

# Internal Operating Policies & Procedures of the EMSRB

Version 2.2

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Emergency Medical Services Regulatory Board

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## Revision Tracking Table

Version	Date	Notes of Changes
1.0	September, 2015	This version predates this tracking table. No changes tracked from this document. Please reference archived version(s)
2.0	September, 2022	Review, significant rewrite, reformat, and adoption
2.1	December, 2022	Updates to election procedures, clarifications added to conflict-of-interest section, clarification added to scheduled meetings of the board, and minor grammatical corrections
2.2	December, 2023	Updates to contact information, incorporated references to other sections related to committee chair appointment process

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## **I. General Provisions**

### **Section A. Internal Operating Policies and Procedures**

As a state administrative agency, the Emergency Medical Services Regulatory Board hereafter referred to as the Board is required to follow not only its Internal Operating Policies and Procedures (IOPPs) but also the provisions of [Minnesota Statute, Chapter 14](#) (Administrative Procedure). An Internal Operating Procedures Workgroup shall review the IOPP every two years or more frequently as needed to determine if any updates are necessary. All proposed updates must be approved by the full board prior to adoption.

### **Section B. Creation of the Board**

The Emergency Medical Services (EMS) Regulatory Board, hereafter the Board, was established by the 1995 Minnesota Legislature as defined in [Minnesota Statutes section 144E.01](#).

### **Section C. Duties of the Board**

Minnesota Statutes section [144E.01, subdivision 6](#), specify the duties of the Board.

### **Section D. Data Practices**

Both the Board and Board staff utilize data and information of varying sensitivities in the discharge of their official duties. The Minnesota Data Practices Act [Minnesota Statutes Chapter 13](#) and Minnesota Statutes section 144E.305, subdivision 3(a), shall govern the storage, usage, and dissemination of this data.

### **Section E. Use of Board Resources**

The Board will be fiscally responsible while supporting the activities, duties, and operations of the Board and Board staff that align with the mission of the Board.

### **Section F. Delegation of Authority**

#### **Scope of Authority for Board Members**

Board members may not attempt to exercise individual authority over the Board or Agency staff except as explicitly set forth in Board policies. Please reference the section [Board Members contained in this IOPP](#).

#### **Scope of Authority for Board Chair**

The Board Chair shall have the responsibility and authority for the following items: preside at meetings of the Full Board and Executive Committee, establish approved agenda items for the named committees, call special Executive and Board meetings as necessary, cast votes on all Board motions. Along with the Executive Director, the Board Chair serves as the principal spokesperson for the Board. With the approval of at least one other

member of the Executive Committee, the Board Chair may take emergency action on behalf of the Board. The Board Chair shall assume the duties of the Executive Director during any vacancy in the position. Please reference the section, [Duties of the Board Chair](#) in this IOPP.

### **Scope of Authority for Executive Director**

All Board authority delegated to staff is delegated through the Executive Director, so that all authority and accountability of staff can be considered the authority and accountability of the Executive Director. The Executive Director is authorized to make all decisions, take all actions, and develop all activities that are true to the Board's policies. The Executive Director, at the direction of the Executive Committee, may speak on behalf of the Board related to legislative proposals. The Board may, by extending its policies, restrict areas of the Executive Director's authority. No individual Board member, officer, or Committee (except the Executive Committee) has authority over the Executive Director. Delegation is formally executed by agreement in the Minnesota Delegation of Authority and signed by the Board Chair. Please reference the section [Board Staff](#) in this IOPP.

## **II. Board Members**

### **Section A. Expectations and Responsibilities**

#### **Board Meetings**

- a. Meetings of the Board shall be scheduled at least once every two months, unless amended by a motion of the Board.
- b. For regularly scheduled Board meetings, agendas and background materials are to be sent to Board members at least one week prior to the scheduled meeting.
- c. Professionalism and consideration dictate that all materials will be reviewed by each Board member in preparation for the meeting.
- d. Respectful communication is essential. Board members may certainly disagree and are welcome to request clarification or more information from one another, staff, or guests, provided that the communication is professional.

#### **Committee Involvement**

- e. A great deal of the Board's work is conducted within committees and workgroups. To ensure diversity of opinion and to share the burden, all Board members are expected to volunteer for and accept appointments to committees and/or workgroups.
- f. Review agenda and supporting materials prior to Board and Committee meetings
- g. Actively participate in Committee meetings.



## **Section B. Communications**

Board members shall refrain from making presentations, speaking to the media, writing letters, or engaging in other kinds of communication in the name of the Board, unless the Board Chair or the Executive Director has specifically authorized such communications.

## **Section C. Code of Conduct**

The Code of Conduct is a set of behavioral expectations intended to assure the Public that the Board and its individual members uphold the highest level of integrity and ethical standards. Please refer also to the Federation of Associations of Regulatory Boards (FARB), Model Code of Conduct, which is attached as an appendix. However, to the extent that the Model Code of Conduct conflicts with these IOPP's, the IOPP's shall prevail.

### **Ethical Conduct**

The Board expects of itself and its members ethical and businesslike conduct. This commitment includes proper use of authority and appropriate decorum in-group and individual behavior when acting as Board members.

Board Values:

- Collaborative
- Inclusive
- Trusted
- Efficient
- Consistent
- Fair

### **Public Service**

Regardless of the represented constituency, it is essential for each Board member to represent the interests of the public at large while also providing the perspective of their specific constituency. Public service is truly a privilege, not an earned or inherited right.

### **Statutes and Rules**

Board members are to comply with all state laws and regulations that are applicable to public officials.

- A. Be knowledgeable of and uphold Minnesota Statutes Chapter 144E, Minnesota Rules Chapter 4690, and any other law or rule under which the EMSRB has a role.
- B. Review and make decisions on all issues presented to the Board regarding the regulations of emergency medical services from the perspective of protection of the public.
- C. Demonstrate knowledge of the purpose, philosophy, strategic EMS plan, and goals of the Board.
- D. Recognize the Board's role to make policy and staff's role to implement policy as adopted by the Board.

- E. Abide by required open meeting laws [under Minnesota Statutes Chapter 13D](#), both in-person or in the use of electronic communications.

## Conflicts of Interest

Members of the Board must strive to avoid any actual or perceived conflict of interest that may compromise the integrity of the Board. Minnesota Statutes section 144E.01, subdivision 7 identifies the required standard, under which a Board member is legally required to recuse themselves. These circumstances include having a *“direct conflict of interest, financial or otherwise”*. Additionally, a member should recuse themselves from Board action, including discussion, when the member feels unable to be fair and impartial. However, any Board member may ask questions pertaining to process of a decision to ensure that all Board policies and procedures are observed, but may not discuss any specific issue related to the identified conflict. Finally, all Board members should:

- A. Reveal actual or perceived conflicts of interest to the Board as soon as possible and recuse oneself from Board discussion if necessary and/or abstain from decision-making and voting when appropriate. A member with a potential conflict of interest “shall not chair a meeting, participate in any vote, or offer any motion or discussion on the matter giving rise to the potential conflict of interest.” Minn. Stat. § 10A.07, subd. 2(b).
- B. Provide notice as provided in Minnesota Statutes section 10A.07, subdivision 1, if the member would be required to take an action or make a decision that would substantially affect the member’s financial interests or those of an associated business, unless the effect on the member is no greater than on other members of the member’s business classification, profession, or occupation.
- C. Not participate as a decision-maker in any matter that implicates a conflict of interest or potential bias by the member.
- D. Refrain from self-dealing or any conduct of private business or personal services between any member and the Board.
- E. Not use their positions to obtain employment within the agency for themselves, family members, or close associates.
- F. Understand that they are not eligible for consideration for employment of the Board. Resignation from the Board is required prior to the submission of application for employment by the Board.
- G. Not vote or participate in Board proceedings in which the member has a direct conflict of interest, financial or otherwise as specified by [Minnesota Statutes section 144E.01, subdivision 7](#). This includes not participating or voting in board activities relating to a person or entity regulated by the board whom the member has actual bias or a current or former direct financial or professional connection with. A financial interest includes any ownership or control of an asset that may potentially produce a monetary return. Minn. Stat. § 10A.07, subd. 1(b).
- H. Understand that as an appointee within the Executive Branch of state government all Board members are prohibited from accepting gifts, meals, or any item of value according to [Minnesota Statutes section 43A.38, subdivision 2](#).

## Scope of Authority

Board members may not attempt to exercise individual authority of the Board or Board staff except as explicitly set forth in Board policies.

- A. Board members shall not be involved in the day-to-day management, operations, and personnel issues of the Board office, unless otherwise authorized or required by law.
- B. Board members' interactions with the Executive Director or with staff must recognize the lack of authority in any individual member.
- C. In their interactions with the public, press or other entities, Board members shall not speak on behalf of the Board unless specifically directed by the Board, or as authorized by the Board Chair and/or Executive Director.

## Advocacy

Board members shall not appear before the Board while acting as an advocate. Board members shall not represent, directly or indirectly, any business entity in any action or proceeding against the interest of the Board, or in any litigation in which the Board is a party. The only exception to this is a Board member responding to a formal complaint filed with the Board.

## Abuse of Power

Board members shall not use their official position to secure a special privilege or exemption for the affected person or others, or to secure confidential information for any purpose other than official duties.

## Confidential Information

- A. Board members shall not intentionally or knowingly disclose any confidential information gained by reason of the affected person's position concerning the property, operations, policies, or affairs of the Board, or use such confidential information for personal or pecuniary gain.
- B. Board members shall not engage in a business or professional activity that the affected Board member might reasonably expect would require or induce the affected Board member to disclose confidential information acquired because of the official position.

## Recusal

Board members will recuse themselves from participating in complaint reviews where a conflict of interest exists relative to the complainant, the subject of the complaint, or the licensee. Every effort should be made by individual Board members to determine whether their relationship with the complainant, subject of the complaint, or licensee creates a situation that would negatively affect objectivity.

## Violations of the Code of Conduct

Complaints related to violations of this Code of Conduct must be referred to the Executive Committee via the Executive Director and Board Chair. The Executive Committee, in consultation with the Attorney General's Office, will determine an appropriate course of action.

If the complaint is against a member of the Executive Committee, the member must excuse himself or herself from the Committee's deliberations and decisions on the complaint. An Executive Committee member, with the exception of the Board Chair may also be removed from the Executive Committee for cause by a majority vote of Board members. In the event of misconduct by the Board Chair, the Board may take a vote to direct consultation with the Governor's office in a manner the board sees fit, for guidance and potential action by the Governor. Any vacancy shall be filled in the manner provided in [Section B. Elections](#).

## Section D. Board Member Development, Orientation & Mentoring

### Board Member Orientation

- a. The Executive Director arranges a mutually acceptable date prior to the new Board member's first Board meeting to provide a general overview of the Board's responsibilities and overall mission, and an introduction of staff members to the new Board member where each will discuss the individual areas of expertise.

### Mentoring:

A Board member mentor encourages and assists a new Board member to develop a sense of comfort with the Board member role, and to foster an effective working relationship with other Board members.

- a. Recruitment and Assignment  
Mentors are experienced Board members who demonstrate awareness of the Board's governance and regulatory processes. Mentors may volunteer or be recruited by the Board's Chair. The Board Chair will assign a mentor to a new Board member, in consultation with the Executive Director.
- b. Mentoring Commitment  
The mentor is expected to initiate the relationship at the time of assignment. Either party may initiate subsequent contacts. A mentoring relationship usually lasts one year. The new Board member may change mentors as desired.

## Section E. Board Policy on Per Diems and Expenses

Reference the Board Policy titled [Per Diem Payment and Expense Reimbursement Policy](#), which is located as an appendix in these operating procedures.

### III. Board Officers

#### Section A. General

Officers of the Board shall consist of the Board Chair, vice-chair, and secretary/treasurer. Under [Minnesota Statutes section 144E.01, subdivision 3](#), the governor shall designate one of the members appointed under [Minnesota Statutes section 144E.01, subdivision 1](#), as the chair of the board.

#### Section B. Elections

At the regularly scheduled Board meeting occurring in September of each even-numbered calendar years, the Board Chair will strongly encourage a minimum of two nominations from the Board for each of the following: vice-chair, secretary-treasurer, and at-large Executive Committee member. However, if only one nomination is received then the election still shall proceed. In the event of a vacancy of an elected position, the Board Chair shall conduct an interim election at the next scheduled Board meeting following the vacancy. Members elected to positions as a result of an interim election shall serve until the next regularly scheduled election carried out under this section (September of even numbered years).

- A. Nominations for each office will be separately taken from the floor.
  - a. All nominations are required to have a second
  - b. Candidates may self-nominate
  - c. Nominators may make a brief endorsing statement to the Board, not to exceed three (3) minutes
  - d. Nominees may make a brief position statement to the Board, not to exceed three (3) minutes
- B. Elections will proceed in the following order:
  - a. Vice-Chair
  - b. Secretary-Treasurer
  - c. At-large Executive Committee member
- C. Voting will be conducted by roll call vote
- D. A candidate must achieve a simple majority of the voting Board members present, after a quorum is present to become elected to the particular office
  - a. In the event of a tie for most votes received or lack of a simple majority, the top two vote getters will remain eligible, and balloting will be repeated.

#### Section C. Terms of Office

Terms of office for vice chair, secretary/treasurer, and at-large Executive Committee member are for two calendar years.

#### Section D. Duties of the Board Chair

Duties of the Board Chair include but are not limited to:

- A. Presiding at Board and Executive Committee meetings.

- B. Establish agendas for Board and Executive Committee meetings.
- C. Calling meetings of the Executive Committee and special meetings of the Board if necessary
- D. Serving as principal spokesperson for the Board. The Board chair is the only person authorized to represent the Board except for (1) Executive Director, (2) other Board members or staff who are specifically authorized to represent the Board on particular issues.
- E. Ensuring that the Board has a strategic EMS plan.
- F. With the approval of at least one other member of the Executive Committee, taking emergency action on behalf of the Board. Any emergency action taken is to be reported immediately to the Board.
- G. Informing the Governor of a Board member missing three consecutive meetings, or of any other concerns that may be considered justification for removal with cause.
- H. Appointing mentor(s) to assist newly appointed Board members.
- I. Serving on committees. Assigning committee positions, leadership, and liaison assignments. The Board Chair is allowed to serve as Committee chair.
- J. Meeting responsibilities of the Board Chair:
  - a. With consultation as needed from the Assistant Attorney General assigned to the Board ensure meeting discussion content will be held to only those issues that clearly belong to the Board to decide, according to Board policy.
  - b. Ensure deliberation will be timely, fair, orderly, and thorough, but also efficient, limited in time and kept to the point.
  - c. [Roberts Rules of Order](#) are observed except where the Board or applicable law supersedes them.
  - d. May participate in the debate on any issue, similar to other Board members.
- K. Board Chair authority **does not** include supervising, interpreting Board policy to, or otherwise unilaterally directing the Executive Director.
- L. Casting a vote on all Board motions unless there is a conflict of interest or recusal is otherwise appropriate.
- M. Working closely and cooperatively with the Executive Director to advance the work of the Board.
- N. Assuming the duties of the Executive Director during any vacancy in the position.
- O. Maintaining confidentiality regarding Board personnel and other sensitive information.
- P. Calling to end the appointment of the Executive Director as determined by the Executive Committee to the Board

## Section E. Duties of the Vice-Chair

Duties of the Vice-Chair include but are not limited to:

- A. Presiding at Board or Executive Committee meetings in the absence of the Board Chair.
- B. Assisting the Board Chair as requested.
- C. Serving on the Executive Committee.
- D. Working with the Board Chair and the Board in developing a strategic EMS plan and direction.
- E. Maintaining confidentiality regarding Board personnel and other sensitive information.

## **Section F. Duties of the Secretary-Treasurer**

- A. Presiding at Board or Executive Committee meetings in the absence of the Board Chair and Vice-Chair.
- B. Review, approve and sign the official minutes of Board meetings after approved by the Board.
- C. Serve as the Board liaison to the Grants and Financial Manager.
- D. Serve as a member of the Executive Committee; and
- E. Provide written notification to any member who misses two consecutive Board or committee meetings that the member may be removed for missing the next meeting in accordance with [Minnesota Statutes section 15.0575, subdivision 4.](#)

## **IV. Board and Committee Meetings**

### **Section A. Open Meeting Law**

All meetings of the Board, its committees, and task forces are subject to the Minnesota Open Meeting Law, [Minnesota Statutes, Chapter 13D](#), and shall be open to the public, unless closure is required or authorized by law. Observers at all public meetings are given an opportunity to provide input for Board consideration, at the discretion of the Board Chair.

### **Section B. General**

It shall be the intention of the Board to comply with all state and federal statutes, rules and regulations pertaining to open meetings, meeting notices, and meeting participation. The Board will follow [Roberts Rules of Order, Newly Revised](#), during Board and committee meetings, except as superseded in these bylaws and by applicable law.

### **Section C. Regular Board Meetings**

The Board shall select regular meeting dates and times at the first meeting of each calendar year. The regular meeting dates and times selected shall be for the period of February through January. A schedule of the regular meetings of the Board shall be kept on file in the Board's office and a copy posted on the Board's webpage in accordance with the Minnesota Open Meeting Law, [Minnesota Statutes section 13D.04](#). The Board shall give, at a minimum, the same notice that is required for special meetings as set forth in [Minnesota Statutes section 13D.04, subdivision 2](#), if the Board decides to hold a regular meeting at a time or place different from that which is stated in the regular meeting posting. The frequency may vary depending on the business facing the Board, but regular Board meetings will occur not less than six times per year. The Board Chair may cancel any meeting due to inclement weather, hazardous travel conditions, or other unforeseen circumstance.

### **Section D. Special Board Meetings**

When required to conduct essential business prior to the next regular Board meeting, the Board Chair or Executive Committee may call a special meeting. For special meetings, the Board will post written notice of the date, time, location, and purpose of the meeting at the Board's office and on the Board's webpage. In

accordance with the Minnesota Open Meeting Law, [Minnesota Statutes section 13D.04, subdivision 2](#), the Board shall also provide notice to persons who have filed a written request for notice of special meetings with the Board.

### **Section E. Emergency Board Meetings**

Emergency meetings may be called by the Board Chair or the Executive Committee, because of circumstances that, in the judgment of the Board Chair or Executive Committee, require immediate consideration by the Board. The Board shall make a good faith effort to provide notice of the meeting to each news medium that has filed a written request for notice, if the request includes the news medium's telephone number, and as soon as reasonably practical after notice has been given to the Board members.

### **Section F. Closed Board Meetings**

- A. The Board shall close the portion of a meeting in which the Board discusses allegations or charges against an individual subject to the authority of the Board and when otherwise required under Minnesota Statutes section [13D.05, subdivision 2](#).
- B. The Board shall close the portion of a meeting when the Board exercises quasi-judicial functions involving disciplinary proceedings, pursuant to [Minnesota Statutes, section 13D.01, subdivision 2](#), and disciplinary hearings shall be closed to the public, pursuant to [Minnesota Statutes section 144E.305, subdivision 3\(a\)](#).
- C. When the Board evaluates the performance of an individual subject to the authority of the Board, the Board may close that portion of the meeting. Prior to closing the meeting, the Board must identify the person whose performance will be evaluated. At the next open meeting, the Board must summarize its conclusions regarding the evaluation. If the subject of the meeting requests that the meeting be open, the Board must open the meeting. This paragraph does not apply if the evaluation is part of a disciplinary proceeding.
- D. Prior to closing any meeting, the Board shall state on the record the specific grounds permitting a closed meeting and describe the subject matter to be discussed.

### **Section G. Agenda**

Discussion items for consideration by the Board should be submitted to the Board Secretary-Treasurer no later than 5 P.M. eight (8) days prior to the scheduled board meeting. The Board Chair will establish the agenda for the meeting. Agenda items for Committee meetings shall be submitted to the Committee chair no later than seven (7) days prior to the scheduled meeting. The Committee chair will establish the agenda for the meeting.

### **Section H. Quorum for Meetings**

The presence of a majority of the qualified Board members constitutes a quorum at Board meetings. No official business may be acted upon without a quorum.

The presence of a majority of the qualified committee members constitutes a quorum at committee meetings. No official business may be acted upon without a quorum.



## Section I. Voting

When a quorum is present, the Board or Committee may take action on items by a simple majority vote (50%+1) of the voting members present. A show-of-hands or voice vote is sufficient for most votes unless meetings are being held as outlined in [Section K Meetings via Phone and Interactive Technology](#). Voting results are listed in the official minutes, identifying the vote of individual Board or Committee members.

The exception is the use of confidential paper ballot when requested by a Board member via a motion and approved by the Board prior to voting. Abstaining from voting should be avoided. However, a member must recuse, when the issue is one in which the Board or Committee member has a direct conflict of interest. These voting results must be recorded in the official minutes.

## Section J. Minutes of Board Meetings

Minutes of all Board meetings are recorded and will be submitted to the Board for approval at the Board's next meeting. The minutes are official upon approval by the Board and signed by the Secretary-Treasurer. Approved minutes are published online on the Board website.

## Section K. Meetings via Phone and Interactive Technology

- A. In accordance with [Minnesota Statutes, sections 13D.015](#), the Board and committees may conduct meetings by telephone or interactive technology. Board members participating via telephone or interactive technology are considered present for determining a quorum and for voting.
- B. When Board or committee meetings are held by telephone or interactive technology, all Board members, regardless of physical location, must be able to hear one another and hear all discussion and testimony; all members of the public must be able to hear all discussion and all votes of members and participate in testimony; at least one member of the entity must be physically present at the regular Board meeting location; all votes must be conducted by roll call; and the meeting notice must state that some members may participate by interactive technology and be posted on the Board's website at least ten days before any regular meeting. [Minnesota Statutes section 13D.015](#).
- C. In circumstances involving a closed meeting, the communication system must be a secure system that protects from eavesdropping.
- D. If a pandemic or [Minnesota Chapter 12 emergency is declared](#), the requirement that a member, chief legal counsel, or chief administrative officer be present at the Board offices may be suspended if it is deemed unfeasible under [Minnesota Statutes, section 13D.021](#).

## Section L. Committee Meetings

Board Committee meetings are subject to open meeting law and may only be closed as allowed under [Minnesota Statutes Chapter 13D](#). Board Members will arrive to committee meetings prepared, having reviewed agenda and other materials sent in advance of the meeting. Votes of the committees are considered recommendations to the Board, and are not final decisions, unless the Committee has been granted specific authority of the Board.

## **Section M. Committee, Subcommittee, and Workgroup Minutes**

Each committee, standing advisory committee, subcommittee, and workgroup shall keep minutes. The minutes will reflect how each member voted.

## **Section N. Properly Noticed Committee Meetings**

At properly noticed committee meetings, only appointed committee members may vote. Other Board members may attend and participate as members of the public but may not vote.

## **Section O. Committee Attendance**

Failure of a member to attend three consecutive Committee meetings may result in removal from the Committee.

## **Section P. Subcommittees or Workgroups**

The Committee Chair may appoint subcommittees or workgroups as needed which may include Board and non-Board members.

## **Section Q. Committee Terms**

The Committee Chair may appoint subcommittees or workgroups as needed which may include Committee and non-Committee members.

# **V. Committees**

## **Section A. General**

Board committees are comprised of members of the Board and may also include members of the public, as appointed by the chair of the Board. The Board chair is authorized to designate chairs for each committee. The chairs of the committee must be a Board member.

The Board may also authorize ad hoc committees when needed for specific purposes and a specific duration. The Board chair may appoint Board members, and, when authorized by the Board, members of the public, to ad hoc committees.

## **Section B. Executive Committee**

### **Function**

Elected Officers of the Board; empowered to act on behalf of the full Board and to establish Board direction as the main governing body of the Board.

The Executive Committee provides input and recommendations to the Board and Executive Director to ensure that the mission of the Board is met and that the Board utilizes human and fiscal resources efficiently and effectively.

## Committee Membership

- A. Board Chair
- B. Vice Chair
- C. Secretary-Treasurer
- D. Complaint Review Panel Chair
- E. Medical Direction Standing Advisory Committee (MDSAC) Chair
- F. At-large Board member elected by the Board

## Chair

The Board Chair serves as the Chair of the Executive Committee

## Primary Responsibilities

- A. Keep protection of public health and safety foremost in decision making.
- B. Propose a general strategic direction for the Board.
- C. Act on behalf of the Board, related to legislative proposals that present a timeline where waiting until the next scheduled Board meeting for action would pose a detriment to the agency.
- D. Review and establish Board meeting agendas.
- E. Regularly reviews and makes recommendations to the IOPP.
- F. Addresses matters identified by the Board Chair or Committee Chair(s).
- G. Provide financial oversight; review issues related to budget and finance.
- H. Make recommendations to the Board, as appropriate.
- I. Oversees an annual performance review of Executive Director. Executive committee will form a subcommittee to perform the executive director's evaluation. The subcommittee shall ensure the following:
  - a. Prepare results and written summary of review to be presented to the Full Board during an open session.
  - b. A performance review will be conducted annually.

The executive committee should authorize salary adjustments, achievement awards, and other compensation for Executive Director after the evaluation is completed.

- J. Act for the Board under the provisions of [delegated authority, as outlined in this IOPP](#).
- K. Report to the Board at subsequent meetings regarding actions taken by the Committee.
- L. Cooperatively establish goals with the Executive Director.
- M. Unless exclusively delegated to the Executive Committee, the Executive Committee shall only act on matters where there are exigent circumstances such as time pressures or personnel matters necessitating immediate action. In all other instances the matter shall be referred to the full Board for potential action.

## Meetings

- A. Meetings of the Executive Committee are scheduled prior to regularly scheduled Board meetings, or as determined by Committee members and least two times per year, unless the full Board is meeting monthly.
- B. Executive Committee will regularly conduct meetings in open (public) forum.
- C. Executive Committee is authorized to close meetings for specific, limited concerns (e.g., performance evaluations, labor negotiations) as allowed by [Minnesota Statutes Chapter 13D](#).

## Expectations-Committee Practices

- A. Discussion items for consideration by the Committee should be submitted to the Executive Director prior to the scheduled meeting. the meeting agenda is approved by the Board Chair.
- B. Committee packets are prepared and distributed one week prior to the meeting to ensure that members are prepared for the meeting.
- C. Communication between Committee members is respectful at all times.
- D. Committee members will not disclose personnel, or other data, that is classified as private, confidential, and/or not public.
- E. All actions taken by the Committee will be reported to the Board at its next meeting.
- F. Minutes of meetings are to be distributed to the full Board as soon as possible following a meeting.

## Principle Staff Contacts

- A. Executive Director & Administrative Assistant

## Section C. Complaint Review Panel (CRP)

### Function

To evaluate and review staff investigations of application disclosures and complaints regarding licensed ambulances services, education programs, and individuals registered or certified by the Board. The CRP will make recommendations for disciplinary action to be considered and approved by the full Board during closed session case reviews.

### Panel Membership

The committee may be split into groups with three to four members. Committee chair will appoint Board members to sit on the CRP and the membership is comprised as follows:

- A. Two physician Board members
- B. Five Board members
- C. Assistant Attorney General (AAG)

### Chair

The Chair of the CRP is appointed by the Board Chair in accordance with [Article V Section A](#).

## Primary Responsibilities

- A. Keep protection of the public health and safety foremost in decision-making.
- B. Reinforce Minnesota Administrative Rules and Statutes related to EMS.
- C. Evaluate and review staff investigations of received complaints and achieve resolution through appropriate action, dismissal, corrective action, or discipline.
- D. Evaluate and review application disclosures from individuals to assess their ability to provide EMS in Minnesota.
- E. Review mandatory reports and Health Professional Services Program discharges and assess the subject's ability to safely provide EMS in Minnesota.

## Meetings

- A. Meets in closed session.
- B. Generally, meets monthly.

## Expectations-Panel Practices

- A. Objectively and consistently review complaints, responses, and investigative materials.
- B. Maintain confidentiality of case materials, including investigative materials and other, non-public case related information. Panel Members shall refrain from discussions regarding complaint cases outside of committee.
- C. Panel members will recuse themselves from participating in complaint reviews where a conflict of interest exists relative to the complainant, the subject of the complaint, or the licensee (every effort should be made to determine whether the Panel member's relationship with the complainant, the subject of the complaint, or licensee creates a situation that would negatively affect objectivity—this can be reviewed and discussed with the sitting Assistant Attorney General assigned to the Board).
- D. Determine appropriate course of action from Minnesota Statutes sections 144E.19 for the license or licensee, based on the investigation.
- E. Determine appropriate course of action from Minnesota Statutes section 144E.27-28, for applicants, education programs, and individuals registered or certified by the Board, based on the investigation.
- F. Commit time necessary to prepare and offer educated opinions on complaints.
- G. Communicate responses to complaints memos from staff in a timely manner.
- H. Understand the disciplinary process and remediation process.
- I. Utilize designated Assistant Attorney General as Counsel.
- J. Disciplinary actions that are proposed by the CRP must be reviewed and voted on by the Board in order to become effective.
- K. No independent investigation is allowed by Board Members.
- L. Complaint Review Chair to follow up on any topics referred to another committee.

## Principle Staff Contact

- A. Compliance Analyst

## **Expectations of Staff**

- A. Compliance Analyst will prepare committee materials, maintain discipline files, and provide follow up to committee requests for action; closure, record review, investigation, request for additional materials, scheduling and drafting conference materials. Compliance Analyst will also be the primary communication point for Health Professionals Services Program (HPSP) and other State entities related to the responsibilities of the CRP.
- B. Investigation Specialists will prepare investigative reports and present their findings to the panel at the monthly meeting. Investigation Specialists will maintain investigative files and provide follow-up to committee when additional investigative information is requested.
- C. EMS Specialists will prepare documentation when it is found that a service or education program is in violation through their inspection and/or corrective order process.
- D. Staff responsibilities are overseen by Executive Director.

## Section D. Data Policy Standing Advisory Committee (DPSAC)

### Function

The purpose of the committee is to provide recommendation to the Board regarding data collection policy and practices.

### Committee Membership

The committee shall consist of a minimum eight (8) and a maximum of 12. Membership shall include representatives from rural and metro ambulance services to include direct data entry users and those that upload data into MNSTAR. In addition, membership shall include representation from those representing public health, medical research, and other public interests (hereafter public interest). At no time shall the representation from either ambulance services or the public interest exceeds 60% of the membership.

### Chair

The Chair of the committee is appointed by the Board Chair in accordance with [Article V Section A](#).

### Primary Responsibilities

- A. Recommend to the Board the data elements to be included for collection in the Minnesota prehospital care dataset.
- B. Review prehospital care data quality submitted to the Board.
- C. Provide information to licensees on how to provide quality data.
- D. Vet and respond to data questions and related inquiries from the Board.
- E. Provide input to Staff, when requested, in developing and reviewing reports.

### Meetings

- A. Frequency determined by Committee members, but not less than two times per year.
- B. Compliance with Minnesota Open Meeting Law.

### Expectation-Committee Practices

- A. Commit time necessary to prepare and offer educated discussion and opinions.
- B. Understand or have interest in prehospital care data.
- C. Disposition to listen to and learn from others.
- D. Respectful interactions at all times.
- E. Minutes of meetings are to be distributed to the full Board as soon as possible following a meeting.

### Principle Staff Contact

- A. Data Manager and Analyst

## Section E. Medical Direction Standing Advisory Committee (MDSAC)

### Function

For physicians to discuss prehospital care and work toward the improvement of medical direction statewide.

### Committee Membership

Committee chair will appoint committee members. At no time shall the representation from either the Board or the public interest exceed 60% of the committee membership. Those eligible for committee membership include:

- A. All physician Board members.
- B. Physicians serving as EMS Medical Directors for licensed ambulance services.
- C. Physicians serving for accredited EMS educational program in Minnesota.
- D. Other interested emergency physicians.

### Chair

A physician Board Member must be the Chair of the committee and is appointed by the Board Chair in accordance with [Article V Section A](#).

### Primary Responsibilities

- A. Keep protection of the public health and safety foremost in decision-making.
- B. Focus on clinical aspects of prehospital medical care incorporating information in medical literature, advances in bedside clinical practice, and committee members experience.
- C. Advise the Board on policy decisions as they relate to patient care.
- D. Serve as subject matter experts for the Board on evolving topics of clinical medicine including but not limited to infectious disease pandemics, pharmaceutical and equipment shortages, implementation of new therapeutics, and EMS provider scope of practice.

### Meetings

- A. Meetings are scheduled as determined by Committee members. The committee should meet at least two times per year.
- B. Meetings will regularly conduct meetings in an open (public) forum.

### Expectations-Committee Practices

- A. Committee packets are prepared and distributed one week prior to the meeting to ensure that members are prepared for the meeting.
- B. Communication between Committee members is respectful at all times.
- C. Committee members will not disclose personnel, or other data, that is classified as private, confidential, and/or not public.
- D. All actions taken by the Committee will be reported to the Board at its next meeting.
- E. Minutes of meetings are to be distributed to the full Board as soon as possible following a meeting.

### Principle Staff Contacts

- A. Executive Director



## Section F. Legislative and Rules Committee

### Function

To identify and review statutory changes to Minnesota Statutes Chapter 144E and to propose changes to Minnesota Rule Chapter 4690 for review and adoption by the full Board.

### Committee Membership

In addition to the Ex Officio members appointed by the House and Senate who shall be standing members, the Committee chair will appoint other members.

### Chair

The Chair of the committee is appointed by the Board Chair in accordance with [Article V Section A](#).

### Primary Responsibilities

- A. Propose statutory changes that will enhance the regulatory capabilities of the Board and increase the effectiveness and efficiency of EMS to provide the appropriate level of public safety and medical support.

### Meetings

- A. Meetings are scheduled as determined by Committee members. The committee should meet at least two times per year.
- B. Meetings will regularly conduct meetings in an open (public) forum.

### Expectations-Committee Practices

- A. Committee packets are prepared and distributed one week prior to the meeting to ensure that members are prepared for the meeting.
- B. Communication between Committee members is respectful at all times.
- C. Committee members will not disclose personnel, or other data, that is classified as private, confidential, and/or not public, including legislation that has not yet been finalized as a formal bill with a number assigned, by the Office of the Revisor.
- D. Any formal action taken by the committee will be reported to the Board at its next meeting.
- E. Minutes of meetings are to be distributed to the full Board as soon as possible following a meeting.

### Principle Staff Contacts

- A. Executive Director

## **Section G. Executive Director Evaluation Workgroup**

### **Function**

To evaluate the Executive Director

### **Workgroup Membership**

The Board Chair will appoint workgroup members. Workgroup membership is comprised of three to five Board members.

### **Chair**

The Chair of the workgroup is appointed by the Board Chair.

### **Primary Responsibilities**

- A. Evaluate the Executive Director performance at 90 and 180-days from date of hire and then annually or as needed.
- B. Evaluate the Executive Director performance in relationship to the Board established goals.
- C. Evaluate the Executive Director performance in relationship to the job description.

### **Meetings**

As determined by the Chair of the workgroup

### **Expectations-Committee Practices**

- A. Hold in confidence the executive director's performance evaluation.
- B. Respectful communication at all times.
- C. Use a standardized format as approved by Small Agency Resource Team.
- D. Provide the completed evaluation form to the Executive Director three (3) business days prior to meeting.

### **Principal Staff Contacts**

- A. SmART Labor Relations/Human Resources

## VI. Board Staff

### Appointment of Executive Director

Pursuant to [Minnesota Statutes section 144E.01, subdivision 5](#), the Board shall appoint an executive director who shall serve in the unclassified service. The Executive Director is covered by the State of Minnesota's Managerial Plan.

### Executive Constraint

The Executive Director shall not cause or allow any practice, activity, decision, or organizational circumstance which is either imprudent or in violation of commonly accepted government or professional ethics, law, or state policy.

### Expectations-Practices

- A. It is the policy of the Board to provide a work environment that ensures equal opportunities and mutual respect for all employees, and to place the dignity of these employees, as well as the citizens we serve, in the highest regard.
- B. Information and advice to the Board will have no significant gaps in timeliness, completeness, or accuracy.
- C. There shall be no conflict of interest in awarding purchases or other contracts.
- D. All Board authority delegated to staff is delegated through the Executive Director, so that all authority and accountability of staff can be phrased-- insofar as the Board is concerned--as authority and accountability of the Executive Director.
- E. The Executive Director is authorized to establish all means policies, make all decisions, take all actions, and develop all activities that are true to the Board's policies. The Board may, by extending its policies, "undelegate" areas of the Executive Director's authority, but will respect the Executive Director's choices so long as the delegation continues. This does not prevent the Board from obtaining information about activities in the delegated areas.
- F. No individual Board member, officer, or committee (except the Executive Committee) has authority over the Executive Director. Information may be requested, but the Executive Director may refuse the request if the Executive Director determines that the request will require a material and substantial amount of staff time.
- G. Should the Executive Director deem it necessary to violate Board policy, s/he shall inform an officer (Chair, Vice-Chair, or Secretary/Treasurer of the Board. Informing is to guarantee no violation may be intentionally kept from the Board, not to request approval. Officer response, either approving or disapproving, does not exempt the Executive Director from subsequent Board judgment of the action nor does it impede any executive decision.
- H. As the Board's single official link to the operating organization, the Executive Director is accountable for all organizational performance and exercises all authority transmitted into the organization by the

Board. Executive director performance will be considered to be synonymous with organizational performance as a whole.

- I. No less than once per year the Executive Director shall provide or cause to be provided a comprehensive report of the agencies financial standing to the full Board.

### **Authority to Appoint and Organize**

The Executive Director to the extent allowed by the Board budget shall appoint other members of the staff. In addition, the Executive Director shall be responsible for designing, changing, and operating an effective management structure, for staff organization, and for all human resource functions.

## VII. Decision Making Guidelines

### Ends-Means Philosophy

Ends policies may include one, two, or all three of the following components:

1. Focused on the impact, difference, change, benefit, or outcome to be obtained through EMS in the lives of the people and the communities of Minnesota (results). **FOR WHAT GOOD?**
2. Focused on identifying and describing the populations (recipients) to receive services. **FOR WHICH PEOPLE?**
3. Focused on the monetary expense, relative worth or relative priority of a result or set of results, or the comparative priority of certain recipients rather than others getting the results. **AT WHAT COST?**

**Means** policies are any organizational issues that are not **ends**.

### Potential Information Sources for Decision-Making

#### Staff

There is a short-term or on-going organizational activity/issue that requires on-going or just-in-time information gathering and to formulate recommendations which contribute to responsible decision-making.

#### Board Committee

There is an organizational core activity/issue for which the Board is solely responsible, that requires on-going information gathering and concentrated, extensive discussion to formulate recommendations which contribute to responsible decision-making. The core activity/issue may include the need for consistent membership that contributes expertise from the Board. The committee responsibilities can be stated in broad, categorical terms, e.g., Executive Committee.

#### Advisory Committee

There is a long-term Board activity that is narrowly focused and requires information gathering and concentrated, extensive discussion to formulate recommendations that contribute to responsible decision-making. The activity may include the need for membership that contributes expertise from outside the Board. The committee responsibility is stated in specific, time-limited terms, e.g., Medical Direction Standing Advisory Committee.

#### Ad Hoc Committee

There is a short-term Board activity/issue that is narrowly focused and requires information gathering and concentrated, extensive discussion to formulate recommendations that contribute to responsible decision-

making. The activity/issue may include the need for membership that contributes expertise from outside the Board. The committee responsibility is stated in specific, time-limited terms.

### **Consultant-Expert**

There is a short-term Board activity/issue that requires special expertise from an individual or group for the Board to take action. Carver (1997) *Reinventing Your Board*. Jossey-Bass: San Francisco, p. 18.

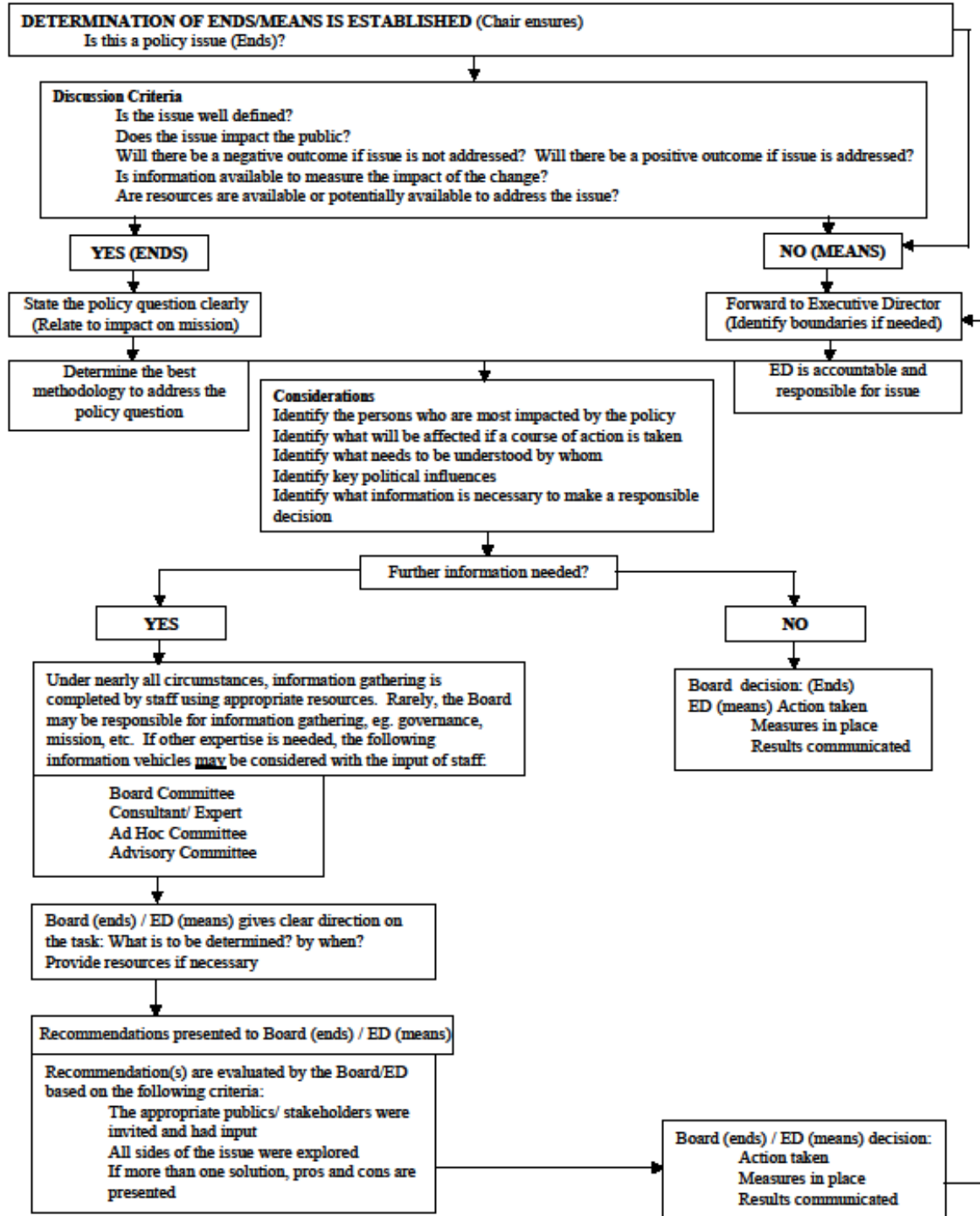
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## **Appendix A Decision-Making Guidelines Flowchart**

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## Decision-Making Guidelines Flowchart



## Appendix B Per Diem Payment and Expense Reimbursement Policy

From the Emergency Medical Services Regulatory Board, State of Minnesota

**Version:** 2.20  
**Effective Date:** 05/10/2022  
**Approval:** Executive Director

### Policy Statement

Eligible board members shall be reimbursed as permitted by Minnesota Statute and as approved by this policy, within the limits of the authorized budget.

### Reason for the Policy

In accordance with Minnesota Statutes section 15.0575 the Board is required to have a policy in place that identifies approved expenses and reimbursements for board members.

### Per Diem Payments

1. Eligible board members may request and receive per diem payments for approved board activities. Eligibility for per diems is governed by Minnesota Statutes section 15.0575, subdivision 3.
  - a. Board members may be compensated at the rate of \$55 per day spent on board activities, which shall include any regular or special meetings of the Board, any meeting of a committee or workgroup of the Board, or any conference or professional meeting that the Board specially approves as an authorized board activity. If more than one Board activity occurs during a single day, only one per diem payment may be made for that day.
  - b. Board members who are state employees or employees of a political subdivision of the state may not receive the daily payment for activities that occur during working hours for which they are compensated by the state or political subdivision. However, a state or political subdivision employee may receive the daily payment if the employee uses vacation time for Board activities or the Board Activities occur outside of their working hours.
  - c. Board members may also be compensated for time spent in preparation for meetings of the Board's Complaint Review Panel. Four hours of preparation time equals one per diem payment. For the purposes of calculating per diem, time may be accumulated but not divided. For example, hours may be accumulated over more than one day to reach the required four hours, but only one per diem may be paid per CRP meeting and for any number of hours in a single day.

- d. For board members to be eligible for payment, they must be registered as a vendor in the state's SWIFT system. Individuals needing to register within SWIFT can do so by using this link [Register as a Supplier Here](#)

## Per Diem Payment Procedure

1. Board members who are eligible and desire to apply for per diem payment shall send an E-mail to [Shamika.Brown@state.mn.us](mailto:Shamika.Brown@state.mn.us) that contains the following information.
  - a. The meeting date that per diem is being claimed for
  - b. The type of meeting (Board Meeting, Work Group, Committee, Etc.)
  - c. Written text that formally requests the per diem, an example is included below.
    - i. *"In accordance with EMSRB policy I am formally requesting payment of board member per diem for the board activities outlined in this email"*
  - d. A signature block that clearly identifies your legal name and your status as a board member.
2. For all board activities that are conducted on or after May 11, 2022, board members should ensure that requests for per diem payments are made within 14 days of the approved board activity.

## Actual Expense Reimbursements

1. Board members may request and be reimbursed for mileage, meals, lodging, registration, and related expenses for authorized Board activities. Members who incur childcare expenses that would not otherwise have been incurred may be reimbursed for those expenses. Members who are state employees or employees of political subdivisions of the state may receive reimbursement unless the expenses are reimbursed by another source. Expenses are reimbursed according to the current Commissioner's Plan. If an expense is not covered by the Plan, a special payment request will be filed.
2. Board members who request reimbursement of lodging must submit an original lodging receipt. Cancelled checks or copies of receipts are not acceptable. Whenever practical, Board members should request board staff to make lodging reservations so that payment can be made directly to the hotel by the agency rather than as reimbursement to the Board member. *In either situation, the government lodging rate must be requested at the time of the reservation.*
3. Board members submitting actual expenses must complete a SEMA4 Employee Expense Report, and email to [Shamika.Brown@state.mn.us](mailto:Shamika.Brown@state.mn.us) within 30 days of the expense being incurred. In accordance with MMB and IRS policy, expenses that are submitted after 60 days are subject to taxation.

## Out-of-State Travel

1. Board members may request and be reimbursed for attending out-of-state conferences that are specifically approved by the Board. The member will be asked to report to the Board about the conference. There are very specific requirements for approval of out of state travel. Board members should not make any out of state travel arrangements without consulting the Executive Director.

## Applicability

This policy applies to all board members of the Emergency Medical Services Regulatory Board.

## Related Information

[MMB Commissioners Plan](#)

[MMB Memo: Business Expense Tax Implications: Agency Responsibilities](#)

[SEMA 4 Employee Expense Report](#)

[Minnesota Statute § 15.0575 subdivision 3](#)

## History

Version	Description	Date
1.0	Initial Policy	09/11/1998
1.1	Policy Revised	03/10/2000
1.2	Policy Revised	01/17/02
1.3	Policy Revised	07/16/2012
2.0	Policy Revised, Reformatted	05/10/2022
2.1	Policy Revised, Legal Citations Updated by AAG	08/29/2022
2.2	Updated Contact Information	12/21/2023

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## **Appendix C FARB Model Code of Conduct**

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# **Model Board Member Code of Conduct**

Revised September 21, 2016

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## INTRODUCTION

The Federation of Associations of Regulatory Boards (FARB) is pleased to introduce the FARB *Model Board Member Code of Conduct*. Whether the discussion concerns licensing or disciplinary decisions, open meeting or public record questions, or any of the myriad other topics included in professional regulation, one thing is clear: public protection starts with the board members. It is the hope of the FARB Board of Directors that introduction of this model document will provoke a conscious conversation among regulators about expectations for board member qualifications and behavior.

FARB is a not-for-profit and tax exempt association under 501(c)(3) of the Internal Revenue Code. FARB governing members are federations and associations of regulatory boards from a wide variety of the regulated professions. In addition to its educational conferences, FARB develops and distributes model documents which promote uniformity, benefitting both the regulatory community and the public.

The FARB *Uniform Model Practice Act*, the *Model Application for Licensure and Renewal*, the *Model Consent Agreement*, and this new *Model Board Member Code of Conduct* are guides for regulatory boards, departments, or agencies. To assist in its implementation, the FARB presents its *Model Board Member Code of Conduct* in legislative format. FARB recognizes that, in the short term, individual constituencies may find it more appropriate to adopt the Code as a rule or policy of the regulatory entity.

The FARB *Model Board Member Code of Conduct* sets forth behavioral expectations for individual members of the regulatory authority of a designated profession. It guides board members in the fulfillment of their regulatory roles. By establishing specific standards, it becomes a tool to assist in the recruitment and selection of members for regulatory boards and can serve as a means of evaluating potential nominees. It also establishes the expected behaviors and actions of individuals serving on the board and provides a rationale for removal of board members whose service fails to meet expectations or is otherwise unacceptable.

FARB is pleased to provide this new and improved document to legislators, regulatory boards, attorneys, appointing authorities, and the regulatory community. While the principles contained in this Code have widespread applicability, in adapting this Code for use in your particular jurisdiction, please consult your substantive and procedural state laws and seek legal advice as necessary. To the extent any users have comments or suggestions to improve the document, please forward your remarks to the FARB Executive Director at [FARB@FARB.org](mailto:FARB@FARB.org).



# **AN ACT TO ESTABLISH A BOARD MEMBER CODE OF CONDUCT**

## **Section 1. Statement of Purpose.**

- (1) The purpose of this part is to set forth a code of conduct particular to members serving on professional and occupational regulatory boards, commissions, or councils. A board member code of conduct defines the expected character and conduct of such individuals and establishes a standard for removal from serving in order to sustain public confidence in the ability of a regulatory board to carry out its mission to protect the public health, safety, and welfare through the regulation of the provision of EMS in the State of Minnesota.
- (2) In the interest of this public protection perspective and to set forth the mandates of the relevant agency of the state legislatively delegated with the authority to enforce laws and promulgate and enforce rules, board members shall at all times maintain a perspective consistent with the enforcement of the relevant law in the interest of public protection. Board members are required to adhere to the code of conduct set forth herein and other applicable ethical obligations imposed upon public servants.

## **Section 3. Definitions**

- (1) Adjudicatory Proceedings – a proceeding before the board in which the legal rights, duties, or privileges of specifically named persons are required by constitutional right or by any provision of Minnesota law to be determined after an opportunity for a hearing before the board.
- (2) Agency – the state board, commission, department or officer authorized by law to make rules or to determine adjudicatory proceedings.
- (3) Board – the Emergency Medical Services Regulatory Board created in Minnesota Statute 144E.
- (4) Board Member – any individual appointee to the board.
- (5) Executive Director – an individual employed by the board who is responsible for the performance of the administrative functions under the oversight of the board and such other duties as the board may direct.
- (6) Good Standing – a license or certification that is not restricted in any manner and which allows the licensee/certification holder full practice privileges.
- (7) Industry Trade Association – an organization that promotes the business of the profession and participates in public relations activities that include, but are not limited to, advertising, education, political donations, lobbying, and publishing.
- (8) Presiding Officer – the individual or body of individuals in whom the ultimate legal authority of the agency is vested by any provision of law.

## **Section 4. Personal Performance of Duties – Practice.**

- (1) A board member shall:
  - a) Maintain a working knowledge of the laws, rules, policies, and procedures under the jurisdiction of the board,

- b) Regularly attend and meaningfully participate in board meetings and other board proceedings that may be required,
- c) If practicing as a member of the regulated occupation or profession, be appropriately credentialed in good standing, and
- d) Act professionally in all interactions with other board members, executive director, board staff, consultants, advisors, other state officers and employees, and the public.

## **Section 5. Conflict of Interest – Ethics**

(1) A board member shall:

- a) Comply with conflict of interest and ethics laws and rules,
- b) Decline to deliberate, participate, or otherwise attempt to affect the outcome of any matter before the board when to do so may result in a conflict of interest or the appearance of a conflict of interest,
- c) Comply with the requirements of the open meetings and public records laws of this state regarding all communications, whether written or electronic, between board members and between board members and board staff including, but not limited to, emails, social media, and telephone text messages,
- d) Follow applicable communication protocols regarding dissemination of board information, including maintaining confidentiality of matters discussed in executive session and under the attorney-client privilege, and
- e) Exercise licensing and rulemaking decisions independent of external influences.

(2) A board member shall not:

- a) have private contracts or business dealings with the board, other than board member compensation or reimbursement as may be otherwise provided by law,
- b) receive any payment or benefit from transactions of the board, other than the benefit derived from licensure by the board if the board member is a licensee of the board,
- c) solicit or receive a gift or favor from any person, company, organization, or any intermediary interest which may compromise or appear to compromise the independent judgment of the board member regarding fulfillment of any board or board member obligations,
- d) attempt to obtain favorable treatment by the board for any individual or entity, and
- e) use his or her position on the board to advance any private interest.

## **Section 6. Membership in Professional Organizations – Industry Trade Prohibitions.**

(1) In fulfilling their responsibilities to the licensing board, a board member shall at all times maintain a perspective consistent with the enforcement of the relevant laws and rules in the interest of public protection, and not in protection of the professional interests of the licensees.

- (2) A board member shall not be an officer or hold any leadership position in state or national industry trade associations or other organizations serving the profession of dentistry during the term of the board member's appointment to the board. In this capacity, a leadership position is defined as including, but not limited to, a voting member of the executive board, service on an ethics committee, membership committee, examination committee, or other committee or similar position of the association or organization.
- (3) A board member shall not be a registered lobbyist for any professional organization or industry trade association.

## **Section 7. Communication Protocols.**

- (1) As an agency of the state legislatively delegated with the authority to enforce laws and promulgate and enforce rules, board members shall recognize the parameters of the board's authority and ensure the board maintains its public protection mission in undertaking all of its duties and responsibilities,
- (2) Within the parameters of the board's authority, board members shall:
  - a) Ensure the effectiveness and efficiencies of the board,
  - b) Delegate and oversee administrative functions of the board staff, including certain activities identified to occur between board meetings,
  - c) Select leadership of officers of the board to preside over the customary board activities including, but not limited to, board meetings, committee structures, application and renewal processing, complaint processing, rulemaking, and matters related to board budgets, and
  - d) Recognize the importance of communications related to board business and adopt policies that establish communication protocols and assure that the majority opinions of the board are promoted.
- (3) A board member shall:
  - a) authorize and provide general direction to the executive director to address day-to-day administrative decisions including, but not limited to, personnel matters,
  - b) make requests for board staff assistance through approved procedures including, but not limited through, the presiding officer or the executive director,
  - c) refer board staff and members of the public who attempt to use individual board members as an avenue to influence board decisions to the executive director, and
  - d) provide other general direction and delegate functions and tasks to the executive director as appropriate under law.

## **Section 8. Disclosure of Board Information**

- (1) A board member shall:
  - a. obtain the permission, vote, or approval of the board as to the information that may be shared when speaking on behalf of the board,
  - b. promptly refer any requests for comment by the media to designated board staff unless such comment has been previously sanctioned and approved by a board majority to speak on behalf of the board, and

- c. exercise due diligence to avoid any breach of duty as a board member arising out of negligence, intentional action or omission, or unauthorized communication with any individuals.
- (2) All information disseminated by board members shall be factual and limited to information that is otherwise appropriate to be disclosed to the public.
- (3) This section shall not be construed to limit the freedom of expression of a board member as an individual member of the public.

## **Section 9. Removal from Service – For Cause.**

- (1) A board member may be removed from the board for cause including, but not limited to:
- a. Ceasing to meet the qualifications for board membership,
  - b. Being found guilty of a felony or unlawful act that involves moral turpitude, or conviction of any crime other than a minor traffic offense,
  - c. Being found guilty of malfeasance, misfeasance, or nonfeasance in relation to board duties,
  - d. Being declared mentally incompetent by a court of competent jurisdiction,
  - e. A final adjudication by a recognized body, including the courts, that the board member has violated this Act or Minnesota Statutes 144E, or that the board member has misused the position to obtain any financial or material gain, or any advantage personally or for another, through such office,
  - f. The refusal or inability for any reason to perform the duties of a board member in an efficient, responsible, and professional manner, or
  - g. Failing to attend to successive board meetings without just cause as determined by the board.

## **Section 10. Conflict with Other Laws**

- (1) The provisions of this Act shall not excuse any board member from adherence to any other state or federal law or rule and to the extent this Act conflicts with such law or rule, the state or federal law or rule shall prevail.
- (2) To the extent possible, the provisions of this Act shall be interpreted to coincide and be read to coexist with all other laws of this State. In the event this Act is alleged to conflict with any other provisions of law, this Act shall prevail to the extent the statutory provisions at stake involve substantive issues related to the practice of EMS. If the alleged conflict addresses procedural issues related to administrative processes, the Administrative Procedures Act, Minnesota Statute 14, shall prevail. In all other respects, conflict of laws issues shall be determined by interpretation and construction principles.