

SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION

S.F. No. 2853

(SENATE AUTHORS: LANG)

DATE	D-PG	OFFICIAL STATUS
02/03/2022	4889	Introduction and first reading Referred to Health and Human Services Finance and Policy
02/14/2022	4980	Comm report: To pass as amended
	4985	Second reading

1.1 A bill for an act

1.2 relating to health; temporarily modifying the authority of the Emergency Medical

1.3 Services Regulatory Board; granting the commissioner of health temporary

1.4 emergency authority to grant certain COVID waivers.

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

1.6 Section 1. **EMERGENCY MEDICAL SERVICES REGULATORY BOARD**

1.7 **TEMPORARY AUTHORITY.**

1.8 (a) Notwithstanding Minnesota Statutes, section 144E.266, the Emergency Medical

1.9 Services Regulatory Board may temporarily suspend any of the requirements of Minnesota

1.10 Statutes, sections 144E.10; 144E.101, subdivisions 1, 2, 3, 6, 7, 8, 9, 10, 11, and 13;

1.11 144E.103; 144E.12; 144E.121; 144E.123; 144E.127; and 144E.15. Any requirements

1.12 suspended under this section remain suspended until the earlier of the following:

1.13 (1) the board reinstates the requirement; or

1.14 (2) June 30, 2023.

1.15 (b) Upon adoption by the board of an internal operating procedure authorizing the

1.16 executive director to do so, the executive director may immediately temporarily suspend

1.17 requirements listed in paragraph (a) for no longer than 72 hours.

1.18 (c) This section expires June 30, 2023.

1.19 (d) No later than 48 hours after suspending a requirement under this section, the executive

1.20 director of the Emergency Medical Services Regulatory Board must provide written notice

1.21 to the chairs and ranking minority members of the legislative committees with jurisdiction

1.22 over the Emergency Medical Services Regulatory Board.

2.1 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.2 Sec. 2. **COMMISSIONER OF HEALTH; TEMPORARY EMERGENCY**
2.3 **AUTHORITY.**

2.4 Subdivision 1. **Temporary emergency authority granted.** The commissioner of health
2.5 is granted temporary emergency authority as described in and limited by this section. The
2.6 temporary emergency authority granted to the commissioner may only be used to grant
2.7 individual or blanket state waivers.

2.8 Subd. 2. **Individual or blanket waivers permitted.** Temporary individual or blanket
2.9 waivers may be granted to waive requirements in the following statutes provided a granted
2.10 waiver does not adversely affect resident or patient care or quality of the services:

2.11 (1) Minnesota Statutes, chapter 144, for hospitals relating to hospital construction
2.12 moratorium or bed capacity restrictions, except that no individual or blanket waiver may
2.13 be granted that will result in construction or other physical alterations of a hospital that
2.14 cannot be removed at the expiration of the waiver; and

2.15 (2) Minnesota Statutes, chapters 144 and 144A, for nursing homes relating to bed
2.16 moratorium, bed capacity, layaway and nonlayaway beds, and the notice timeline
2.17 requirements for residents who are transferred or discharged as a response to COVID-19.

2.18 Subd. 3. **Notice.** (a) No later than 48 hours after an individual wavier or blanket waiver
2.19 under this section goes into effect, the commissioner must provide written notice of the
2.20 waiver to the appropriate ombudsman, if any, and to the chairs and ranking minority members
2.21 of the legislative committees with jurisdiction over the Department of Health.

2.22 (b) A waiver issued or granted under this section must be posted on the Department of
2.23 Health's website within 48 hours after being issued or granted and must include a
2.24 plain-language description of the waiver.

2.25 Subd. 4. **Expiration of waivers.** Any waiver granted by this section expires on June 30,
2.26 2022. This subdivision does not apply to nursing home transfer and discharge waivers if
2.27 necessary federal approval is not obtained prior to June 30, 2022.

2.28 **EFFECTIVE DATE.** This section is effective the day following final enactment.