



Required Report on EMS Waivers Pursuant to HF 4065

This report is filed by the Emergency Medical Services Regulatory Board (EMSRB) to fulfill requirements outlined under Subdivision 6 of Section 23 of HF4065, which was signed into law on June 2, 2022. This report is being transmitted to the Chairs and Ranking minority member of the respective Health and Human Services Finance and Policy Committees as required by law. It is also being transmitted to the legislative ex-officio members of the EMSRB.

All information contained in this report is true and correct as of 09:00 A.M. on June 29, 2022. The next required report is due September 30, 2022

Process to Date

HF 4065 was signed into law on June 2, 2022, a portion of this bill provided EMS agencies across Minnesota with more flexible options from a regulatory perspective in the areas of minimum staffing, the use of expired medications and equipment, and the ability to on a temporary basis utilize expired personnel to meet minimum staffing requirements. Utilization of any such waiver required notification to the EMSRB, and subsequent reporting to specific members of the legislature.

On June 3, 2022, the effective date of the legislation the EMSRB emailed a memo to all ambulance agencies in the state information on the implementation of these waivers, including all forms that would need to be completed and sent to the EMSRB. [This information was also placed on our publicly available website](#) a copy of that memo is included as an attachment to this report.

The EMSRB has also conducted multiple virtual town hall meetings with EMS agencies and with the Minnesota Ambulance Association to answer questions from EMS agencies and to further push the information out.

Usage of Minimum Staffing Waiver

One EMS service serving the Hoyt Lakes PSA with both a BLS and Part-Time ALS license, has filed for the staffing waiver as outlined in Subdivision 3 of Section 23. They intend to utilize the waiver through December 31, 2023, and to do so on up to three (3) ambulances

Usage of Medication/Equipment Waiver

One EMS service has submitted the required form to utilize expired medication/supplies and has reported that they will be doing so for the medication Amiodarone, which is an antiarrhythmic.

An additional EMS service has submitted the required form to utilize expired medication/supplies but has not yet reported any specific utilization of this waiver.

Usage of Expired Personnel

The EMRB received no requests for the usage of expired personnel.

Summary

The legislative waivers have been in effect 26 days as of the date of this report. While there have been multiple inquiries, there have been few submissions. As time elapses the EMSRB expects to see more submissions from EMS agencies across the state. Please direct any inquiries related to the content of this report to Dylan Ferguson Executive Director of the Emergency Medical Services Regulatory Board.

Respectfully Submitted,



Dylan J Ferguson MA, NRP, CHEP
Executive Director
Emergency Medical Services Regulatory Board

Distribution

Senator Paul Utke, Chair Senate Health and Human Services Finance and Policy Committee

Senator Melissa Wiklund, Ranking Minority Member Senate Health and Human Services Finance and Policy Committee

Senator Andrew Lang, Ex-Officio Member Emergency Medical Services Regulatory Board

Representative Tina Liebling, Chair House Health Finance and Policy Committee

Representative Joe Schomacker, Ranking Minority Member House Health Finance and Policy Committee

Representative John Huot, Ex-Officio Member Emergency Medical Services Regulatory Board

EMSRB Memo

Date: 06/03/2022

To: Ambulance Service and Medical Directors

From: Dylan Ferguson



RE: Temporary requirements governing ambulance service operations and the provision of Emergency Medical Services.

The Minnesota Legislature has recently enacted provisions related to Minnesota Statute 144E; specifically related to the following:

- Staffing: use of a driver
- Use of expired medications and medical supplies
- Use of expired EMS personnel

Staffing

Minnesota Statute [144E.101 subdivisions 6 and 7](#) related to the staffing requirements of both Basic and Advanced Life Support ambulances.

Through January 1, 2024, the Minnesota Legislature has approved the following:

Staffing. (a) For emergency ambulance calls and interfacility transfers in an ambulance service's primary service area, an ambulance service must staff an ambulance that provides basic life support with at least:

(1) one emergency medical technician, who must be in the patient compartment when a patient is being transported; and

(2) one individual to drive the ambulance. The driver must hold a valid driver's license from any state, must have attended an emergency vehicle driving course approved by the ambulance service, and must have completed a course on cardiopulmonary resuscitation approved by the ambulance service.

(b) For emergency ambulance calls and interfacility transfers in an ambulance service's primary service area, an ambulance service must staff an ambulance that provides advanced life support with at least:

(1) one paramedic; one registered nurse who meets the requirements in Minnesota Statutes, section 144E.001, subdivision 3a, clause (2); or one physician assistant who meets the requirements in Minnesota Statutes, section 144E.001, subdivision 3a, clause (3), and who must be in the patient compartment when a patient is being transported; and

(2) one individual to drive the ambulance. The driver must hold a valid driver's license from any state, must have attended an emergency vehicle driving course approved by the ambulance service, and must have completed a course on cardiopulmonary resuscitation approved by the ambulance service.

(c) The ambulance service director and medical director must approve the staffing of an ambulance according to this subdivision.

(d) An ambulance service staffing an ambulance according to this subdivision must immediately notify the board in writing and in a manner prescribed by the board. The notice must specify how the ambulance service is staffing its basic life support or advanced life support ambulances and the time period the ambulance service plans to staff the ambulances according to this subdivision. If an ambulance service continues to staff an ambulance according to this subdivision after the date provided to the board in its initial notice, the ambulance service must provide a new notice to the board in a manner that complies with this paragraph.

(e) If an individual serving as a driver under this subdivision commits an act listed in Minnesota Statutes, section 144E.27, subdivision 5, paragraph (a), the board may temporarily suspend or prohibit the individual from driving an ambulance or place conditions on the individual's ability to drive an ambulance using the procedures and authority in Minnesota Statutes, section 144E.27, subdivisions 5 and 6.

Ambulance services wishing to utilize this model, as described in section (d) above, must complete the Temporary Staffing Notification Change form and submit it to EMSRB staff.

Note: Individuals who meet the definition of a volunteer (MS 144E.101 Subd. 15) and wish to obtain a Cooper Sam's Credit, may obtain an EMSRB number by creating an account in the [EMSRB eLicense site](#) and completing an application for Non-EMS Personnel.

Authorization to use expired emergency medications and supplies

Minnesota Statute [144E.103 subdivision 2\(a\)](#) related to the maintenance, sanitation, and testing of equipment, supplies, and drugs.

Through January 1, 2024, the Minnesota Legislature has approved the following:

Use of expired emergency medications and medical supplies.

(a) If an ambulance service experiences a shortage of an emergency medication or medical supply, ambulance service personnel may use an emergency medication or medical supply for up to six months after the emergency medication's or medical supply's specified expiration date, provided:

(1) the ambulance service director and medical director approve the use of the expired emergency medication or medical supply;

(2) ambulance service personnel use an expired emergency medication or medical supply only after depleting the ambulance service's supply of that emergency medication or medical supply that is unexpired;

(3) the ambulance service has stored and maintained the expired emergency medication or medical supply according to the manufacturer's instructions;

(4) if possible, ambulance service personnel obtain consent from the patient to use the expired emergency medication or medical supply prior to its use; and

(5) when the ambulance service obtains a supply of that emergency medication or medical supply that is unexpired, ambulance service personnel cease use of the expired emergency medication or medical supply and instead use the unexpired emergency medication or medical supply.

(b) Before approving the use of an expired emergency medication, an ambulance service director and medical director must consult with the Board of Pharmacy regarding the safety and efficacy of using the expired emergency medication.

The EMSRB has contacted the Board of Pharmacy and inquires for consultation related to this section should be directed to PHA.Inspector.HLB@state.mn.us

(c) An ambulance service must keep a record of all expired emergency medications and all expired medical supplies used and must submit that record in writing to the board in a time and manner specified by the board. The record must list the specific expired emergency medications and medical supplies used and the time period during which ambulance service personnel used the expired emergency medication or medical supply.

Ambulance services wishing to use expired medications and medical supplies, must complete the Authorization to use expired supplies form and as described in section (c) above, record and report utilization to EMSRB staff at the close of each month.

Authorization to use expired EMT's, AEMT's, and Paramedics

Minnesota statute [144E.28](#) relates to the Certification of EMT's, AEMT's, and Paramedic, as well as the renewal requirements and forms of disciplinary action.

Through January 1, 2024 the Minnesota Legislature has approved the following:

Provision of emergency medical services after certification expires.

(a) At the request of an emergency medical technician, advanced emergency medical technician, or paramedic, and with the approval of the ambulance service director, an ambulance service

*medical director may authorize the emergency medical technician, advanced emergency medical technician, or paramedic to provide emergency medical services for the ambulance service for **up to three months** after the certification of the emergency medical technician, advanced emergency medical technician, or paramedic expires.*

(b) An ambulance service must immediately notify the board each time its medical director issues an authorization under paragraph (a). The notice must be provided in writing and in a manner prescribed by the board and must include information on the time period each emergency medical technician, advanced emergency medical technician, or paramedic will provide emergency medical services according to an authorization under this subdivision; information on why the emergency medical technician, advanced emergency medical technician, or paramedic needs the authorization; and an attestation from the medical director that the authorization is necessary to help the ambulance service adequately staff its ambulances.

EMT's, AEMT's, and Paramedics wishing to work with an expired certification, must complete the Request Form to work with an expired certification and obtain approval from both the Ambulance Service Director and Physician Medical Director. In addition, the ambulance service must comply with section (b) above by sending notifications to EMSRB staff.

Encl.

Temporary staffing model form

Authorization to use expired supplies form and tracking document

Request to work with an expired credential form

**TEMPORARY STAFFING
CHANGE NOTIFICATION**

Ambulance Service Name: _____

Ambulance Service License Number: _____

Type of Ambulance Service (Circle One/Both): Basic Life Support Advanced Life Support

Application Type (Circle One): New Application Request for Extension

What is the time period the ambulance service plans to staff the ambulances with an alternate staffing model?

How many ambulances will be staffed using the alternate staffing model? _____

MEDICAL DIRECTOR ATTESTATION

I, as medical director for _____ Ambulance Service, I authorize the temporary use of the proposed staffing model as enacted by the Minnesota Legislature.

Subd. 3. Staffing. (a) For emergency ambulance calls and interfacility transfers in an ambulance service's primary service area, an ambulance service must staff an ambulance that provides basic life support with at least:

- (1) one emergency medical technician, who must be in the patient compartment when a patient is being transported; and
- (2) one individual to drive the ambulance. The driver must hold a valid driver's license from any state, must have attended an emergency vehicle driving course approved by the ambulance service, and must have completed a course on cardiopulmonary resuscitation approved by the ambulance service.

(b) For emergency ambulance calls and interfacility transfers in an ambulance service's primary service area, an ambulance service must staff an ambulance that provides advanced life support with at least:

- (1) one paramedic; one registered nurse who meets the requirements in Minnesota Statutes, section 144E.001, subdivision 3a, clause (2); or one physician assistant who meets the requirements in Minnesota Statutes, section 144E.001, subdivision 3a, clause (3), and who must be in the patient compartment when a patient is being transported; and
- (2) one individual to drive the ambulance. The driver must hold a valid driver's license from any state, must have attended an emergency vehicle driving course approved by the ambulance service, and must have completed a course on cardiopulmonary resuscitation approved by the ambulance service.

Medical Director _____ MN. Physician License # _____
(Print Name)

Signature _____ Date _____
(Original Signature)

Please attach a roster of the individual(s) being utilized in alternate staff model. Roster information must include the date a driving course was completed, driver license state and expiration date, birthdate, and the CPR expiration date. Individuals may obtain an EMSRB number, by completing the Non-EMS Personnel/Driver application online.

Request to provide Emergency Medical Services with an expired certification

Applicant Full Name: _____
Last First Middle

Applicant Date of Birth: _____

Applicant Certification Level (circle one): EMT AEMT Paramedic

EMS RB Number: _____ EMS RB Certification Expiration Date: _____

Please provide a brief statement including the time period you are requesting to work and why working with an expired credential is necessary. (Use back of form or additional pages if needed).

Applicant Signature: _____

MEDICAL DIRECTOR and SERVICE DIRECTOR ATTESTATION

I, as medical director for _____ Ambulance Service, I have authorized the above listed individual to provide emergency medical services until (insert date) _____, as enacted by the Minnesota Legislature to adequately staff the ambulance.

Provision of emergency medical services after certification expires.

(a) At the request of an emergency medical technician, advanced emergency medical technician, or paramedic, and with the approval of the ambulance service director, an ambulance service medical director may authorize the emergency medical technician, advanced emergency medical technician, or paramedic to provide emergency medical services for the ambulance service for **up to three months** after the certification of the emergency medical technician, advanced emergency medical technician, or paramedic expires.

(b) An ambulance service must immediately notify the board each time its medical director issues an authorization under paragraph (a).

Medical Director _____ MN. Physician License # _____
(Print Name)

Medical Director Signature _____ Date _____
(Original Signature)

Service Director Signature _____ Date _____
(Original Signature)

**AUTHORIZATION OF
EXPIRED MEDICATIONS
AND SUPPLIES**

Ambulance Service Name: _____

Ambulance Service License Number: _____

Type of Ambulance Service (Circle One/Both): Basic Life Support Advanced Life Support

Service Director Signature: _____

MEDICAL DIRECTOR AUTHORIZATION

I, as medical director for _____ Ambulance Service, I have authorized the use of expired emergency medications and medical supplies as enacted by the Minnesota Legislature.

A complete list of medications and supplies authorized, as prescribed below are included with this form.

Use of expired emergency medications and medical supplies. (a) If an ambulance service experiences a shortage of an emergency medication or medical supply, ambulance service personnel may use an emergency medication or medical supply for up to six months after the emergency medication's or medical supply's specified expiration date, provided:

- (1) the ambulance service director and medical director approve the use of the expired emergency medication or medical supply;
- (2) ambulance service personnel use an expired emergency medication or medical supply only after depleting the ambulance service's supply of that emergency medication or medical supply that is unexpired;
- (3) the ambulance service has stored and maintained the expired emergency medication or medical supply according to the manufacturer's instructions;
- (4) if possible, ambulance service personnel obtain consent from the patient to use the expired emergency medication or medical supply prior to its use; and
- (5) when the ambulance service obtains a supply of that emergency medication or medical supply that is unexpired, ambulance service personnel cease use of the expired emergency medication or medical supply and instead use the unexpired emergency medication or medical supply.

(b) Before approving the use of an expired emergency medication, an ambulance service director and medical director must consult with the Board of Pharmacy regarding the safety and efficacy of using the expired emergency medication.

Medical Director _____ MN. Physician License # _____
(Print Name)

Signature _____ Date _____
(Original Signature)

An ambulance service must keep a record of all expired emergency medications and all expired medical supplies used and must submit that record in writing to the board at the conclusion of each month. The record must list the specific expired emergency medications and medical supplies used and the time period during which ambulance service personnel used the expired emergency medication or medical supply.

[illegible]