

MINNESOTA STATUTES 1975 SUPPLEMENT

MENTALLY RETARDED AND EPILEPTIC

252.24

The authority may contract for the services of individuals who perform medical, technical, or other services of a professional nature, and may contract for the purchase of necessary supplies, services, and equipment. Except as it determines, the authority shall not be subject to the provisions of chapter 16, concerning personnel, budgeting, payroll, or the purchase of goods or services. Any department of state government is authorized, within the limits of its functions and appropriations, to assist the authority upon request.

[1975 c 14 s 1]

[For text of subds 3a to 6, see M.S.1974]

CHAPTER 252. MENTALLY RETARDED AND EPILEPTIC; STATE HOSPITALS

| Sec. | | Sec. | |
|---------|--|--------|---|
| 252.025 | State hospitals for the mentally retarded and epileptic. | 252.27 | Cost of boarding care outside of home or institution. |
| 252.24 | Commissioner's duties. | 252.28 | Commissioner of public welfare; duties. |
| 252.26 | Duties of board of directors. | | |

252.025 State hospitals for the mentally retarded and epileptic.

[For text of subds 1 and 2, see M.S.1974]

Subd. 3. [Repealed, 1975 c 242 s 3]

252.24 Commissioner's duties.

[For text of subds 1 to 3, see M.S.1974]

Subd. 4. Limitation on grants; fees. No grants of assistance to any center shall exceed 60 percent of all its expenditures for (a) salaries, (b) contract facilities and services, (c) operation, maintenance and service costs, (d) rent of an appropriate facility, (e) mortgage or other financial costs specifically approved and authorized by the commissioner of public welfare, (f) other expenditures specifically approved and authorized by the commissioner of public welfare; provided, the grant of assistance to each center shall fund the center's total cost under its approved budget for the fiscal year for transportation to and from the center of persons who fulfill the eligibility requirements of section 252.23, subdivision 1, and who attend the center.

Where any county served by a program hereunder has an assessed valuation of real and personal property of less than \$13,000,000 and the required total mill levy for all costs, including administrative costs, for all forms of public assistance exceeds by 50 percent or more the average required mill levy for such costs in all counties of the state, grants hereunder, attributable to such county's proportionate share of the total expenditures based on the ratio of such county's population to the total population of the area served by the program, may exceed 50 percent of the total expenditures but shall not exceed 75 percent of the total expenditure for the daytime activity center program of such county. The board of directors of an activity center may, with the approval of the commissioner, charge a reasonable attendance fee, based on the ability of the mentally retarded or cerebral palsied person, his guardian or family to pay such a fee. No mentally retarded or cerebral palsied person shall be denied participation in the activities of such a center because of an inability to pay such a fee.

[1975 c 238 s 2]

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252.26 MENTALLY RETARDED AND EPILEPTIC

252.26 Duties of board of directors.

Subject to the provisions of sections 252.21 to 252.26 and the rules and regulations of the commissioner of public welfare, each board of directors of a daytime activity center shall:

(1) Recruit and promote financial support for the center from sources such as business, labor, industrial and private foundations, voluntary agencies, and the general public;

(2) Promote and enter into working agreements with other social service and educational agencies, both public and private, which provide service to the mentally retarded and cerebral palsied;

(3) Advise the commissioner of public welfare on the adoption and implementation of policies to stimulate effective community relations;

(4) Review the annual budget and plan of the center and make recommendations thereon;

(5) Review and evaluate periodically the services provided by the center and report thereon to the commissioner of public welfare, and when indicated to the public;

(6) Provide for transportation to and from the center of all persons who fulfill the eligibility requirements of section 252.23, clause (1) and who attend the center, if provision for this transportation is not unreasonably burdensome to the center and if a more efficient, reasonable, alternative means of transportation does not exist.

[1975 c 238 s 3]

252.27 Cost of boarding care outside of home or institution.

[For text of subds 1 to 3, see M.S.1974]

Subd. 4. In order to determine the effectiveness of the family unit in providing alternate living arrangements and providing or arranging for the training and developmental opportunities provided in a state hospital or a licensed community residential facility, the commissioner of public welfare may establish an experimental program to subsidize selected families who agree to carry out a planned program of home care and training for their minor dependents who are mentally retarded.

This program shall be limited to children who otherwise would require and be eligible for placement in state hospitals or licensed community residential facilities.

Grants to families shall be determined by the commissioner of public welfare. In determining the grants, the commissioner shall consider the cost of diagnostic assessments, homemaker services, training expenses including specialized equipment, visiting nurses' or other pertinent therapists' costs, preschool program costs, related transportation expenses, and parental relief or child care costs not to exceed \$250 per month per family.

An individual care and training plan for the child shall be established and agreed upon by the parents receiving the subsidy and the appropriate local welfare agency. Periods of parental relief, including vacations, may be included in the plan and do not require the approval of the local welfare agency. The plan shall be periodically evaluated to determine the progress of the child.

[1975 c 293 s 1]

252.28 Commissioner of public welfare; duties.

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MENTAL RETARDATION PROTECTION 252A.02

[For text of subds 1 and 2, see M.S.1974]

Subd. 3. (1) No new license shall be granted pursuant to this section when the issuance of the license would substantially contribute to an excessive concentration of community residential facilities within any town, municipality or county of the state.

(2) In determining whether a license shall be issued pursuant to this subdivision, the commissioner of public welfare shall specifically consider the population, size, land use plan, availability of community services and the number and size of existing public and private community residential facilities in the town, municipality or county in which a licensee seeks to operate a residence. Under no circumstances may the commissioner newly license any facility pursuant to this section if the facility will be within 300 feet of any existing community residential facility, unless the appropriate town, municipality or county zoning authority grants the facility a conditional use or special use permit. The commissioner of public welfare shall establish uniform rules and regulations to implement the provisions of this subdivision.

(3) Licenses for community facilities and services shall be issued pursuant to section 245.821.

[1975 c 60 s 1]

CHAPTER 252A. MENTAL RETARDATION PROTECTION

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| Sec. | | Sec. | |
| 252A.01 | Policy and citation. [New] | 252A.10 | Hearing. [New] |
| 252A.02 | Definitions. [New] | 252A.11 | Powers of guardian and conservator. [New] |
| 252A.03 | Nomination of commissioner as guardian or conservator. [New] | 252A.12 | Appointment of conservator not a finding of incompetency. [New] |
| 252A.04 | Comprehensive evaluation. [New] | 252A.13 | Medical treatment; sterilization. [New] |
| 252A.05 | Commissioner's petition for appointment as public guardian or public conservator. [New] | 252A.14 | Commissioner as advisor. [New] |
| 252A.06 | Contents of petition for appointment of public guardian or public conservator. [New] | 252A.15 | Duties of commissioner as public guardian or public conservator. [New] |
| 252A.07 | Filing of comprehensive evaluation. [New] | 252A.16 | Annual review. [New] |
| 252A.08 | Notice of petition and hearing. [New] | 252A.17 | Effect of succession in office. [New] |
| 252A.09 | Appointment of counsel. [New] | 252A.18 | Persons under guardianship by prior law. [New] |
| | | 252A.19 | Modification of conservatorship; restoration to legal capacity. [New] |
| | | 252A.20 | Costs of hearings. [New] |
| | | 252A.21 | General provisions. [New] |

252A.01 Policy and citation.

Subdivision 1. It is the policy of the state of Minnesota to provide a coordinated approach to the supervision, protection and habilitation of its mentally retarded citizens. In furtherance of this policy, sections 252A.01 to 252A.21 are enacted to authorize the commissioner of public welfare to supervise those mentally retarded citizens who are unable to fully provide for their own needs and to protect such mentally retarded persons from violation of their human and civil rights by assuring that such individuals receive the full range of needed social, financial, residential and habilitative services to which they are lawfully entitled.

Subd. 2. Sections 252A.01 to 252A.21 may be cited as the "Minnesota mental retardation protection act."

[1975 c 208 s 1]

252A.02 Definitions.

Subdivision 1. For the purposes of sections 252A.01 to 252A.21 the terms defined in this section have the meanings given them.

Subd. 2. "Mentally retarded person" refers to any person who has been diagnosed as having significantly subaverage intellectual functioning existing concurrently with demonstrated deficits in adaptive behavior such as to re-