

# Minnesota Legislature

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# Capitol Update

MINNESOTA AMBULANCE ASSOCIATION

## Running Out of Time

May started Sunday and in addition to bringing warmth and sunshine (more or less), it also represents the beginning of the end for the legislative session. There are just a little over three weeks left in the 87<sup>th</sup> Session of the Minnesota Legislature. There is so much to be accomplished one cannot escape the feeling that there simply isn't enough time to finish by the constitutional deadline. However, we seem to say this every year.

In the reverse construction that has been this session, the first policy deadline was Friday. To remain alive, policy bills had to have been acted upon by committees in one house. The

second, and last, deadline is this coming Friday by which a bill must have cleared committees in the other house. Finance bills are all stewing in conference committees, because the first deadline for appropriations bills has long passed. It is unclear as to where negotiations are on the major spending and tax bills.

Governor Dayton has drawn a line in the sand. Last Tuesday, he told the GOP majority to plug the holes in their budget and stop trying to promote their "draconian cuts". The recess deadline is May 23<sup>rd</sup>. The chief executive gave the legislature a 10 day deadline, which ends May 6<sup>th</sup> (I believe) to get down to business. His office believes that the \$5 billion deficit is not addressed by the Republican-

controlled legislature in their various appropriations bills. He adds that the GOP is about \$1.2 billion short on the budget-balancing end of things. One could argue the accuracy of either side's statements, but it doesn't really matter. Unless both sides agree, there will be one or more special sessions of the legislature. The point in all this is that there is a huge chasm dividing the Republican-controlled legislature and the DFL Governor. If some accommodation cannot be reached in the near future, we could be spending a considerable amount of unanticipated time at the Capitol. The fundamental difference between the two is actually quite simple: The Governor seeks to balance the budget with a combination of spending cuts and tax

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increases for the top tier of taxpayers. The Republican majority wants to balance the budget primarily with cuts to state spending. Who wins is the big question. Many of us are nervous as to how the healthcare industry will be treated when it comes down to cutting a deal. Rateable reductions for hospitals, flat out rate cuts for other providers – nobody knows.

## No Fault

My last report laid out the successful lobbying effort to hold hospital EDs and ambulance services harmless in the various bills dealing with the No Fault Auto Law. Coming out of the Senate Commerce Committee, we were in good shape. The amendments, which primarily affected chiropractors and possibly physical therapy, were adopted, the bill passed and was sent to the Senate Finance Committee.

Several days later, the House companion (HF 1395-Loon) was on last Wednesday's schedule for the House Commerce Committee, but due to lack of time was rescheduled for Wednesday evening. Mid-day Wednesday, the bill was heard in Senate Finance and tabled. That is, the bill was set aside. Immediately before the House committee meeting, the No Fault bills were removed

from the agenda. After all of the hours of effort, amendments, meetings with legislators, etc. – the entire bill (incredibly) appears dead for the year. So, at least for now, it doesn't look as if there will be any changes to the law. The reason for the bill's apparent death appears to be the result of an incredible, last minute lobbying effort by the chiropractors and their supporters. Committee members were quite literally overwhelmed with phone calls objecting to the remaining language. We haven't heard of any plans to revisit the issue. From our perspective, it was a major victory for EMS providers – for now - as far as the threatening language is concerned. However, some effort may be forthcoming to resurrect the issue. This is the reason that we spend so much time monitoring committee and floor action. "Dead" bills have a habit of coming back to life.

## Blue Cross/Blue Shield

There continues to be a great deal of misunderstanding over the arrangement that we reached with BC/BS. At this point in time, they have only agreed to direct pay to ambulance providers – regardless as to whether you are a participating provider or not. There was no agreement on reimbursement amounts. Payment rates is a different issue altogether and

must be handled separately.

## Donated Equipment

HF 695 (Mack) is a proposal to limit tort claims against a municipality which donates "public safety equipment" to another municipality. The definition of public safety equipment is "any equipment purchased or obtained through gifts or grants by a municipality for use in responding to or training for emergencies". This includes ambulance equipment. This has been a long-time proposal of the Fire Chiefs. We spoke with the Fire Chiefs and the author to broaden the language so that the tort protection extended to any emergency response equipment because of the significant number of fire-based ambulance providers. The bill passed the House on a unanimous vote, last Thursday. The law is effective August 1, 2011.

## Odds & Ends

>>> It is clear that the word on passage of the Community Paramedic bill is no secret. Phone calls from all quarters have been received regarding classes, the curriculum, reimbursement, etc. We encourage everyone to hang on until the legislative session is over. Then we will begin the hard part – determining how to

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assist in implementing the program. A work group will be formed to develop a suggested template so that there is some consistency in developing the basics. The group will consist of a variety of interested and affected parties.

>>> Another bill is moving through the process which may affect the new CP law. HF 926 (Gottwalt) deals with how new proposed healthcare mandates must be vetted. Because CP will be a new mandated benefit under Medical Assistance, if this bill passes, we might have to go through the approval process. However, the wording of the law is not clear. In any case, the bill's author is a big supporter of CP, so if we do indeed need to seek an exemption in the bill, it shouldn't be too big of an issue.

>>> The weekly legislative phone calls will resume on Monday, May 2<sup>nd</sup> at 1000 hours. Everyone is invited to participate and there is no charge to those calling in. It is an excellent opportunity to hear what is going on at the legislature and for individuals to ask questions. The number is 1-866-365-4406. The access code is 2512302.

## Closing Note

If indeed no news is good news, then things are looking pretty good at the legislature. There have no changes in any appropriations for various EMS-related programs, as related previously. There is one exception - we still need to get the Senate to agree to continued funding for CALS. MRCC funding remains intact in both the House and Senate Public Safety bills. Last, all of our tax exemptions remain untouched in both tax bills and it appears as if our Revenue Recapture language is in good shape.

Having said all of the above – a word of caution is in order. Health-related funding, like the Omnibus Health & Human Services bills themselves are far from resolution. There will be dramatic changes in the working versions and we know that there will be a significant shortage of money, so our fortunes could change dramatically. We will, of course, let you know if you need to contact your legislators. Just like any good EMS provider, be ready to respond!