

Chris Steller

From: Ferguson, Dylan (EMSRB) <Dylan.Ferguson@state.mn.us>
Sent: Monday, January 8, 2024 1:36 PM
To: rep.tina.liebling@house.mn; reports; Sen. Paul Utke; Melissa Wiklund;
rep.joe.schomacker@house.mn
Cc: Rybarczyk, Sara (EMSRB); Senator Seeberger; Rep. John Huot
Subject: Notice of Rulemaking Docket Required Pursuant to 14.116
Attachments: EMSRB Rulemaking Docket 10.31.2023.pdf; Rulemaking Record RD-4769.pdf

Good afternoon, Chairs and Ranking Members:

In accordance with the provision of Minnesota Statute 14.116 (a) please find attached the current rulemaking docket maintained by the EMSRB in accordance with the provisions of 14.366. Additionally, as required please find a copy of our Rulemaking Record for rules that were repealed under the obsolete rules process, which had an effective date during calendar year 2023.

Professionally,

Dylan J Ferguson
Executive Director | EMSRB

Emergency Medical Services Regulatory Board

335 Randolph Avenue, Suite 220

St. Paul, MN 55102

O: 651-201-2806

F: 651-201-2812

Mission: To protect the public's health and safety through regulation and support of the EMS system | www.mn.gov/emsrb



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Rulemaking Docket

This rulemaking docket is prepared and maintained in accordance with the provisions of [Minnesota Statutes §14.366](#)

Subject	Citation	Location where written comments can be inspected	Comment period	Hearing Req	Status	Timetable	Adoption	SOS	Effective
Ambulance Standards 4690.1500	https://mn.gov/admin/assets/SR48_06%20-%20Accessible_tcm36-586643.pdf	EMSRB HQ 335 Randolph St. Paul MN	Preliminary call for comments was held 08/07/23 – 10/09/2023	N/A	Considering language . Working on SONAR	Jan 2024	N/A	N/A	N/A

Subject	Citation	Location where written comments can be inspected	Comment period	Hearing Req	Status	Timetable	Adoption	SOS	Effective
Radio frequencies (Repeal of Obsolete Rules) 4690.1900	https://mn.gov/admin/assets/SR47_13%20-%20Accessible_tcm36-541448.pdf	EMSRB HQ 335 Randolph St. Paul MN	09/26/2022-12/01/2022	No hearing requests	Effective	N/A	12/19/22	1/23/23	2/18/23
Radio frequencies (Repeal of Obsolete Rules) 4690.2600	https://mn.gov/admin/assets/SR47_13%20-%20Accessible_tcm36-541448.pdf	EMSRB HQ 335 Randolph St. Paul MN	09/26/2022-12/01/2022	No hearing requests	Effective	N/A	12/19/22	1/23/23	2/18/23
EMS license expiration dates (Editorial Change incorporated with Repeal of Obsolete Rules) 4690.7900	https://mn.gov/admin/assets/SR47_13%20-%20Accessible_tcm36-541448.pdf	EMSRB HQ 335 Randolph St. Paul MN	09/26/2022-12/01/2022	No hearing requests	Effective	N/A	12/19/22	1/23/23	2/18/23

December 15, 2022

VIA EFILING ONLY

Dylan J. Ferguson
Executive Director
Emergency Medical Services Regulatory
Board
335 Randolph Ave Ste 220
Saint Paul, MN 55102
dylan.ferguson@state.mn.us

VIA EFILING ONLY

Jamal Zayed
Assistant Attorney General
Minnesota Attorney General's Office
445 Minnesota St Ste 1400
Saint Paul, MN 55101
jamal.zayed@ag.state.mn.us;
donna.ackerman@ag.state.mn.us

Re: *In the Matter of the Repeal of Obsolete Rule of the EMSRB about Ambulance Standards and Frequency Assignments*
OAH 22-9058-38616; Revisor RD-4769

Dear Mr. Ferguson and Mr. Zayed:

Enclosed herewith and served upon you is the **ORDER ON REVIEW OF RULES UNDER MINN. STAT. § 14.3895** in the above-entitled matter. The rules have been approved as to legality.

The Office of Administrative Hearings has closed this file and is returning the rule record so that the Emergency Medical Services Regulatory Board can maintain the official rulemaking record in this matter as required by Minn. Stat. § 14.365. The Office of Administrative Hearings will request copies of the repealed rules from the Revisor's office. Our office will then file the repealed rules with the Secretary of State, who will forward one copy to the Revisor of Statutes, one copy to the Governor, and one to the agency for its rulemaking record. The Board will then request the Notice of Repealer from the Revisor's office. In accordance with Minn. Stat. § 14.27, the repeal of rule will be effective five working days after the Notice of Repealer is published in the State Register.

If you have any questions regarding this matter, please contact William Moore at (651) 361-7893, william.t.moore@state.mn.us or via facsimile at (651) 539-0310.

Sincerely,



NICHOLE HELMUELLER
Legal Assistant

Enclosure

cc: Legislative Coordinating Commission
Ryan Inman

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
ADMINISTRATIVE LAW SECTION
PO BOX 64620
600 NORTH ROBERT STREET
ST. PAUL, MINNESOTA 55164

CERTIFICATE OF SERVICE

In the Matter of the Repeal of Obsolete
Rule of the EMSRB about Ambulance
Standards and Frequency Assignments

OAH Docket No. 22-9058-38616
Revisor RD-4769

On December 15, 2022, a true and correct copy of the **ORDER ON REVIEW OF RULES UNDER MINN. STAT. § 14.3895** was served by electronic mail, unless otherwise indicated below, addressed to the following individuals:

VIA EFILING ONLY

Dylan J. Ferguson
Executive Director
Emergency Medical Services Regulatory
Board
335 Randolph Ave Ste 220
Saint Paul, MN 55102
dylan.ferguson@state.mn.us

VIA EFILING ONLY

Jamal Zayed
Assistant Attorney General
Minnesota Attorney General's Office
445 Minnesota St Ste 1400
Saint Paul, MN 55101
jamal.zayed@ag.state.mn.us;
donna.ackerman@ag.state.mn.us

VIA EMAIL ONLY

Legislative Coordinating Commission
lcc@lcc.leg.mn

VIA EMAIL ONLY

Ryan Inman
Office of the Revisor of Statutes
ryan.inman@revisor.mn.gov
jason.kuenle@revisor.mn.gov
cindy.maxwell@revisor.mn.gov

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Repeal of Obsolete Rule
of the EMSRB about Ambulance Standards
and Frequency Assignments

**ORDER ON REVIEW
OF RULES UNDER
MINN. STAT. § 14.3895**

This matter came before Chief Administrative Law Judge Jenny Starr upon the application of the Emergency Medical Services Regulatory Board (Board) for a legal review under Minn. Stat. § 14.3895 (2022).

On December 2, 2022, the Board filed documents with the Office of Administrative Hearings seeking review and approval of the form and legality of its repeal of obsolete rules.

Upon review, the Chief Administrative Law Judge finds that all procedural requirements were met and that all notice was provided, including the notices required by the Order approving the Department's Additional Notice Plan issued on August 31, 2022.

Therefore, based upon a review of the written submissions by the Board, and all the documents in the rulemaking record,

IT IS HEREBY ORDERED THAT:

The proposed repeal of obsolete rules is **APPROVED** as to form and legality, and the Board may publish the final rule in the *State Register*.

Dated: December 15, 2022



JENNY STARR
Chief Administrative Law Judge



December 2, 2022

The Honorable Jenny Starr
Chief Administrative Law Judge
Office of Administrative Hearings
600 North Robert Street
P.O. Box 64620
Saint Paul, Minnesota 55164-0620

Re: In the Matter of the Proposed Repeal of Obsolete Rules of the Emergency Medical Services Regulatory Board Governing Ambulance Standards and Radio Frequency Assignments, Request for Review and Approval of Repeal of Obsolete Rules; Revisor's ID Number R-4769

Dear Chief Judge Starr:

The Minnesota Emergency Medical Services Regulatory Board proposes to repeal the above-named obsolete rules governing ambulance standards and radio frequency assignments. This letter requests that the Office of Administrative Hearings review and approve the repeal of these rules under Minnesota Statutes, section 14.3895.

Enclosed are the documents required by the OAH Rules, part 1400.2410, subpart 2, items A to K. Paragraphs A to K of this letter are keyed to items A to K of part 1400.2410. Each paragraph states whether the document is enclosed and, if the document is not enclosed, the reason why the document is not applicable to these rules.

- A. Enclosed: the proposed repealers including the Revisor's approval.
- B. Enclosed: the Notice of Intent to Repeal Obsolete Rules as mailed and published in the State Register on September 26, 2022.
- C. Enclosed: the Certificate of Mailing the Notice of Intent to Repeal Obsolete Rules and the Certificate of Accuracy of the Mailing List.
- D. Enclosed: The Certificate of Notice Plan, and a copy of the transmittal email. Please note that due to limitation of recipients in outlook two separate emails were sent. Both emails listing all email addresses are submitted in this packet for review. Additionally, a copy of the Notice Plan approval order is also included in this section.
- E. Not Enclosed: written comments and submissions on the proposed rules because we received no written comments or submissions.

- F. Not Enclosed: the notice of withdrawal of hearing requests and related documents because no hearing requests were received during this rulemaking.
- G. Enclosed: a copy of the adopted rules dated September 26, 2022.
- H. Not Enclosed: a notice of adopting substantially different rules because the Department did not adopt substantially different rules.
- I. Enclosed: the Order Adopting Rules that complies with the requirements in part 1400.2090. This order remains unsigned pending your final approval.
- J. Not Enclosed: a notice of submission of rules to the Office of Administrative Hearings and related documents because no one requested to be notified of the submission.
- K. Enclosed: any other document or evidence to show compliance with any other law or rule which the Department is required to follow in adopting these rules:
 - a. The obsolete rules report dated July 25, 2022 identifying these rules as obsolete.
 - b. The certificate of sending notice to legislators

If you have questions about the enclosed documents or the proposed expedited rules, please contact me at 651-201-2806.

After completing your review, please send any correspondence to me at the following address:

Dylan Ferguson
Minnesota Emergency Medical Services Regulatory Board
335 Randolph Ave.
Suite 220
Saint Paul, MN 55102

Sincerely,



Dylan Ferguson
Executive Director
Emergency Medical Services Regulatory Board

CC: J.B. Guiton, EMSRB Chair

Kevin Miller, EMSRB Vice-Chair

Brian Edwards, EMSRB Secretary/Treasurer

Jamal Zayed, Minnesota Office of the Attorney General

1.1 **Emergency Medical Services Regulatory Board**
 1.2 **Exempt Permanent Rules Repealing Ambulance Standards and Radio Frequency**
 1.3 **Assignments**

1.4 **4690.7900 EXPIRATION DATES.**

1.5 *[For text of subparts 1 to 3, see Minnesota Rules]*

1.6 Subp. 4. **Licensing renewal date.** For licensing periods beginning October 1, 1982,
 1.7 and all subsequent periods, license renewal dates will be assigned according to the district
 1.8 ~~as described in part 4690.1900, subpart 3~~ in which the licensee's base of operation is located
 1.9 as follows:

1.10 A. northwestern district (Kittson, Roseau, Lake of the Woods, Marshall, Beltrami,
 1.11 Polk, Pennington, Red Lake, Clearwater, Hubbard, Norman, and Mahnommen Counties):

1.12 October 1, in years ending with an even number;

1.13 B. northeastern district (Koochiching, St. Louis, Lake, Cook, Itasca, Carlton, and
 1.14 Aitkin Counties): January 1, in years ending with an odd number;

1.15 C. west central district (Clay, Becker, Wilkin, Otter Tail, Grant, Douglas, Stevens,
 1.16 Traverse, and Pope Counties): April 1, in years ending with an odd number;

1.17 D. central district (Cass, Wadena, Crow Wing, Todd, Mille Lacs, Isanti, Pine,
 1.18 Chisago, Kanabec, Morrison, Stearns, Benton, Sherburne, and Wright Counties): July 1, in
 1.19 years ending with an odd number;

1.20 E. metropolitan district (Anoka, Hennepin, Ramsey, Washington, Carver, Scott,
 1.21 and Dakota Counties): October 1, in years ending with an odd number;

1.22 F. southwestern district (Swift, Kandiyohi, Meeker, Lac qui Parle, Chippewa,
 1.23 Yellow Medicine, Renville, McLeod, Lincoln, Lyon, Redwood, Pipestone, Murray,
 1.24 Cottonwood, Rock, Nobles, Big Stone, and Jackson Counties): January 1, in years ending
 1.25 with an even number;

2.1 G. south central district (Sibley, Le Sueur, Nicollet, Brown, Watonwan, Blue
2.2 Earth, Waseca, Martin, and Faribault Counties): April 1, in years ending with an even
2.3 number; or

2.4 H. southeastern district (Rice, Goodhue, Wabasha, Steele, Dodge, Olmsted,
2.5 Winona, Freeborn, Mower, Fillmore, and Houston Counties): July 1, in years ending with
2.6 an even number.

2.7 *[For text of subparts 5 and 6, see Minnesota Rules]*

2.8 **REPEALER.** Minnesota Rules, parts 4690.1900; and 4690.2600, are repealed.

Office of the Revisor of Statutes Administrative Rules



TITLE: Exempt Permanent Rules Repealing Ambulance Standards and Radio Frequency Assignments

AGENCY: Emergency Medical Services Regulatory Board

REVISOR ID: R-4769

MINNESOTA RULES: Chapter 4690

The attached rules are approved as to form

A handwritten signature in cursive script, appearing to read "Alex Willi", written over a horizontal line.

Alex Willi
Assistant Revisor

Exempt Rules

Exempt rules are excluded from the normal rulemaking procedures (*Minnesota Statutes* §§ 14.386 and 14.388). They are most often of two kinds. One kind is specifically exempted by the Legislature from rulemaking procedures, but approved for form by the Revisor of Statutes, reviewed for legality by the Office of Administrative Hearings, and then published in the State Register. These exempt rules are effective for two years only.

The second kind of exempt rule is one adopted where an agency for good cause finds that the rulemaking provisions of *Minnesota Statutes*, Chapter 14 are unnecessary, impracticable, or contrary to the public interest. This exemption can be used only where the rules:

- (1) address a serious and immediate threat to the public health, safety, or welfare, or
- (2) comply with a court order or a requirement in federal law in a manner that does not allow for compliance with *Minnesota Statutes* Sections 14.14-14.28, or
- (3) incorporate specific changes set forth in applicable statutes when no interpretation of law is required, or
- (4) make changes that do not alter the sense, meaning, or effect of the rules.

These exempt rules are also reviewed for form by the Revisor of Statutes, for legality by the Office of Administrative Hearings and then published in the *State Register*. In addition, the Office of Administrative Hearings must determine whether the agency has provided adequate justification for the use of this exemption. Rules adopted under clauses (1) or (2) above are effective for two years only. The Legislature may also exempt an agency from the normal rulemaking procedures and establish other procedural and substantive requirements unique to that exemption.

KEY: Proposed Rules - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material."
Adopted Rules - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

Emergency Medical Services Regulatory Board (EMSRB) Exempt Permanent Rules Repealing Ambulance Standards and Radio Frequency Assignments; Notice of Intent to Repeal Obsolete Rules

Proposed Repeal of Obsolete Rules Governing Ambulance Standards and Radio Frequency Assignments, Minnesota Rules, 4690.1900 and 4690.2600; Revisor's ID Number R-4769

Introduction. The Emergency Medical Services Regulatory Board intends to repeal obsolete rules under the rulemaking process in the Administrative Procedure Act, *Minnesota Statutes*, section 14.3895. You may submit written comments on the proposed repeal of obsolete rules until December 1, 2022

Agency Contact Person. You must submit comments or questions on the rules to: Dylan Ferguson at the Emergency Medical Services Regulatory Board, 325 Randolph Ave Suite 220 St. Paul, MN 55102, Phone (651)201-2800, Fax (651)201-2812, and Email Dylan.Ferguson@state.mn.us.

Subject of the Repeal of Obsolete Rules and Statutory Authority. The proposed obsolete rules are about geographic radio frequency assignments required for ambulances. These frequencies involved the Very-High Frequency (VHF) and Ultra-High Frequency (UHF) radio communication bands. The agency identified the proposed obsolete rules to be repealed in its annual obsolete rules report under Minnesota Statutes section 14.05, subdivision 5. The rule was determined to be obsolete as a result of new communication technologies including 800 MHz radio systems that replaced these VHF and UHF radios in many ambulances. Nothing in this proposed repeal affects ambulance services still using this technology. There are also minor changes to 4690.7900 that were needed to permit the repeal. The statutory authority to repeal the obsolete rules is found in Minnesota Statutes, section 14.3895. A copy of the proposed obsolete rules to be repealed is published in the State Register and attached to this notice as mailed. The proposed obsolete rules to be repealed may be viewed at: www.mn.gov/emsrb

Comments. You have until 4:30 p.m. on Thursday, December 1, 2022, to submit written comment in support of or in

Exempt Rules

opposition to the proposed repeal of obsolete rules and any part or subpart of the repeal. Your comment must be in writing and received by the agency contact person by the due date. The Board encourages comment. Your comment should identify the portion of the proposed obsolete rules to be repealed addressed and the reason for the comment. In addition, you are encouraged to object to the repeal of any part or subpart. You must also make any comments on the legality of the proposed rules during this comment period.

Request for Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. You must make your request in writing and the agency contact person must receive it by 4:30 p.m. on December 1, 2022. Your written request must include your name and address. You must identify the portion of the proposed repealed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the agency cannot count it for determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

Effect of Requests. If 25 or more people submit a written request, the agency will have to meet the requirements of Minnesota Statutes, sections 14.131 to 14.20 for rules adopted after a hearing or the requirements of Minnesota Statutes, sections 14.22 to 14.28 for rules adopted without a hearing, including the preparation of a statement of need and reasonableness and the opportunity for a hearing.

Modifications. The agency might modify its choice of these designated rules or parts proposed for repeal (e.g. fixing a typo or deciding not to repeal a rule because the rule is discovered not to be obsolete), based on comments and information submitted to the agency. If the final rules are identical to the rules originally published in the State Register, the agency will publish a notice of adopting the repealers in the State Register. If the final rules are different from the rules originally published in the State Register, the agency must publish a copy of the changes in the State Register. If the proposed repeal of obsolete rules affects you in any way, the Board encourages you to participate in the rulemaking process.

Alternative Format. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request, please contact the agency contact person at the address or telephone number listed above.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You may direct questions regarding this requirement to the Campaign Finance and Public Disclosure Board at: Suite 190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 539-1180 or 1-800-657-3889.

Repeal and Review of Obsolete Rules. If no hearing is required, the Board may repeal the obsolete rules at the end of the comment period. The agency will then submit rules and supporting documents to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date that the agency submits the rules. If you want to be so notified or want to receive a copy of the repealed obsolete rules or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Date: 09/26/2022

Dylan Ferguson
Executive Director
Emergency Medical Services Regulatory Board

4690.7900 EXPIRATION DATES.

[For text of subparts 1 to 3, see Minnesota Rules]

Subp. 4. **Licensing renewal date.** For licensing periods beginning October 1, 1982, and all subsequent periods, license renewal dates will be assigned according to the district as described in part 4690.1900, subpart 3 in which the licensee's base of operation is located as follows:

- A. northwestern district (Kittson, Roscau, Lake of the Woods, Marshall, Beltrami, Polk, Pennington, Red Lake,

Exempt Rules

Clearwater, Hubbard, Norman, and Mahnomon Counties): October 1, in years ending with an even number;

B. northeastern district (Koochiching, St. Louis, Lake, Cook, Itasca, Carlton, and Aitkin Counties): January 1, in years ending with an odd number;

C. west central district (Clay, Becker, Wilkin, Otter Tail, Grant, Douglas, Stevens, Traverse, and Pope Counties): April 1, in years ending with an odd number;

D. central district (Cass, Wadena, Crow Wing, Todd, Mille Lacs, Isanti, Pine, Chisago, Kanabec, Morrison, Stearns, Benton, Sherburne, and Wright Counties): July 1, in years ending with an odd number;

E. metropolitan district (Anoka, Hennepin, Ramsey, Washington, Carver, Scott, and Dakota Counties): October 1, in years ending with an odd number;

F. southwestern district (Swift, Kandiyohi, Meeker, Lac qui Parle, Chippewa, Yellow Medicine, Renville, McLeod, Lincoln, Lyon, Redwood, Pipestone, Murray, Cottonwood, Rock, Nobles, Big Stone, and Jackson Counties): January 1, in years ending with an even number;

G. south central district (Sibley, Le Sueur, Nicollet, Brown, Watonwan, Blue Earth, Waseca, Martin, and Faribault Counties): April 1, in years ending with an even number; or

H. southeastern district (Rice, Goodhue, Wabasha, Steele, Dodge, Olmsted, Winona, Freeborn, Mower, Fillmore, and Houston Counties): July 1, in years ending with an even number.

[For text of subparts 5 and 6, see Minnesota Rules]

REPEALER. Minnesota Rules, parts 4690.1900; and 4690.2600, are repealed.

Official Notices

Pursuant to *Minnesota Statutes* §§ 14.101, an agency must first solicit comments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

The *State Register* also publishes other official notices of state agencies and non-state agencies, including notices of meetings and matters of public interest.

Minnesota Department of Agriculture (MDA) Agricultural Chemical Response & Reimbursement Account (ACRRA) Notice of Public Hearing to Disclose Future ACRRA Surcharges

Pursuant to Minnesota Statute Chapter 18E.03 Subd. 3, the MDA, in providing administrative support to the Agricultural Chemical Response Compensation Board (ACRRA Board), has determined that the amount of the annual response and reimbursement fees (surcharge revenues) for ACRRA must be increased in order to maintain the statutorily required ACRRA balance.

NOTICE IS HERBY GIVEN that the public hearing will be held on October 19th, 2022 immediately following the regularly scheduled 9:30am ACRRA Board meeting. The meeting will be held in Room B555 at 625 Robert Street North in St. Paul. More information about ACRRA can be found on the MDA website at www.mda.state.mn.us/acrra.

Prior to the meeting, written comments may be sent to: Jennie.Andryski@state.mn.us

Minnesota Emergency Medical Services Regulatory Board

CERTIFICATE OF ACCURACY OF THE MAILING LIST

Proposed Repeal of Obsolete Rules Governing Ambulance Standards Radio Frequency Assignments, Minnesota Rules, 4690.1900 and 4690.2600; Revisor's ID Number R-4769

I certify that the list of persons and associations who have requested that their names be placed on the Emergency Medical Services Regulatory Board's rulemaking mailing list under Minnesota Statutes, section 14.14, subdivision 1a, is accurate, complete, and current as of September 26, 2022.



Dylan Ferguson
Executive Director
Emergency Medical Services Regulatory Board

Minnesota Emergency Medical Services Regulatory Board

CERTIFICATE OF MAILING THE NOTICE OF INTENT TO REPEAL OBSOLETE RULES TO THE RULEMAKING MAILING LIST

Proposed Repeal of Obsolete Rules Governing Ambulance Standards Radio Frequency Assignments, Minnesota Rules, 4690.1900 and 4690.2600; Revisor's ID Number R-4769

I CERTIFY THAT ON September 26, 2022, at least 63 days before the end of the comment period, at St. Paul, Ramsey County, Minnesota, I mailed the (1) Notice of Intent to Repeal Obsolete Rules, (2) the proposed repealer, and (3) a link to the Board's Rulemaking Docket as required by Minn. State Sect. 14.366 by sending an electronic copy via email to all persons and associations on the rulemaking mailing list established by Minnesota Statutes, section 14.14, subdivision 1a. Copies of the notice and of the mailing are attached to this certificate



Dylan Ferguson
Executive Director
Emergency Medical Services Regulatory Board

Ferguson, Dylan (EMSRB)

From: Ferguson, Dylan (EMSRB)
Sent: Monday, September 26, 2022 10:10 AM
To: Adam Shadiow; albert.tsai@state.mn.us; andy@mnchiefs.org; Ann Jenson; bhutton@mnsheriffs.org; Buck McAlpin; Caitlin Korpi; Charles Lick; csmith@sbfmfire.org; chris.klein@woodburymn.gov; Dan DeSmet; Don Hauge; Weller, Eric M., EMT; wingrove.gary@mayo.edu; john.swenson@ci.lino-lakes.mn.us; ksipprell@mchsi.com; Kjelsey Polzin; Kristin J Mellstrom; marion.larson; Kathleen.Lonergan@allina.com; Margaret Vesel (mvesel@larkinhoffman.com); Mark Griffith; Mark McCabe; mnmetrochiefs@gmail.com; Simpson, Nicholas; patrick.lee@ridgewater.edu; Pat Lilja MD; Paul Nystrom, MD; peter.tanghe@northmemorial.com; hopservices@msn.com; Ron Robinson; director@greaternwems.com; bj.jungmann@burnsvillemn.gov
Cc: Guiton, JB (EMSRB); Kevin Miller
Subject: Required Notification of Rulemaking Activity
Attachments: Minnesota State Register Volume 47 Number 13 EMSRB.pdf

Good morning,

You are receiving this message as you have registered with the Emergency Medical Services Regulatory Board as an interested party. As a part of this registration, we are required by Minnesota law to inform you whenever the agency undertakes certain administrative rulemaking activities.

As recommended by the Office of the Legislative Auditor the EMSRB is making updates to its administrative rules. The EMSRB intends to repeal Minnesota Rules Chapter 4690.1900 and Chapter 4690.2600. Both of these rules involve radio frequency assignments for VHF and UHF equipment. Many EMS services in the state no longer utilize this type of equipment and have transitioned to digital 800 MHz equipment.

However, services which are still using VHF or UHF equipment MAY continue to do so, this simply removes a regulatory requirement for those that are using different types of communication technology. As a part of this repeal, we are making editorial changes to Chapter 4690.7900, which relates to EMS agency license expiration dates as that rule referenced one of the rules that are being repealed. However, EMS agencies will not notice any change to their EMS license or expiration date.

Attached to this email is a copy of the Notice of Intent to Repeal Obsolete Rules, in addition a copy of all of the proposed rule changes that were published in today's State Register.

Additionally, in accordance with Minnesota Statute §14.366 a copy of our public rulemaking docket can be found at <https://mn.gov/emsrb/emslaw/>

Any questions or comments related to this rulemaking should be directed to
Dylan Ferguson
Executive Director
Dylan.Ferguson@state.mn.us

Professionally,

Dylan J Ferguson
Executive Director | EMSRB

Emergency Medical Services Regulatory Board

Minnesota Emergency Medical Services Regulatory Board

CERTIFICATE OF MAILING THE NOTICE OF INTENT TO REPEAL OBSOLETE RULES and GIVING NOTICE UNDER THE ADDITIONAL NOTICE PLAN

Proposed Repeal of Obsolete Rules Governing Ambulance Standards Radio Frequency Assignments, Minnesota Rules, 4690 1900 and 4690.2600 Revisor's ID Number R-4769

I certify that on September 26, 2022, at least 63 days before the end of the comment period, at St. Paul, Ramsey County, Minnesota, I gave notice according to the Additional Notice Plan approved by the Office of Administrative Hearings on August 31, 2022. Specifically, I took the following action:

1. All persons and associations who were registered with the EMSRB for rulemaking notifications were emailed.
2. All Minnesota licensed ambulance services were emailed to the email address associated with their EMS license as it existed in the EMS licensing system
3. The notice of intent to Repeal Obsolete Rules was posted on the EMSRB's publicly available website
4. Published an updated rulemaking docket meeting the requirements of Minn. Stat § 14.366 (2022) to the publicly available website and included notice of that docket in all mailings.

I accomplished this mailing by sending an electronic copy via email to all email addresses associated with an EMS license in our licensing system

Copies of both the document and the mailing list are attached to this Certificate.



Dylan Ferguson
Executive Director
Emergency Medical Services Regulatory Board

Ferguson, Dylan (EMSRB)

From: Ferguson, Dylan (EMSRB)
Sent: Monday, September 26, 2022 10:19 AM
Cc: Guiton, JB (EMSRB); 'Kevin Miller'; Soucheray, Charles (EMSRB); Larsen, Jody L (EMSRB); Jacobs, Holly (EMSRB)
Subject: Required Notification of Rulemaking Activity
Attachments: Minnesota State Register Volume 47 Number 13 EMSRB.pdf

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Good Morning Ambulance Service Manager,

You are receiving this message as you have been identified as an EMS agency point of contact. The EMSRB is required by its Notice Plan for Administrative Rulemaking to notify you of certain administrative rulemaking activities.

As recommended by the Office of the Legislative Auditor the EMSRB is making updates to its administrative rules. The EMSRB intends to repeal Minnesota Rules Chapter 4690.1900 and Chapter 4690.2600. Both of these rules involve radio frequency assignments for VHF and UHF equipment. Many EMS services in the state no longer utilize this type of equipment and have transitioned to digital 800 MHz equipment.

However, services which are still using VHF or UHF equipment MAY continue to do so, this simply removes a regulatory requirement for those that are using different types of communication technology. As a part of this repeal, we are making editorial changes to Chapter 4690.7900, which relates to EMS agency license expiration dates as that rule

referenced one of the rules that are being repealed. However, EMS agencies will not notice any change to their EMS license or expiration date.

Attached to this email is a copy of the Notice of Intent to Repeal Obsolete Rules, in addition a copy of all of the proposed rule changes that were published in today's State Register.

Additionally, in accordance with Minnesota Statute §14.366 a copy of our public rulemaking docket can be found at <https://mn.gov/emsrb/emslaw/>

Any questions or comments related to this rulemaking should be directed to
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Mission: To protect the public's health and safety through regulation and support of the EMS system | www.mn.gov/emsrb



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robert.zotti@essentiahealth.org; rball490@gmail.com; bburton@916schools.org;
robert.miller@guardianflight.com; bobmac1965@gmail.com;
rob.almendinger@northmemorial.com; frostcty@bevcomm.net;
rburnett@ci.chatfield.mn.us; rogerzins@hotmail.com; rboettcher@mendcare.com;
rollinemt@gmail.com; ron.lawler@sanfordhealth.org; klineron@hotmail.com;
rbutterfield01@gmail.com; ryan.marti@allina.com; lrappleby@yahoo.com;
rthrockmorton@prestonmn.org; hastingschilddevelopmentcenter@comcast.net;
desmets@runestone.net; ryan.muchow@ci.fergus-falls.mn.us;
ryttreness@shakopeemn.gov; fire1698@gmail.com; rquinn@edinamn.gov;
homie.621.rh@gmail.com; rkelly9739@yahoo.com; jr-ackerman@hotmail.com;
sadie.aldinger@dhs.wisconsin.gov; sallyroller77@yahoo.com; 2sambeth@gmail.com;
sgrabau1212@gmail.com; samantha.lanzrath@cuyunamed.org; slohstreter@altru.org;
alturamn@hbc.com; bubs1981@gmail.com; srybarczyk@ci.lake-city.mn.us;
modsar@gmail.com; sarahsundve@gmail.com; mabelambulance441@gmail.com;
slenzems@gmail.com; fredricksons@virginiamn.us; f_scottnels@hotmail.com;
scott.johnson@northmemorial.com; ssshake@yahoo.com; waibels@hotmail.com;
lakesarahsheep@gmail.com; slindberg54@yahoo.com;
lameckersgeneralstore@gmail.com; zipscoot@lakedalelink.net; saydan@charter.net;
cigraceville@mchsi.com; Support@alliedmedtraining.com;
SerenaTJ@EMSCustomEd.com; seth.streblow@avera.org; shanna.landgren@boisforten-
nsn.gov; sjm.firstrax@gmail.com; sharihittesdorf@gmail.com; sbubb66@gmail.com;
sbode@mercymooselake.org; skutney@smfdmn.org; sherrykirby50@hotmail.com;
scohen31@msn.com; sreejith.gopi@essentiahealth.org; slimenken@yahoo.com;
stanleystocker7@gmail.com; gvbaker12@gmail.com; skoering@stlouispark.org;
steve.stang@centracare.com; steven.briggs@sanfordhealth.org; sweiser@altru.org;
s.parnell@dulcimermedicalcenter.org; sbelau@countyems.org; sseipp@bevcomm.net;
steve.ewing@co.pipestone.mn.us; stevedittbenner@gmail.com;
skyyra@cannonfallsmn.gov; sunnieborth@gmail.com; satpuffer@gmail.com;
nanaemt@yahoo.com; svitalis@jhu.edu; sue.sather@ccmhealthmn.com;
susan.halls@essentiahealth.org; finance@houstonmn.us; sbajwa@aah-mn.org;
mccluskdo@itctel.com; stewart1990@gmail.com; tamsather@hotmail.com;
tamlarso@gmail.com; tanner.petterson56@gmail.com;
teather@cityofcottonwoodmn.com; emsrb.tedarmon@gmail.com; tenam@lrems.com;
terakay417@gmail.com; llmedic18@yahoo.com; terihive@gmail.com;
terrance.nelson@northmemorial.com; rwdtjr@mchsi.com;
tlwentho@gundersenhealth.org; fischnet1@gmail.com; tjohnson@smfdmn.org;
emsrb.mn.norlen@gmail.com; thavam.thambi-pillai@sanfordhealth.org;
tedarmon@me.com; elverums@msn.com; tessbailey19@yahoo.com;
Tom.Edminson@fairview.org; tadunn@healtheast.org; fennell.thomas@mayo.edu;
tkrueger759@yahoo.com; thomas.kriske@lsc.edu; travaglio.thomas@mayo.edu;
Tjohnson@ncemse.com; donahoutom@gmail.com; tlaron601@gmail.com;
Thomas.fleming@northshorehealthgm.org; tpitschneider@ShakopeeMN.gov;
tetornst@gundersenhealth.org; tmvems@gmail.com; thomas.mayfield@hcmcd.org;
thomas.myhre@hcmcd.org; larsont@virginiamn.us; crossroadspamedic@gmail.com;
tjwallerich@gmail.com; Timothy.Studer@sanfordhealth.org; tnesdahl@altru.org;
Timothy.Birkemeyer@outlook.com; paramedic54@gmail.com; tim@heartcertcpr.com;
tim@windomfarmservice.com; tim.meyer@sanfordhealth.org;
timothy.nyarandi@sanfordhealth.org; tperkins@scmcinc.org; toddseitz087@gmail.com;

Bcc: todd.kanzenbach@mnsu.edu; tollefringdahl@yahoo.com; tlauer45@yahoo.com; tlacore79@gmail.com; beckibrun@gmail.com; travis.spier@sanfordhealth.org; thecharliebrown505@gmail.com; franklin@mchsi.com; tjmaly84@gmail.com; troy.mayer@northmemorial.com; trudie@cityofnewlondon.us; val.huerta@woodburymn.gov; vmattson@altru.org; w69maverick@yahoo.com; wanda.mccoy@riverland.edu; Wanda.wright@digkey.com; Jung.Weilin@mayo.edu; wlgleis@hotmail.com; william.brandt@allina.com; bneiss@mypanthers.org; willogancaldwell@gmail.com; zach.nolz@sanfordhealth.org; finnyz89@gmail.com

Good Morning Ambulance Service Manager,

You are receiving this message as you have been identified as an EMS agency point of contact. The EMSRB is required by its Notice Plan for Administrative Rulemaking to notify you of certain administrative rulemaking activities.

As recommended by the Office of the Legislative Auditor the EMSRB is making updates to its administrative rules. The EMSRB intends to repeal Minnesota Rules Chapter 4690.1900 and Chapter 4690.2600. Both of these rules involve radio frequency assignments for VHF and UHF equipment. Many EMS services in the state no longer utilize this type of equipment and have transitioned to digital 800 MHz equipment.

However, services which are still using VHF or UHF equipment MAY continue to do so, this simply removes a regulatory requirement for those that are using different types of communication technology. As a part of this repeal, we are making editorial changes to Chapter 4690.7900, which relates to EMS agency license expiration dates as that rule referenced one of the rules that are being repealed. However, EMS agencies will not notice any change to their EMS license or expiration date.

Attached to this email is a copy of the Notice of Intent to Repeal Obsolete Rules, in addition a copy of all of the proposed rule changes that were published in today's State Register.

Additionally, in accordance with Minnesota Statute §14.366 a copy of our public rulemaking docket can be found at <https://mn.gov/emsrb/emslaw/>

Any questions or comments related to this rulemaking should be directed to
Dylan Ferguson
Executive Director
Dylan.Ferguson@state.mn.us

Professionally,

Dylan J Ferguson
Executive Director | EMSRB

Emergency Medical Services Regulatory Board

335 Randolph Avenue, Suite 220

St. Paul, MN 55102

O: 651-201-2806

F: 651-201-2812

Mission: To protect the public's health and safety through regulation and support of the EMS system | www.mn.gov/emsrb



August 31, 2022

VIA EMAIL ONLY

Dylan J. Ferguson
Executive Director
Emergency Medical Services Regulatory
Board
335 Randolph Ave Ste 220
Saint Paul, MN 55102
dylan.ferguson@state.mn.us

VIA EMAIL ONLY

Jamal Zayed
Assistant Attorney General
Minnesota Attorney General's Office
445 Minnesota St Ste 1400
Saint Paul, MN 55101
jamal.zayed@ag.state.mn.us;
donna.ackerman@ag.state.mn.us

**Re: *In the Matter of the Repeal of Obsolete Rule of the EMSRB
about Ambulance Standards and Frequency Assignments***
OAH 22-9058-38616; Revisor R-4769

Dear Parties:

Enclosed herewith and served upon you please find the **ORDER ON REVIEW
OF ADDITIONAL NOTICE PLAN** in the above-entitled matter.

If you have any questions regarding this matter, please contact Denise Collins at
(651) 361-7875, denise.collins@state.mn.us or via facsimile at (651) 539-0310.

Sincerely,



MICHELLE SEVERSON
Legal Assistant

Enclosure

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Repeal of Obsolete
Rule of the EMSRB about Ambulance
Standards and Frequency Assignments

**ORDER ON REVIEW OF
NOTICE PLAN**

This matter came before Administrative Law Judge Christa L. Moseng upon the Emergency Medical Services Regulatory Board's (Board) request for review of its Additional Notice Plan. The Board seeks a legal review of its materials under Minn. Stat. § 14.3895 (2022).

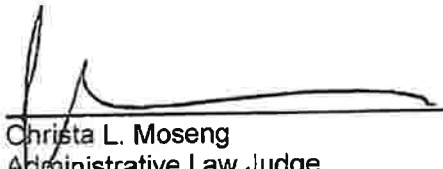
Based upon a review of the written submissions by the Board, including its plan to notify:

- (1) All persons and associations who have registered with the Emergency Medical Services Regulatory Board for purposes of rulemaking notifications will receive notice by U.S. Mail a copy of the Notice of Intent to Repeal Obsolete Rules, and a copy of the repealer;
- (2) All Minnesota licensed ambulance services will receive a copy of the Notice of Intent to Repeal Obsolete Rules, and a copy of the repealer via the email address associated with their EMS license as it exists in the EMS licensing system.
- (3) The Notice of Intent to Repeal Obsolete Rules, and a copy of the repealer will be posted on the EMSRB's publicly available website.

IT IS HEREBY ORDERED THAT:

The Additional Notice Plan is **APPROVED**, contingent upon the Board including, as part of its proposed website notice, the Board's Public Rulemaking Docket required by Minn. Stat. § 14.366 (2022), and including a link to the same in its proposed U.S. mail and email notices.

Dated: August 31, 2022


Christa L. Moseng
Administrative Law Judge

09/26/22

REVISOR

AGW/EH

AR4769

1.1 **Emergency Medical Services Regulatory Board**
 1.2 **Adopted Exempt Permanent Rules Repealing Ambulance Standards and Radio**
 1.3 **Frequency Assignments**

1.4 **4690.7900 EXPIRATION DATES.**

1.5 *[For text of subparts 1 to 3, see Minnesota Rules]*

1.6 Subp. 4. **Licensing renewal date.** For licensing periods beginning October 1, 1982,
 1.7 and all subsequent periods, license renewal dates will be assigned according to the district
 1.8 in which the licensee's base of operation is located as follows:

1.9 A. northwestern district (Kittson, Roseau, Lake of the Woods, Marshall, Beltrami,
 1.10 Polk, Pennington, Red Lake, Clearwater, Hubbard, Norman, and Mahnommen Counties):
 1.11 October 1, in years ending with an even number;

1.12 B. northeastern district (Koochiching, St. Louis, Lake, Cook, Itasca, Carlton, and
 1.13 Aitkin Counties): January 1, in years ending with an odd number;

1.14 C. west central district (Clay, Becker, Wilkin, Otter Tail, Grant, Douglas, Stevens,
 1.15 Traverse, and Pope Counties): April 1, in years ending with an odd number;

1.16 D. central district (Cass, Wadena, Crow Wing, Todd, Mille Lacs, Isanti, Pine,
 1.17 Chisago, Kanabec, Morrison, Stearns, Benton, Sherburne, and Wright Counties): July 1, in
 1.18 years ending with an odd number;

1.19 E. metropolitan district (Anoka, Hennepin, Ramsey, Washington, Carver, Scott,
 1.20 and Dakota Counties): October 1, in years ending with an odd number;

1.21 F. southwestern district (Swift, Kandiyohi, Meeker, Lac qui Parle, Chippewa,
 1.22 Yellow Medicine, Renville, McLeod, Lincoln, Lyon, Redwood, Pipestone, Murray,
 1.23 Cottonwood, Rock, Nobles, Big Stone, and Jackson Counties): January 1, in years ending
 1.24 with an even number;

2.1 G. south central district (Sibley, Le Sueur, Nicollet, Brown, Watonwan, Blue
2.2 Earth, Waseca, Martin, and Faribault Counties): April 1, in years ending with an even
2.3 number; or

2.4 H. southeastern district (Rice, Goodhue, Wabasha, Steele, Dodge, Olmsted,
2.5 Winona, Freeborn, Mower, Fillmore, and Houston Counties): July 1, in years ending with
2.6 an even number.

2.7 *[For text of subparts 5 and 6, see Minnesota Rules]*

2.8 **REPEALER.** Minnesota Rules, parts 4690.1900; and 4690.2600, are repealed.

Minnesota Emergency Medical Services Regulatory Board

ORDER ADOPTING RULES

Repeal of Obsolete Rules Governing Ambulance Standards and Radio Frequency Assignments, Minnesota Rules, 4690.1900 and 4690.2600; Revisor's ID Number R-4769, OAH docket number 22-9058-38616

BACKGROUND INFORMATION

1. The rules repealed by this order are obsolete and were identified in the Emergency Medical Services Regulatory Board's annual obsolete rules report dated July 25, 2022 under Minnesota Statutes section 14.05 subd. 5.
2. The Emergency Medical Services Regulatory Board has complied with all notice and procedural requirements in Minnesota Statutes, chapter 14, Minnesota Rules, chapter 1400, and other applicable law. The Board authorized proposing the rules at its meeting on August 18, 2022, and a quorum was present.
3. The agency received no written comments and submissions on the rules. No persons requested a public hearing, as a result there were no individuals who subsequently withdrew their requests. Therefore, there are not 25 or more requests for a public hearing. The agency received no requests for notice of submission to the Office of Administrative Hearings.
4. There were no changes from the proposed rules to the adopted rules.
5. The rules are obsolete, unnecessary, or duplicative.
6. A copy of the board's authorization to adopt the rules is attached.

ORDER

The above-named rules, in the form published in the State Register on September 26, 2022, are adopted under my authority in Statutes, section 144E.16 Subdivision 4.

12/19/2022
Date



Dylan Ferguson, Executive Director
Emergency Medical Services Regulatory Board

Minnesota Emergency Medical Services Regulatory Board

**CERTIFICATE OF THE EMERGENCY MEDICAL SERVICES REGULATORY BOARD;
AUTHORIZING RESOLUTION**

**Proposed Repeal of Rules Governing Ambulance Standards and Radio Frequency
Assignments, Minnesota Rules, 4690.1900 and 4690.2600; Revisor's ID Number R-4769**

I, J.B. Guiton, certify that I am a member and the Chair of the Emergency Medical Services Regulatory Board, a board authorized under the laws of the State of Minnesota; that the following is a true, complete, and correct copy of a resolution that the Emergency Medical Services Regulatory Board adopted at a properly convened meeting on August 18, 2022 ; that a quorum was present; and that a majority of those present voted for the resolution, which has not been rescinded or modified.

The Board resolved the following:

1. The Executive Director of the Emergency Medical Services Regulatory Board, is authorized and directed to sign and to give the Notice of the Board's Intent to Adopt Rules Without a Public Hearing in the Revisor of Statutes draft, file number R-4769, identified as Minnesota rules, parts 4690.1900 4690.2600, with any modifications approved by the Board. The Executive Director must give this notice to all persons who have registered their names with the Board for that purpose. The Executive Director must also publish the Notice in the State Register. Furthermore, the Executive Director is authorized and directed to do anything else needed to complete this Notice.

2. If there are fewer than 25 outstanding hearing requests, the Executive Director of the Emergency Medical Services Regulatory Board is authorized and directed to sign the Order Adopting Rules and to do anything else needed to adopt these rules without a hearing.

3. If there are 25 or more outstanding hearing requests, the Executive Director of the Emergency Medical Services Regulatory Board, is authorized and directed to act as the Board's representative at the hearing and do anything else needed to adopt these rules with a hearing. This includes authority to sign the Order Adopting Rules if there are no modifications to the rules other than modifications approved by the Board.

9/16/2022

Date

J.B. Guiton

J.B. Guiton, Chair

Emergency Medical Services Regulatory Board

Brian W. Edwards

Signature of Attesting Board Member

Brian W. Edwards

Printed Name of Attesting Board Member



July 25, 2022

Governor Tim Walz
130 State Capitol
75 Rev Dr Martin Luther King Jr Blvd
St. Paul, MN 55155

Senator Paul Utke, Chair
Senate Health and Human Services Finance and Policy Committee
3403 Minnesota Senate Bldg
St. Paul, MN 55155

Representative Tina Liebling, Chair
House Health Finance and Policy
477 State Office Building
St. Paul, MN 55155

Ms. Michelle Weber, Executive Director
Legislative Coordinating Commission
100 Rev. Dr Martin Luther King Jr. Blvd, Suite 600
St. Paul, MN 55155

Mr. Ryan Inman
Revisor of Statutes
700 State Office Building
100 Rev Dr Martin Luther King Jr Blvd
St. Paul, MN 55155

Subject: Annual Report on Obsolete, Unnecessary, or Duplicative Rules, as Required by Minnesota Statutes, Section 14.05, Subdivision 5 for calendar year 2022.

Following a comprehensive review of the Administrative Rules contained in Chapter 4690 *Ambulance Services*, the Emergency Medical Services Regulatory Board has identified the following rules as unnecessary and obsolete:

Chapter 4690.1900 Standards and Radio Frequency Assignments (in its entirety)

Chapter 4690.2600 Standards and Radio Frequency Assignments (in its entirety)

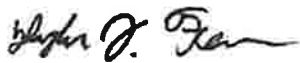
The above listed rules were determined to be obsolete because many emergency medical services agencies no longer utilize VHF radio equipment and instead have transitioned to digital 800 MHz radio systems. As a result of this technological change the impetus for the initial rule implementation no longer exists and the EMSRB now considers these rules obsolete.

The EMSRB intends to move forward with the repeal of Chapter(s) 4690.1900 and 4690.2600 in accordance with the obsolete repeal provisions as outlined in Section 14.3895. Efforts to repeal this rule will begin on or before September 1, 2022, and the EMSRB hopes to complete the work as expeditiously as the administrative rule making process allows.

The EMSRB will report on the status of this effort and any additional obsolete rules on or before December 1, 2023.

In previous reports the EMSRB had not identified any obsolete rules and therefore has no follow up reports at this time.

Professionally,

A handwritten signature in black ink, appearing to read "Dylan J. Ferguson".

Dylan J Ferguson
Executive Director
Emergency Medical Services Regulatory Board

CC: J.B. Guiton, Board Chair

Kevin Miller, Vice-Chair

Minnesota Emergency Medical Services Regulatory Board

CERTIFICATE OF SENDING NOTICE TO LEGISLATORS

Proposed Repeal of Obsolete Rules Governing Ambulance Standards Radio Frequency Assignments, Minnesota Rules, 4690.1900 and 4690.2600 Revisor's ID Number 4769

I certify that on September 26, 2022, at least 63 days before the end of the comment period, I sent a copy of the Notice of Proposed Repeal of Obsolete Rules to the chairs and ranking minority members with jurisdiction over the subject matter of the proposed rule repeal which includes the House Health Finance and Policy Committee and the Senate Health and Human Services Finance and Policy Committee by sending an electronic copy via email. I mailed these documents to comply with Minnesota Statutes, section 14.3895. A copy of the cover letter is attached to this Certificate.



Dylan Ferguson
Executive Director
Emergency Medical Services Regulatory Board

Ferguson, Dylan (EMSRB)

From: Ferguson, Dylan (EMSRB)
Sent: Monday, September 26, 2022 10:09 AM
To: rep.tina.liebling@house.mn; rep.joe.schomacker@house.mn; sen.paul.utke@senate.mn; Melissa Wiklund
Cc: Guiton, JB (EMSRB); Miller, Kevin (EMSRB); John Huot; 'Sen Andrew Lang (sen.andrew.lang@senate.mn)'
Subject: Required Notification of Rulemaking Activity
Attachments: Minnesota State Register Volume 47 Number 13 EMSRB.pdf

Good Morning,

You are receiving this message as a Chair or Ranking Member of an oversight committee with responsibility for the Emergency Medical Services Regulatory Board. As a part of the administrative rulemaking procedure, we are required by Minnesota law to inform you whenever the agency undertakes certain administrative rulemaking activities.

As recommended by the Office of the Legislative Auditor the EMSRB is making updates to its administrative rules. The EMSRB intends to repeal Minnesota Rules Chapter 4690.1900 and Chapter 4690.2600. Both of these rules involve radio frequency assignments for VHF and UHF equipment. Many EMS services in the state no longer utilize this type of equipment and have transitioned to digital 800 MHz equipment.

However, services which are still using VHF or UHF equipment MAY continue to do so, this simply removes a regulatory requirement for those that are using different types of communication technology. As a part of this repeal, we are making editorial changes to Chapter 4690.7900, which relates to EMS agency license expiration dates as that rule referenced one of the rules that are being repealed. However, EMS agencies will not notice any change to their EMS license or expiration date.

Attached to this email is a copy of the Notice of Intent to Repeal Obsolete Rules, in addition a copy of all of the proposed rule changes that were published in today's State Register.

Additionally, in accordance with Minnesota Statute §14.366 a copy of our public rulemaking docket can be found at <https://mn.gov/emsrb/emslaw/>

Any questions or comments related to this rulemaking should be directed to
Dylan Ferguson
Executive Director
Dylan.Ferguson@state.mn.us

Professionally,

Dylan J Ferguson
Executive Director | EMSRB

Emergency Medical Services Regulatory Board

335 Randolph Avenue, Suite 220

St. Paul, MN 55102

O: 651-201-2806

F: 651-201-2812

Mission: To protect the public's health and safety through regulation and support of the EMS system | www.mn.gov/emsrb

August 31, 2022

VIA EMAIL ONLY

Dylan J. Ferguson
Executive Director
Emergency Medical Services Regulatory Board
335 Randolph Ave Ste 220
Saint Paul, MN 55102
dylan.ferguson@state.mn.us

VIA EMAIL ONLY

Jamal Zayed
Assistant Attorney General
Minnesota Attorney General's Office
445 Minnesota St Ste 1400
Saint Paul, MN 55101
jamal.zayed@ag.state.mn.us;
donna.ackerman@ag.state.mn.us

**Re: *In the Matter of the Repeal of Obsolete Rule of the EMSRB
about Ambulance Standards and Frequency Assignments***
OAH 22-9058-38616; Revisor R-4769

Dear Parties:

Enclosed herewith and served upon you please find the **ORDER ON REVIEW OF ADDITIONAL NOTICE PLAN** in the above-entitled matter.

If you have any questions regarding this matter, please contact Denise Collins at (651) 361-7875, denise.collins@state.mn.us or via facsimile at (651) 539-0310.

Sincerely,



MICHELLE SEVERSON
Legal Assistant

Enclosure

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
ADMINISTRATIVE LAW SECTION
PO BOX 64620
600 NORTH ROBERT STREET
ST. PAUL, MINNESOTA 55164

CERTIFICATE OF SERVICE

In the Matter of the Repeal of Obsolete Rule of the EMSRB about Ambulance Standards and Frequency Assignments	OAH Docket No. 22-9058-38616 R-4769
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On August 31, 2022, a true and correct copy of the **ORDER ON REVIEW OF ADDITIONAL NOTICE PLAN** was served by electronic mail, unless otherwise indicated below, addressed to the following:

<u>VIA EMAIL ONLY</u> Dylan J. Ferguson Executive Director Emergency Medical Services Regulatory Board 335 Randolph Ave Ste 220 Saint Paul, MN 55102 dylan.ferguson@state.mn.us	<u>VIA EMAIL ONLY</u> Jamal Zayed Assistant Attorney General Minnesota Attorney General's Office 445 Minnesota St Ste 1400 Saint Paul, MN 55101 jamal.zayed@ag.state.mn.us ; donna.ackerman@ag.state.mn.us
--	---

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Repeal of Obsolete
Rule of the EMSRB about Ambulance
Standards and Frequency Assignments

**ORDER ON REVIEW OF
NOTICE PLAN**

This matter came before Administrative Law Judge Christa L. Moseng upon the Emergency Medical Services Regulatory Board's (Board) request for review of its Additional Notice Plan. The Board seeks a legal review of its materials under Minn. Stat. § 14.3895 (2022).


Based upon a review of the written submissions by the Board, including its plan to notify:

- (1) All persons and associations who have registered with the Emergency Medical Services Regulatory Board for purposes of rulemaking notifications will receive notice by U.S. Mail a copy of the Notice of Intent to Repeal Obsolete Rules, and a copy of the repealer;
- (2) All Minnesota licensed ambulance services will receive a copy of the Notice of Intent to Repeal Obsolete Rules, and a copy of the repealer via the email address associated with their EMS license as it exists in the EMS licensing system.
- (3) The Notice of Intent to Repeal Obsolete Rules, and a copy of the repealer will be posted on the EMSRB's publicly available website.

IT IS HEREBY ORDERED THAT:

The Additional Notice Plan is **APPROVED**, contingent upon the Board including, as part of its proposed website notice, the Board's Public Rulemaking Docket required by Minn. Stat. § 14.366 (2022), and including a link to the same in its proposed U.S. mail and email notices.

Dated: August 31, 2022


Christa L. Moseng
Administrative Law Judge



OAH Docket No.- 22-9058-38616

August 25, 2022

The Honorable Jenny Starr
Chief Administrative Law Judge
Office of Administrative Hearings
600 North Robert Street
P.O. Box 64620
Saint Paul, Minnesota 55164-0620

Re: **In the Matter of the Proposed Repeal of Obsolete Rule of the Emergency Medical Services Regulatory Board about Ambulance Standards and Frequency Assignments; Request for Review and Approval of Notice Plan; Revisor's ID Number R-4769**

Dear Chief Judge Starr:

The Emergency Medical Services Regulatory Board requests that you review and approve our Notice Plan for giving notice of the repeal of obsolete rules 4690.1900 and 4690.2600 under Minnesota Statutes 14.3895 subd. 2. This obsolete rule pertains to ambulance standard radio frequency assignments. The specific frequencies involved are in the very high frequency (VHF) and ultra-high frequency bands and have been made obsolete by implementation of the state's 800 MHz digital radio system.

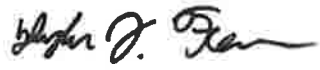
Enclosed are the following:

- (1) The proposed obsolete rules to be repealed certified by the Revisor;
- (2) Our proposed Notice of Intent to Repeal Rules (Please note that dates have not been written into the notice, as approval of this notice plan is required prior to publishing;
- (3) Our Obsolete Rules Report dated July 25, 2022 that identified the rules as obsolete, unnecessary or duplicative;
- (4) Our explanation of why the Board believes the Notice Plan complies with Minnesota Statutes, section 14.3895, subdivision 2.

We believe our Additional Notice Plan complies with the statute because the repeal of the rule potentially relieves a burden on emergency medical services agencies from having to carry and maintain equipment that is no longer required for the safe operation of an ambulance or to provide patient care. Notification of all EMS agencies ensures that all parties subject to the existing rule have been notified.

Please contact me at (651) 201-2806 or Dylan.Ferguson@state.mn.us if you have any questions

Professionally,

A handwritten signature in black ink, appearing to read "Dylan J. Ferguson". The signature is written in a cursive style with a prominent initial "D".

Dylan Ferguson
Executive Director
Emergency Medical Services Regulatory Board

Office of the Revisor of Statutes Administrative Rules



TITLE: Exempt Permanent Rules Repealing Ambulance Standards and Radio Frequency Assignments

AGENCY: Emergency Medical Services Regulatory Board

REVISOR ID: R-4769

MINNESOTA RULES: Chapter 4690

The attached rules are approved as to form

A handwritten signature in cursive script, appearing to read "Alex Willi", written over a horizontal line.

Alex Willi
Assistant Revisor

1.1 **Emergency Medical Services Regulatory Board**

1.2 **Exempt Permanent Rules Repealing Ambulance Standards and Radio Frequency**
1.3 **Assignments**

1.4 **4690.7900 EXPIRATION DATES.**

1.5 *[For text of subparts 1 to 3, see Minnesota Rules]*

1.6 Subp. 4. **Licensing renewal date.** For licensing periods beginning October 1, 1982,
1.7 and all subsequent periods, license renewal dates will be assigned according to the district
1.8 ~~as described in part 4690.1900, subpart 3~~ in which the licensee's base of operation is located
1.9 as follows:

1.10 A. northwestern district (Kittson, Roseau, Lake of the Woods, Marshall, Beltrami,
1.11 Polk, Pennington, Red Lake, Clearwater, Hubbard, Norman, and Mahnomen Counties):
1.12 October 1, in years ending with an even number;

1.13 B. northeastern district (Koochiching, St. Louis, Lake, Cook, Itasca, Carlton, and
1.14 Aitkin Counties): January 1, in years ending with an odd number;

1.15 C. west central district (Clay, Becker, Wilkin, Otter Tail, Grant, Douglas, Stevens,
1.16 Traverse, and Pope Counties): April 1, in years ending with an odd number;

1.17 D. central district (Cass, Wadena, Crow Wing, Todd, Mille Lacs, Isanti, Pine,
1.18 Chisago, Kanabec, Morrison, Stearns, Benton, Sherburne, and Wright Counties): July 1, in
1.19 years ending with an odd number;

1.20 E. metropolitan district (Anoka, Hennepin, Ramsey, Washington, Carver, Scott,
1.21 and Dakota Counties): October 1, in years ending with an odd number;

1.22 F. southwestern district (Swift, Kandiyohi, Meeker, Lac qui Parle, Chippewa,
1.23 Yellow Medicine, Renville, McLeod, Lincoln, Lyon, Redwood, Pipestone, Murray,
1.24 Cottonwood, Rock, Nobles, Big Stone, and Jackson Counties): January 1, in years ending
1.25 with an even number;

2.1 G. south central district (Sibley, Le Sueur, Nicollet, Brown, Watonwan, Blue
2.2 Earth, Waseca, Martin, and Faribault Counties): April 1, in years ending with an even
2.3 number; or

2.4 H. southeastern district (Rice, Goodhue, Wabasha, Steele, Dodge, Olmsted,
2.5 Winona, Freeborn, Mower, Fillmore, and Houston Counties): July 1, in years ending with
2.6 an even number.

2.7 *[For text of subparts 5 and 6, see Minnesota Rules]*

2.8 **REPEALER.** Minnesota Rules, parts 4690.1900; and 4690.2600, are repealed.

OAH Docket No. 22-9058-38616

Minnesota Emergency Medical Services Regulatory Board

NOTICE OF INTENT TO REPEAL OBSOLETE RULES

Proposed Repeal of Obsolete Rules Governing Ambulance Standards and Radio Frequency Assignments, *Minnesota Rules*, 4690.1900 and 4690.2600; Revisor's ID Number R-4769

Introduction. The Emergency Medical Services Regulatory Board intends to repeal obsolete rules under the rulemaking process in the Administrative Procedure Act, *Minnesota Statutes*, section 14.3895. You may submit written comments on the proposed repeal of obsolete rules until [date].

Agency Contact Person. You must submit comments or questions on the rules to: Dylan Ferguson at the Emergency Medical Services Regulatory Board, 325 Randolph Ave Suite 220 St. Paul, MN 55102, Phone (651)201-2800, Fax (651)201-2812, and Email Dylan.Ferguson@state.mn.us.

Subject of the Repeal of Obsolete Rules and Statutory Authority. The proposed obsolete rules are about geographic radio frequency assignments required for ambulances. These frequencies involved the Very-High Frequency (VHF) and Ultra-High Frequency (UHF) radio communication bands. The agency identified the proposed obsolete rules to be repealed in its annual obsolete rules report under Minnesota Statutes section 14.05, subdivision 5. The rule was determined to be obsolete as a result of new communication technologies including 800 MHz radio systems that replaced these VHF and UHF radios in many ambulances. Nothing in this proposed repeal affects ambulance services still using this technology. There are also minor changes to 4690.7900 that were needed to permit the repeal. The statutory authority to repeal the obsolete rules is found in Minnesota Statutes, section 14.3895. A copy of the proposed obsolete rules to be repealed is published in the State Register and attached to this notice as mailed. The proposed obsolete rules to be repealed may be viewed at: www.mn.gov/emsrp

Comments. You have until 4:30 p.m. on [day], [month] [date], [year], to submit written comment in support of or in opposition to the proposed repeal of obsolete rules and any part or subpart of the repeal. Your comment must be in writing and received by the agency contact person by the due date. The Board encourages comment. Your comment should identify the portion of the proposed obsolete rules to be repealed addressed and the reason for the comment. In addition, you are encouraged to object to the repeal of any part or subpart. You must also make any comments on the legality of the proposed rules during this comment period.

Request for Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. You must make your request in writing and the agency contact person must receive it by 4:30 p.m. on [month] [date], [year]. Your written request must include your name and address. You must identify the portion of the proposed repealed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the agency cannot count it for determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

- **Effect of Requests.** If 25 or more people submit a written request, the agency will have to meet the requirements of Minnesota Statutes, sections 14.131 to 14.20 for rules adopted after a hearing or the requirements of Minnesota Statutes, sections 14.22 to 14.28 for rules adopted without a hearing, including the preparation of a statement of need and reasonableness and the opportunity for a hearing.

Modifications. The agency might modify its choice of these designated rules or parts proposed for repeal (e.g. fixing a typo or deciding not to repeal a rule because the rule is discovered not to be obsolete), based on comments and information submitted to the agency. If the final rules are identical to the rules originally published in the State Register, the agency will publish a notice of adopting the repealers in the State Register. If the final rules are different from the rules originally published in the State Register, the agency must publish a copy of the changes in the State Register. If the proposed repeal of obsolete rules affects you in any way, the Board encourages you to participate in the rulemaking process.

Alternative Format. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request, please contact the agency contact person at the address or telephone number listed above.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You may direct questions regarding this requirement to the Campaign Finance and Public Disclosure Board at: Suite 190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 539-1180 or 1-800-657-3889.

Repeal and Review of Obsolete Rules. If no hearing is required, the Board may repeal the obsolete rules at the end of the comment period. The agency will then submit rules and supporting documents to the Office of Administrative Hearings for review for legality. You may

ask to be notified of the date that the agency submits the rules. If you want to be so notified or want to receive a copy of the repealed obsolete rules, or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Date

Dylan Ferguson
Executive Director
Emergency Medical Services Regulatory Board



July 25, 2022

Governor Tim Walz
130 State Capitol
75 Rev Dr Martin Luther King Jr Blvd
St. Paul, MN 55155

Senator Paul Utke, Chair
Senate Health and Human Services Finance and Policy Committee
3403 Minnesota Senate Bldg
St. Paul, MN 55155

Representative Tina Liebling, Chair
House Health Finance and Policy
477 State Office Building
St. Paul, MN 55155

Ms. Michelle Weber, Executive Director
Legislative Coordinating Commission
100 Rev. Dr Martin Luther King Jr. Blvd, Suite 600
St. Paul, MN 55155

Mr. Ryan Inman
Revisor of Statutes
700 State Office Building
100 Rev Dr Martin Luther King Jr Blvd
St. Paul, MN 55155

Subject: Annual Report on Obsolete, Unnecessary, or Duplicative Rules, as Required by Minnesota Statutes, Section 14.05, Subdivision 5 for calendar year 2022.

Following a comprehensive review of the Administrative Rules contained in Chapter 4690 *Ambulance Services*, the Emergency Medical Services Regulatory Board has identified the following rules as unnecessary and obsolete:

Chapter 4690.1900 Standards and Radio Frequency Assignments (in its entirety)

Chapter 4690.2600 Standards and Radio Frequency Assignments (in its entirety)

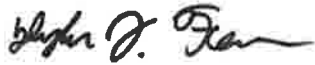
The above listed rules were determined to be obsolete because many emergency medical services agencies no longer utilize VHF radio equipment and instead have transitioned to digital 800 MHz radio systems. As a result of this technological change the impetus for the initial rule implementation no longer exists and the EMSRB now considers these rules obsolete.

The EMSRB intends to move forward with the repeal of Chapter(s) 4690.1900 and 4690.2600 in accordance with the obsolete repeal provisions as outlined in Section 14.3895. Efforts to repeal this rule will begin on or before September 1, 2022, and the EMSRB hopes to complete the work as expeditiously as the administrative rule making process allows.

The EMSRB will report on the status of this effort and any additional obsolete rules on or before December 1, 2023.

In previous reports the EMSRB had not identified any obsolete rules and therefore has no follow up reports at this time.

Professionally,

A handwritten signature in black ink, appearing to read "Dylan J. Ferguson".

Dylan J Ferguson
Executive Director
Emergency Medical Services Regulatory Board

CC: J.B. Guiton, Board Chair

Kevin Miller, Vice-Chair



Notice Plan for Repeal of Obsolete Rules

Re: **In the Matter of the Proposed Repeal of Obsolete Rule of the Emergency Medical Services Regulatory Board about Ambulance Standards and Frequency Assignments; Request for Review and Approval of Notice Plan; Revisor's ID Number R-4769**

The Emergency Medical Services Regulatory Board will take the following steps to provide notice to persons or classes of person who may be significantly affected by the rule repeal.

- (1) All persons and associations who have registered with the Emergency Medical Services Regulatory Board for purposes of rulemaking notifications will receive notice by U.S. Mail a copy of the Notice of Intent to Repeal Obsolete Rules, and a copy of the repealer;
- (2) All Minnesota licensed ambulance services will receive a copy of the Notice of Intent to Repeal Obsolete Rules, and a copy of the repealer via the email address associated with their EMS license as it exists in the EMS licensing system.
- (3) The Notice of Intent to Repeal Obsolete Rules, and a copy of the repealer will be posted on the EMSRB's publicly available website.

A handwritten signature in black ink, appearing to read 'Dylan J. Ferguson'.

Dylan Ferguson
Executive Director
Emergency Medical Services Regulatory Board

OAH Docket Number: _____

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

Repeal of Obsolete Rule of the EMSRB
about ambulance Standards and Frequency
Assignments

NOTICE OF APPEARANCE

PLEASE TAKE NOTICE that:

1. The party/agency named below (Party/Agency) will appear at the prehearing conference and all subsequent proceedings in the above-entitled matter.

2. By providing its email address below, the Party/Agency chooses to opt into receiving electronic notice from the Office of Administrative Hearings in this matter. **Note: Provision of an email address DOES NOT constitute consent to electronic service from any opposing party or agency in this proceeding.**¹

3. The Party/Agency agrees to use best efforts to provide the Office of Administrative Hearings with the email address(es) for opposing parties and their legal counsel.

Party's/Agency's Name: Dylan Ferguson/Emergency Medical Services Regulatory Board

Email: Dylan.Ferguson@state.mn.us Telephone: 651-201-2806

Mailing Address: 335 Randolph Ave, Suite 220, St. Paul, MN 55102

Party's/Agency's Attorney: Jamal Zayed

Firm Name: Minnesota Attorney General's Office

Email: Jamal.Zayed@ag.state.mn.us Telephone: 651-583-7074

Mailing Address: 445 Minnesota St, Suite 1400 St. Paul, MN 55101

Respondent's/Opposing Party's Name: _____

Email: _____ Telephone: _____

Mailing Address: _____



Dated: 08/25/2022

Signature of Party/Agency or Attorney

¹ In order to opt in to electronic notice, this form must be emailed to OAH.efiling.support@state.mn.us. If the party does not wish to opt in to electronic notice, this form may be filed with the Office of Administrative Hearings via facsimile, U.S. Mail, or personal service. See 2015 Minn. Laws Ch. 63, Minn. R. 1400.5550, subps. 2-5 (2021).

Note: This form must be served upon the opposing party/agency. Counsel may not withdraw from representation without written notice.

Office of the Revisor of Statutes

Administrative Rules



TITLE: Adopted Exempt Permanent Rules Repealing Ambulance Standards and Radio Frequency Assignments

AGENCY: Emergency Medical Services Regulatory Board

REVISOR ID: R-4769

MINNESOTA RULES: Chapter 4690

Document Number: 234173
Filed on January 23, 2023
Office of the Minnesota
Secretary of State, Steve Simon

The attached rules are approved for
filing with the Secretary of State

A handwritten signature in cursive script, appearing to read "Alex Willi", written over a horizontal line.

Alex Willi
Assistant Revisor

1.1 **Emergency Medical Services Regulatory Board**

1.2 **Adopted Exempt Permanent Rules Repealing Ambulance Standards and Radio**
1.3 **Frequency Assignments**

1.4 **4690.7900 EXPIRATION DATES.**

1.5 *[For text of subparts 1 to 3, see Minnesota Rules]*

1.6 **Subp. 4. Licensing renewal date.** For licensing periods beginning October 1, 1982,
1.7 and all subsequent periods, license renewal dates will be assigned according to the district
1.8 in which the licensee's base of operation is located as follows:

1.9 A. northwestern district (Kittson, Roseau, Lake of the Woods, Marshall, Beltrami,
1.10 Polk, Pennington, Red Lake, Clearwater, Hubbard, Norman, and Mahnomen Counties):
1.11 October 1, in years ending with an even number;

1.12 B. northeastern district (Koochiching, St. Louis, Lake, Cook, Itasca, Carlton, and
1.13 Aitkin Counties): January 1, in years ending with an odd number;

1.14 C. west central district (Clay, Becker, Wilkin, Otter Tail, Grant, Douglas, Stevens,
1.15 Traverse, and Pope Counties): April 1, in years ending with an odd number;

1.16 D. central district (Cass, Wadena, Crow Wing, Todd, Mille Lacs, Isanti, Pine,
1.17 Chisago, Kanabec, Morrison, Stearns, Benton, Sherburne, and Wright Counties): July 1, in
1.18 years ending with an odd number;

1.19 E. metropolitan district (Anoka, Hennepin, Ramsey, Washington, Carver, Scott,
1.20 and Dakota Counties): October 1, in years ending with an odd number;

1.21 F. southwestern district (Swift, Kandiyohi, Meeker, Lac qui Parle, Chippewa,
1.22 Yellow Medicine, Renville, McLeod, Lincoln, Lyon, Redwood, Pipestone, Murray,
1.23 Cottonwood, Rock, Nobles, Big Stone, and Jackson Counties): January 1, in years ending
1.24 with an even number;

2.1 G. south central district (Sibley, Le Sueur, Nicollet, Brown, Watonwan, Blue
2.2 Earth, Waseca, Martin, and Faribault Counties): April 1, in years ending with an even
2.3 number; or

2.4 H. southeastern district (Rice, Goodhue, Wabasha, Steele, Dodge, Olmsted,
2.5 Winona, Freeborn, Mower, Fillmore, and Houston Counties): July 1, in years ending with
2.6 an even number.

2.7 *[For text of subparts 5 and 6, see Minnesota Rules]*

2.8 **REPEALER.** Minnesota Rules, parts 4690.1900; and 4690.2600, are repealed.

Document Number: 234173
Filed on January 23, 2023
Office of the Minnesota
Secretary of State, Steve Simon

Exempt Rules

Exempt rules are excluded from the normal rulemaking procedures (*Minnesota Statutes* §§ 14.386 and 14.388). They are most often of two kinds. One kind is specifically exempted by the Legislature from rulemaking procedures, but approved for form by the Revisor of Statutes, reviewed for legality by the Office of Administrative Hearings, and then published in the State Register. These exempt rules are effective for two years only.

The second kind of exempt rule is one adopted where an agency for good cause finds that the rulemaking provisions of *Minnesota Statutes*, Chapter 14 are unnecessary, impracticable, or contrary to the public interest. This exemption can be used only where the rules:

- (1) address a serious and immediate threat to the public health, safety, or welfare, or
- (2) comply with a court order or a requirement in federal law in a manner that does not allow for compliance with *Minnesota Statutes* Sections 14.14-14.28, or
- (3) incorporate specific changes set forth in applicable statutes when no interpretation of law is required, or
- (4) make changes that do not alter the sense, meaning, or effect of the rules.

These exempt rules are also reviewed for form by the Revisor of Statutes, for legality by the Office of Administrative Hearings and then published in the *State Register*. In addition, the Office of Administrative Hearings must determine whether the agency has provided adequate justification for the use of this exemption. Rules adopted under clauses (1) or (2) above are effective for two years only. The Legislature may also exempt an agency from the normal rulemaking procedures and establish other procedural and substantive requirements unique to that exemption.

KEY: Proposed Rules - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material."
Adopted Rules - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

Emergency Medical Services Regulatory Board Adopted Exempt Permanent Rules Repealing Ambulance Standards and Radio Frequency Assignments

The rules proposed and published at State Register, Volume 47, Number 13, pages 315-317, September 26, 2022 (47 SR 315), are adopted as proposed.

Official Notices

Pursuant to *Minnesota Statutes* §§ 14.101, an agency must first solicit comments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

The *State Register* also publishes other official notices of state agencies and non-state agencies, including notices of meetings and matters of public interest.

Department of Employment and Economic Development (DEED) Notice of Public Hearing by the Minnesota Department of Employment and Economic Development with Respect to a Proposed Project and the Provision of Funds from the Minnesota Job Creation Fund Program under Minnesota Statutes 116J.8748

NOTICE IS HEREBY GIVEN that the Minnesota Department of Employment and Economic Development ("DEED") will conduct a public hearing on Wednesday, March 1, 2023, at 1:00 p.m., or as soon thereafter as reasonably possible at 180 East Fifth Street, 12th Floor, St. Paul, Minnesota 55101 on a proposal to provide funding through the Minnesota Job Creation Fund Program ("JCF") pursuant to authority granted under *Minnesota Statutes* 116J.8748 and