

# MINNESOTA STATUTES 1979 SUPPLEMENT

## 139.19 BOARD OF ARTS

grant. The board of the arts may promulgate rules to implement this section. For this purpose the board of the arts may promulgate temporary rules pursuant to section 15.0412, subdivision 5. An applicant's share of the grant money shall be based on:

(1) The amount received in the preceding year by the station in private non-tax generated contributions from sources within the state; no contributions made for the purpose of capital expenditures shall be counted; and

(2) The dollar value in the preceding year of contributions of volunteer time to station operations, provided that the volunteer time was not used for the purpose of raising money for the station. Volunteer time shall be valued at the federal minimum wage per hour. A station's total allocation for volunteer time shall not exceed 20 percent of its total grant pursuant to this section.

(b) The board of the arts shall match every verified contribution dollar under paragraph (a), clause (1) and volunteer time dollar, as calculated under paragraph (a), clause (2), with two state dollars for each eligible applicant until the applicant station has received \$10,000 in grant money under this section, and thereafter grant money shall be distributed on a dollar for dollar basis until the total amount appropriated for that year has been distributed equally among all applicants. A station may receive state matching money only until the station's total verified contribution and volunteer time has been matched or the amount of the grant received equals one-third of the station's total operating income for the previous fiscal year.

(c) A station may use grant money under this section for any radio station expenses.

Subd. 6. **Audit.** A station that receives a grant under this section shall have an audit of its financial records made by an independent auditor or Corporation for Public Broadcasting accepted audit at the end of the fiscal year for which it received the grant. The audit shall include a review of station promotion, operation, and management and an analysis of the station's use of the grant money. A copy of the audit shall be filed with the board of the arts.

[ 1979 c 337 s 21 ]

## CHAPTER 144. DEPARTMENT OF HEALTH

Sec.		Sec.	
144.123	Fees for diagnostic laboratory services; exceptions.	144.807	Reports.
144.49	Violations; penalties.	144.808	Inspections.
144.573	Pets in certain institutions.	144.809	Renewal of emergency medical technician's certificate, fee.
144.7021	Exempt hospitals.	144.8091	Reimbursement to nonprofit ambulance services.
144.801	Definitions.	144.8092	Redesignation of emergency ambulance services; temporary continuation of existing standards.
144.802	Licensing.		
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### 144.123 Fees for diagnostic laboratory services; exceptions.

Subdivision 1. Except for the limitation contained in this section, the commissioner of health shall charge a handling fee for each specimen submitted to the department of health for analysis for diagnostic purposes by any hospital, private laboratory, private clinic, or physician. No fee shall be charged to any entity which receives direct or indirect financial assistance from state or federal funds administered by the department of health, including any public health department, nonprofit community clinic, venereal disease clinic, family planning clinic, or similar entity. The commissioner of health may establish by rule other exceptions to the handling fee as may be necessary to gather information for epidemiologic purposes. All fees collected pursuant to this section shall be deposited in the state treasury and credited to the general fund.

Subd. 2. The commissioner of health shall promulgate rules, in accordance with chapter 15, which shall specify the amount of the handling fee prescribed in subdivision 1. The fee shall approximate the costs to the department of handling specimens including reporting, postage, specimen kit preparation, and overhead costs. The fee prescribed in subdivision 1 shall be \$1.50 per specimen until the commissioner promulgates rules pursuant to this subdivision.

[ 1979 c 49 s 1 ]

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## DEPARTMENT OF HEALTH 144.801

### 144.49 Violations; penalties.

[For text of subd 1, see M.S.1978]

Subd. 2. [ Repealed, 1979 c 50 s 14 ]

Subd. 3. [ Repealed, 1979 c 50 s 14 ]

Subd. 4. [ Repealed, 1979 c 50 s 14 ]

[For text of subds 5 to 8, see M.S.1978]

### 144.573 Pets in certain institutions.

Facilities for the institutional care of human beings licensed under section 144.50, may keep pet animals on the premises subject to reasonable rules as to the care, type and maintenance of the pet.

[ 1979 c 38 s 2 ]

### 144.7021 Exempt hospitals.

Subdivision 1. The commissioner of health shall periodically establish a percentage figure for an acceptable increase in hospital gross acute care charges. Any hospital which files with the commissioner an abbreviated projected operating statement and which represents in this statement that it anticipates a percentage increase in annual gross acute care charges less than the figure established by the commissioner shall be exempt from the review of projected annual revenues and expenses authorized by section 144.701, subdivision 2.

Subd. 2. As part of the income statement in its annual financial report required by section 144.698, each exempted hospital shall include a separate statement of its total hospital gross acute care charges. If any exempted hospital exceeds the figure established by the commissioner, it shall promptly file a rate review request pursuant to section 144.701 or 144.702.

Subd. 3. The available abbreviated projected operating statements of hospitals which are exempted from rate review under this section shall be used in making determinations of the reasonableness of all hospitals' projected increases in revenues and expenses.

[ 1979 c 323 s 15 ]

### 144.801 Definitions.

Subdivision 1. For the purposes of sections 144.801 to 144.8091, the terms defined in this section have the meaning given them.

Subd. 2. "Ambulance" means any vehicle designed or intended for and actually used in providing life support transportation service to ill or injured persons, or expectant mothers.

Subd. 3. "Commissioner" means the commissioner of health of the state of Minnesota.

Subd. 4. "Life support transportation service" means transportation and treatment which is rendered or offered to be rendered preliminary to or during transportation to, from, or between health care facilities for ill or injured persons, or expectant mothers.

Subd. 5. "License" means authority granted by the commissioner for the operation of a life support transportation service in the state of Minnesota.

Subd. 6. "Licensee" means a natural person, partnership, association, corporation, or unit of government which possesses a life support transportation service license.

Subd. 7. "Base of operation" means the address at which the physical plant housing ambulances, related equipment and personnel is located.

Subd. 8. "Health systems agency" means an agency established under section 145.74 to meet the requirements of the National Health Planning and Resources Development Act, P.L. 93-641, 42 U.S.C. Section 300k et seq.

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## 144.801 DEPARTMENT OF HEALTH

Subd. 9. "Primary service area" means the geographic area that can reasonably be served by a life support transportation service.

Subd. 10. "Municipality" means any city of any class, however organized, and any town.

[ 1979 c 316 s 1 ]

## 144.802 Licensing.

Subdivision 1. No natural person, partnership, association, corporation or unit of government may operate a life support transportation service within this state unless it possesses a valid license to do so issued by the commissioner. The license shall specify the base of operations, primary service area, and the type or types of life support transportation service for which the licensee is licensed. The licensee shall obtain a new license if it wishes to establish a new base of operation, or to expand its primary service area, or to provide a new type or types of service. A license, or the ownership of a licensed life support transportation service, may be transferred only after the approval of the commissioner, based upon a finding that the proposed licensee or proposed new owner of a licensed life support transportation service meets or will meet the requirements of section 144.804. If the proposed transfer would result in a change in or addition of a new base of operations, expansion of the service's primary service area, or provision of a new type or types of life support transportation service, the commissioner shall require the prospective licensee or owner to comply with subdivision 3. The commissioner may approve the license or ownership transfer prior to completion of the application process described in subdivision 3 upon obtaining written assurances from the proposed licensee or proposed new owner that no change in the service's base of operations, expansion of the service's primary service area, or provision of a new type or types of life support transportation service will occur during the processing of the application. The cost of licenses shall be in an amount prescribed by the commissioner pursuant to section 144.122. Licenses shall expire and be renewed as prescribed by the commissioner pursuant to section 144.122.

Subd. 2. The commissioner shall not issue a license authorizing the operation of a new life support transportation service, provision of a new type or types of life support transportation service by an existing service, or establishment of a new base of operation or an expanded primary service area for an existing service unless the requirements of sections 144.801 to 144.807 are met.

Subd. 3. (a) Each prospective licensee and each present licensee wishing to offer a new type or types of life support transportation service, to establish a new base of operation, or to expand a primary service area, shall make written application for a license to the commissioner on a form provided by the commissioner. The commissioner shall promptly send notice of the completed application to the health systems agency or agencies, the community health service agency or agencies, and each municipality and county in the area in which life support transportation service would be provided by the applicant. The commissioner shall publish the notice, at the applicant's expense, in the state register and in a newspaper in the municipality in which the service would be provided, or if no newspaper is published in the municipality or if the service would be provided in more than one municipality, in a newspaper published at the county-seat of the county or counties in which the service would be provided.

(b) Each municipality, county, community health service, and other person wishing to make recommendations concerning the disposition of the application shall make written recommendations to the health systems agency in its area within 30 days of the publication of notice of the application.

(c) The health systems agency or agencies shall:

(1) hold a public hearing in the municipality in which the service's base of operations is or will be located;

(2) provide notice of the public hearing in the newspaper or newspapers in which notice was published under part (a) for two successive weeks at least ten days before the date of the hearing;

(3) allow any interested person the opportunity to be heard, to be represented by counsel, and to present oral and written evidence at the public hearing;

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## DEPARTMENT OF HEALTH 144.804

(4) provide a transcript of the hearing at the expense of any individual requesting it; and

(5) follow any further procedure not inconsistent with chapter 15, which it deems appropriate.

(d) The health systems agency or agencies shall review and comment upon the application and shall make written recommendations as to its disposition to the commissioner within 90 days of receiving notice of the application. In making the recommendations, the health systems agency or agencies shall consider and make written comments as to whether the proposed service, change in base of operations, or expansion in primary service area is needed, based on consideration of the following factors:

(1) the relationship of the proposed service, change in base of operations or expansion in primary service area to current health systems and annual implementation plans;

(2) the recommendations or comments of the governing bodies of the counties and municipalities in which the service would be provided;

(3) the duplication, if any, of life support transportation services that would result from granting the license;

(4) the estimated effect of the proposed service, change in base of operation or expansion in primary service area on the public health;

(5) whether any benefit accruing to the public health would outweigh the costs associated with the proposed service, change in base of operations, or expansion in primary service area.

The health systems agency or agencies shall recommend that the commissioner either grant or deny a license or recommend that a modified license be granted. The reasons for the recommendation shall be set forth in detail. The health systems agency or agencies shall make the recommendations and reasons available to any individual requesting them.

Subd. 4. Within 30 days after receiving the health systems agency recommendations, the commissioner shall grant or deny a license to the applicant. In granting or denying a license, the commissioner shall consider the health systems agency recommendations, evidence contained in the application, any hearing record and other applicable evidence, and whether any benefit accruing to the public health would outweigh the costs associated with the proposed service, change in base of operations, or expansion in primary service area. If the commissioner's decision is different from the health systems agency recommendations, the commissioner shall set forth in detail the reasons for differing from the recommendations.

Subd. 5. The commissioner's decision made under subdivision 4 shall be the final administrative decision. Any person aggrieved by the commissioner's decision shall be entitled to judicial review in the manner provided in sections 15.0424 to 15.0426.

[ 1979 c 316 s 2 ]

### **144.803 Licensing; suspension and revocation.**

The commissioner may, after conducting a contested case hearing upon reasonable notice, suspend or revoke, or refuse to renew the license of a licensee upon finding that the licensee has violated sections 144.801 to 144.808 or has ceased to provide the service for which it is licensed.

[ 1979 c 316 s 3 ]

### **144.804 Standards.**

Subdivision 1. No publicly or privately owned basic life support transportation service shall be operated in the state unless its drivers and attendants possess a current advanced American Red Cross first aid certificate or other first aid or emergency care certificate authorized by rules adopted by the state commissioner of health pursuant to chapter 15 or issued by the commissioner pursuant to section 214.13.

Subd. 2. Every ambulance offering life support transportation service shall be equipped with a stretcher and after August 1, 1979, a two-way radio communications

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system which is in accordance with the commissioner's statewide radio communications plan as promulgated in rule and carry the minimal equipment necessary for the type of service to be provided as determined by standards adopted by the commissioner pursuant to subdivision 3 and chapter 15. Each life support transportation service shall offer service 24 hours per day every day of the year, unless otherwise authorized by the commissioner, and each vehicle while in operation shall be staffed by a driver and an attendant. Drivers and attendants are authorized to use only equipment for which they are qualified by training. A life support transportation service may substitute a physician, osteopath or registered nurse for the attendant in an ambulance. Whenever a life support transportation service finds it impossible to arrange for an attendant to accompany the driver, the driver may proceed to answer an emergency call without an accompanying attendant, provided that the service shall make all reasonable efforts to arrange for an attendant to be present at the site of the emergency and enroute to a health care facility. An operator shall not deny life support transportation services to a person needing life support care because of ability to pay or source of payment for services if this need develops in the licensee's primary service area.

Subd. 3. Before April 1, 1980, the commissioner, in consultation with the appropriate standing committees of the legislature, shall promulgate as rules standards for the operation of the following types of life support transportation service:

(a) basic life support service, which shall have appropriate personnel, vehicles and equipment, and be maintained in a sanitary condition so as to ensure that life-threatening situations and potentially serious injuries can be recognized, patients will be protected from additional hazards, basic treatment to reduce the seriousness of emergency situations will be administered and patients will be transported to an appropriate medical facility for treatment;

(b) advanced life support service which shall have appropriate personnel, vehicles and equipment, and be maintained in a sanitary condition so as to provide medical care beyond the basic life support level, including, but not limited to, intubation, defibrillation and administration of intravenous fluids and certain pharmaceuticals;

(c) scheduled life support transportation service;

(d) life support transportation service provided by an employer for the benefit of its employees;

(e) life support transportation service operated by a nonprofit entity and limited exclusively to providing service by contract for specific events and meetings.

An advanced life support ambulance may be used as a basic life support ambulance provided that its operation fulfills the standards promulgated pursuant to clause (a).

The standards promulgated under this subdivision shall take effect on June 1, 1980.

Subd. 4. Nothing in sections 144.801 to 144.806 shall prevent operation of a police emergency vehicle by one person nor affect any statute or regulatory authority vested in the department of public safety concerning automotive equipment and safety requirements.

Subd. 5. Local units of government may, with the approval of the commissioner, establish standards for life support transportation services which impose additional requirements upon such services. Local units of government intending to impose additional requirements shall consider whether any benefit accruing to the public health would outweigh the costs associated with the additional requirements. Local units of government which desire to impose such additional requirements shall, prior to promulgation of relevant ordinances, rules or regulations, furnish the commissioner with a copy of such proposed ordinances, rules or regulations, along with information which affirmatively substantiates that the proposed ordinances, rules or regulations: will in no way conflict with the relevant rules of the department of health; will establish additional requirements tending to protect the public health; will not diminish public access to life support transportation services of acceptable quality; and will not interfere with the orderly development of regional systems of emergency medical care. The commissioner shall base any decision to approve or disapprove such standards upon whether or not the local unit of

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government in question has affirmatively substantiated that the proposed ordinances, rules or regulations meet these criteria.

Subd. 6. The commissioner shall promulgate as rules standards particularizing the definition of primary service area under section 144.801, subdivision 9, under which the commissioner shall designate each licensed life support transportation service as serving a primary service area or areas.

[ 1979 c 316 s 4 ]

### **144.805 Class C driver's license.**

Any person driving an ambulance providing land transportation shall have a valid class C Minnesota driver's license.

[ 1979 c 316 s 5 ]

### **144.807 Reports.**

Subdivision 1. **Reporting of information.** Operators of life support transportation services licensed pursuant to sections 144.801 to 144.806 shall report information about life support transportation service to the commissioner as the commissioner may require, excluding data relative to patient identification. All information shall be reported on forms prescribed by the commissioner for that purpose.

[For text of subs 2 and 3, see M.S.1978]

[ 1979 c 316 s 6 ]

### **144.808 Inspections.**

The commissioner may inspect life support transportation services as frequently as deemed necessary. These inspections shall be for the purpose of determining whether the ambulance and equipment is clean and in proper working order and whether the operator is in compliance with sections 144.801 to 144.804 and any rules that the commissioner adopts related to sections 144.801 to 144.804.

[ 1979 c 316 s 7 ]

### **144.809 Renewal of emergency medical technician's certificate, fee.**

No fee set by the commissioner for biennial renewal of an emergency medical technician's certificate by a member of a volunteer life support transportation service or volunteer fire department shall exceed \$2.

[ 1979 c 316 s 8 ]

### **144.8091 Reimbursement to nonprofit ambulance services.**

Subdivision 1. Any political subdivision, or nonprofit hospital or nonprofit corporation operating a licensed life support transportation service shall be reimbursed by the commissioner for the necessary expense of the initial training of a volunteer ambulance attendant upon successful completion by the attendant of a basic emergency care course, or a continuing education course for basic emergency care, or both, which has been approved by the commissioner, pursuant to section 144.804. Reimbursable expense may include tuition, transportation, food, lodging, hourly payment for time spent in the training course, and other necessary expenditures, except that in no instance shall a volunteer ambulance attendant be reimbursed more than \$210 for successful completion of a basic course, and \$70 for successful completion of a continuing education course.

[For text of subs 2 and 3, see M.S.1978]

[ 1979 c 316 s 9 ]

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## 144.8092 DEPARTMENT OF HEALTH

### 144.8092 Redesignation of emergency ambulance services; temporary continuation of existing standards.

Each entity licensed as an emergency ambulance service on August 1, 1979 is hereby redesignated as a life support transportation service. Until the commissioner promulgates standards pursuant to section 144.804, the standards promulgated under Laws 1977, Chapter 37, Section 4, for emergency ambulance services shall apply to all life support transportation services.

[ 1979 c 316 s 10 ]

## CHAPTER 144A. NURSING HOMES

Sec.  
144A.30 Pets in nursing homes.

### 144A.30 Pets in nursing homes.

Nursing homes may keep pet animals on the premises subject to reasonable rules as to the care, type and maintenance of the pet.

[ 1979 c 38 s 1 ]

## CHAPTER 145. PROVISIONS RELATING TO PUBLIC HEALTH

Sec.		Sec.	
145.71	Repealed.	145.831	Repealed.
145.72	Repealed.	145.832	Purpose; citation.
145.73	Repealed.	145.833	Definitions.
145.74	Repealed.	145.834	Certificate of need required.
145.75	Repealed.	145.835	Notice to health systems agency.
145.751	Repealed.	145.836	Application for certificate of need.
145.76	Repealed.	145.837	Review of applications.
145.761	Repealed.	145.838	Determination.
145.77	Repealed.	145.839	Expiration of certificate.
145.78	Repealed.	145.84	Periodic reports.
145.79	Repealed.	145.841	Evasions.
145.80	Repealed.	145.842	Enforcement.
145.811	Repealed.	145.843	Facilities in violation of other state law.
145.812	Repealed.	145.844	Health maintenance organization.
145.82	Repealed.	145.845	Health systems agencies; membership.
145.83	Repealed.	145.922	Special grants.

145.71 [ Repealed, 1979 c 323 s 16 ]  
145.72 [ Repealed, 1979 c 323 s 16 ]  
145.73 [ Repealed, 1979 c 323 s 16 ]  
145.74 [ Repealed, 1979 c 323 s 16 ]  
145.75 [ Repealed, 1979 c 323 s 16 ]  
145.751 [ Repealed, 1979 c 323 s 16 ]  
145.76 [ Repealed, 1979 c 323 s 16 ]  
145.761 [ Repealed, 1979 c 323 s 16 ]  
145.77 [ Repealed, 1979 c 323 s 16 ]  
145.78 [ Repealed, 1979 c 323 s 16 ]  
145.79 [ Repealed, 1979 c 323 s 16 ]  
145.80 [ Repealed, 1979 c 323 s 16 ]  
145.811 [ Repealed, 1979 c 323 s 16 ]  
145.812 [ Repealed, 1979 c 323 s 16 ]  
145.82 [ Repealed, 1979 c 323 s 16 ]  
145.83 [ Repealed, 1979 c 323 s 16 ]  
145.831 [ Repealed, 1979 c 323 s 16 ]  
145.832 Purpose; citation.

Subdivision 1. The legislature finds that the unnecessary construction or modification of health care facilities increases the cost of care and threatens the financial ability of the public to obtain necessary medical services. The purposes of sections 145.832 to 145.845 are to promote comprehensive health planning; to assist in providing the highest quality of health care at the lowest possible cost; to avoid unnecessary duplication by ensuring that only those health care facilities and services which are needed will be de-