DATE.** This section is effective January 1, 2025.

9.4 Sec. 9. Minnesota Statutes 2022, section 144E.19, subdivision 3, is amended to read:

9.5 Subd. 3. **Temporary suspension.** (a) In addition to any other remedy provided by law,
9.6 the ~~board~~ director may temporarily suspend the license of a licensee after conducting a
9.7 preliminary inquiry to determine whether the ~~board~~ director believes that the licensee has
9.8 violated a statute or rule that the ~~board~~ director is empowered to enforce and determining
9.9 that the continued provision of service by the licensee would create an imminent risk to
9.10 public health or harm to others.

9.11 (b) A temporary suspension order prohibiting a licensee from providing ambulance
9.12 service shall give notice of the right to a preliminary hearing according to paragraph (d)
9.13 and shall state the reasons for the entry of the temporary suspension order.

9.14 (c) Service of a temporary suspension order is effective when the order is served on the
9.15 licensee personally or by certified mail, which is complete upon receipt, refusal, or return
9.16 for nondelivery to the most recent address provided to the ~~board~~ director for the licensee.

9.17 (d) At the time the ~~board~~ director issues a temporary suspension order, the ~~board~~ director
9.18 shall schedule a hearing, ~~to be held before a group of its members designated by the board,~~
9.19 that shall begin within 60 days after issuance of the temporary suspension order or within
9.20 15 working days of the date of the ~~board's~~ director's receipt of a request for a hearing from
9.21 a licensee, whichever is sooner. The hearing shall be on the sole issue of whether there is
9.22 a reasonable basis to continue, modify, or lift the temporary suspension. A hearing under
9.23 this paragraph is not subject to chapter 14.

9.24 (e) Evidence presented by the ~~board~~ director or licensee may be in the form of an affidavit.
9.25 The licensee or the licensee's designee may appear for oral argument.

9.26 (f) Within five working days of the hearing, the ~~board~~ director shall issue its order and,
9.27 if the suspension is continued, notify the licensee of the right to a contested case hearing
9.28 under chapter 14.

9.29 (g) If a licensee requests a contested case hearing within 30 days after receiving notice
9.30 under paragraph (f), the ~~board~~ director shall initiate a contested case hearing according to
9.31 chapter 14. The administrative law judge shall issue a report and recommendation within
9.32 30 days after the closing of the contested case hearing record. The ~~board~~ director shall issue
9.33 a final order within 30 days after receipt of the administrative law judge's report.

10.1 **EFFECTIVE DATE.** This section is effective January 1, 2025.

10.2 Sec. 10. Minnesota Statutes 2022, section 144E.27, subdivision 5, is amended to read:

10.3 Subd. 5. **Denial, suspension, revocation.** (a) The ~~board~~ director may deny, suspend,
10.4 revoke, place conditions on, or refuse to renew the registration of an individual who the
10.5 ~~board~~ director determines:

10.6 (1) violates sections 144E.001 to 144E.33 or the rules adopted under those sections, an
10.7 agreement for corrective action, or an order that the ~~board~~ director issued or is otherwise
10.8 empowered to enforce;

10.9 (2) misrepresents or falsifies information on an application form for registration;

10.10 (3) is convicted or pleads guilty or nolo contendere to any felony; any gross misdemeanor
10.11 relating to assault, sexual misconduct, theft, or the illegal use of drugs or alcohol; or any
10.12 misdemeanor relating to assault, sexual misconduct, theft, or the illegal use of drugs or
10.13 alcohol;

10.14 (4) is actually or potentially unable to provide emergency medical services with
10.15 reasonable skill and safety to patients by reason of illness, use of alcohol, drugs, chemicals,
10.16 or any other material, or as a result of any mental or physical condition;

10.17 (5) engages in unethical conduct, including, but not limited to, conduct likely to deceive,
10.18 defraud, or harm the public, or demonstrating a willful or careless disregard for the health,
10.19 welfare, or safety of the public;

10.20 (6) maltreats or abandons a patient;

10.21 (7) violates any state or federal controlled substance law;

10.22 (8) engages in unprofessional conduct or any other conduct which has the potential for
10.23 causing harm to the public, including any departure from or failure to conform to the
10.24 minimum standards of acceptable and prevailing practice without actual injury having to
10.25 be established;

10.26 (9) provides emergency medical services under lapsed or nonrenewed credentials;

10.27 (10) is subject to a denial, corrective, disciplinary, or other similar action in another
10.28 jurisdiction or by another regulatory authority;

10.29 (11) engages in conduct with a patient that is sexual or may reasonably be interpreted
10.30 by the patient as sexual, or in any verbal behavior that is seductive or sexually demeaning
10.31 to a patient; ~~or~~

11.1 (12) makes a false statement or knowingly provides false information to the ~~board~~
 11.2 director, or fails to cooperate with an investigation of the ~~board~~ director as required by
 11.3 section 144E.30; or

11.4 (13) fails to engage with the health professionals services program or diversion program
 11.5 required under section 144E.287 after being referred to the program, violates the terms of
 11.6 the program participation agreement, or leaves the program except upon fulfilling the terms
 11.7 for successful completion of the program as set forth in the participation agreement.

11.8 (b) Before taking action under paragraph (a), the ~~board~~ director shall give notice to an
 11.9 individual of the right to a contested case hearing under chapter 14. If an individual requests
 11.10 a contested case hearing within 30 days after receiving notice, the ~~board~~ director shall initiate
 11.11 a contested case hearing according to chapter 14.

11.12 (c) The administrative law judge shall issue a report and recommendation within 30
 11.13 days after closing the contested case hearing record. The ~~board~~ director shall issue a final
 11.14 order within 30 days after receipt of the administrative law judge's report.

11.15 (d) After six months from the ~~board's~~ director's decision to deny, revoke, place conditions
 11.16 on, or refuse renewal of an individual's registration for disciplinary action, the individual
 11.17 shall have the opportunity to apply to the ~~board~~ director for reinstatement.

11.18 **EFFECTIVE DATE.** This section is effective January 1, 2025.

11.19 Sec. 11. Minnesota Statutes 2022, section 144E.28, subdivision 5, is amended to read:

11.20 Subd. 5. **Denial, suspension, revocation.** (a) The ~~board~~ director may deny certification
 11.21 or take any action authorized in subdivision 4 against an individual who the ~~board~~ director
 11.22 determines:

11.23 (1) violates sections 144E.001 to 144E.33 or the rules adopted under those sections, or
 11.24 an order that the ~~board~~ director issued or is otherwise authorized or empowered to enforce,
 11.25 or agreement for corrective action;

11.26 (2) misrepresents or falsifies information on an application form for certification;

11.27 (3) is convicted or pleads guilty or nolo contendere to any felony; any gross misdemeanor
 11.28 relating to assault, sexual misconduct, theft, or the illegal use of drugs or alcohol; or any
 11.29 misdemeanor relating to assault, sexual misconduct, theft, or the illegal use of drugs or
 11.30 alcohol;

12.1 (4) is actually or potentially unable to provide emergency medical services with
12.2 reasonable skill and safety to patients by reason of illness, use of alcohol, drugs, chemicals,
12.3 or any other material, or as a result of any mental or physical condition;

12.4 (5) engages in unethical conduct, including, but not limited to, conduct likely to deceive,
12.5 defraud, or harm the public or demonstrating a willful or careless disregard for the health,
12.6 welfare, or safety of the public;

12.7 (6) maltreats or abandons a patient;

12.8 (7) violates any state or federal controlled substance law;

12.9 (8) engages in unprofessional conduct or any other conduct which has the potential for
12.10 causing harm to the public, including any departure from or failure to conform to the
12.11 minimum standards of acceptable and prevailing practice without actual injury having to
12.12 be established;

12.13 (9) provides emergency medical services under lapsed or nonrenewed credentials;

12.14 (10) is subject to a denial, corrective, disciplinary, or other similar action in another
12.15 jurisdiction or by another regulatory authority;

12.16 (11) engages in conduct with a patient that is sexual or may reasonably be interpreted
12.17 by the patient as sexual, or in any verbal behavior that is seductive or sexually demeaning
12.18 to a patient; ~~or~~

12.19 (12) makes a false statement or knowingly provides false information to the ~~board~~ director
12.20 or fails to cooperate with an investigation of the ~~board~~ director as required by section
12.21 144E.30; or

12.22 (13) fails to engage with the health professionals services program or diversion program
12.23 required under section 144E.287 after being referred to the program, violates the terms of
12.24 the program participation agreement, or leaves the program except upon fulfilling the terms
12.25 for successful completion of the program as set forth in the participation agreement.

12.26 (b) Before taking action under paragraph (a), the ~~board~~ director shall give notice to an
12.27 individual of the right to a contested case hearing under chapter 14. If an individual requests
12.28 a contested case hearing within 30 days after receiving notice, the ~~board~~ director shall initiate
12.29 a contested case hearing according to chapter 14 and no disciplinary action shall be taken
12.30 at that time.

13.1 (c) The administrative law judge shall issue a report and recommendation within 30
13.2 days after closing the contested case hearing record. The ~~board~~ director shall issue a final
13.3 order within 30 days after receipt of the administrative law judge's report.

13.4 (d) After six months from the ~~board's~~ director's decision to deny, revoke, place conditions
13.5 on, or refuse renewal of an individual's certification for disciplinary action, the individual
13.6 shall have the opportunity to apply to the ~~board~~ director for reinstatement.

13.7 **EFFECTIVE DATE.** This section is effective January 1, 2025.

13.8 Sec. 12. Minnesota Statutes 2022, section 144E.28, subdivision 6, is amended to read:

13.9 Subd. 6. **Temporary suspension.** (a) In addition to any other remedy provided by law,
13.10 the ~~board~~ director may temporarily suspend the certification of an individual after conducting
13.11 a preliminary inquiry to determine whether the ~~board~~ director believes that the individual
13.12 has violated a statute or rule that the ~~board~~ director is empowered to enforce and determining
13.13 that the continued provision of service by the individual would create an imminent risk to
13.14 public health or harm to others.

13.15 (b) A temporary suspension order prohibiting an individual from providing emergency
13.16 medical care shall give notice of the right to a preliminary hearing according to paragraph
13.17 (d) and shall state the reasons for the entry of the temporary suspension order.

13.18 (c) Service of a temporary suspension order is effective when the order is served on the
13.19 individual personally or by certified mail, which is complete upon receipt, refusal, or return
13.20 for nondelivery to the most recent address provided to the ~~board~~ director for the individual.

13.21 (d) At the time the ~~board~~ director issues a temporary suspension order, the ~~board~~ director
13.22 shall schedule a hearing, ~~to be held before a group of its members designated by the board,~~
13.23 that shall begin within 60 days after issuance of the temporary suspension order or within
13.24 15 working days of the date of the ~~board's~~ director's receipt of a request for a hearing from
13.25 the individual, whichever is sooner. The hearing shall be on the sole issue of whether there
13.26 is a reasonable basis to continue, modify, or lift the temporary suspension. A hearing under
13.27 this paragraph is not subject to chapter 14.

13.28 (e) Evidence presented by the ~~board~~ director or the individual may be in the form of an
13.29 affidavit. The individual or individual's designee may appear for oral argument.

13.30 (f) Within five working days of the hearing, the ~~board~~ director shall issue its order and,
13.31 if the suspension is continued, notify the individual of the right to a contested case hearing
13.32 under chapter 14.

14.1 (g) If an individual requests a contested case hearing within 30 days of receiving notice
14.2 under paragraph (f), the ~~board~~ director shall initiate a contested case hearing according to
14.3 chapter 14. The administrative law judge shall issue a report and recommendation within
14.4 30 days after the closing of the contested case hearing record. The ~~board~~ director shall issue
14.5 a final order within 30 days after receipt of the administrative law judge's report.

14.6 **EFFECTIVE DATE.** This section is effective January 1, 2025.

14.7 Sec. 13. Minnesota Statutes 2022, section 144E.285, subdivision 6, is amended to read:

14.8 Subd. 6. **Temporary suspension.** (a) In addition to any other remedy provided by law,
14.9 the ~~board~~ director may temporarily suspend approval of the education program after
14.10 conducting a preliminary inquiry to determine whether the ~~board~~ director believes that the
14.11 education program has violated a statute or rule that the ~~board~~ director is empowered to
14.12 enforce and determining that the continued provision of service by the education program
14.13 would create an imminent risk to public health or harm to others.

14.14 (b) A temporary suspension order prohibiting the education program from providing
14.15 emergency medical care training shall give notice of the right to a preliminary hearing
14.16 according to paragraph (d) and shall state the reasons for the entry of the temporary
14.17 suspension order.

14.18 (c) Service of a temporary suspension order is effective when the order is served on the
14.19 education program personally or by certified mail, which is complete upon receipt, refusal,
14.20 or return for nondelivery to the most recent address provided to the ~~board~~ director for the
14.21 education program.

14.22 (d) At the time the ~~board~~ director issues a temporary suspension order, the ~~board~~ director
14.23 shall schedule a hearing, ~~to be held before a group of its members designated by the board,~~
14.24 that shall begin within 60 days after issuance of the temporary suspension order or within
14.25 15 working days of the date of the ~~board's~~ director's receipt of a request for a hearing from
14.26 the education program, whichever is sooner. The hearing shall be on the sole issue of whether
14.27 there is a reasonable basis to continue, modify, or lift the temporary suspension. A hearing
14.28 under this paragraph is not subject to chapter 14.

14.29 (e) Evidence presented by the ~~board~~ director or the individual may be in the form of an
14.30 affidavit. The education program or counsel of record may appear for oral argument.

14.31 (f) Within five working days of the hearing, the ~~board~~ director shall issue its order and,
14.32 if the suspension is continued, notify the education program of the right to a contested case
14.33 hearing under chapter 14.

15.1 (g) If an education program requests a contested case hearing within 30 days of receiving
 15.2 notice under paragraph (f), the ~~board~~ director shall initiate a contested case hearing according
 15.3 to chapter 14. The administrative law judge shall issue a report and recommendation within
 15.4 30 days after the closing of the contested case hearing record. The ~~board~~ director shall issue
 15.5 a final order within 30 days after receipt of the administrative law judge's report.

15.6 **EFFECTIVE DATE.** This section is effective January 1, 2025.

15.7 Sec. 14. Minnesota Statutes 2022, section 144E.287, is amended to read:

15.8 **144E.287 DIVERSION PROGRAM.**

15.9 The ~~board~~ director shall either conduct a health professionals ~~service~~ services program
 15.10 ~~under sections 214.31 to 214.37~~ or contract for a diversion program ~~under section 214.28~~
 15.11 for professionals regulated ~~by the board~~ under this chapter who are unable to perform their
 15.12 duties with reasonable skill and safety by reason of illness, use of alcohol, drugs, chemicals,
 15.13 or any other materials, or as a result of any mental, physical, or psychological condition.

15.14 **EFFECTIVE DATE.** This section is effective January 1, 2025.

15.15 Sec. 15. Minnesota Statutes 2022, section 144E.305, subdivision 3, is amended to read:

15.16 Subd. 3. **Immunity.** (a) An individual, licensee, health care facility, business, or
 15.17 organization is immune from civil liability or criminal prosecution for submitting in good
 15.18 faith a report to the ~~board~~ director under subdivision 1 or 2 or for otherwise reporting in
 15.19 good faith to the ~~board~~ director violations or alleged violations of sections 144E.001 to
 15.20 144E.33. Reports are classified as confidential data on individuals or protected nonpublic
 15.21 data under section 13.02 while an investigation is active. Except for the ~~board's~~ director's
 15.22 final determination, all communications or information received by or disclosed to the ~~board~~
 15.23 director relating to disciplinary matters of any person or entity subject to the ~~board's~~ director's
 15.24 regulatory jurisdiction are confidential and privileged and any disciplinary hearing shall be
 15.25 closed to the public.

15.26 (b) ~~Members of the board~~ The director, persons employed by the ~~board~~ director, persons
 15.27 engaged in the investigation of violations and in the preparation and management of charges
 15.28 of violations of sections 144E.001 to 144E.33 on behalf of the ~~board~~ director, and persons
 15.29 participating in the investigation regarding charges of violations are immune from civil
 15.30 liability and criminal prosecution for any actions, transactions, or publications, made in
 15.31 good faith, in the execution of, or relating to, their duties under sections 144E.001 to 144E.33.

16.1 ~~(e) For purposes of this section, a member of the board is considered a state employee~~
 16.2 ~~under section 3.736, subdivision 9.~~

16.3 **EFFECTIVE DATE.** This section is effective January 1, 2025.

16.4 Sec. 16. **INITIAL MEMBERS AND FIRST MEETING; EMERGENCY MEDICAL**
 16.5 **SERVICES ADVISORY COUNCIL.**

16.6 (a) Initial appointments of members to the Emergency Medical Services Advisory
 16.7 Council must be made by January 1, 2025. The terms of initial appointees shall be determined
 16.8 by lot by the secretary of state and shall be as follows:

16.9 (1) six members shall serve two-year terms; and

16.10 (2) seven members shall serve three-year terms.

16.11 (b) The medical director appointee must convene the first meeting of the Emergency
 16.12 Medical Services Advisory Council by February 1, 2025.

16.13 **EFFECTIVE DATE.** This section is effective July 1, 2024.

16.14 Sec. 17. **INITIAL MEMBERS AND FIRST MEETING; EMERGENCY MEDICAL**
 16.15 **SERVICES PHYSICIAN ADVISORY COMMITTEE.**

16.16 (a) Initial appointments of members to the Emergency Medical Services Physician
 16.17 Advisory Committee must be made by January 1, 2025. The terms of initial appointees shall
 16.18 be determined by lot by the secretary of state and shall be as follows:

16.19 (1) five members shall serve two-year terms;

16.20 (2) five members shall serve three-year terms; and

16.21 (3) the term for the medical director appointee to the advisory committee shall coincide
 16.22 with that member's term on the advisory council.

16.23 (b) The medical director appointee must convene the first meeting of the Emergency
 16.24 Medical Services Physician Advisory Committee by February 1, 2025.

16.25 **EFFECTIVE DATE.** This section is effective July 1, 2024.

16.26 Sec. 18. **TRANSITION.**

16.27 Subdivision 1. **Appointment of director; operation of office.** No later than October
 16.28 1, 2024, the governor shall appoint a director-designee of the Office of Emergency Medical
 16.29 Services. The individual appointed as the director-designee of the Office of Emergency

17.1 Medical Services shall become the governor's appointee as director of the Office of
 17.2 Emergency Medical Services on January 1, 2025. Effective January 1, 2025, the
 17.3 responsibilities to regulate emergency medical services in the state under Minnesota Statutes,
 17.4 chapter 144E, and Minnesota Rules, chapter 4690, are transferred from the Emergency
 17.5 Medical Services Regulatory Board to the Office of Emergency Medical Services and the
 17.6 director of the Office of Emergency Medical Services.

17.7 Subd. 2. **Transfer of responsibilities.** Minnesota Statutes, section 15.039, applies to
 17.8 the transfer of responsibilities from the Emergency Medical Services Regulatory Board to
 17.9 the Office of Emergency Medical Services required by this act. The commissioner of
 17.10 administration, with the approval of the governor, may issue reorganization orders under
 17.11 Minnesota Statutes, section 16B.37, as necessary to carry out the transfer of responsibilities
 17.12 required by this act. The provision of Minnesota Statutes, section 16B.37, subdivision 1,
 17.13 which states that transfers under that section may be made only to an agency that has been
 17.14 in existence for at least one year, does not apply to transfers in this act to the Office of
 17.15 Emergency Medical Services.

17.16 **EFFECTIVE DATE.** This section is effective July 1, 2024.

17.17 Sec. 19. **APPROPRIATION.**

17.18 (a) \$6,000,000 in fiscal year 2025 is appropriated from the general fund to the Emergency
 17.19 Medical Services Regulatory Board for the alternative EMS response model pilot program
 17.20 in Minnesota Statutes, section 144E.105.

17.21 (b) This is a onetime appropriation and is available until June 30, 2026.

17.22 Sec. 20. **REVISOR INSTRUCTION.**

17.23 (a) In Minnesota Statutes, chapter 144E, the revisor of statutes shall replace "board"
 17.24 with "director"; "board's" with "director's"; "Emergency Medical Services Regulatory Board"
 17.25 or "Minnesota Emergency Medical Services Regulatory Board" with "director"; and
 17.26 "board-approved" with "director-approved," except that:

17.27 (1) in Minnesota Statutes, section 144E.11, the revisor of statutes shall not modify the
 17.28 term "county board," "community health board," or "community health boards";

17.29 (2) in Minnesota Statutes, sections 144E.40, subdivision 2; 144E.42, subdivision 2;
 17.30 144E.44; and 144E.45, subdivision 2, the revisor of statutes shall not modify the term "State
 17.31 Board of Investment"; and

18.1 (3) in Minnesota Statutes, sections 144E.50 and 144E.52, the revisor of statutes shall
18.2 not modify the term "regional emergency medical services board," "regional board," "regional
18.3 emergency medical services board's," or "regional boards."

18.4 (b) In the following sections of Minnesota Statutes, the revisor of statutes shall replace
18.5 "Emergency Medical Services Regulatory Board" with "director of the Office of Emergency
18.6 Medical Services": sections 13.717, subdivision 10; 62J.49, subdivision 2; 144.604; 144.608;
18.7 147.09; 156.12, subdivision 2; 169.686, subdivision 3; and 299A.41, subdivision 4.

18.8 (c) In the following sections of Minnesota Statutes, the revisor of statutes shall replace
18.9 "Emergency Medical Services Regulatory Board" with "Office of Emergency Medical
18.10 Services": sections 144.603 and 161.045, subdivision 3.

18.11 (d) In making the changes specified in this section, the revisor of statutes may make
18.12 technical and other necessary changes to sentence structure to preserve the meaning of the
18.13 text.

18.14 **EFFECTIVE DATE.** This section is effective July 1, 2024.

18.15 Sec. 21. **REPEALER.**

18.16 Minnesota Statutes 2022, sections 144E.001, subdivision 5; 144E.01; 144E.123,
18.17 subdivision 5; and 144E.50, subdivision 3, are repealed.

18.18 **EFFECTIVE DATE.** This section is effective January 1, 2025.

18.19 **ARTICLE 2**

18.20 **EMERGENCY AMBULANCE SERVICE AID**

18.21 Section 1. **EMERGENCY AMBULANCE SERVICE AID.**

18.22 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have
18.23 the meanings given.

18.24 (b) "Ambulance service" has the meaning given in Minnesota Statutes, section 144E.001,
18.25 subdivision 3.

18.26 (c) "Capital expense" means expenses that are incurred by an ambulance service for the
18.27 purchase, improvement, or maintenance of long-term assets to improve the efficiency or
18.28 capacity of the ambulance services with an expected useful life of greater than five years.

18.29 (d) "Commissioner" means the commissioner of revenue.

18.30 (e) "EMSRB" means the Emergency Medical Services Regulatory Board.

19.1 (f) "Licensed ambulance service provider" means a natural person, partnership,
19.2 association, corporation, Indian Tribe, or unit of government that possesses an ambulance
19.3 service licensed under Minnesota Statutes, chapter 144E.

19.4 (g) "Operational expenses" means costs related to personnel expenses, supplies and
19.5 equipment, fuel, vehicle maintenance, travel, education, fundraising, and expenses associated
19.6 with obtaining advanced life support.

19.7 (h) "Primary service area" has the meaning given in Minnesota Statutes, section 144E.001,
19.8 subdivision 10.

19.9 (i) "Reported revenue" means payment received for services provided within the
19.10 boundaries of the state that include:

19.11 (1) insurance payments received from all payers for providing ambulance service;

19.12 (2) donations and proceeds from any fundraisers as part of the operation of a licensed
19.13 ambulance service;

19.14 (3) collected fees for providing standby services as part of the operation of a licensed
19.15 ambulance service;

19.16 (4) grants received as part of the operation of a licensed ambulance service;

19.17 (5) per capita fees received as part of the operation of a licensed ambulance service;

19.18 (6) all other sources of funding as part of the operation of a licensed ambulance service;
19.19 and

19.20 (7) for ambulance services not operated by a unit of local government only, the amount
19.21 of any received government subsidies related to the operation of a licensed ambulance
19.22 service.

19.23 (j) "Unit of government" means a county, a statutory or home rule charter city, or a
19.24 township.

19.25 Subd. 2. **Eligibility.** A licensed ambulance service provider is eligible for aid under this
19.26 section provided that the licensed ambulance service provider:

19.27 (1) possessed a license in calendar year 2022;

19.28 (2) continues to operate under that license for aids payable in 2024;

19.29 (3) operates at the time of application within an emergency medical services region that
19.30 reported total insurance revenues subtracted from total operating expenses for the region

20.1 of greater than \$1,000,000 for the 2023 reporting period in the November 2023 EMSRB
20.2 Financial Evaluation of Minnesota's Ground Ambulance Industry; and
20.3 (4) completes the requirements under subdivision 3.

20.4 Subd. 3. **Application process.** (a) An eligible licensed ambulance service provider may
20.5 apply to the commissioner in the form and manner determined by the commissioner for aid
20.6 under this section. Applications must be submitted by September 16, 2024. The commissioner
20.7 may require an eligible licensed ambulance service provider to submit any information
20.8 necessary, including but not limited to financial statements, to make the calculations under
20.9 subdivision 4. An eligible licensed ambulance service provider that applies for aid under
20.10 this section must provide a copy of the application to the executive director of the EMSRB
20.11 by September 16, 2024.

20.12 (b) The commissioner and the executive director of the EMSRB must establish a process
20.13 for verifying the data submitted with applications under this subdivision.

20.14 Subd. 4. **Aid amount.** (a) For each eligible licensed ambulance service provider that
20.15 submits an application under subdivision 3, the commissioner must subtract the eligible
20.16 licensed ambulance service provider's reported revenue in the fiscal year ending on June
20.17 30, 2023, from the sum of:

20.18 (1) the product of \$34 times the applicant's total volunteer hours reported in the fiscal
20.19 year ending June 30, 2023; plus

20.20 (2) the applicant's total operational expenses in the fiscal year ending on June 30, 2023;
20.21 plus

20.22 (3) the applicant's total capital expenses in the fiscal year ending on June 30, 2023.

20.23 (b) The aid amount for an eligible ambulance service provider that submits an application
20.24 under subdivision 3 shall equal the greater of zero or the amount calculated by the
20.25 commissioner under paragraph (a).

20.26 (c) If the amount available for aid under this section is not sufficient to fully fund the
20.27 aid amounts calculated under paragraph (a), the commissioner must prorate the aid amounts.

20.28 Subd. 5. **Eligible uses.** A recipient must spend aid received under this section within
20.29 the recipient's primary service area that is located in Minnesota.

20.30 Subd. 6. **Payment date.** The commissioner must certify the aid amount to each licensed
20.31 ambulance service provider and to the executive director of the EMSRB by December 2,

21.1 2024. The commissioner must make the full aid payment to eligible licensed ambulance
 21.2 service providers that are units of government by December 26, 2024.

21.3 Subd. 7. **Report.** By December 31, 2025, each recipient that receives aid must submit
 21.4 a report to the commissioner and the chairs and ranking minority members of the legislative
 21.5 committees with jurisdiction over taxes. The report must include a summary of how awarded
 21.6 funds were used.

21.7 Subd. 8. **Appropriation.** (a) An amount sufficient to make aid payments under this
 21.8 section is appropriated from the general fund to the commissioner of revenue in fiscal year
 21.9 2025 provided that the total does not exceed \$10,000,000.

21.10 (b) Of the amount in paragraph (a), the commissioner may retain up to \$57,000 for
 21.11 administrative costs related to aid under this section.

21.12 (c) This is a onetime appropriation.

21.13 **EFFECTIVE DATE.** This section is effective the day following final enactment and
 21.14 is effective for aids payable in 2024.

ARTICLE 3

CONFORMING CHANGES

21.15
 21.16
 21.17 Section 1. Minnesota Statutes 2023 Supplement, section 15A.0815, subdivision 2, is
 21.18 amended to read:

21.19 Subd. 2. **Agency head salaries.** The salary for a position listed in this subdivision shall
 21.20 be determined by the Compensation Council under section 15A.082. The commissioner of
 21.21 management and budget must publish the salaries on the department's website. This
 21.22 subdivision applies to the following positions:

21.23 Commissioner of administration;

21.24 Commissioner of agriculture;

21.25 Commissioner of education;

21.26 Commissioner of children, youth, and families;

21.27 Commissioner of commerce;

21.28 Commissioner of corrections;

21.29 Commissioner of health;

21.30 Commissioner, Minnesota Office of Higher Education;

- 22.1 Commissioner, Minnesota IT Services;
- 22.2 Commissioner, Housing Finance Agency;
- 22.3 Commissioner of human rights;
- 22.4 Commissioner of human services;
- 22.5 Commissioner of labor and industry;
- 22.6 Commissioner of management and budget;
- 22.7 Commissioner of natural resources;
- 22.8 Commissioner, Pollution Control Agency;
- 22.9 Commissioner of public safety;
- 22.10 Commissioner of revenue;
- 22.11 Commissioner of employment and economic development;
- 22.12 Commissioner of transportation;
- 22.13 Commissioner of veterans affairs;
- 22.14 Executive director of the Gambling Control Board;
- 22.15 Executive director of the Minnesota State Lottery;
- 22.16 Commissioner of Iron Range resources and rehabilitation;
- 22.17 Commissioner, Bureau of Mediation Services;
- 22.18 Ombudsman for mental health and developmental disabilities;
- 22.19 Ombudsperson for corrections;
- 22.20 Chair, Metropolitan Council;
- 22.21 Chair, Metropolitan Airports Commission;
- 22.22 School trust lands director;
- 22.23 Executive director of pari-mutuel racing; ~~and~~
- 22.24 Commissioner, Public Utilities Commission; and
- 22.25 Director of the Office of Emergency Medical Services.
- 22.26 **EFFECTIVE DATE.** This section is effective January 1, 2025.

23.1 Sec. 2. Minnesota Statutes 2023 Supplement, section 43A.08, subdivision 1a, is amended
23.2 to read:

23.3 Subd. 1a. **Additional unclassified positions.** Appointing authorities for the following
23.4 agencies may designate additional unclassified positions according to this subdivision: the
23.5 Departments of Administration; Agriculture; Children, Youth, and Families; Commerce;
23.6 Corrections; Direct Care and Treatment; Education; Employment and Economic
23.7 Development; Explore Minnesota Tourism; Management and Budget; Health; Human
23.8 Rights; Human Services; Labor and Industry; Natural Resources; Public Safety; Revenue;
23.9 Transportation; and Veterans Affairs; the Housing Finance and Pollution Control Agencies;
23.10 the State Lottery; the State Board of Investment; the Office of Administrative Hearings; the
23.11 Department of Information Technology Services; the Offices of the Attorney General,
23.12 Secretary of State, and State Auditor; the Minnesota State Colleges and Universities; the
23.13 Minnesota Office of Higher Education; the Perpich Center for Arts Education; ~~and~~ the
23.14 Minnesota Zoological Board; and the Office of Emergency Medical Services.

23.15 A position designated by an appointing authority according to this subdivision must
23.16 meet the following standards and criteria:

23.17 (1) the designation of the position would not be contrary to other law relating specifically
23.18 to that agency;

23.19 (2) the person occupying the position would report directly to the agency head or deputy
23.20 agency head and would be designated as part of the agency head's management team;

23.21 (3) the duties of the position would involve significant discretion and substantial
23.22 involvement in the development, interpretation, and implementation of agency policy;

23.23 (4) the duties of the position would not require primarily personnel, accounting, or other
23.24 technical expertise where continuity in the position would be important;

23.25 (5) there would be a need for the person occupying the position to be accountable to,
23.26 loyal to, and compatible with, the governor and the agency head, the employing statutory
23.27 board or commission, or the employing constitutional officer;

23.28 (6) the position would be at the level of division or bureau director or assistant to the
23.29 agency head; and

23.30 (7) the commissioner has approved the designation as being consistent with the standards
23.31 and criteria in this subdivision.

23.32 **EFFECTIVE DATE.** This section is effective January 1, 2025.

24.1 Sec. 3. Minnesota Statutes 2022, section 62J.49, subdivision 1, is amended to read:

24.2 Subdivision 1. **Establishment.** The director of the Office of Emergency Medical Services
24.3 ~~Regulatory Board~~ established under chapter ~~144~~ 144E shall establish a financial data
24.4 collection system for all ambulance services licensed in this state. To establish the financial
24.5 database, the ~~Emergency Medical Services Regulatory Board~~ director may contract with
24.6 an entity that has experience in ambulance service financial data collection.

24.7 **EFFECTIVE DATE.** This section is effective January 1, 2025.

24.8 Sec. 4. Minnesota Statutes 2023 Supplement, section 152.126, subdivision 6, is amended
24.9 to read:

24.10 Subd. 6. **Access to reporting system data.** (a) Except as indicated in this subdivision,
24.11 the data submitted to the board under subdivision 4 is private data on individuals as defined
24.12 in section 13.02, subdivision 12, and not subject to public disclosure.

24.13 (b) Except as specified in subdivision 5, the following persons shall be considered
24.14 permissible users and may access the data submitted under subdivision 4 in the same or
24.15 similar manner, and for the same or similar purposes, as those persons who are authorized
24.16 to access similar private data on individuals under federal and state law:

24.17 (1) a prescriber or an agent or employee of the prescriber to whom the prescriber has
24.18 delegated the task of accessing the data, to the extent the information relates specifically to
24.19 a current patient, to whom the prescriber is:

24.20 (i) prescribing or considering prescribing any controlled substance;

24.21 (ii) providing emergency medical treatment for which access to the data may be necessary;

24.22 (iii) providing care, and the prescriber has reason to believe, based on clinically valid
24.23 indications, that the patient is potentially abusing a controlled substance; or

24.24 (iv) providing other medical treatment for which access to the data may be necessary
24.25 for a clinically valid purpose and the patient has consented to access to the submitted data,
24.26 and with the provision that the prescriber remains responsible for the use or misuse of data
24.27 accessed by a delegated agent or employee;

24.28 (2) a dispenser or an agent or employee of the dispenser to whom the dispenser has
24.29 delegated the task of accessing the data, to the extent the information relates specifically to
24.30 a current patient to whom that dispenser is dispensing or considering dispensing any
24.31 controlled substance and with the provision that the dispenser remains responsible for the
24.32 use or misuse of data accessed by a delegated agent or employee;

25.1 (3) a licensed dispensing practitioner or licensed pharmacist to the extent necessary to
25.2 determine whether corrections made to the data reported under subdivision 4 are accurate;

25.3 (4) a licensed pharmacist who is providing pharmaceutical care for which access to the
25.4 data may be necessary to the extent that the information relates specifically to a current
25.5 patient for whom the pharmacist is providing pharmaceutical care: (i) if the patient has
25.6 consented to access to the submitted data; or (ii) if the pharmacist is consulted by a prescriber
25.7 who is requesting data in accordance with clause (1);

25.8 (5) an individual who is the recipient of a controlled substance prescription for which
25.9 data was submitted under subdivision 4, or a guardian of the individual, parent or guardian
25.10 of a minor, or health care agent of the individual acting under a health care directive under
25.11 chapter 145C. For purposes of this clause, access by individuals includes persons in the
25.12 definition of an individual under section 13.02;

25.13 (6) personnel or designees of a health-related licensing board listed in section 214.01,
25.14 subdivision 2, or of the Office of Emergency Medical Services Regulatory Board, assigned
25.15 to conduct a bona fide investigation of a complaint received by that board or office that
25.16 alleges that a specific licensee is impaired by use of a drug for which data is collected under
25.17 subdivision 4, has engaged in activity that would constitute a crime as defined in section
25.18 152.025, or has engaged in the behavior specified in subdivision 5, paragraph (a);

25.19 (7) personnel of the board engaged in the collection, review, and analysis of controlled
25.20 substance prescription information as part of the assigned duties and responsibilities under
25.21 this section;

25.22 (8) authorized personnel under contract with the board, or under contract with the state
25.23 of Minnesota and approved by the board, who are engaged in the design, evaluation,
25.24 implementation, operation, or maintenance of the prescription monitoring program as part
25.25 of the assigned duties and responsibilities of their employment, provided that access to data
25.26 is limited to the minimum amount necessary to carry out such duties and responsibilities,
25.27 and subject to the requirement of de-identification and time limit on retention of data specified
25.28 in subdivision 5, paragraphs (d) and (e);

25.29 (9) federal, state, and local law enforcement authorities acting pursuant to a valid search
25.30 warrant;

25.31 (10) personnel of the Minnesota health care programs assigned to use the data collected
25.32 under this section to identify and manage recipients whose usage of controlled substances
25.33 may warrant restriction to a single primary care provider, a single outpatient pharmacy, and
25.34 a single hospital;

26.1 (11) personnel of the Department of Human Services assigned to access the data pursuant
26.2 to paragraph (k);

26.3 (12) personnel of the health professionals services program established under section
26.4 214.31, to the extent that the information relates specifically to an individual who is currently
26.5 enrolled in and being monitored by the program, and the individual consents to access to
26.6 that information. The health professionals services program personnel shall not provide this
26.7 data to a health-related licensing board ~~or the Emergency Medical Services Regulatory~~
26.8 ~~Board~~, except as permitted under section 214.33, subdivision 3;

26.9 (13) personnel or designees of a health-related licensing board other than the Board of
26.10 Pharmacy listed in section 214.01, subdivision 2, assigned to conduct a bona fide
26.11 investigation of a complaint received by that board that alleges that a specific licensee is
26.12 inappropriately prescribing controlled substances as defined in this section. For the purposes
26.13 of this clause, the health-related licensing board may also obtain utilization data; and

26.14 (14) personnel of the board specifically assigned to conduct a bona fide investigation
26.15 of a specific licensee or registrant. For the purposes of this clause, the board may also obtain
26.16 utilization data.

26.17 (c) By July 1, 2017, every prescriber licensed by a health-related licensing board listed
26.18 in section 214.01, subdivision 2, practicing within this state who is authorized to prescribe
26.19 controlled substances for humans and who holds a current registration issued by the federal
26.20 Drug Enforcement Administration, and every pharmacist licensed by the board and practicing
26.21 within the state, shall register and maintain a user account with the prescription monitoring
26.22 program. Data submitted by a prescriber, pharmacist, or their delegate during the registration
26.23 application process, other than their name, license number, and license type, is classified
26.24 as private pursuant to section 13.02, subdivision 12.

26.25 (d) Notwithstanding paragraph (b), beginning January 1, 2021, a prescriber or an agent
26.26 or employee of the prescriber to whom the prescriber has delegated the task of accessing
26.27 the data, must access the data submitted under subdivision 4 to the extent the information
26.28 relates specifically to the patient:

26.29 (1) before the prescriber issues an initial prescription order for a Schedules II through
26.30 IV opiate controlled substance to the patient; and

26.31 (2) at least once every three months for patients receiving an opiate for treatment of
26.32 chronic pain or participating in medically assisted treatment for an opioid addiction.

26.33 (e) Paragraph (d) does not apply if:

- 27.1 (1) the patient is receiving palliative care, or hospice or other end-of-life care;
- 27.2 (2) the patient is being treated for pain due to cancer or the treatment of cancer;
- 27.3 (3) the prescription order is for a number of doses that is intended to last the patient five
27.4 days or less and is not subject to a refill;
- 27.5 (4) the prescriber and patient have a current or ongoing provider/patient relationship of
27.6 a duration longer than one year;
- 27.7 (5) the prescription order is issued within 14 days following surgery or three days
27.8 following oral surgery or follows the prescribing protocols established under the opioid
27.9 prescribing improvement program under section 256B.0638;
- 27.10 (6) the controlled substance is prescribed or administered to a patient who is admitted
27.11 to an inpatient hospital;
- 27.12 (7) the controlled substance is lawfully administered by injection, ingestion, or any other
27.13 means to the patient by the prescriber, a pharmacist, or by the patient at the direction of a
27.14 prescriber and in the presence of the prescriber or pharmacist;
- 27.15 (8) due to a medical emergency, it is not possible for the prescriber to review the data
27.16 before the prescriber issues the prescription order for the patient; or
- 27.17 (9) the prescriber is unable to access the data due to operational or other technological
27.18 failure of the program so long as the prescriber reports the failure to the board.
- 27.19 (f) Only permissible users identified in paragraph (b), clauses (1), (2), (3), (4), (7), (8),
27.20 (10), and (11), may directly access the data electronically. No other permissible users may
27.21 directly access the data electronically. If the data is directly accessed electronically, the
27.22 permissible user shall implement and maintain a comprehensive information security program
27.23 that contains administrative, technical, and physical safeguards that are appropriate to the
27.24 user's size and complexity, and the sensitivity of the personal information obtained. The
27.25 permissible user shall identify reasonably foreseeable internal and external risks to the
27.26 security, confidentiality, and integrity of personal information that could result in the
27.27 unauthorized disclosure, misuse, or other compromise of the information and assess the
27.28 sufficiency of any safeguards in place to control the risks.
- 27.29 (g) The board shall not release data submitted under subdivision 4 unless it is provided
27.30 with evidence, satisfactory to the board, that the person requesting the information is entitled
27.31 to receive the data.

28.1 (h) The board shall maintain a log of all persons who access the data for a period of at
28.2 least three years and shall ensure that any permissible user complies with paragraph (c)
28.3 prior to attaining direct access to the data.

28.4 (i) Section 13.05, subdivision 6, shall apply to any contract the board enters into pursuant
28.5 to subdivision 2. A vendor shall not use data collected under this section for any purpose
28.6 not specified in this section.

28.7 (j) The board may participate in an interstate prescription monitoring program data
28.8 exchange system provided that permissible users in other states have access to the data only
28.9 as allowed under this section, and that section 13.05, subdivision 6, applies to any contract
28.10 or memorandum of understanding that the board enters into under this paragraph.

28.11 (k) With available appropriations, the commissioner of human services shall establish
28.12 and implement a system through which the Department of Human Services shall routinely
28.13 access the data for the purpose of determining whether any client enrolled in an opioid
28.14 treatment program licensed according to chapter 245A has been prescribed or dispensed a
28.15 controlled substance in addition to that administered or dispensed by the opioid treatment
28.16 program. When the commissioner determines there have been multiple prescribers or multiple
28.17 prescriptions of controlled substances, the commissioner shall:

28.18 (1) inform the medical director of the opioid treatment program only that the
28.19 commissioner determined the existence of multiple prescribers or multiple prescriptions of
28.20 controlled substances; and

28.21 (2) direct the medical director of the opioid treatment program to access the data directly,
28.22 review the effect of the multiple prescribers or multiple prescriptions, and document the
28.23 review.

28.24 If determined necessary, the commissioner of human services shall seek a federal waiver
28.25 of, or exception to, any applicable provision of Code of Federal Regulations, title 42, section
28.26 2.34, paragraph (c), prior to implementing this paragraph.

28.27 (l) The board shall review the data submitted under subdivision 4 on at least a quarterly
28.28 basis and shall establish criteria, in consultation with the advisory task force, for referring
28.29 information about a patient to prescribers and dispensers who prescribed or dispensed the
28.30 prescriptions in question if the criteria are met.

28.31 (m) The board shall conduct random audits, on at least a quarterly basis, of electronic
28.32 access by permissible users, as identified in paragraph (b), clauses (1), (2), (3), (4), (7), (8),
28.33 (10), and (11), to the data in subdivision 4, to ensure compliance with permissible use as

29.1 defined in this section. A permissible user whose account has been selected for a random
 29.2 audit shall respond to an inquiry by the board, no later than 30 days after receipt of notice
 29.3 that an audit is being conducted. Failure to respond may result in deactivation of access to
 29.4 the electronic system and referral to the appropriate health licensing board, or the
 29.5 commissioner of human services, for further action. The board shall report the results of
 29.6 random audits to the chairs and ranking minority members of the legislative committees
 29.7 with jurisdiction over health and human services policy and finance and government data
 29.8 practices.

29.9 (n) A permissible user who has delegated the task of accessing the data in subdivision
 29.10 4 to an agent or employee shall audit the use of the electronic system by delegated agents
 29.11 or employees on at least a quarterly basis to ensure compliance with permissible use as
 29.12 defined in this section. When a delegated agent or employee has been identified as
 29.13 inappropriately accessing data, the permissible user must immediately remove access for
 29.14 that individual and notify the board within seven days. The board shall notify all permissible
 29.15 users associated with the delegated agent or employee of the alleged violation.

29.16 (o) A permissible user who delegates access to the data submitted under subdivision 4
 29.17 to an agent or employee shall terminate that individual's access to the data within three
 29.18 business days of the agent or employee leaving employment with the permissible user. The
 29.19 board may conduct random audits to determine compliance with this requirement.

29.20 **EFFECTIVE DATE.** This section is effective January 1, 2025.

29.21 Sec. 5. Minnesota Statutes 2022, section 214.025, is amended to read:

29.22 **214.025 COUNCIL OF HEALTH BOARDS.**

29.23 The health-related licensing boards may establish a Council of Health Boards consisting
 29.24 of representatives of the health-related licensing boards ~~and the Emergency Medical Services~~
 29.25 ~~Regulatory Board~~. When reviewing legislation or legislative proposals relating to the
 29.26 regulation of health occupations, the council shall include the commissioner of health or a
 29.27 designee and the director of the Office of Emergency Medical Services or a designee.

29.28 **EFFECTIVE DATE.** This section is effective January 1, 2025.

29.29 Sec. 6. Minnesota Statutes 2022, section 214.04, subdivision 2a, is amended to read:

29.30 Subd. 2a. **Performance of executive directors.** The governor may request that a
 29.31 health-related licensing board ~~or the Emergency Medical Services Regulatory Board~~ review
 29.32 the performance of the board's executive director. Upon receipt of the request, the board

30.1 must respond by establishing a performance improvement plan or taking disciplinary or
30.2 other corrective action, including dismissal. The board shall include the governor's
30.3 representative as a voting member of the board in the board's discussions and decisions
30.4 regarding the governor's request. The board shall report to the governor on action taken by
30.5 the board, including an explanation if no action is deemed necessary.

30.6 **EFFECTIVE DATE.** This section is effective January 1, 2025.

30.7 Sec. 7. Minnesota Statutes 2022, section 214.29, is amended to read:

30.8 **214.29 PROGRAM REQUIRED.**

30.9 Each health-related licensing board, ~~including the Emergency Medical Services~~
30.10 ~~Regulatory Board under chapter 144E,~~ shall either conduct a health professionals service
30.11 program under sections 214.31 to 214.37 or contract for a diversion program under section
30.12 214.28.

30.13 **EFFECTIVE DATE.** This section is effective January 1, 2025.

30.14 Sec. 8. Minnesota Statutes 2022, section 214.31, is amended to read:

30.15 **214.31 AUTHORITY.**

30.16 Two or more of the health-related licensing boards listed in section 214.01, subdivision
30.17 2, may jointly conduct a health professionals services program to protect the public from
30.18 persons regulated by the boards who are unable to practice with reasonable skill and safety
30.19 by reason of illness, use of alcohol, drugs, chemicals, or any other materials, or as a result
30.20 of any mental, physical, or psychological condition. The program does not affect a board's
30.21 authority to discipline violations of a board's practice act. ~~For purposes of sections 214.31~~
30.22 ~~to 214.37, the emergency medical services regulatory board shall be included in the definition~~
30.23 ~~of a health-related licensing board under chapter 144E.~~

30.24 **EFFECTIVE DATE.** This section is effective January 1, 2025.

30.25 Sec. 9. Minnesota Statutes 2022, section 214.355, is amended to read:

30.26 **214.355 GROUNDS FOR DISCIPLINARY ACTION.**

30.27 Each health-related licensing board, ~~including the Emergency Medical Services~~
30.28 ~~Regulatory Board under chapter 144E,~~ shall consider it grounds for disciplinary action if a
30.29 regulated person violates the terms of the health professionals services program participation
30.30 agreement or leaves the program except upon fulfilling the terms for successful completion
30.31 of the program as set forth in the participation agreement.

31.1 **EFFECTIVE DATE.** This section is effective January 1, 2025.

144E.001 DEFINITIONS.

Subd. 5. **Board.** "Board" means the Emergency Medical Services Regulatory Board.

144E.01 EMERGENCY MEDICAL SERVICES REGULATORY BOARD.

Subdivision 1. **Membership.** (a) The Emergency Medical Services Regulatory Board consists of the following members, all of whom must work in Minnesota, except for the person listed in clause (14):

- (1) an emergency physician certified by the American Board of Emergency Physicians;
- (2) a representative of Minnesota hospitals;
- (3) a representative of fire chiefs;
- (4) a full-time firefighter who serves as an emergency medical responder on or within a nontransporting or nonregistered agency and who is a member of a professional firefighter's union;
- (5) a volunteer firefighter who serves as an emergency medical responder on or within a nontransporting or nonregistered agency;
- (6) an attendant currently practicing on a licensed ambulance service who is a paramedic or an emergency medical technician;
- (7) an ambulance director for a licensed ambulance service;
- (8) a representative of sheriffs;
- (9) a member of a community health board to represent community health services;
- (10) two representatives of regional emergency medical services programs, one of whom must be from the metropolitan regional emergency medical services program;
- (11) a registered nurse currently practicing in a hospital emergency department;
- (12) a pediatrician, certified by the American Board of Pediatrics, with experience in emergency medical services;
- (13) a family practice physician who is currently involved in emergency medical services;
- (14) a public member who resides in Minnesota; and
- (15) the commissioners of health and public safety or their designees.

(b) The governor shall appoint members under paragraph (a). Appointments under paragraph (a), clauses (1) to (9) and (11) to (13), are subject to the advice and consent of the senate. In making appointments under paragraph (a), clauses (1) to (9) and (11) to (13), the governor shall consider recommendations of the American College of Emergency Physicians, the Minnesota Hospital Association, the Minnesota and State Fire Chief's Association, the Minnesota Ambulance Association, the Minnesota Emergency Medical Services Association, the Minnesota State Sheriff's Association, the Association of Minnesota Counties, the Minnesota Nurses Association, and the Minnesota chapter of the Academy of Pediatrics.

(c) At least seven members appointed under paragraph (a) must reside outside of the seven-county metropolitan area, as defined in section 473.121.

Subd. 2. **Ex officio members.** The speaker of the house and the Committee on Rules and Administration of the senate shall appoint one representative and one senator to serve as ex officio, nonvoting members.

Subd. 3. **Chair.** The governor shall designate one of the members appointed under subdivision 1 as chair of the board.

Subd. 4. **Compensation; terms.** Membership terms, compensation, and removal of members appointed under subdivision 1, are governed by section 15.0575.

Subd. 5. **Staff.** The board shall appoint an executive director who shall serve in the unclassified service and may appoint other staff. The service of the executive director shall be subject to the terms described in section 214.04, subdivision 2a.

Subd. 6. **Duties of board.** (a) The Emergency Medical Services Regulatory Board shall:

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(1) administer and enforce the provisions of this chapter and other duties as assigned to the board;

(2) advise applicants for state or federal emergency medical services funds, review and comment on such applications, and approve the use of such funds unless otherwise required by federal law;

(3) make recommendations to the legislature on improving the access, delivery, and effectiveness of the state's emergency medical services delivery system; and

(4) establish procedures for investigating, hearing, and resolving complaints against emergency medical services providers.

(b) The Emergency Medical Services Board may prepare an initial work plan, which may be updated biennially. The work plan may include provisions to:

(1) prepare an emergency medical services assessment which addresses issues affecting the statewide delivery system;

(2) establish a statewide public information and education system regarding emergency medical services;

(3) create, in conjunction with the Department of Public Safety, a statewide injury and trauma prevention program; and

(4) designate an annual emergency medical services personnel recognition day.

Subd. 7. **Conflict of interest.** No member of the Emergency Medical Services Board may participate or vote in board proceedings in which the member has a direct conflict of interest, financial or otherwise.

144E.123 PREHOSPITAL CARE DATA.

Subd. 5. **Working group.** By October 1, 2011, the board must convene a working group composed of six members, three of which must be appointed by the board and three of which must be appointed by the Minnesota Ambulance Association, to redesign the board's policies related to collection of data from licenses. The issues to be considered include, but are not limited to, the following: user-friendly reporting requirements; data sets; improved accuracy of reported information; appropriate use of information gathered through the reporting system; and methods for minimizing the financial impact of data reporting on licenses, particularly for rural volunteer services. The working group must report its findings and recommendations to the board no later than July 1, 2012.

144E.50 EMERGENCY MEDICAL SERVICES FUND.

Subd. 3. **Definition.** For purposes of this section, "board" means the Emergency Medical Services Regulatory Board.