

# MINNESOTA STATUTES 1975 SUPPLEMENT

## 256.01 PUBLIC WELFARE

### CHAPTER 256. PUBLIC WELFARE

Sec.		Sec.	
256.01	Commissioner of public welfare; powers, duties.	256.93	Commissioner of public welfare, possession of estates.
256.07	Repealed.	256.965	Red lake indian reservation; payments by state. [New]
256.482	Minnesota commission for the handicapped.	256.98	Wrongfully obtaining assistance; theft.

#### 256.01 Commissioner of public welfare; powers, duties.

[For text of subd 1, see M.S.1974]

**Subd. 2. Specific powers.** Subject to the provisions of Minnesota Statutes 1967, Section 241.021, Subdivision 2, the commissioner of public welfare shall:

(1) Administer and supervise all forms of public assistance provided for by state law and other welfare activities or services as may from time to time be vested in the commissioner. Nothing herein shall transfer from the veterans home board any of its present rights, powers, or duties, all of which shall continue to be exercised by said board.

(2) Administer and supervise all child welfare activities; promote the enforcement of laws protecting defective, illegitimate, dependent, neglected and delinquent children; license and supervise child-caring and child-placing agencies and institutions; supervise the care of children in boarding and foster homes or in private institutions; and generally perform all functions relating to the field of child welfare now vested in the state board of control.

(3) Administer and supervise all non-institutional service to handicapped persons, including the blind, the deaf, the tuberculous, the crippled, and otherwise handicapped persons. The authority and power conferred by this subdivision shall include the authority and power to provide and contract for the care and treatment of qualified indigent children, as defined in section 250.02, in facilities other than those located and available at state hospitals when it is not feasible to provide the service in state hospitals.

(4) Assist and actively cooperate with other departments, agencies and institutions, local, state, and federal, by performing services in conformity with the purposes of Laws 1939, Chapter 431.

(5) Act as the agent of and cooperate with the federal government in matters of mutual concern relative to and in conformity with the provisions of Laws 1939, Chapter 431, including the administration of any federal funds granted to the state to aid in the performance of any functions of the commissioner as specified in Laws 1939, Chapter 431, and including the promulgation of rules and regulations making uniformly available medical care benefits to all recipients of public assistance, at such times as the federal government increases its participation in assistance expenditures for medical care to recipients of public assistance, the cost thereof to be borne in the same proportion as are grants of aid to said recipients.

(6) Establish and maintain any administrative units reasonably necessary for the performance of administrative functions common to all divisions of the department.

(7) Administer and supervise any additional welfare activities and services as may, from time to time, hereafter be vested by law in the state department.

# MINNESOTA STATUTES 1975 SUPPLEMENT

## PUBLIC WELFARE 256.01

(8) The commissioner is hereby specifically constituted as guardian of both the estate and the person of all the wards of the state of Minnesota and other persons the guardianship of whom has been heretofore vested in the state board of control, whether by operation of law or by an order of court, without any further act or proceeding whatever, except as to persons committed as feebleminded or epileptic. All of said guardianships, and the funds and property of the same, are hereby transferred to and vested in said commissioner, and said commissioner is hereby constituted a legal entity and is hereby empowered to act as guardian under any laws of this state heretofore conferring such powers upon the state board of control.

(9) All the powers and duties vested in or imposed upon the director of public institutions with reference to the Minnesota state sanatorium are hereby transferred to, vested in, and imposed upon the commissioner of public welfare. The commissioner of public welfare shall appoint the superintendent of the Minnesota state sanatorium, but shall not have the power to fix his salary.

(10) Act as coordinating referral and informational center on requests for service for newly arrived immigrants coming to Minnesota.

(11) The specific enumeration of powers and duties as hereinabove set forth shall in no way be construed to be a limitation upon the general transfer of powers herein contained.

(12) Establish county, regional, or state-wide schedules of maximum fees and charges which may be paid for medical, dental, surgical, hospital, nursing and nursing home care and medicine and medical supplies under all programs of medical care provided by the state.

(13) Have the authority to conduct and administer experimental projects to test methods and procedures of administering assistance and services to recipients or potential recipients of public welfare. To carry out such experimental projects, it is further provided that the commissioner of public welfare is authorized to waive the enforcement of existing specific statutory program requirements, regulations, and standards in one or more counties. The order establishing the waiver shall provide alternative methods and procedures of administration, shall not be in conflict with the basic purposes, coverage, or benefits provided by law, and in no event shall the duration of a project exceed two years. It is further provided that no order establishing an experimental project as authorized by the provisions of this section shall become effective until the following conditions have been met:

(a) The proposed comprehensive plan including estimated project costs and the proposed order establishing the waiver shall be filed with the Secretary of the Senate and Chief Clerk of the House of Representatives at least 60 days prior to its effective date.

(b) The secretary of health, education, and welfare of the United States has agreed, for the same project, to waive state plan requirements relative to state-wide uniformity.

(c) A comprehensive plan, including estimated project costs, shall be approved by the legislative advisory committee and filed with the commissioner of administration.

(14) In accordance with federal requirements establish procedures to be followed by local welfare boards in creating citizen advisory committees, including procedures for selection of committee members.

# MINNESOTA STATUTES 1975 SUPPLEMENT

## 256.01 PUBLIC WELFARE

(15) Promulgate, by rule and regulation, standards of administration to be applied by local welfare boards administering state and county financed programs of medical assistance pursuant to chapter 256B, general relief medical care pursuant to section 256D.02, subdivision 4 and medical, hospital, and surgical care for persons eligible for general assistance pursuant to chapter 256D, or for indigent persons whose costs of hospitalization are paid pursuant to sections 261.21 to 261.232. The rules and regulations shall specify a uniform standard of performance and a tolerated error rate, but shall not specify the minimum number of personnel to be employed by a local agency if the agency operates at the specified standard of performance or at or below the tolerated error rate. The commissioner may deduct from the earned administrative reimbursements of a county a penalty for the county's failure to comply with the standards of administration. The penalty shall be fixed by the commissioner as a percentage of the overexpenditure caused by improper administration, beyond an initial tolerated amount of overexpenditure. In the event that fiscal sanctions are imposed by the federal government because of improper administration of the programs, one-half of the amount of the sanctions attributable to local agency performance shall be deducted from administrative reimbursement otherwise due the county.

(16) Develop a plan and report to the legislature during its 1976 session on methods by which the payment and administration of all income maintenance programs could be assumed by the state department of public welfare.

[1975 c 437 art 2 s 1]

[For text of subs 3 to 10, see M.S.1974]

**256.07** [Repealed, 1975 c 208 s 35]

**256.482 Minnesota commission for the handicapped.**

**Subdivision 1. Establishment; members.** There is hereby established the commission for the handicapped which shall consist of 30 members appointed by the governor. At least fifteen commission members shall be handicapped persons or parents or guardians of handicapped persons. Twenty members shall be appointed from the general public, and ten shall be appointed from organizations which provide services for the handicapped. The commissioners of the departments of education, public welfare and employment services, and the executive officer of the state board of health, shall serve ex officio, without a vote, on the commission, or shall designate a representative to the commission. In addition, there shall be ex officio representation, without vote, from the division of vocational rehabilitation of the department of education, from the division of mental retardation services and services for the blind section of the department of public welfare and from other divisions and sections which are directly concerned with services for handicapped persons. There shall be at least one member of the commission appointed from each of the state development regions.

The governor shall appoint a chairman of the commission from among the members appointed from the general public or handicapped persons or their parents or guardians. The commission shall expire and the terms of the appointed members and the compensation and removal of all members shall be as provided in section 15.059.

[For text of subs 2 to 4, see M.S.1974]

**Subd. 5. Duties and powers.** The commission shall have the following duties and powers:

(1) To advise the governor, appropriate state agencies, and the public on matters pertaining to public policy and the administration of programs, services and facilities for handicapped persons in Minnesota;

# MINNESOTA STATUTES 1975 SUPPLEMENT

## PUBLIC WELFARE 256.965

(2) To encourage the development of coordinated, interdepartmental goals and objectives and the coordination of programs, services and facilities among all state departments and private providers of service as they relate to handicapped persons;

(3) To serve as a source of information to the public regarding all services to handicapped persons;

(4) To review and make comment to the governor, state agencies, the legislature, and the public concerning adequacy of state programs, plans and budgets for services to handicapped persons and for funding under the various federal grant programs;

(5) To research, formulate and advocate plans, programs and policies which will serve the needs of handicapped persons;

(6) To advise the department of labor and industry and the state board of education on the administration and improvement of the workmen's compensation law as the law relates to programs, facilities and personnel providing assistance to injured and handicapped workers.

**Subd. 6.** [Repealed, 1975 c 315 s 26]

[1975 c 61 s 1; 1975 c 315 s 18]

### **256.93 Commissioner of public welfare, possession of estates.**

**Subdivision 1. Limitations.** In any case where the guardianship of the person of any defective, illegitimate, dependent, neglected or delinquent child, has been committed to the commissioner of public welfare, and in any case where the guardianship or conservatorship of the person of any mentally retarded or epileptic person has been committed to the commissioner of public welfare, the probate court having jurisdiction of such estate may on such notice as the court may direct, authorize such commissioner to take possession of the personal property in such estate, liquidate the same, and hold the proceeds thereof in trust for such ward, to be invested, expended and accounted for as provided by sections 256.88 to 256.92.

**Subd. 2. Annual report.** The commissioner of public welfare shall annually or at such other times as the probate court may direct file with the court an account of moneys received and disbursed by him for his respective wards and conservatees, pursuant to subdivision 1. Upon petition of the ward or conservatee or of any person interested in such estate and upon notice to the commissioner the probate court may terminate such trust and require final accounting thereof.

[1975 c 208 s 31,32]

### **256.965 Red Lake Indian reservation; payments by state.**

Notwithstanding any other law to the contrary, the state agency shall pay to the county agencies 100 percent of the difference between the total estimated cost for payments on behalf of members of the Red Lake Indian reservation and the federal funds available therefor under the following programs:

- (a) the aid to families with dependent children program;
- (b) the medical assistance program;
- (c) the emergency assistance to needy families with dependent children program;
- (d) the social services program; and
- (e) the administrative costs of these programs. Payments to the county agencies under this section shall be subject to the rules, regulations and procedures established by the commissioner of public welfare. The commissioner

# MINNESOTA STATUTES 1975 SUPPLEMENT

## 256.965 PUBLIC WELFARE

shall deduct any payments made to a county to equalize the cost of welfare attributable to the Red Lake Indian reservation, from the amount determined to be payable to a county pursuant to this section.

[1975 c 361 s 1]

### 256.98 Wrongfully obtaining assistance; theft.

Whoever obtains, or attempts to obtain, or aids or abets any person to obtain by means of a wilfully false statement or representation, or by impersonation or other fraudulent device, assistance to which he is not entitled, or assistance greater than that to which he is entitled, or knowingly aids or abets in buying or in any way disposing of the property of a recipient of assistance without the consent of the local agency with intent to defeat the purposes of Minnesota Statutes 1971, Sections 256.451 to 256.475, 256.13 to 256.43, 256.49 to 256.71, 256.72 to 256.87, or chapter 256B, shall be guilty of theft and punished in accordance with section 609.52, subdivision 3, clauses (1), (2) and (5). The amount of any assistance paid incorrectly by way of the aforementioned means and established by judicial determination shall be recoverable from the recipient or his estate by the county or the state as a debt due the county or the state or both in proportion to the contribution of each. Any amounts recovered shall be paid to the appropriate units of government in the same manner as provided in section 256.863. To prosecute or to recover assistance wrongfully obtained under this section, the attorney general or the appropriate county attorney, acting independently or at the direction of the attorney general, may institute a criminal or civil action.

[1975 c 437 art 2 s 2]

## CHAPTER 256B. MEDICAL ASSISTANCE FOR NEEDY PERSONS

Sec.		Sec.	
256B.02	Definitions.	256B.07	Exceptions in determining resources.
256B.041	Centralized disbursement of medical assistance payments.	256B.12	Legal representation.
256B.042	Third party liability. [New]	256B.19	Division of cost.
256B.06	Eligibility requirements.	256B.37	Private insurance policies. [New]
		256B.39	Avoidance of duplicate payments. [New]

### 256B.02 Definitions.

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

Subd. 3. "County of financial responsibility" means the county in which the applicant resides at the time of making application.

[For text of subs 4 to 6, see M.S.1974]

Subd. 7. "Vendor of medical care" means any person or persons furnishing, within the scope of his respective license, any or all of the following goods or services: medical, surgical, hospital, optical, visual, dental and nursing services; drugs and medical supplies; appliances; laboratory, diagnostic, and therapeutic services; nursing home and convalescent care; screening and health assessment services provided by public health nurses; and such other medical services or supplies provided or prescribed by persons authorized by state law to give such services and supplies.

[For text of subd 8, see M.S.1974]

Subd. 9. "Private health care coverage" means any plan regulated by chapters 62A, 62C or 64A. Private health care coverage also includes any self-insurance plan providing health care benefits.

[1975 c 247 s 9; 1975 c 384 s 1; 1975 c 437 art 2 s 3]