

# MINNESOTA STATUTES 1961

2297 MENTALLY DEFICIENT; STATE SCHOOLS AND HOSPITALS 252.041

## CHAPTER 252

### MENTALLY DEFICIENT; STATE SCHOOLS AND HOSPITALS

Sec.		Sec.	
252.025	State schools and hospitals	252.07	Sheriff, expenses
252.03	Admission	252.08	Probate court to audit expense accounts
252.041	Charges for patient care; definitions	252.09	Courses of instruction for teachers
252.042	Determination of liability of patient or relatives	252.10	Fees and expenses
252.043	Order to pay; limitations upon liability	252.15	Daytime activity pilot projects for mentally retarded persons; purposes
252.044	Liability of estate of deceased patient	252.16	Applicants for aid
252.045	Patient's county; payment to state; reimbursement	252.17	Eligibility requirements
252.046	Review	252.18	Commissioner's duties
252.05	Abduction or enticing away prohibited; penalty	252.19	Advisory board
252.06	Sheriff to transport feebleminded and epileptic persons	252.20	Reports and recommendations

**252.01** [Repealed, 1961 c 137 s 2]

**252.011** [Repealed, 1961 c 137 s 2]

**252.015** [Repealed, 1961 c 137 s 2]

**252.02** [Repealed, 1961 c 137 s 2]

**252.025 STATE SCHOOLS AND HOSPITALS.** Subdivision 1. State schools and hospitals for the mentally retarded and epileptic shall be established and maintained at Faribault, Cambridge, and Brainerd.

Subd. 2. They shall be under the general management and control of the commissioner of public welfare.

Subd. 3. The commissioner of public welfare may lease the Ramsey County Preventorium and operate it as an annex to the Cambridge State School and Hospital.

[1961 c 137 s 1]

**252.03 ADMISSION.** The commissioner of public welfare may provide for the admission to any such state school and hospital of any mentally retarded or epileptic person who is a resident of this state or who may have been heretofore or may hereafter be committed to the guardianship of the commissioner of public welfare.

[1919 c 407 s 7; 1961 c 560 s 21] (4498)

**252.04** [Repealed, Ex1961 c 62 s 7]

**252.041 CHARGES FOR PATIENT CARE; DEFINITIONS.** Subdivision 1. For the purposes of sections 252.041 to 252.046, the terms set out in subdivisions 2 to 8 have the meanings ascribed to them.

Subd. 2. "Commissioner" means the commissioner of public welfare.

Subd. 3. "State institution" means a state institution for the mentally retarded or epileptic now existing or hereafter established, or any state institution where the mentally retarded are receiving care.

Subd. 4. "Patient" means any person receiving care or treatment at such a state institution whether he entered such institution voluntarily or under commitment.

Subd. 5. "Cost of care" means the commissioner's determination of the average per capita cost of all maintenance, treatment and expenses, other than that paid from the Minnesota state building fund, at the state schools and hospitals for the mentally deficient at Faribault, Cambridge and Brainerd during the fiscal year previous to the period for which billing is being made.

Subd. 6. "Relatives" means the parents and spouse of a patient, in that order of liability for cost of care.

Subd. 7. "Patient's county" means the county of the patient's legal settlement for poor relief purposes at the time of admission to a state institution, or if he has no such legal settlement in this state, it means the county of commitment, except that where a patient with no such legal settlement is committed while serving a sentence at a penal institution, it means the county from which he was sentenced.

Subd. 8. "County welfare boards" means the welfare board of the patient's county as defined in subdivision 7 and any other county welfare board possessing

# MINNESOTA STATUTES 1961

## 252.042 MENTALLY DEFICIENT; STATE SCHOOLS AND HOSPITALS 2298

information regarding, or requested by the commissioner to investigate, the financial circumstances of a patient or his relatives.

[*Ex1961 c 62 s 1*]

### 252.042 DETERMINATION OF LIABILITY OF PATIENT OR RELATIVES.

The county welfare boards shall investigate the financial circumstances of each patient and his relatives and shall report thereon to the commissioner. The commissioner shall make such further investigation as he deems necessary and shall determine, and as circumstances require he may redetermine, what part of the cost of care the patient is able to pay, if any. If, in the opinion of the commissioner, the patient is unable to pay the full cost of care, he shall make a like determination as to the ability of the relatives to pay the charge provided in section 252.043. Such determinations shall be conclusive in any action to enforce payment of the cost of care unless appealed from as hereinafter provided. Responsibility under this section shall not apply to those relatives with an income of less than \$4000 per year.

[*Ex1961 c 62 s 2*]

**252.043 ORDER TO PAY; LIMITATIONS UPON LIABILITY.** The commissioner shall issue an order to the patient or the guardian of his estate, if there be one, and relatives determined able to pay requiring them to pay monthly to the state of Minnesota the amounts so determined, the total of which shall not exceed the full cost of care. Such order shall specifically state that the commissioner's determinations shall be conclusive unless appealed from as herein provided. In no case shall the relatives be ordered to pay more for each patient than \$10 per month of the cost of care but payments in excess of \$10 may be accepted by the commissioner. No relative shall be liable for the cost of care given a patient at a state institution for the mentally deficient or epileptic after such patient has reached the age of 21 years. When a patient or relative fails to pay the amount due hereunder the attorney general, upon request of the commissioner, may institute, or direct the appropriate county attorney to institute, civil action to recover such amount with interest.

[*Ex1961 c 62 s 3*]

**252.044 LIABILITY OF ESTATE OF DECEASED PATIENT.** Upon death of a patient or former patient, the total cost of care from the effective date of Extra Session Laws 1961, Chapter 62, regardless of the amount the patient was ordered to pay, less the amount actually paid toward the cost of care by the patient or his relatives, shall be allowed as a claim against the estate of such patient or former patient by the court having jurisdiction to probate the estate. All proceeds collected by the state in such case shall be divided between the state and county in proportion to the cost of care each has borne.

[*Ex1961 c 62 s 4*]

### 252.045 PATIENT'S COUNTY; PAYMENT TO STATE; REIMBURSEMENT.

The patient's county shall pay quarterly to the state of Minnesota \$10 for each month or portion thereof the patient spends at the state institution. Any portion of said amount actually received by the state of Minnesota from the patient and his relatives shall be reimbursed to said county. The county shall not be entitled to reimbursement therefor from the patient, his estate or his relatives, except as provided herein. Each quarter the commissioner shall notify each county of the amount due under this section.

[*Ex1961 c 62 s 5*]

**252.046 REVIEW.** The commissioner shall establish a procedure for hearing complaints regarding the amount of charges. Any patient or relative aggrieved by an order of the commissioner hereunder may appeal from such order to the district court of the county in which he resides by serving notice of such appeal on the commissioner and filing the notice, with proof of service thereof, in the office of the clerk of the district court of such county within 30 days from the date the order was mailed or such later date not exceeding one year from date of mailing as permitted by order of such court. Such appeal may be brought on for hearing by the appellant or the commissioner upon ten days' written notice. It shall be tried to the court which shall hear such evidence as it deems necessary and by order affirm or modify the order of the commissioner. When any order or determination of the commissioner made under sections 252.041 to 252.046 is brought in question on such appeal, such order or determination shall be determined de novo. Appeal to the supreme court from the order of the district court may be taken

# MINNESOTA STATUTES 1961

2299 MENTALLY DEFICIENT; STATE SCHOOLS AND HOSPITALS 252.10

in the same manner as appeals are taken from appealable orders in civil actions.

[*Ex1961 c 62 s 6*]

**252.05 ABDUCTION OR ENTICING AWAY PROHIBITED; PENALTY.** Every person who shall abduct, entice, or carry away from a state institution for the feeble-minded or colony for epileptics any inmate thereof, who has not been legally discharged therefrom, shall be guilty of a felony and punished by a fine of not to exceed \$1,000 or imprisonment in the state prison or state reformatory not to exceed three years, or both, in the discretion of the court; any and every person who shall abduct, entice, or carry away from any place other than a state institution, a person duly committed as feeble-minded to the guardianship of the commissioner of public welfare with the intention of wrongfully removing such person from the direct custody of the commissioner of public welfare, such person known by him to be under the supervision of the commissioner of public welfare or his agents, shall be guilty of a gross misdemeanor.

[*1923 c 365 s 1; 1929 c 231 s 1; 1953 c 593 s 2*] (*4502*)

**252.06 SHERIFF TO TRANSPORT FEEBLEMINDED AND EPILEPTIC PERSONS.** It shall be the duty of the sheriff of any county, upon the request of the commissioner of public welfare, to take charge of and transport any feeble-minded or any epileptic person who has been committed by the probate court of any county to the care and custody of the commissioner of public welfare to such institution as may be designated by the commissioner of public welfare and there deliver such feeble-minded or epileptic person to the superintendent of the institution.

[*1921 c 76 s 1; Ex1936 c 57 s 1; 1947 c 212 s 1; 1953 c 593 s 2*] (*4503*)

**252.07 SHERIFF, EXPENSES.** In any county where the sheriff receives a salary in full compensation for official services performed for the county, he shall receive no additional compensation for services performed under the provisions of sections 252.06 to 252.08, but he shall be reimbursed by the county wherein such feeble-minded or epileptic person was committed for the necessary expenses incurred by him in taking charge of and transporting such person to such institution and the subsistence of himself and such person while enroute.

In any county where the sheriff does not receive a salary he shall be paid \$5 a day for the time necessarily employed in performance of the service, together with expenses incurred by him in taking charge of and transporting such person to such institution and the subsistence of himself and such person while enroute.

When the feeble-minded or epileptic person is a female, the sheriff shall appoint some suitable woman to act in his stead. Such woman shall exercise all the powers vested in the sheriff and shall be paid \$5 per day for the time necessarily employed in the performance of such service, together with expenses incurred by her in taking charge of and transporting such person to such institution and the subsistence of herself and such person while enroute.

[*1921 c 76 s 2; Ex1936 c 57 s 2; 1947 c 212 s 2; 1951 c 339 s 1*] (*4504*)

**252.08 PROBATE COURT TO AUDIT EXPENSE ACCOUNTS.** The fees and expenses of any sheriff or other person performing the service under the provisions of sections 252.06 to 252.08 shall be audited by the probate judge of the county and paid by the county auditor and county treasurer upon the written order of the probate judge without other or further allowance.

[*1921 c. 76 s. 3*] (*4505*)

**252.09 COURSES OF INSTRUCTION FOR TEACHERS.** The commissioner of public welfare may establish and maintain at the school for feeble-minded at Fairbault courses of instruction for teachers and others interested in the care and training of mentally retarded or defective children and make all necessary rules and regulations for the organization and conduct of such courses.

[*1913 c. 261 s. 1*] (*4506*)

**252.10 FEES AND EXPENSES.** The commissioner of public welfare shall charge and collect from each person taking any such courses of instruction an amount for board and tuition not exceeding \$10 per week and the moneys so collected shall be turned into the state treasury as are other miscellaneous receipts from the institution. The expenses incident to the conduct of such courses of instruction and for the board of those taking the same shall be paid as are the other expenses for maintaining the school for feeble-minded and colony of epileptics. The courses of instruction herein referred to shall, within the limitation of charges as stated, be made as near self-sustaining as possible.

[*1913 c. 261 s. 2*] (*4507*)

# MINNESOTA STATUTES 1961

252.15 MENTALLY DEFICIENT; STATE SCHOOLS AND HOSPITALS 2300

252.11 [Repealed, 1961 c 26 s 1]

252.12 [Repealed, 1961 c 26 s 1]

252.13 [Repealed, 1961 c 26 s 1]

252.14 [Repealed, 1961 c 26 s 1]

**252.15 DAYTIME ACTIVITY PILOT PROJECTS FOR MENTALLY RETARDED PERSONS; PURPOSES.** In order to better ascertain the extent of the need for daytime activities for the mentally retarded, and in order to determine the staff, facilities, and type of activities necessary to carry out such a program and the cost of such a program, the commissioner of public welfare shall reimburse, within the limits of money appropriated, the expenses of those sponsoring organizations he selects to operate pilot project community centers for daytime activities for mentally retarded persons.

[*Ex*1961 c 93 s 1]

**252.16 APPLICANTS FOR AID.** Any city, village, borough, county, town, or non-profit corporation now or hereafter organized to help the mentally retarded or which has help for the mentally retarded as a part of its purpose, or any combination thereof, may apply to the commissioner for reimbursement of expenses for operating an existing daytime activity center for mentally retarded persons in order that it may serve as a pilot project, or for reimbursement of expenses for operating a new center to serve as a pilot project. The sponsoring organization shall apply on forms which the commissioner shall prepare and supply. The commissioner shall require the sponsoring organization to set forth its basic plan of procedure and proposed budget in the application.

[*Ex*1961 c 93 s 2]

**252.17 ELIGIBILITY REQUIREMENTS.** To be eligible for reimbursement a sponsoring organization shall satisfy all of the following eligibility requirements:

(a) Provide daytime activities for any or all of the following classes of persons:

(1) School age mentally retarded children who are neither educable or trainable under standards established by the state board of education;

(2) Pre-school age mentally retarded children or post-school age mentally retarded persons who are unable to independently engage in ordinary community activities;

(b) Provide counseling services to the parents or guardians of persons registered at the center; and

(c) Comply with applicable rules and regulations promulgated by the commissioner.

[*Ex*1961 c 93 s 3]

**252.18 COMMISSIONER'S DUTIES.** Subdivision 1. **Selection of pilot projects to be reimbursed.** The commissioner shall select pilot projects from eligible applicants whose location and activities will best carry out the purposes set forth in section 252.15. The commissioner shall reimburse the sponsoring organization in the manner specified in subdivision 3.

Subd. 2. **Supervision of projects; promulgation of rules and regulations.** The commissioner shall closely supervise any pilot project center receiving reimbursement under sections 252.15 to 252.20. He shall promulgate in the manner provided by law such rules and regulations as are necessary to carry out the purposes of sections 252.15 to 252.20, including but not limited to rules and regulations relating to facilities for housing the projects, administration of the pilot projects, and eligibility requirements for admission to the activities of a pilot project.

Subd. 3. **Reimbursement procedures.** The commissioner shall reimburse the sponsoring organization of a pilot project on a quarterly basis upon receipt of a statement of expenses from the sponsoring organization on forms to be supplied by the commissioner. Reimbursement shall not exceed 50 percent of all operating costs. "Operating costs" of a pilot project include but are not limited to costs relating to salaries and supplies, and to the costs of transporting persons registered at the center, and such other expenditures as may be approved by the commissioner. "Operating costs" do not include any expenditures for rental, lease, construction, or other expenditures for facilities to house the pilot project. Any registration fees collected under subdivision 4 shall be deducted from operating costs before the commissioner determines the amount of reimbursement to be distributed to a pilot project.

Subd. 4. **Registration fees.** With the approval of the commissioner and the

# MINNESOTA STATUTES 1961

## 2301 MENTALLY DEFICIENT; STATE SCHOOLS AND HOSPITALS 252.20

advisory board, the sponsoring organization of a pilot project serving pre-school or post-school age persons may establish a schedule of registration and attendance fees, and shall collect these fees on the basis of ability to pay, either in whole or in part.

[*Ex1961 c 93 s 4*]

**252.19 ADVISORY BOARD.** A seven-member advisory board shall be appointed in the manner provided in this section to advise the sponsoring organization of a pilot project center. When any city, village, borough, county, or town singly sponsors such a pilot project, the chief executive officer of the city, village, or borough, or the chairman of the governing body of the county or town shall appoint the board. When a non-profit corporation sponsors such a pilot project without participation by any governmental subdivision, the corporation shall appoint the board. When any combination of the above mentioned groups sponsors a pilot project, the chief executive officer of a sponsoring city, village, or borough, the chairman of the governing body of a sponsoring county or town, and a sponsoring non-profit corporation each shall appoint two members to a selecting committee which shall appoint the members of the advisory board. At least three members of the advisory board shall be appointed from the county council on retarded children, if any, of the county from which the application comes. If no county council on retarded children exists, members shall be appointed to represent the county welfare board, the local public schools and the county nursing service, if any. The remaining members to be appointed shall represent the medical profession, the sponsoring organization and the general public.

[*Ex1961 c 93 s 5*]

**252.20 REPORTS AND RECOMMENDATIONS.** The commissioner shall make reports at six month intervals to the Minnesota advisory board on handicapped, gifted, and exceptional children. This board shall make such recommendations to the commissioner as it considers desirable in regard to the pilot projects. The commissioner shall make findings and recommendations in regard to the pilot projects and shall report these findings and recommendations to the next regular session of the legislature. The Minnesota advisory board on handicapped, gifted and exceptional children shall make recommendations to the legislature, which recommendations shall be added to those of the commissioner in his report to the legislature.

[*Ex1961 c 93 s 6*]