

State of Minnesota
Emergency Medical Services Regulatory Board
Board Legislative Ad-Hoc Work Group Meeting

January 22, 2016 – 10:00 a.m.
2nd Floor Board Room
Duluth Entertainment and Convention Center
350 Harbor Drive, Duluth, MN 55802

[Map & Directions](#)

Agenda

- 1. Call to Order – (10:00 a.m.) – Kevin Miller, Ad-Hoc Work Group Chair**
- 2. Approve Agenda – Kevin Miller, Work Group Chair**
Motion: To approve the agenda for the January 22, 2016 Legislative Ad-Hoc Work Group meeting.
- 3. Approval of Meeting Notes – December 11, 2015**
Motion: To approve the meeting notes from December 11, 2015
- 4. Chairs Comments:**
- 5. EMSRB Update on Supplementary Budget Request:**
 - Tony Spector
- 6. EMSRB Statute Review – Continued From December 11, 2015 Meeting:**
 - Statutes Chapter 144E - cleanup areas (simple changes low level controversy likely)
 - Statutes Chapter 144E - changes (moderate concerns perhaps, but likely to gain consensus)
 - Statutes Chapter 144E - changes (difficult but necessary conversations regarding EMS)
 - *Report on Follow Up for File #3 – Regional System/Program Audit Requirements*
- 7. Additional Proposed Legislative Initiatives**
 - Adding Paramedic to Peace/Health Officer Hold Definition
- 8. Next Steps:**
 - Recommendation to the Board for Proposed Legislation
 - Next meeting of the ad-hoc Work Group
- 9. Other Work Group Business:**
- 10. Adjourn Meeting:**
Motion: To Adjourn

***Note:** Some committee members may be attending this meeting through an on-line meeting tool called LYNC or by conference call. In accordance with Minn. Stat. § 13D.015, subdivision 4, the public portion of this meeting, therefore, may be monitored by the public remotely. If you wish to attend by LYNC or conference call, please contact Robert Norlen by email at robert.norlen@state.mn.us for connection information. Please make contact for LYNC information no later than 10:00 a.m. on Wednesday, January 20, 2016 to ensure a response in time to connect to the meeting.*

The public may also attend this meeting in person at the location identified at the top of the agenda.

If you plan to attend the meeting and need accommodations for a disability, please contact Melody Nagy at (651) 201-2802. In accordance with the Minnesota Open Meeting Law and the Internal Operating Procedures of the Emergency Medical Services Regulatory Board, this meeting notice was posted at: <http://www.emsrb.state.mn.us>

State of Minnesota
Emergency Medical Services Regulatory Board
Legislative Ad-Hoc Work Group Meeting Notes
December 11, 2015

Attendance: Kevin Miller, Ad-Hoc Work Group Chair; J.B. Guiton, Board Chair; Tom Fennell, Gold Cross Ambulance; Bill Snoke, MAA Rep. (Alternate); Tom Vanderwal, Greater Northwest EMS Inc.

Absent: Rep. Jeff Backer, Board Member; Lisa Brodsky, Board Member; Lisa Consie, Board Member; Sen. Kathy Sheran, Board Member; Jill Ryan Schultz, Board Member; Gordy Vosberg, MAA Rep.

EMSRB Staff: Robert Norlen, Field Services Supervisor; Melody Nagy, Office Coordinator; Mary Zappetillo, EMS Specialist; Tony Spector, Executive Director (Absent)

1. Call to Order – 10:00 a.m.

Mr. Miller called the meeting to order at 10:02 a.m.

2. Approve Agenda – 10:10 a.m.

Mr. Vanderwal moved to approve the agenda. Mr. Snoke seconded. Work Group Consensus

3. Chair's Comments:

Mr. Miller provided information on the membership of the Ad-Hoc Work Group. He will be providing information on the charter in the future.

Objectives for today:

- identify the simple fixes (cleanup language)
- obtain consensus on items
- discuss a supplemental budget request
- discuss statute changes and rule repeal

Mr. Miller said the Medical Direction Standing Advisory Committee (MDSAC) has a recommendation for legislation for a "Health Officer". The Post Transition Education Workgroup may have some legislative suggestions once they present their recommendation to the Board for final approval.

4. EMSRB Supplementary Budget

Mr. Miller asked Mr. Guiton if the Executive Director is in agreement with this supplemental budget. Mr. Guiton said that the Executive Director wants flexibility to assign staff positions outlined in the proposed supplementary budget. Mr. Guiton said he is looking for a recommendation to bring this forward. Mr. Miller said we want this to be a permanent increase to the base budget. Mr. Guiton suggested separating MNSTAR to be a one-time request. Mr. Snoke said we can change the wording of the request to be IT related expenses.

Mr. Guiton said the current licensing system will be going away. MNIT is offering to build a system. ImageTrend also has a system that can be purchased for approximately \$150,000.

Mr. Guiton said the other boards are implementing finger printing. We want to explore this for the EMSRB. Mr. Norlen said we would need a statute change to allow us to charge for fingerprinting. Mr. Miller asked how this would impact staff time. He suggested adding additional staff expense. Mr. Fennell said this is a licensing requirement. EMT's are certified. Does this change the perspective of the industry? How does the fingerprinting happen? Mr. Snoke said we need to discuss this proposal further. Mr. Guiton said fulltime fire fighters are licensed. Part-time fire fighters may choose to be licensed. We want to consider a similar model. We may want to consider licensing paramedics.

Note: Future agenda item – EMS licensing for clinical positions

Mr. Norlen stated the Health Licensing Boards will be working on a supplementary budget plan as well. The EMSRB proposal could be included with other proposals moved forward by the Health Licensing Boards.

Mr. Miller asked for a one page summary of the supplementary budget items.

Mr. Snoke moved to advance the supplemental budget and recognize that the Executive Director has discretion to implement budget parameters if additional funding is received. Mr. Guiton seconded. Work Group Consensus

5. EMSRB Statute Review

The Ad-Hoc Work Group moved to statute and rule reviews that had been outlined in the “Proposed Legislative Changes-2016 Tracking Log” provided to Work Group members. The items discussed by the Work Group are listed and referred to by File number in the tracking document. The Work Group reviewed File # 2 related to MS 144E.285 -- Education Program Requirements at all levels which would move all education program approval requirements under one statutory area. The current language has Emergency Medical Responder (EMR) education programs under another statute in section MS 144E.27.

After discussion by the Work Group, Mr. Snoke moved to have this move forward in a separate bill. This would not be considered for a cleanup language bill. Mr. Vanderwal seconded. Work Group Consensus

The Ad-Hoc Work Group moved to File # 5 MS 144E.275 -- In 2012 the statutes were changed from “training” program to “education” program. The Community EMT language was added last year. The language in the Community EMT section uses “training” program with the recommendation to change it to “education” program.

After discussion by the Work Group, Mr. Snoke moved to accept this as a consensus item as written and included in housekeeping cleanup bill language. Mr. Vanderwal seconded. Work Group Consensus

The Ad-Hoc Work Group moved to File # 3 MS 144E.50 -- related to regional program audit reporting requirements. The Work Group discussed the current audit requirements and the proposed change. Mr. Miller asked Mr. Vanderwal to seek input from the regional programs on this proposal and bring comments back to the next Work Group meeting. The Work Group noted feedback from the regional programs on this is essential to ensure there will be no unintended consequences if language changes as proposed are made.

After discussion by the Work Group, Mr. Guiton moved to accept this language, pending the feedback and comments that are received from the regional system programs. Mr. Snoke seconded. Work Group will determine consensus once Mr. Vanderwal reports his findings to the Work Group.

The Ad-Hoc Work Group moved to File # 5 MS144E.123 -- related to prehospital care data. This proposed language change would add a time requirement for a copy of the patient care report to be provided to the receiving hospital. The Work Group discussed this change. Mr. Fennell asked to partner with MAA on this request. Mr. Miller said this may be a controversial matter with the legislature and other special interest groups. Mr. Miller recommended the Work Group consider tabling File #5 on the tracking log.

After discussion by the Work Group, Mr. Miller moved to exclude this from any proposed bills until further discussion and strategies can be developed to move it forward. Mr. Fennell seconded. Work Group Consensus

The Ad-Hoc Work Group moved to File # 6 MS 144E.283 -- brings instructor requirements for all levels under MS 144E.283 and eliminate separate instructor requirements for EMR instructors under MS 144E.27. The Work Group discussed instructor requirements. Mr. Miller suggested moving this forward separately either this year or next year. We want industry support. We also want to write a definition for primary instructor that would be proposed to be included in MS 144E.001 – definitions.

After discussion by the Work Group, Mr. Guiton moved to advance MS 144E.283 [File #6] as a separate bill and not as cleanup language with the addition of a definition of primary instructor to be proposed for MS 144E.001 –definitions. Mr. Snoke seconded. Work Group Consensus

The Ad-Hoc Work Group moved to File # 7 Minnesota Statutes 144E.285 – requirements from 144E.27 to be moved to 144E.285 of the statute. Mr. Guiton said that this changes requirements for EMR instructors. Mr. Snoke suggested separate bills.

Mr. Guiton suggested moving proposed changes to MS 144E.27 (File #2) and MS 144E.285 (File #7) to a separate legislative proposal and moving the recommended strikeout language under MS 144E.285 subd.2 (d) (1-5) to a housekeeping cleanup bill. Mr. Snoke seconded. Work Group Consensus

Mr. Miller asked that the remaining items on the tracking spreadsheet be discussed at the next meeting.

6. EMSRB Rule Repeal

Mr. Miller asked the Work Group to look the items that conflict with statute. Some rule repeals will require things to be moved to statute. This will require further discuss at our next meeting.

Mr. Fennell asked if there is a requirement for a national EMS frequency. It is in rule not in statute. Mr. Miller stated, the Board adopted the state radio requirements. We did not repeal the rule. Mr. Miller said we need regulations for radios to be defined. Mr. Norlen said the ambulance standards ad-hoc Work Group may have recommendations on this as well. Mr. Miller asked for a motion to make a recommendation to the Board that staff begin the process for rule repeal.

Mr. Guiton said it is easy to repeal a non-controversial rule. If it is controversial it is a very expensive process. Mr. Norlen said that there will be staff time involved in the rule repeal. Mr. Miller said that if that becomes costly then then we look at our decision again.

Motion: Mr. Vanderwal moved to make a recommendation to the Board that staff begin the process for repeal of non-controversial rules. Mr. Snoke seconded. Work Group Consensus

A question was raised on File # 1 and File # 13. Mr. Norlen explained there was a bill passed last year that is now law and cited as MS 144E.101, subdivision 12 (b) regarding staffing and coverage for ambulances. There is conflicting language in this with other statutes in Chapter 144E. The language eliminated the hardship staffing variance for BLS services and allows services to operate for less than 24 hours with an agreement for coverage with neighboring ambulance services. File # 1 is the suggested/recommended changes for associated language in statute and File # 13 relates to talking points that were developed last year when the language in MS 144E.101 subd. 12 b was introduced and passed by the legislature. Mr. Guiton said we want standards for coverage and staffing. Mr. Miller asked for more discussion of this at our next meeting.

7. Next Steps

- Mr. Vanderwal will meet with regional directors to discuss audit requirement language.
- Work Group members need to look at other items that are complex
- Consider compromises or hold till next year

8. Other Work Group Business

Mr. Snoke shared the MAA legislative initiative. Mr. Guiton thanked Mr. Snoke for providing this information and their cooperation.

9. Adjourn

Mr. Snoke moved to adjourn. Guiton seconded. Work Group Consensus - Meeting adjourned.

Next Meeting: Friday, January 22, 2015, at 10:00 a.m.in Duluth

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File #	Proposed Statute or Rule Change	Regulatory Area	EMSRB Priority	Link to Proposed Change Document	Rational for Proposed Changes	Action Taken
1	MS 144E.101 Subd. 12b	Ambulance Staffing, Staffing Hardship variances, Continual Service, Ambulance Service Licensure.	Discussion tied to File # 13 Complex issue	K:\0 Board\0 Board 2016\2016 Proposed Legislation\Proposed Amendment to HF423 and SF379 MS 144E.101 12b v1.docx	Rational: This proposed change would move language passed last year in MS 144E.101 subd. 12 (b) to more appropriate locations in 144E.101 and eliminate current conflicts of statute that were created when of 12(b) was added.	
2	MS 144E.27	Emergency Medical Responder - Education Program Requirements.	House Keeping Agreed by committee on 12/11/15	K:\0 Board\0 Board 2016\2016 Proposed Legislation\Proposed Housekeeping Changes to MS 144E.27.docx	Rational: Changes would move Emergency Medical Responder (EMR) education program approval requirements under MS 144E.285 and included with EMT, AEMT and Paramedic Education Program Requirements. This would leave MS 144E.27 to be specific to Emergency Medical Responder (EMR) registration requirements only.	
3	MS 144E.50	Regional System/Program Audit Requirements.	House Keeping Agreed by committee on 12/11/15	K:\0 Board\0 Board 2016\2016 Proposed Legislation\Proposed Housekeeping Changes to MS 144E.50.docx	Rational: This proposed housekeeping change would make changes to Regional System/Program requirements to complete biennial and annual audit requirements within specific days.	
4	MS 144E.123	Pre-Hospital Data Collection.	Complex Tabled by committee on 12/11/15	K:\0 Board\0 Board 2016\2016 Proposed Legislation\Proposed Housekeeping Changes to MS 144E.123.docx	Rational: This proposed housekeeping change will update the dataset requirements to meet current National EMS Dataset Standards. This will also eliminate out dated language in subdivision 5.	
5	MS 144E.275	Community Medical Response Emergency Medical Technician Education.	House Keeping Agreed by committee on 12/11/15	K:\0 Board\0 Board 2016\2016 Proposed Legislation\Proposed Housekeeping Changes to MS 144E.275.docx	Rational: The proposed changes would remove "Training Program" and replace with education program to be consistent throughout our statute when referencing education received by EMS personnel.	
6	MS 144E.283	Education Program Instructor Requirements.	Seperate Bill to add defination to 144e.001 reviewed by group on 12/11/15	K:\0 Board\0 Board 2016\2016 Proposed Legislation\Proposed Housekeeping Changes to MS 144E.283 v2.docx	Rational: This change moves all education program instructors under one statutory requirement. This will begin to strengthen the education programs at all levels to ensure EMS personnel are receiving proper instruction by educators who have learned how to teach.	
7	MS 144E.285	Education Program Requirements at all Levels EMR, EMT,AEMT, Paramedic.	Seperate Bill to Presented in tandem with file #-6	K:\0 Board\0 Board 2016\2016 Proposed Legislation\Proposed Housekeeping Changes to MS 144E.285 v2.docx	Rational: This change moves all education program approval requirements under one statutory area. The current language has Emergency Medical Responder (EMR) education programs under another statute section MS §144E.27.	
8	MR 4690.1500 & MR 4690.8000	Land Ambulance Requirements and Ambulance Identification.	Complex Discussion	K:\0 Board\0 Board 2016\2016 Proposed Legislation\Repeal MR 4690.1500 and MR4690.8000 - Add Language to MS 144E.103.docx	Rational: Repeal outdated Minn. Rules 4690.1500 and MR 4690.8000 add language to MS 144E.103 to clarify requirements for land ambulance manufacturing requirements based on the year the ambulance was manufactured, move lettering and ambulance identification requirements to statute.	
9	MR 4690.1800	Ambulance Maintenance and Sanitation.	Complex Discussion	K:\0 Board\0 Board 2016\2016 Proposed Legislation\Repeal MR 4690.1800 - Add Language to MS 144E.103.docx	Rational: Repeal Minn. Rule part 4690.1800 and move ambulance maintenance and sanitation requirements to MS 144E.103.	
10	MR 4690.1900	Standards and Radio Frequency Assignments.	Simple Repeal	K:\0 Board\0 Board 2016\2016 Proposed Legislation\Repeal MR 4690.1900.docx	Rational: Repeal Minn. Rule part 4690.1900, rules are no longer applicable with movement statewide to the ARMER communication system. Current standards are in place for operation on the ARMER system and governed by the Statewide Radio Board.	
11	MR 4690.2600	Standards and Radio Frequency Assignments.	Simple Repeal	K:\0 Board\0 Board 2016\2016 Proposed Legislation\Repeal MR 4690.2600.docx	Rational: Repeal Minn. Rule part 4690.2600, rules are no longer applicable with movement statewide to the ARMER communication system. Current standards are in place for operation on the ARMER system and governed by the Statewide Radio Board.	

12	Review of Minnesota Rules for Possible Repeal:	List of Minnesota Rules		K:\0 Board\0 Board 2016\2016 Proposed Legislation\Review of Minnesota Rules for Possible Repeal.docx	General Review for consideration.	
13	Thinking Talking Points for Changes to MS 144E.101 Subd. 12 (b)	General Discussion Document		K:\0 Board\0 Board 2016\2016 Proposed Legislation\Talking-Thinking Points HF 423 & SF 379 Draft v1.docx	These are the thinking and talking points that were developed when legislation was introduced and passed in March 2015 that added MS 144E.101 Subd. 12(b) to Minnesota Statutes.	

MS = Minnesota Statute

MR = Minnesota Rule