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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 2423

03/02/2023

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The bill was read for the first time and referred to the Committee on State and Local Government Finance and Policy

1.1 A bill for an act

1.2 relating to emergency medical services; establishing a Department of Emergency

1.3 Medical Services to replace the Emergency Medical Services Regulatory Board;

1.4 specifying and transferring responsibilities from the Emergency Medical Services

1.5 Regulatory Board to the Department of Emergency Medical Services; amending

1.6 Minnesota Statutes 2022, sections 15.01; 15.06, subdivision 1; 15A.0815,

1.7 subdivision 2; 43A.08, subdivision 1a; 144E.001, by adding subdivisions; proposing

1.8 coding for new law in Minnesota Statutes, chapter 144E; repealing Minnesota

1.9 Statutes 2022, sections 144E.001, subdivision 5; 144E.01.

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

1.11 **ARTICLE 1**

1.12 **DEPARTMENT OF EMERGENCY MEDICAL SERVICES**

1.13 Section 1. Minnesota Statutes 2022, section 144E.001, is amended by adding a subdivision

1.14 to read:

1.15 Subd. 5i. **Commissioner.** "Commissioner" means the commissioner of emergency

1.16 medical services.

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

1.18 Sec. 2. Minnesota Statutes 2022, section 144E.001, is amended by adding a subdivision

1.19 to read:

1.20 Subd. 5j. **Department.** "Department" means the Department of Emergency Medical

1.21 Services.

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

2.1 **Sec. 3. [144E.011] DEPARTMENT OF EMERGENCY MEDICAL SERVICES.**

2.2 **Subdivision 1. Department established.** The Department of Emergency Medical Services  
2.3 is established to regulate the provision of emergency medical services in the state. The  
2.4 department shall be under the administrative control of a commissioner of emergency  
2.5 medical services, who shall be appointed by the governor with the advice and consent of  
2.6 the senate.

2.7 **Subd. 2. Duties of commissioner.** The commissioner shall:

2.8 (1) administer and enforce this chapter and adopt rules to implement this chapter;

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

2.10 (3) adopt rules defining primary service areas and designate the ambulance service  
2.11 authorized to provide service in a primary service area;

2.12 (4) register medical response units in the state and regulate their operation;

2.13 (5) certify emergency medical technicians, advanced emergency medical technicians,  
2.14 community emergency medical technicians, paramedics, and community paramedics, and  
2.15 register emergency medical responders;

2.16 (6) approve education programs for ambulance service personnel and administer  
2.17 qualifications for instructors of education programs;

2.18 (7) administer grant programs related to emergency medical services;

2.19 (8) make recommendations to the legislature on improving access to, service delivery  
2.20 by, and the effectiveness of the state's emergency medical services system;

2.21 (9) investigate complaints against emergency medical services providers, hold hearings,  
2.22 and take disciplinary action or otherwise resolve complaints against emergency medical  
2.23 services providers; and

2.24 (10) perform other duties related to the provision of emergency medical services in the  
2.25 state.

2.26 **Subd. 3. Executive direction.** The commissioner shall direct department services and  
2.27 appoint other staff to the department.

2.28 **Subd. 4. Work plan.** The commissioner shall prepare a work plan to guide the work of  
2.29 the department. The work plan must be updated biennially.

2.30 **Subd. 5. Grants or gifts; contracts.** The commissioner may accept grants or gifts from  
2.31 any source to be used for an emergency medical health purpose within the scope of this

3.1 chapter. The commissioner may enter into contracts with a person or public or private entity  
3.2 for activities related to the provision of statutorily prescribed emergency medical services.  
3.3 Such a contract must specify the services to be provided and the amount and method of  
3.4 reimbursement for the contracted services. Funds generated under a contract entered into  
3.5 according to this subdivision are appropriated to the commissioner for purposes of providing  
3.6 the services specified in the contract.

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

3.8 Sec. 4. **TRANSITION.**

3.9 Subdivision 1. **Appointment of commissioner; operation of department.** No later  
3.10 than January 1, 2024, the governor shall appoint a commissioner-designee of emergency  
3.11 medical services. The individual appointed as the commissioner-designee of emergency  
3.12 medical services shall become the governor's appointee as commissioner of emergency  
3.13 medical services on July 1, 2024. Effective July 1, 2024, the responsibilities to regulate  
3.14 emergency medical services in the state under Minnesota Statutes, chapter 144E, and  
3.15 Minnesota Rules, chapter 4690, are transferred from the Emergency Medical Services  
3.16 Regulatory Board to the Department of Emergency Medical Services and commissioner of  
3.17 emergency medical services.

3.18 Subd. 2. **Transfer of responsibilities.** Minnesota Statutes, section 15.039, applies to  
3.19 the transfer of responsibilities from the Emergency Medical Services Regulatory Board to  
3.20 the Department of Emergency Medical Services required by this act. The commissioner of  
3.21 administration, with the approval of the governor, may issue reorganization orders under  
3.22 Minnesota Statutes, section 16B.37, as necessary to carry out the transfer of responsibilities  
3.23 required by this act. The provision of Minnesota Statutes, section 16B.37, subdivision 1,  
3.24 which states that transfers under that section may be made only to an agency that has been  
3.25 in existence for at least one year, does not apply to transfers in this act to the Department  
3.26 of Emergency Medical Services established in Minnesota Statutes, section 144E.011.

3.27 **EFFECTIVE DATE.** This section is effective July 1, 2023.

3.28 Sec. 5. **DIRECTIONS TO BOARD.**

3.29 The Emergency Medical Services Regulatory Board, in cooperation with the revisor of  
3.30 statutes, House Research, and the Office of Senate Counsel, Research, and Fiscal Analysis,  
3.31 must identify the changes to Minnesota Statutes necessary to implement and reflect the  
3.32 transfer of responsibilities from the Emergency Medical Services Regulatory Board to the  
3.33 Department of Emergency Medical Services and commissioner of emergency medical

4.1 services. By February 1, 2024, the board shall submit to the chairs and ranking minority  
 4.2 members of the legislative committees with jurisdiction over emergency medical services,  
 4.3 draft legislation containing the statutory changes necessary to implement and reflect the  
 4.4 transfer of responsibilities in this act.

4.5 **EFFECTIVE DATE.** This section is effective July 1, 2023.

4.6 Sec. 6. **REPEALER.**

4.7 Minnesota Statutes 2022, sections 144E.001, subdivision 5; and 144E.01, are repealed.

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

## 4.9 **ARTICLE 2**

### 4.10 **CONFORMING CHANGES**

4.11 Section 1. Minnesota Statutes 2022, section 15.01, is amended to read:

4.12 **15.01 DEPARTMENTS OF THE STATE.**

4.13 The following agencies are designated as the departments of the state government: the  
 4.14 Department of Administration; the Department of Agriculture; the Department of Commerce;  
 4.15 the Department of Corrections; the Department of Education; the Department of Emergency  
 4.16 Medical Services; the Department of Employment and Economic Development; the  
 4.17 Department of Health; the Department of Human Rights; the Department of Information  
 4.18 Technology Services; the Department of Iron Range Resources and Rehabilitation; the  
 4.19 Department of Labor and Industry; the Department of Management and Budget; the  
 4.20 Department of Military Affairs; the Department of Natural Resources; the Department of  
 4.21 Public Safety; the Department of Human Services; the Department of Revenue; the  
 4.22 Department of Transportation; the Department of Veterans Affairs; and their successor  
 4.23 departments.

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

4.25 Sec. 2. Minnesota Statutes 2022, section 15.06, subdivision 1, is amended to read:

4.26 Subdivision 1. **Applicability.** This section applies to the following departments or  
 4.27 agencies: the Departments of Administration, Agriculture, Commerce, Corrections,  
 4.28 Education, Emergency Medical Services, Employment and Economic Development, Health,  
 4.29 Human Rights, Labor and Industry, Management and Budget, Natural Resources, Public  
 4.30 Safety, Human Services, Revenue, Transportation, and Veterans Affairs; the Housing  
 4.31 Finance and Pollution Control Agencies; the Office of Commissioner of Iron Range

5.1 Resources and Rehabilitation; the Department of Information Technology Services; the  
5.2 Bureau of Mediation Services; and their successor departments and agencies. The heads of  
5.3 the foregoing departments or agencies are "commissioners."

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

5.5 Sec. 3. Minnesota Statutes 2022, section 15A.0815, subdivision 2, is amended to read:

5.6 Subd. 2. **Group I salary limits.** The salary for a position listed in this subdivision shall  
5.7 not exceed 133 percent of the salary of the governor. This limit must be adjusted annually  
5.8 on January 1. The new limit must equal the limit for the prior year increased by the percentage  
5.9 increase, if any, in the Consumer Price Index for all urban consumers from October of the  
5.10 second prior year to October of the immediately prior year. The commissioner of management  
5.11 and budget must publish the limit on the department's website. This subdivision applies to  
5.12 the following positions:

5.13 Commissioner of administration;

5.14 Commissioner of agriculture;

5.15 Commissioner of education;

5.16 Commissioner of emergency medical services;

5.17 Commissioner of commerce;

5.18 Commissioner of corrections;

5.19 Commissioner of health;

5.20 Commissioner, Minnesota Office of Higher Education;

5.21 Commissioner, Housing Finance Agency;

5.22 Commissioner of human rights;

5.23 Commissioner of human services;

5.24 Commissioner of labor and industry;

5.25 Commissioner of management and budget;

5.26 Commissioner of natural resources;

5.27 Commissioner, Pollution Control Agency;

5.28 Commissioner of public safety;

5.29 Commissioner of revenue;

6.1 Commissioner of employment and economic development;  
6.2 Commissioner of transportation; and  
6.3 Commissioner of veterans affairs.

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

6.5 Sec. 4. Minnesota Statutes 2022, section 43A.08, subdivision 1a, is amended to read:

6.6 Subd. 1a. **Additional unclassified positions.** Appointing authorities for the following  
6.7 agencies may designate additional unclassified positions according to this subdivision: the  
6.8 Departments of Administration; Agriculture; Commerce; Corrections; Education; Emergency  
6.9 Medical Services; Employment and Economic Development; Explore Minnesota Tourism;  
6.10 Management and Budget; Health; Human Rights; Labor and Industry; Natural Resources;  
6.11 Public Safety; Human Services; Revenue; Transportation; and Veterans Affairs; the Housing  
6.12 Finance and Pollution Control Agencies; the State Lottery; the State Board of Investment;  
6.13 the Office of Administrative Hearings; the Department of Information Technology Services;  
6.14 the Offices of the Attorney General, Secretary of State, and State Auditor; the Minnesota  
6.15 State Colleges and Universities; the Minnesota Office of Higher Education; the Perpich  
6.16 Center for Arts Education; and the Minnesota Zoological Board.

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

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

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

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

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

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

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

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

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

**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:

APPENDIX  
Repealed Minnesota Statutes: 23-04072

(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.