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Minnesota Department of Health

121 East Seventh Place
P.O. Box 64975
St. Paul, MN 55164-0975

COPY

October 6, 1995

Ms. Maryanne V. Hruby, Executive Director
Legislative Commission to Review Administrative Rules
55 State Office Building
100 Constitution Avenue
St. Paul, Minnesota 55155

Re: In the Matter of Proposed Rules of the State Department of Health Relating To the Adoption of Rules Governing Certification Ending Dates for EMTs, EMT-Intermediates, and EMT-Paramedics, and the Timing of EMT Refresher Courses

Dear Ms. Hruby:

The Minnesota Department of Health intends to adopt rules relating to the adoption of rules governing certification ending dates for EMTs, EMT-Intermediates, and EMT-Paramedics, and the timing of EMT refresher courses. We plan to publish a Notice Of Intent To Adopt Rules in the October 9, 1995 State Register.

As required by Minnesota Statutes, sections 14.131 and 14.23, the Department has prepared a Statement of Need and Reasonableness which is now available to the public. Also as required, a copy of this Statement is enclosed with this letter.

For your information, we are also enclosing a copy of the proposed Rules and a copy of the Notice Of Intent To Adopt Rules in this matter.

If you have any questions about these rules, please contact me at 282-3835.

Yours very truly,

Gary L. Wingrove, EMT-P
EMS Section Manager

Enclosures: Statement of Need and Reasonableness
Rules
Notice Of Intent To Adopt Rules

**STATE OF MINNESOTA
DEPARTMENT OF HEALTH**

**In The Matter Of The Proposed Rules
Relating To EMT Certification Ending
Dates for EMTs, EMT-Intermediates, And
EMT-Paramedics, And The Timing Of EMT
Refresher Courses**

**STATEMENT OF NEED
AND REASONABLENESS**

General Statement

The Minnesota Department of Health uses examinations of the National Registry of Emergency Medical Technician's as its initial certification exam for EMTs. The current Minnesota rules require EMT certificates at all levels to expire on December 31. The National Registry uses an expiration date of March 31. Most of the EMTs in the State continue to maintain National Registry certification beyond the initial period, but must fill out two sets of paperwork in two different time frames to recertify with the State and the National Registry. The Minnesota Department of Health believes a reduction of paperwork can occur by changing the Minnesota Rules to allow State certification to end at the same time as the National Registry certification.

Currently, Minnesota Rules, part 4690.4600, subpart 6, requires that refresher courses be taken in the second half of the certification period. The proposed rules permit the refresher course to be taken at any time during the certification period. This will facilitate fewer refresher courses and reduce costs, without a reduction in the quality of training.

Statutory Authority

The adoption of the rules is authorized by Minnesota Statutes, section 144.804, Subd. 1 which states: "No publicly or privately owned basic ambulance service shall be operated in the state unless its drivers and attendants possess a current emergency care course certificate authorized by rules adopted by the commissioner of health according to chapter 14."

Procedure for Development and Adoption of the Rules

In accordance with Minnesota Statutes, section 14.101 (1995), the Minnesota Department of Health published a Notice of Solicitation of Outside Information or Opinions in the State Register on July 24, 1995 at 20 S.R. 172. A copy of the Notice of Solicitation was mailed to the Minnesota Emergency Medical Services Advisory Council, the Minnesota Emergency Medical Services Association, and the Minnesota Ambulance Association.

The Department has received three positive comments to the proposed rule from ambulance providers (one comment by phone and two by mail), and no negative comments.

The Notice of Intent to Adopt Rules Without a Public Hearing and the proposed rules as approved by the Revisor of Statutes is scheduled to be published in the State Register on October 9, 1995. The Department will also be sending this Statement of Need and Reasonableness and the proposed rule to the Legislative Commission to Review Administrative Rules by the time the Notice of Intent to Adopt Rules Without a Hearing is published in the State Register.

Small Business Considerations

Minnesota Statutes, section 14.115, requires the Department of Health to consider the effect on small businesses when it adopts rules. For purposes of this section, "small business" means a business entity, including farming and other agricultural operations and its affiliates, that (a) is independently owned and operated; (b) is not dominant in its field; and (c) employs fewer than 50 full-time employees or has gross annual sales of less than \$4,000,000. For purposes of a specific rule, an agency may define small business to include more employees if necessary to adapt the rule to the needs and problems of small businesses.

The rules will have a direct effect on small businesses engaged in providing ambulance service.

Minnesota Statutes, sec. 14.115, subd. 2, provides that "the agency shall consider each of the following methods for reducing the impact of the rule on small businesses:

- (a) the establishment of less stringent compliance or reporting requirements for small businesses;
- (b) the establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
- (c) the consolidation or simplification of compliance or reporting requirements for small businesses;
- (d) the establishment of performance standards for small businesses to replace design or operational standards required in the rule; and
- (e) the exemption of small businesses from any or all requirements of the rule."

The Department of Health has considered the specific methods for reducing the impact of the rules on small businesses and has reduced the impact of the rules on small businesses as follows:

- a. Less stringent requirements. The proposed rule will result in a reduction of paperwork, by eliminating the need for an ambulance service to apply for a variance to have all EMT's on the same training schedule.
- b. Less stringent schedules. Same as (a) above.
- c. Consolidation or simplification of requirements. The proposed rule coordinates state and national agency certification dates, thereby simplifying compliance requirements.
- d. Performance standards. Does not apply.
- e. Exemption. The proposed rule is intended to simplify compliance requirements for all EMTs, so small businesses will benefit from the rule as well.

Departmental Charges Imposed By The Rules

Minnesota Statutes, section 16A.1285, does not apply because the rules do not establish or adjust charges for goods and services, licenses, or regulation.

Fiscal Impact On Local Public Bodies

Minnesota Statutes, section 14.11, subdivision 1, does not apply because adoption of these rules will not result in additional spending by local public bodies in excess of \$100,000 per year for the first two years following adoption of the rules.

Agricultural Land Impact

Minnesota Statutes, section 14.11, subdivision 2, does not apply because adoption of these rules will not have an impact on agricultural land.

Other Specific Statutory Requirements

There are no other specific statutory requirements.

Witnesses

If these rules go to a public hearing, the witnesses listed below may testify on behalf of the Department in support of the need for and reasonableness of the rules. The witnesses will be available to answer questions about the development and the content of the rules.

- Allen Erickson, Training Compliance Unit Supervisor, Minnesota Department of Health, EMS Section, P.O. Box 64975, St. Paul, MN 55164-0975.
- Gary Wingrove, EMS Section Manager, Minnesota Department of Health, P.O. Box 64975, St. Paul, MN 55164-0975.

Rule-By-Rule Analysis

There are two parts of this rule modification effort.


The first part is in reference to EMT certification expiration dates. The Minnesota Department of Health uses examinations of the National Registry of EMT's as its initial certification exam. The current Minnesota rules require EMT certificates at all levels to expire on December 31. The National Registry uses an expiration date of March 31. Most of the EMTs in the State continue to maintain National Registry certification beyond the initial period, but must fill out two sets of paperwork in two different time frames to recertify with the State and the National Registry. The Minnesota Department of Health believes a reduction of paperwork can occur by changing the Minnesota Rules to allow State certification to end at the same time as National Registry.

The second part is in reference to a rule which imposes an additional, unnecessary burden to ambulance services, particularly small ones. Ambulance services have expressed the desire to have all members of their squad have the same year of certification renewal, to facilitate fewer refresher courses and reduce costs. Currently, Minnesota Rules, part 4690.4600, subpart 6, requires that refresher courses be taken in the second half of the certification period. Elimination of this requirement will allow the EMS Section to more adequately respond to the needs of individuals and ambulance services without a reduction in the quality of training.

Conclusion

Based on the foregoing, the Department's amendments to rules are both necessary and reasonable.

10/5/95
Date


Anne Barry, Commissioner
Department of Health