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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 4738

03/07/2024

03/14/2024

Authorred by Huot, Wolgamott, Lislegard, Brand and Hansen, R.,
The bill was read for the first time and referred to the Committee on Health Finance and Policy
Adoption of Report: Amended and re-referred to the Committee on State and Local Government Finance and Policy

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A bill for an act

relating to health; establishing an Office of Emergency Medical Services to replace
the Emergency Medical Services Regulatory Board; specifying duties for the
office; transferring duties; establishing an advisory council; establishing alternative
EMS response model pilot program; making conforming changes; amending
Minnesota Statutes 2022, sections 62J.49, subdivision 1; 144E.001, by adding
subdivisions; 144E.16, subdivision 5; 144E.19, subdivision 3; 144E.27, subdivision
5; 144E.28, subdivisions 5, 6; 144E.285, subdivision 6; 144E.287; 144E.305,
subdivision 3; 214.025; 214.04, subdivision 2a; 214.29; 214.31; 214.355; Minnesota
Statutes 2023 Supplement, sections 15A.0815, subdivision 2; 43A.08, subdivision
1a; 152.126, subdivision 6; proposing coding for new law in Minnesota Statutes,
chapter 144E; repealing Minnesota Statutes 2022, sections 144E.001, subdivision
5; 144E.01; 144E.123, subdivision 5; 144E.50, subdivision 3.

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

ARTICLE 1

OFFICE OF EMERGENCY MEDICAL SERVICES

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

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

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

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

Subd. 17. **Director.** "Director" means the director of the Office of Emergency Medical
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;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(8) one member of a federally recognized Tribal Nation in Minnesota, appointed by the 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.

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

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

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

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

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

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

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

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

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

(i) workers' compensation insurance;

(ii) motor vehicle insurance; and

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

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

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

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

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

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

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

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

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

Subd. 6. **Medical director oversight.** The medical director for an ambulance service participating in the pilot program retains responsibility for the ambulance service personnel of their ambulance service. When a paramedic from the partnering advanced life support 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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

144E.287 DIVERSION PROGRAM.

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

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

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

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

(b) ~~Members of the board~~ The director, persons employed by the ~~board~~ director, persons engaged in the investigation of violations and in the preparation and management of charges of violations of sections 144E.001 to 144E.33 on behalf of the ~~board~~ director, and persons participating in the investigation regarding charges of violations are immune from civil liability and criminal prosecution for any actions, transactions, or publications, made in 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. **REVISOR INSTRUCTION.**

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

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

17.24 (2) in Minnesota Statutes, sections 144E.40, subdivision 2; 144E.42, subdivision 2;
17.25 144E.44; and 144E.45, subdivision 2, the revisor of statutes shall not modify the term "State
17.26 Board of Investment"; and

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

17.30 (b) In the following sections of Minnesota Statutes, the revisor of statutes shall replace
17.31 "Emergency Medical Services Regulatory Board" with "director of the Office of Emergency
17.32 Medical Services": sections 13.717, subdivision 10; 62J.49, subdivision 2; 144.604; 144.608;
17.33 147.09; 156.12, subdivision 2; 169.686, subdivision 3; and 299A.41, subdivision 4.

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

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

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

18.8 Sec. 20. **REPEALER.**

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

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

18.12 **ARTICLE 2**

18.13 **CONFORMING CHANGES**

18.14 Section 1. Minnesota Statutes 2023 Supplement, section 15A.0815, subdivision 2, is
18.15 amended to read:

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

18.20 Commissioner of administration;

18.21 Commissioner of agriculture;

18.22 Commissioner of education;

18.23 Commissioner of children, youth, and families;

18.24 Commissioner of commerce;

18.25 Commissioner of corrections;

18.26 Commissioner of health;

18.27 Commissioner, Minnesota Office of Higher Education;

18.28 Commissioner, Minnesota IT Services;

18.29 Commissioner, Housing Finance Agency;

- 19.1 Commissioner of human rights;
- 19.2 Commissioner of human services;
- 19.3 Commissioner of labor and industry;
- 19.4 Commissioner of management and budget;
- 19.5 Commissioner of natural resources;
- 19.6 Commissioner, Pollution Control Agency;
- 19.7 Commissioner of public safety;
- 19.8 Commissioner of revenue;
- 19.9 Commissioner of employment and economic development;
- 19.10 Commissioner of transportation;
- 19.11 Commissioner of veterans affairs;
- 19.12 Executive director of the Gambling Control Board;
- 19.13 Executive director of the Minnesota State Lottery;
- 19.14 Commissioner of Iron Range resources and rehabilitation;
- 19.15 Commissioner, Bureau of Mediation Services;
- 19.16 Ombudsman for mental health and developmental disabilities;
- 19.17 Ombudsperson for corrections;
- 19.18 Chair, Metropolitan Council;
- 19.19 Chair, Metropolitan Airports Commission;
- 19.20 School trust lands director;
- 19.21 Executive director of pari-mutuel racing; ~~and~~
- 19.22 Commissioner, Public Utilities Commission; and
- 19.23 Director of the Office of Emergency Medical Services.
- 19.24 **EFFECTIVE DATE.** This section is effective January 1, 2025.

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

20.3 Subd. 1a. **Additional unclassified positions.** Appointing authorities for the following
20.4 agencies may designate additional unclassified positions according to this subdivision: the
20.5 Departments of Administration; Agriculture; Children, Youth, and Families; Commerce;
20.6 Corrections; Direct Care and Treatment; Education; Employment and Economic
20.7 Development; Explore Minnesota Tourism; Management and Budget; Health; Human
20.8 Rights; Human Services; Labor and Industry; Natural Resources; Public Safety; Revenue;
20.9 Transportation; and Veterans Affairs; the Housing Finance and Pollution Control Agencies; the
20.10 the State Lottery; the State Board of Investment; the Office of Administrative Hearings; the
20.11 Department of Information Technology Services; the Offices of the Attorney General,
20.12 Secretary of State, and State Auditor; the Minnesota State Colleges and Universities; the
20.13 Minnesota Office of Higher Education; the Perpich Center for Arts Education; ~~and the~~
20.14 Minnesota Zoological Board; and the Office of Emergency Medical Services.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22.13 (6) personnel or designees of a health-related licensing board listed in section 214.01,
22.14 subdivision 2, or of the Office of Emergency Medical Services ~~Regulatory Board~~, assigned
22.15 to conduct a bona fide investigation of a complaint received by that board or office that
22.16 alleges that a specific licensee is impaired by use of a drug for which data is collected under
22.17 subdivision 4, has engaged in activity that would constitute a crime as defined in section
22.18 152.025, or has engaged in the behavior specified in subdivision 5, paragraph (a);

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

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

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

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

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

23.3 (12) personnel of the health professionals services program established under section
23.4 214.31, to the extent that the information relates specifically to an individual who is currently
23.5 enrolled in and being monitored by the program, and the individual consents to access to
23.6 that information. The health professionals services program personnel shall not provide this
23.7 data to a health-related licensing board ~~or the Emergency Medical Services Regulatory~~
23.8 ~~Board~~, except as permitted under section 214.33, subdivision 3;

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

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

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

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

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

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

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

- 24.1 (1) the patient is receiving palliative care, or hospice or other end-of-life care;
- 24.2 (2) the patient is being treated for pain due to cancer or the treatment of cancer;
- 24.3 (3) the prescription order is for a number of doses that is intended to last the patient five
- 24.4 days or less and is not subject to a refill;
- 24.5 (4) the prescriber and patient have a current or ongoing provider/patient relationship of
- 24.6 a duration longer than one year;
- 24.7 (5) the prescription order is issued within 14 days following surgery or three days
- 24.8 following oral surgery or follows the prescribing protocols established under the opioid
- 24.9 prescribing improvement program under section 256B.0638;
- 24.10 (6) the controlled substance is prescribed or administered to a patient who is admitted
- 24.11 to an inpatient hospital;
- 24.12 (7) the controlled substance is lawfully administered by injection, ingestion, or any other
- 24.13 means to the patient by the prescriber, a pharmacist, or by the patient at the direction of a
- 24.14 prescriber and in the presence of the prescriber or pharmacist;
- 24.15 (8) due to a medical emergency, it is not possible for the prescriber to review the data
- 24.16 before the prescriber issues the prescription order for the patient; or
- 24.17 (9) the prescriber is unable to access the data due to operational or other technological
- 24.18 failure of the program so long as the prescriber reports the failure to the board.
- 24.19 (f) Only permissible users identified in paragraph (b), clauses (1), (2), (3), (4), (7), (8),
- 24.20 (10), and (11), may directly access the data electronically. No other permissible users may
- 24.21 directly access the data electronically. If the data is directly accessed electronically, the
- 24.22 permissible user shall implement and maintain a comprehensive information security program
- 24.23 that contains administrative, technical, and physical safeguards that are appropriate to the
- 24.24 user's size and complexity, and the sensitivity of the personal information obtained. The
- 24.25 permissible user shall identify reasonably foreseeable internal and external risks to the
- 24.26 security, confidentiality, and integrity of personal information that could result in the
- 24.27 unauthorized disclosure, misuse, or other compromise of the information and assess the
- 24.28 sufficiency of any safeguards in place to control the risks.
- 24.29 (g) The board shall not release data submitted under subdivision 4 unless it is provided
- 24.30 with evidence, satisfactory to the board, that the person requesting the information is entitled
- 24.31 to receive the data.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

214.025 COUNCIL OF HEALTH BOARDS.

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

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

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

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

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

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

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

214.29 PROGRAM REQUIRED.

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

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

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

214.31 AUTHORITY.

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

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

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

214.355 GROUNDS FOR DISCIPLINARY ACTION.

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

28.1 **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:

APPENDIX
Repealed Minnesota Statutes: H4738-1

(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.