

## CHAPTER 246

### PUBLIC INSTITUTIONS

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**246.01 POWERS AND DUTIES.** The commissioner of public welfare is hereby specifically constituted the guardian of both the estate and person of all feeble-minded or epileptic persons, the guardianship of whom has heretofore been vested in the state board of control or in the director of social welfare whether by operation of law or by an order of court without any further act or proceeding, and all the powers and duties vested in or imposed upon the state board of control or the director of social welfare, with reference to mental testing of persons mentally deficient or epileptic, and with reference to the institutions of the state of Minnesota except correctional institutions administered and managed by the commissioner of corrections, are hereby transferred to, vested in, and imposed upon the commissioner of public welfare, and in relation thereto he is hereby charged with and shall have the exclusive power of administration and management of all of the following state institutions: The schools and hospitals for the mentally retarded and epileptic, state hospitals for the mentally ill, and the state hospital for inebriates. He shall have power and authority to determine all matters relating to the unified and continuous development of all of the foregoing institutions and of such other institutions, the supervision of which may, from time to time, be vested in him. It is intended that there be vested in him all of the powers, functions, and authority heretofore vested in the state board of control relative to such state institutions. He shall have the power and authority to accept, in behalf of the state, contributions and gifts of money and personal property for the use and benefit of the inmates of the public institutions under his control, and all moneys and securities so received shall be deposited in the state treasury subject to the order of the commissioner of public welfare. If the gift or contribution is designated by the donor for a certain institution or purpose, the commissioner of public welfare shall expend or use the same as nearly as may be in accordance with the conditions of the gift or contribution, compatible with the best interests of the inmates and the state. The commissioner of public welfare is hereby constituted the "state agency" as defined by the social security act of the United States and the laws of this state for all purposes relating to mental health and mental hygiene.

For the purpose of carrying out his duties, the commissioner of public welfare shall accept from mentally deficient wards for whom he is specifically appointed guardian a signed application for his consent to the marriage of said ward. Upon re-

cept of such application he shall promptly conduct such investigation as he deems proper and determine if the contemplated marriage is for the best interest of the ward and the public. A signed copy of the commissioner's determination shall be mailed to the ward and to the clerk of the district court of the county where the application for such marriage license was made.

There is hereby appropriated to such persons or institutions as are entitled to such sums as are provided for in this section, from the fund or account in the state treasury to which the money was credited, an amount sufficient to make such payment.

[ 1939 c 431 art 7 s 3; 1943 c 570 s 2; 1943 c 612 s 3; 1947 c 211 s 1; 1949 c 512 s 7; 1949 c 561 s 1; 1951 c 713 s 23; 1953 c 562 s 1; 1957 c 287 s 3; 1959 c 158 s 16; 1959 c 638 s 2; 1965 c 45 s 18; 1973 c 540 s 3; 1976 c 271 s 76 ] (3199-103)

**246.012 MEASURE OF SERVICE.** The measure of services hereinafter set forth are established and prescribed as the goal of the state of Minnesota, in its care and treatment of the mentally ill people of the state.

[ 1949 c 512 s 1 ]

**246.013 MENTALLY ILL; CARE, TREATMENT.** Within the limits of the appropriations for the commissioner of public welfare, he is directed, in the performance of the duties imposed upon him by the laws of this state, to bring to the measure prescribed by section 246.012, the care and treatment of the mentally ill as speedily as is possible, and to thereafter, subject to the paramount authority of the legislature with respect to appropriations, maintain said standards in the care and treatment of the mentally ill.

[ 1949 c 512 s 2; 1953 c 724 s 1; 1967 c 839 s 3 ]

**246.014 SERVICES.** The measure of services established and prescribed by section 246.012, are:

(1) There shall be served in state hospitals a single standard of food for patients and employees alike, which is nutritious and palatable together with special diets as prescribed by the medical staff thereof. There shall be a chief dietitian in the department of public welfare and at least one dietitian at each state hospital. There shall be adequate staff and equipment for processing, preparation, distribution and serving of food.

(2) There shall be a staff of persons, professional and lay, sufficient in number, trained in the diagnosis, care and treatment of the mentally ill, physical illness, and including religious and spiritual counsel through qualified chaplains (who shall be in the unclassified service) adequate to take advantage of and put into practice modern methods of psychiatry, medicine and related field.

(3) There shall be a staff and facilities to provide occupational and recreational therapy, entertainment and other creative activities as are consistent with modern methods of treatment and well being.

(4) There shall be in each state hospital for the care and treatment of the mentally ill facilities for the segregation and treatment of patients who have communicable disease.

(5) The commissioner of public welfare shall provide modern and adequate psychiatric social case work service.

(6) The commissioner of public welfare shall make every effort to improve the accommodations for patients so that the same shall be comfortable and attractive with adequate furnishings, clothing, and supplies.

(7) The commissioner of public welfare shall establish training programs for the training of personnel and may require the participation of personnel in such programs. Within the limits of the appropriations available he may establish professional training programs in the forms of educational stipends for positions for which there is a scarcity of applicants.

(8) There shall be a separate hospital for the diagnosis, care and treatment of the mentally ill who have tuberculosis which shall conform to the standards established for the diagnosis, care and treatment of physical disease. Pending construction of such separate hospital, one of the present state hospitals, or so much thereof as may be necessary, shall be set apart for the diagnosis, care and treatment of the mentally ill

who have tuberculosis and shall be staffed and equipped to meet the accepted requirements of modern medicine for the care and treatment of persons afflicted with tuberculosis.

(9) The standards herein established shall be adapted and applied to the diagnosis, care and treatment of inebriate persons and mentally deficient persons who come within those terms as defined in the laws relating to the hospitalization and commitment of such persons, and of persons who are psychopathic personalities within the definition thereof in Minnesota Statutes 1945, Section 526.09.

(10) The commissioner of public welfare shall establish a program of detection, diagnosis and treatment of mentally or nervously ill persons and persons described in paragraph (9), and within the limits of appropriations may establish clinics and staff the same with persons specially trained in psychiatry and related fields.

(11) The commissioner of personnel and the personnel board may reclassify employees of the mental institutions from time to time, and assign classifications to such salary brackets as will adequately compensate personnel and reasonably assure a continuity of adequate staff.

(12) In addition to the chaplaincy services, provided in (2), the commissioner of public welfare shall open said institutions to ministers of the Gospel to the end that religious and spiritual counsel and services are made available to the patients therein, and shall cooperate with all ministers of the Gospel in making said patients available for religious and spiritual counsel, and shall provide such ministers of the Gospel with meals and accommodations.

(13) Within the limits of the appropriations therefor, the commissioner of public welfare shall establish and provide facilities and equipment for research and study in the field of modern hospital management, the causes of mental and related illness and the treatment, diagnosis and care of the mentally ill and funds provided therefor may be used to make available services, abilities and advice of leaders in these and related field, and may provide them with meals and accommodations and compensate them for traveling expenses and services.

[ 1949 c 512 s 3; 1953 c 561 s 1; 1967 c 839 s 4; 1973 c 507 s 45 ]

**246.015 CONSULTATIVE SERVICES; AFTER-CARE OF PATIENTS; PUBLIC INFORMATION; FUNDS.** Subdivision 1. [ Repealed, 1953 c 608 s 1 ]

Subd. 2. [ Repealed, 1953 c 608 s 1 ]

Subd. 3. Within the limits of the appropriations available, the commissioner of public welfare may provide consultative services for courts, and state welfare agencies, supervise the placement and after-care of patients provisionally or otherwise discharged from a state hospital or institution, promote and conduct programs of education for the people of the state relating to the problem of mental health and mental hygiene. He shall administer, expend and distribute federal funds which may be made available to the state and funds other than those appropriated by the legislature, which may be made available to the state for mental health and mental hygiene purposes.

[ 1949 c 512 s 4; 1953 c 608 s 1,2 ]

**246.016 OFFICE OF COMMISSIONER OF MENTAL HEALTH AND MENTAL HOSPITALS ABOLISHED.** The office of the commissioner of mental health and mental hospitals is hereby abolished.

[ 1953 c 608 s 1 ]

**246.017 MEDICAL POLICY DIRECTIONAL COMMITTEE ON MENTAL HEALTH.** Subdivision 1. **System of records and statistics.** The commissioner of public welfare shall cause to be devised, installed and operated an adequate system of records and statistics which shall consist of all basic record forms including patient personal records and medical record forms and the manner of their use shall be precisely uniform throughout all hospitals for the mentally ill.

Subd. 2. **Membership, duties, meetings.** The commissioner of public welfare shall create and establish a medical policy directional committee on mental health composed of seven members five of whom are experts in their fields of medicine, mental health, mental retardation, or related sciences. Two members shall be selected from social service, rehabilitation, volunteer services, nursing, hospital administration or related fields. Not more than one member shall be selected from any one field of

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medicine or related sciences which shall include the field of psychiatry, neurology, physiology, biochemistry, internal medicine, pediatrics, pharmacology, and psychology.

One member shall be appointed whose term shall expire July 1, 1954, and his successors thereafter shall be appointed for a period of three years; two members shall be appointed whose terms expire on July 1, 1955, and their successors shall be appointed for a term of three years; two members shall be appointed whose terms shall expire on July 1, 1956, and their successors thereafter shall be appointed for a term of three years. Two members shall be appointed whose terms shall be determined by the commissioner.

The committee will meet at least six times each year at such times and in such places as the commissioner of public welfare may determine. He may call such additional meetings from time to time as he may deem necessary not exceeding a maximum of 50 meetings in any one year. Each member will receive the sum of \$50 per day for time actually spent in transacting the business of the board and shall be reimbursed for expenses actually incurred in the performance of their official duties.

The committee shall advise the commissioner of public welfare as to all phases of professional standards including patient care, training of personnel, management practices, establishment of treatment programs, obtaining adequate staff, establishment of medical and statistical records and operation of practices in order that they be compatible with professional requirements. The committee shall advise the commissioner of public welfare in approval and guidance of research projects and distribution of research funds. They shall assist him in establishing and maintaining the best possible practices in all mental institutions.

The commissioner of public welfare shall appoint, and unless otherwise established by law, set the salary of a licensed physician in the unclassified service to serve as medical director to assist him in establishing and maintaining the medical policies of the department of public welfare. The commissioner may remove the physician only for cause, after written notice of the charges against him and an opportunity to be heard publicly thereon.

[ 1953 c 608 s 3,4; 1955 c 528 s 1; 1971 c 148 s 1 ]

**246.02 EXECUTIVE OFFICERS.** Subdivision 1. The commissioner of public welfare shall appoint a chief executive officer for each institution under his exclusive control and may remove him for misconduct, incompetency, or neglect of official duty. No such removal shall be made except upon written charges and opportunity to be heard. Every such executive officer shall have the qualifications and perform the duties now or hereafter required by law, or by rules prescribed by the commissioner of public welfare. He may appoint an acting chief executive officer during such interim period as is necessary to select and appoint a chief executive officer. In case of an apparent conflict between the powers conferred by law upon any executive officer of a state institution and those conferred by this chapter upon the commissioner of public welfare, it shall be conclusively presumed that the power belongs to the latter. When a chief executive officer is required to live on the institution grounds, he is entitled to residence and maintenance in addition to his salary.

Subd. 2. The commissioner of public welfare shall act with the advice of the medical policy directional committee on mental health in the appointment and removal of the chief executive officers of the following institutions: Anoka State Hospital, Ah-Gwah-Ching Nursing Home, Fergus Falls State Hospital, Moose Lake State Hospital, Oak Terrace Nursing Home, Rochester State Hospital, St. Peter State Hospital, Willmar State Hospital, Faribault State Hospital, Cambridge State Hospital, and Brainerd State Hospital.

Subd. 3. [ Repealed, 1973 c 540 s 5 ]

Subd. 4. Within the limits of appropriations available and with the advice of the medical policy directional committee, the commissioner shall set the salary of the individual officers named in subdivision 2 according to standards of training and experience established by him. He may not reduce the salary of any officers incumbent at the time of the passage of this subdivision. In addition to his salary, each officer

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named in subdivision 2 is entitled to reimbursement for all expenses necessarily incurred by him in the performance of his duties.

[ *RL s 1865; 1953 c 344 s 1; 1955 c 746 s 1; 1957 c 19 s 2; 1967 c 6 s 2; 1976 c 163 s 45,46; 1976 c 239 s 77; 1977 c 347 s 37; 1978 c 554 s 2* ] (4405)

**246.025** [ Repealed, 1965 c 45 s 73 ]

**246.0251 HOSPITAL ADMINISTRATOR.** Notwithstanding any provision of law to the contrary, the commissioner of public welfare may appoint a hospital administrator at any state hospital. Such hospital administrator shall be a graduate of an accredited college giving a course leading to a degree in hospital administration and the commissioner of welfare, by rule or regulation, shall designate such colleges which in his opinion give an accredited course in hospital administration. The provisions of this section shall not apply to any chief executive officer now appointed to that position who on the effective date of this section is neither a physician and surgeon nor a graduate of a college giving a degree in hospital administration. In addition to a hospital administrator, the commissioner of welfare may appoint a licensed doctor of medicine as chief of the medical staff and he shall be in charge of all medical care, treatment, rehabilitation and research.

[ *1963 c 764 s 10* ]

**246.03 OFFICIAL BONDS.** The commissioner of public welfare shall require his officers and employees, and those of the several institutions under his control, who may be charged with any money or property belonging to the state, to give bond to the state, properly conditioned, in such sum and with such sureties as he shall approve.

[ *RL s 1868* ] (4408)

**246.04 BOOKS AND ACCOUNTS.** The commissioner of public welfare shall keep at his office a proper and complete system of books and accounts with each institution, showing every expenditure authorized and made therefor. Such books shall contain a separate account of each extraordinary or special appropriation made by the legislature, with every item of expenditure therefrom.

[ *RL s 1872* ] (4412)

**246.05 DISSEMINATION OF INFORMATION.** The commissioner of public welfare may, from time to time, publish and distribute scientific, educational, and statistical articles, bulletins, and reports concerning clinical, research and other studies conducted in the department of public welfare in the fields of mental or nervous diseases, mental deficiency, or epilepsy.

[ *RL s 1874; 1949 c 262 s 1* ] (4414)

**246.06 REPORTS.** On or before November 15 in each even-numbered year, the commissioner of public welfare shall make a report to the governor and legislature covering the biennial period ending June 30th preceding, therein giving his observations and conclusions respecting each institution under his control. This report shall contain the reports of the executive officers of the institutions, a statement of the visitations thereto, and when and by whom made, the name and salary of every employee of the commissioner, and of every officer and employee of the several institutions. Such report shall be published under the direction of the commissioner of administration and paid for out of the appropriation for public printing. The commissioner of public welfare shall make such other reports to the governor as he may from time to time require, or as the commissioner may deem necessary, relating to the condition and wants of the several institutions.

[ *RL s 1875* ] (4415)

**246.07 DAILY RECORDS.** The commissioner of public welfare shall require the proper officer of each of the institutions to keep, in a book prepared for that purpose, a daily record of the time and number of hours of service of each employee; the monthly payroll shall be made from such time book, and accord therewith. When an appropriation is based on the number of inmates in, or persons at, an institution, the commissioner shall require a daily record to be kept of the persons actually residing at and domiciled in such institution.

[ *RL s 1876* ] (4416)

**246.08 INSPECTIONS; INVESTIGATIONS; WITNESSES; CONTEMPT.** At least once each year and in addition as frequently as he deems necessary, the commissioner

of public welfare, or his designated representative, shall visit and inspect each institution, and investigate its financial condition and management, and the care being provided for the inmates thereof. He shall have power to summon and compel the attendance of witnesses; to examine them under oath, and order the production of all books, property, and papers material to such investigation. Witnesses other than those in the employ of the state shall receive the same fees as in civil cases in the district court. The claim that any testimony or evidence sought to be elicited or produced may tend to criminate the persons giving or producing it, or to expose him to public ignominy, shall not excuse him, but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any matter or thing concerning which he may be so required to testify or produce evidence; provided, that he shall not be exempted from prosecution and punishment for perjury committed in so testifying. The commissioner of public welfare shall cause the testimony so taken to be transcribed and filed with him as soon as practicable and when so filed it shall be open to public inspection. Every person failing or refusing to obey any order of the commissioner of public welfare issued under this section, or to give or produce evidence when so requested, shall be reported by him to the district court and dealt with as for a contempt of court.

[ *RL s 1877; 1953 c 239 s 1* ] (4417)

**246.09** [ Repealed, 1953 c 254 s 1 ]

**246.10** [ Repealed, 1967 c 638 s 22 ]

**246.101** [ Repealed, 1967 c 638 s 22 ]

**246.11 INSPECTION.** The commissioner of public welfare, upon stated visits to any institution, shall inspect every part thereof, the general and special dietary, and the stores and methods of supply; and, so far as practicable, shall see all inmates of the charitable institutions, especially those admitted since the preceding visit, and shall give such as desire it suitable opportunity to converse with him privately. He may examine under oath the officers, attendants, guards, and other employees in order to determine their fitness for their duties.

[ *RL s 1879* ] (4423)

**246.12 BIENNIAL ESTIMATES; SUGGESTIONS FOR LEGISLATION.** The commissioner of public welfare shall prepare, for the use of the legislature, biennial estimates of appropriations necessary or expedient to be made for the support of the several institutions and for extraordinary and special expenditures for buildings and other improvements. He shall, in connection therewith, make suggestions relative to legislation for the benefit of the institutions, or for improving the condition of the dependent, defective, or criminal classes. He shall report the estimates and suggestions to the legislature on or before November 15 in each even numbered year. The commissioner of public welfare on request shall appear before any legislative committee and furnish any required information in regard to the condition of any such institution.

[ *RL s 1883; 1969 c 540 s 11* ] (4427)

**246.13 RECORD OF PATIENTS; DEPARTMENT OF PUBLIC WELFARE.** The commissioner of public welfare shall keep in his office, accessible only by his consent or on the order of a judge or court of record, a record showing the residence, sex, age, nativity, occupation, civil condition, and date of entrance or commitment of every person or patient, in the institutions under his exclusive control, the date of discharge and whether such discharge was final, the condition of such person when he left the institution, and the date and cause of all deaths. The record shall state every transfer from one institution to another, naming each. This information shall be furnished to the commissioner of public welfare by each institution, with such other obtainable facts as he may from time to time require. The chief executive officer of each such institution, within ten days after the commitment or entrance thereto of a person or patient, shall cause a true copy of his entrance record to be forwarded to the commissioner of public welfare. When a patient leaves, is discharged or transferred, or dies in any institution, the chief executive officer, or other person in charge shall inform the commissioner of public welfare within ten days thereafter on forms by him furnished.

The commissioner of public welfare may authorize the superintendent of any state institution for the mentally ill, mentally retarded or epileptic, to release to public or private medical personnel, hospitals, clinics, county welfare boards or other specifically designated interested persons or agencies any information regarding any patient

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thereat, if, in the opinion of the commissioner, it will be for the benefit of the patient.

[ *RL s 1889; 1957 c 319 s 1; 1961 c 750 s 13 subd 1* ] (4437)

**246.14 USE OF SPACE IN INSTITUTIONS.** The commissioner of public welfare may use available space in any institution under his jurisdiction, or in any institution under the jurisdiction of another department or agency of the state in which space is proffered him, by executive or legislative action, for the care and custody of persons, patients, or inmates of the institutions under his exclusive control for whom other, more suitable, space is not available. All laws relating to the commitment and care of such persons who may be so committed and institutionalized shall be applicable to such persons.

[ *RL s 1890; 1953 c 515 s 1; 1957 c 261 s 1; 1961 c 750 s 14 subd 1; 1967 c 839 s 5* ] (4438)

**246.15 MONEY OF INMATES OF PUBLIC WELFARE INSTITUTIONS.** Subdivision 1. The chief executive officer of each institution under the jurisdiction of the commissioner of public welfare shall have the care and custody of all moneys belonging to inmates thereof which may come into his hands, keep accurate accounts thereof, and pay them out under rules and regulations prescribed by law or by the commissioner of public welfare, taking vouchers therefor. He shall give such additional bond as the commissioner may require, conditioned to safely keep and account for such funds. All such moneys received by any officer or employee shall be paid to the chief executive officer forthwith. Every such executive officer, at the close of each month, or oftener if required by the commissioner, shall forward to the commissioner a statement of the amount of all moneys so received and the names of the inmates from whom received, accompanied by his check for the amount, payable to the state treasurer. On receipt of such statement, the commissioner shall transmit the same to the commissioner of finance, together with such check, who shall deliver the same to the state treasurer. Upon the payment of such check, the amount shall be credited to a fund to be known as "Inmates Fund," for the institution from which the same was received. All such funds shall be paid out by the state treasurer upon vouchers duly approved by the commissioner of public welfare as in other cases. The commissioner may permit a contingent fund to remain in the hands of the executive officer of any such institution from which necessary expenditure may from time to time be made.

Subd. 2. Any moneys in the inmates fund provided for in this section, belonging to inmates of state institutions under the jurisdiction of the commissioner of corrections shall forthwith be transferred by the commissioner of public welfare to the correctional inmates fund created by section 241.08.

[ *RL s 1891; 1907 c 280 s 1; 1961 c 750 s 15 subs. 1,2; 1973 c 492 s 14* ] (4439)

**246.151 COMPENSATION PAID TO PATIENT.** Notwithstanding any law to the contrary, the commissioner of public welfare is authorized to provide for the payment to patients or residents of state institutions under his management and control of such pecuniary compensation as he may deem proper, the amount of compensation to depend upon the quality and character of the work performed as determined by the commissioner and the chief executive officer, but in no case less than 25 percent of the minimum wage established pursuant to section 177.24.

[ *1978 c 560 s 1* ]

**246.16 UNCLAIMED MONEY OR PERSONAL PROPERTY OF INMATES.** Subdivision 1. **Unclaimed money.** When there has heretofore accumulated or shall hereafter accumulate in the hands of the superintendent of any state institution under the jurisdiction of the commissioner of public welfare money belonging to inmates of such institution who have died therein, or disappeared therefrom, and for which money there is no claimant or person entitled thereto known to the superintendent, such money may, at the discretion of such superintendent, to be expended under his direction for the amusement, entertainment, and general benefit of the inmates of such institution. No money shall be so used until it shall have remained unclaimed for at least five years. If, at any time after the expiration of the five years, the legal heirs of the inmate shall appear and make proper proof of such heirship, they shall be entitled to receive from the state treasurer such sum of money as shall have been expended by the superintendent belonging to the inmate.

**Subd. 2. Unclaimed personal property.** When any inmate of a state institution under the jurisdiction of the commissioner of public welfare has died or disappeared therefrom, or hereafter shall die or disappear therefrom leaving in the custody of the superintendent thereof personal property, exclusive of money, which remains unclaimed for a period of two years, and there is no person entitled thereto known to the superintendent, the superintendent or his agent may sell such property at public auction. Notice of such sale shall be published for two consecutive weeks in a legal newspaper in the county wherein the institution is located and shall state the time and place of such sale. The proceeds of the sale, after deduction of the costs of publication and auction, may be expended, at the discretion of the superintendent, for the entertainment and benefit of the inmates of such institution. Any inmate, his heirs or his representatives, may file with, and make proof of ownership to, the superintendent of the institution disposing of such personal property within four years after such sale, and, upon proof satisfactory to such superintendent, he shall certify for payment to the state treasurer the amount received by the sale of such property. No suit shall be brought for damages consequent to the disposal of personal property or use of money in accordance with this section against the state or any official, employee, or agent thereof.

[ 1905 c 199 s 1; 1951 c 369 s 1; 1961 c 750 s 16 subd 1 ] (4440)

**246.17** [ Repealed, 1953 c 341 s 1 ]

**246.18 DISPOSAL OF FUNDS.** Every officer and employee of the several institutions under the jurisdiction of the commissioner of public welfare shall pay to the accounting officer thereof any funds in his hands belonging to the institution. Every accounting officer, at the close of each month or oftener, shall forward to the commissioner of public welfare a statement of the amount and sources of all moneys received. On receipt of such statement, the commissioner shall transmit the same to the commissioner of finance, who shall deliver to the state treasurer a draft upon the accounting officer for the same specifying the funds to which it is to be credited. Upon payment of such draft, the amount shall be so credited.

[ RL s 1892; 1961 c 750 s 17 subd 1; 1973 c 492 s 14 ] (4441)

**246.19 PROTECTION AGAINST FIRE.** The commissioner of public welfare shall provide at each institution adequate and ready means of protection against fire, construct proper means of escape for inmates, and establish and enforce rigid regulations by which danger from fire may be minimized.

[ RL s 1893 ] (4442)

**246.20** [ Repealed, 1973 c 400 s 2 ]

**246.21 CONTINGENT FUND.** The commissioner of public welfare may permit a contingent fund to remain in the hands of the accounting officer of any such institution from which expenditures may be made in case of actual emergency requiring immediate payment to prevent loss or danger to the institution or its inmates and for the purpose of paying freight, purchasing produce, livestock and other commodities requiring a cash settlement, and for the purpose of discounting bills incurred, but in all cases subject to revision by the commissioner of public welfare. An itemized statement of every expenditure made during the month from such fund shall be submitted to the commissioner under rules established by him. If necessary, the commissioner shall make proper requisition upon the commissioner of finance for a warrant upon the state treasurer to secure the contingent fund for each institution.

[ RL s 1896; 1909 c 74 s 1; 1961 c 750 s 20 subd 1; 1973 c 492 s 14 ] (4445)

**246.22** [ Repealed, 1961 c 750 s 28 ]

**246.23 PERSONS ADMISSIBLE TO INSTITUTIONS.** No person who has not a settlement in a county, as defined in section 256D.18, shall be admitted to a hospital for the mentally ill, the school for the deaf, the Minnesota braille and sightsaving school, the schools and hospitals for the mentally retarded and epileptic, or the Owatonna state school, except that the commissioner of public welfare may authorize admission thereto when the residence cannot be ascertained, or when the circumstances in his judgment make it advisable. When application is made to a judge of probate for admission to any of the institutions above named for admission thereto, if he finds that the person for whom application is made has not such residence, or that his residence cannot be ascertained, he shall so report to the commissioner; and he may re-



commend that such person be admitted notwithstanding, giving his reasons therefor. The commissioner of public welfare shall thereupon investigate the question of residence and, if he finds that such person has not such residence and has a legal residence in another state or country, he may cause him to be returned thereto at the expense of this state. When the overseer of a county poorhouse believes an inmate thereof not to have a residence in the state, but to have a residence elsewhere, he shall so notify the commissioner of public welfare who shall thereupon proceed in the manner above provided; except that, if deemed impracticable to return such person to the state of his residence, he may so certify and such person shall thereafter be a charge upon the county, town or city in which he has longest resided within the preceding year.

[ *RL s 1898; 1965 c 45 s 19; 1973 c 123 art 5 s 7; 1976 c 2 s 85* ] (4447)

**246.234 RECIPROCAL EXCHANGE OF MENTALLY ILL PERSONS.** The commissioner of public welfare is hereby authorized and empowered with the approval of the governor to enter into reciprocal agreements with any other state or states, through the duly authorized authorities thereof, regarding the mutual exchange, return, and transportation of mentally ill, mentally deficient, or epileptic persons who are within the confines of one state but have legal residence or legal settlement for the purposes of relief in another state. Such agreements shall contain no provisions conflicting with any law of this state.

[ *1945 c 228 s 1; 1965 c 45 s 20* ]

**246.24 COMPROMISE OF CLAIMS.** In case of any disagreement between the commissioner of public welfare and any person concerning a claim of such person to any right interest or estate in or lien upon lands occupied by or used in connection with any state institution under his exclusive or partial control, or of any claim by him for damages to any such land, or the improvements thereon, the commissioner, with the approval of the governor and the commissioner of finance, may compromise and settle such claim; and in so doing may make any necessary conveyance of land. All moneys received by the commissioner upon any such settlement shall be paid into the state treasury to the credit of the general fund.

[ *RL s 1900; 1969 c 399 s 49; 1973 c 492 s 14* ] (4449)

**246.25** [ Repealed, 1967 c 885 s 6 ]

**246.26** [ Renumbered 241.05 ]

**246.27 PHYSICAL EXAMINATIONS FOR EMPLOYMENT IN CERTAIN STATE INSTITUTIONS.** No new employee shall be given employment in any state institution under the direction of the department of public welfare, whether certified for such employment by the state department of personnel, or otherwise selected, unless such person presents to the appointing officer of such institution a certificate showing that he has undergone the physical examination hereinafter provided for and has been found to be free of tuberculosis.

[ *1941 c 479 s 1; 1953 c 593 s 2; 1973 c 507 s 45* ]

**246.28 DIAGNOSTIC TESTS AND X-RAY EXAMINATIONS; REPORT.** Such physical examination shall include an X-ray examination of the lungs and such additional special diagnostic tests for the detection of the presence of tuberculosis as shall be set up in regulations of the state commissioner of health in cooperation with the commissioner of public welfare. Such examination shall be made by a licensed physician and surgeon, who shall report in writing to the superintendent of the institution in which the employment is contemplated on a form set up by the department of public welfare in cooperation with the state commissioner of health showing the presence or absence of tuberculosis infection and disease based upon such examination.

[ *1941 c 479 s 2; 1977 c 305 s 45* ]

**246.29** [ Repealed, 1947 c 616 s 5; 1949 c 558 s 1; 1953 c 593 s 2 ]

**246.30** [ Repealed, 1965 c 45 s 73 ]

**246.31** Subdivision 1. [ Repealed, 1965 c 45 s 73 ]

Subd. 2. [ Repealed, 1965 c 45 s 73 ]

Subd. 3. [ Repealed, 1965 c 45 s 73 ]

Subd. 4. [ Repealed, 1953 c 732 s 5; 1959 c 578 s 7 ]

**246.32** Subdivision 1. [ Repealed, 1975 c 204 s 106 ]

Subd. 2. [ Repealed, 1975 c 204 s 106 ]

Subd. 3. [ Repealed, 1969 c 52 s 5 ]

Subd. 4. [ Repealed, 1975 c 204 s 106 ]

Subd. 5. [ Repealed, 1975 c 204 s 106 ]

**246.33 CEMETERY.** Subdivision 1. The commissioner of public welfare may establish and maintain a cemetery for the burial of any patient, inmate or person admitted to any state institution under his control upon the public grounds of such institution in the manner set forth in the following subdivisions.

Subd. 2. The land shall be surveyed and a plat thereof made.

Subd. 3. A stone or other monument shall be established to mark each corner of such cemetery, and its location shown on the plat.

Subd. 4. The cemetery shall be platted into lots, which shall be numbered; it shall have streets and walks, and the same shall be shown on the plat. All containing graves shall be indicated by an appropriate marker of permanent nature for identification purposes.

Subd. 5. The surveyor shall certify as to the correctness of the plat by his endorsement thereon.

Subd. 6. The plat with the surveyor's endorsement thereon shall be filed for record with the county recorder in the county wherein the cemetery is located. A copy of the plat shall be kept in the office of the superintendent of the institution, together with a register showing the name of the persons buried in the cemetery and the lot in which they are buried.

[ 1949 c 155 s 1; 1976 c 181 s 2 ]

**246.34 REBURIAL.** Subdivision 1. The commissioner of public welfare may remove the body of any person now buried in a cemetery situated upon the land belonging to the state for public institution purposes and rebury it in a cemetery created under the provisions of section 246.33, by complying with the provisions set forth in the following subdivisions of this section.

Subd. 2. The commissioner shall petition the district court of the county wherein the present cemetery is situated setting forth the reasons for such removal, the place to which the body is to be removed, and praying for an order of the court authorizing such removal. Upon the presentation of such petition, the court shall make its order setting the time, which shall not be less than 60 days from the date of the order, and the place for hearing the same. The commissioner shall serve the nearest relative or, if the commissioner cannot locate any relative, some friend of the person whose body is to be removed by mailing to him a copy of the petition and court's order 30 days before the date of hearing and file his affidavit of mailing with the clerk of district court. If the commissioner is unable to locate a relative or friend, he shall make his affidavit to that effect and file the same with the clerk of district court.

Subd. 3. Upon the hearing of such petition, if the court determines that it is for the best interests of the public, the relatives and friends that such body be removed and that the same will be conducted in a manner commensurate with the methods commonly employed for the reburial of the dead in the community, the court shall make its order authorizing such removal, setting forth the time within which such removal shall be accomplished and the place to which the body is to be removed. Upon completion of such removal, the director shall cause the name of the person so removed to be entered in the register, together with the number of the lot in the cemetery and file an affidavit thereof with the clerk of district court.

[ 1949 c 155 s 2 ]

**246.35 ABANDONMENT OF CEMETERY; COURT ORDER.** If the court makes its order under the provisions of section 246.34 authorizing the removal of bodies from a cemetery and the same is accomplished in accordance with such order and the commissioner files affidavits of such removal as hereinbefore provided, together with his affidavit that he has caused a thorough search to be made, and there are no more

dead bodies remaining in such cemetery to the best of his knowledge, information and belief, the court may make its order authorizing the abandonment of such cemetery and thereby discontinue its use as such.

[ 1949 c 155 s 3 ]

**246.36 ACCEPTANCE OF VOLUNTARY, UNCOMPENSATED SERVICES.** For the purpose of carrying out his duties, the commissioner of public welfare shall have authority to accept uncompensated and voluntary services and to enter into contracts or agreements with private or public agencies, or persons, for uncompensated and voluntary services, as he may deem practicable. The volunteer agencies, organizations or persons who provide services to residents of state hospitals shall not be subject to the procurement requirements of chapters 16 and 16A. The agencies, organizations or persons may purchase supplies, services and equipment to be used in providing services to residents of state hospitals through the department of administration.

[ 1949 c 638 s 1; 1978 c 560 s 2 ]

**246.37** [ Renumbered 243.84 ]

**246.38** [ Renumbered 243.85 ]

**246.39** [ Renumbered 243.86 ]

**246.40** [ Renumbered 243.87 ]

**246.41 CONTRIBUTIONS FOR BENEFIT OF MENTALLY DEFICIENT AND EPILEPTIC PERSONS.** Subdivision 1. **Acceptance.** The commissioner of public welfare is authorized to accept, for and in behalf of the state, contributions of money for the use and benefit of mentally deficient and epileptic persons.

Subd. 2. **Special welfare fund.** Any money so received by the commissioner shall be deposited with the state treasurer in a special welfare fund, which fund is to be used by the commissioner of public welfare for the benefit of mentally deficient and epileptic persons within the state, including those within institutions. And, without excluding other possible uses, research relating to mentally deficient and epileptic persons shall be considered an appropriate use of such funds; but such funds shall not be used for any structures or installations which by their nature would require state expenditures for their operation or maintenance without specific legislative enactment therefor.

Subd. 3. **Appropriation.** There is hereby appropriated from the special welfare fund in the state treasury to such persons as are entitled thereto to carry out the provisions stated in this section.

[ 1953 c 519 s 1; 1959 c 158 s 17 ]

**246.42 FOOD PRODUCTS, PRODUCTION AND PRESERVATION.** The commissioner of public welfare may contract with corporations or individuals engaged in the commercial canning or freezing of food products, under such terms as he believes are for the best interests of the state, for the seeding, fertilizing, harvesting, and preserving of food products for consumption by institution inmates. The contract may provide for the payment of the processor's services by a fractional share of the food processed. The commissioner shall not be required to advertise for or secure bids.

[ 1953 c 581 s 1 ]

**246.43 SEX OFFENDERS.** Subdivision 1. **Conviction of specified offenses; presentence examinations.** If a person who is 18 years of age or older at the time of his apprehension is convicted under sections 609.342, 609.343, 609.344, 609.345, or 609.365, or is convicted under section 609.17 of an attempt to commit an act proscribed by sections 609.342 or 609.344, or is convicted of an act otherwise within the scope of one of these provisions occurring prior to its effective date, the court shall commit him to the commissioner of public welfare of the department of public welfare or shall order any other state, local, or private agency that the court may deem adequate to make said examination for a presentence social, physical and mental examination. The court and all public officials shall make available to the examining person, agency or commissioner upon his request all pertinent data in their possession in respect to the case.

Subd. 2. **Conviction of other sex crime; presentence examination.** If a person who is 18 years of age or older at the time of his apprehension is convicted of any sex crime other than those specified in subdivision 1, the court may commit him to the

commissioner for such a presentence examination, if the commissioner certifies that he has adequate facilities for making such examination and is willing to accept such commitment. The court and all public officials shall make available to the commissioner upon his request all pertinent data in their possession in respect to the case.

**Subd. 3. Conveyance.** When the court commits a person to the commissioner in accordance with subdivision 1 or 2 for presentence examination, the court shall order him conveyed by the proper county authorities at the sole expense of the county, to some place of detention approved or established by the commissioner.

**Subd. 4. Report of examination.** Upon completion of the examination, but not later than 60 days after the date of the commitment order, a report of the results of the examination and the recommendations of the commissioner shall be sent to the court.

**Subd. 5. Disposition where specialized treatment not recommended.** If it appears from such report that the commissioner does not recommend specialized treatment for his mental and physical aberrations, the court shall order the proper county authorities to bring him before the court at county expense and shall sentence him in the manner provided by law.

**Subd. 6. Disposition where specialized treatment recommended; probation; outpatient treatment, commitment.** If it appears from said report that the commissioner recommends specialized treatment for his mental and physical aberrations, the court may either place him on probation with the requirement as a condition of such probation, that he receive outpatient treatment in such manner as the court shall prescribe, or commit him to the commissioner under this section.

**Subd. 7. Appeals.** (a) The right of a convict to appeal from the judgment of conviction is not affected by this section.

(b) If a person who has been convicted and committed to the commissioner appeals from a conviction, the execution of the commitment to the commissioner shall not be stayed by the appeal except as provided in paragraph (c).

(c) If the committing court is of the opinion that the appeal was taken in good faith and that the question raised merits review by the appellate court, or when there has been filed with the court a certificate that a judge of an appellate court is of the opinion that questions have been raised that merit review, the judge of the court in which the person was convicted, or in the case of his incapacity to act, the judge by whom the certificate was filed, may direct that such person be left at liberty under such conditions as in the judge's opinion will insure his submission to the control of the commissioner at the proper time if it is determined on the appeal that the commissioner is entitled to custody.

**Subd. 8. Notice of commitment; procedure.** (a) If a court commits a person to the commissioner it shall at once notify him of such action in writing.

(b) The commissioner shall then arrange for his treatment in the institution best suited in his judgment to care for him. He may transfer him to or from any institution to provide for him according to his needs and to protect the public. The commissioner may irrespective of his consent require participation by him in vocational, physical, educational and correctional training and activities; may require such modes of life and conduct as seem best adapted to fit him for return to full liberty without danger to the public; and may make use of other methods of treatment and any treatment conducive to the correction of the person and to the prevention of future violations of law by him.

(c) The commissioner may make use of law enforcement, detention, parole, medical psychiatry, education, correctional, segregative and other facilities, institutions and agencies, public or private, within the state. The commissioner may enter into agreements with public officials for separate care and special treatment (in existing institutions) of persons subject to the control of the commissioner under this section. Nothing herein contained shall give the commissioner control over existing institutions or agencies not already under his control, or give him power to make use of any private agency or institution without his consent.

(d) Placement of a person by the commissioner in any institution or agency not operated by the commissioner, or his discharge by such institution or agency, shall not terminate the control of the commissioner over him. No person placed in such institution or agency may be released therefrom except to the commissioner or after approval of such release by the commissioner.

**Subd. 9. Periodic examinations.** The commissioner shall make periodic examinations of all persons within his control under this section for the purpose of determining whether existing orders and dispositions in individual cases should be modified or continued in force. These examinations may be made as frequently as he considers desirable and shall be made with respect to every person at intervals not exceeding one year. He shall keep written records of all examinations and of conclusions predicated thereon, and of all orders concerning the disposition or treatment of every person under his control. Failure of the commissioner to examine a person committed to him or to make periodic examination shall not entitle him to a discharge from the control of the commissioner, but shall entitle him to petition the committing court for an order of discharge and the court shall discharge him unless it appears in accordance with subdivision 13 that there is necessity for further control.

**Subd. 10. Parole.** Any person committed as provided in this section may be paroled if it appears to the satisfaction of the commissioner after recommendation by a special review board, appointed by the commissioner a majority of whose members shall not be connected with the department of public welfare that he is capable of making an acceptable adjustment in society. The chief officer of the institution wherein he is confined shall report in writing at least annually to the commissioner concerning his condition with a recommendation as to continued confinement or parole. The commissioner may promulgate regulations for parole, revocation of parole, and the supervision of parolees.

**Subd. 11. Supervision and control of persons committed.** The commissioner shall keep every person committed to him under this section under his control and shall retain him, subject to the limitations of subdivision 12, under supervision and control, so long as in his judgment such control is necessary for the protection of the public. The commissioner shall discharge any such person as soon as in his opinion there is reasonable probability that he can be given full liberty without danger to the public, but no person convicted of a felony shall, without the written approval of the committing court, be discharged prior to two years after the date of his commitment.

**Subd. 12. Discharge of person committed.** Every person committed to the commissioner who has not been discharged from his control as provided in subdivision 11 unless the commissioner has previously thereunto made an order directing that he remain subject to his control for a longer period and has applied to the committing court for a review of said order as provided in subdivision 13 shall be discharged at the expiration of any sentence imposed, subject to the provisions of section 243.18, or at the expiration of one year, whichever is the greater. For the purposes of this subdivision, sentence shall begin at noon of the day of commitment by the court to the commissioner.

**Subd. 13. Order directing continuance of control.** If the commissioner is of the opinion that discharge of a person from his control at the time provided in subdivision 12 would be dangerous to the public for reasons set forth in subdivision 14, he shall make an order directing that he remain subject to his control beyond that period; and shall make application to the committing court for a review of that order at least 90 days before the time of discharge stated.

**Subd. 14. Review of orders, continuing control.** (a) If the commissioner applies to the committing court for the review of an order as provided in subdivision 13, the court shall notify the person whose liberty is involved, and, if he be not sui juris, his parent or guardian as practicable, of the application, and shall afford him opportunity to appear in court with counsel and of process to compel the attendance of witnesses and the production of evidence. He may have a doctor or psychiatrist of his own choosing, examine him in the institution to which he is confined or some suitable place designated by the commissioner. If he is unable to provide his own counsel, the court shall appoint counsel to represent him. He shall not be entitled to a trial by jury.

(b) If, after a hearing, the court finds that discharge from the control of the commissioner of the person to whom the order applies would be dangerous to the public because of the person's mental or physical deficiency, disorder or abnormality the court shall confirm the order. If the court finds that discharge from the control of the commissioner would not be dangerous to the public for the causes stated, the court shall order that he be discharged from the control of the commissioner at the time stated in the original commitment.

**Subd. 15. Confirmation of order continuing control.** (a) When an order of the commissioner is confirmed as provided in subdivision 14, the control of the commis-

sioner over the person shall continue, but unless he is previously discharged, the commissioner shall within 5 years after the date of such confirmation make a new order and a new application for review thereof in accordance with this section. Such orders and applications may be repeated as often as in the opinion of the commissioner it may be necessary for the protection of the public.

(b) Every person shall be discharged from the control of the commissioner at the termination of the period stated in paragraph (a) unless the commissioner has previously acted therein as required, and shall be discharged if the court fails to confirm the order as provided in subdivision 14.

**Subd. 16. Orders affirmed by court; appeal.** (a) If under the provisions of this section the court affirms an order of the commissioner, the person whose liberty is involved may appeal to the proper appellate court for reversal or modification of the order. The appeal shall be taken in the manner provided by law for appeals to said court from the judgment of an inferior court.

(b) At the hearing of an appeal the appellate court may base its judgment upon the record, or it may upon its own motion or at the request of either the appellant or the commissioner refer the matter back for the taking of additional evidence.

(c) The appellate court may confirm the order of the lower court, or modify it, or reverse it and order the appellant to be discharged.

(d) Pending appeal the appellant shall remain under the control of the commissioner.

**Subd. 17. Application for voluntary admission to institution.** Any person believing himself to be afflicted by a physical or mental condition which may result in sexual action dangerous to the public may apply upon forms prescribed by the commissioner for voluntary admission to some institution which provides diagnosis for such persons. If the application is approved and he is admitted by the commissioner he shall be given a complete physical and mental examination. If it appears upon the examination that he is afflicted by a physical or mental condition that may prove dangerous to the public, such facts shall be certified to him and to the commissioner. If he desires treatment, he may apply for admission to an institution designated by the commissioner and upon approval of his application, he may be received in the designated institution and shall there receive the treatment indicated by his condition. If he is able to defray all or a part of the cost of his care and treatment, he shall be required to do that. If he desires to leave the institution he must give 5 days written notice to the superintendent of the institution of his intention to leave. The commissioner may provide outpatient treatment for him at his expense.

**Subd. 18. Inconsistent provisions.** All statutes conflicting with this section are superseded to the extent of the conflict and the provisions of this section shall prevail over conflicting provisions heretofore enacted.

**Subd. 19. Separable provisions.** It is the intent of the legislature that the provisions of this section are separable and if any provision shall be held unconstitutional, such decision shall not affect the remainder of this section.

[ 1953 c 673 s 1; 1965 c 51 s 48; 1969 c 6 s 33; 1969 c 997 s 1; 1973 c 725 s 43,44; 1977 c 130 s 1 ]

NOTE: Section 246.43 is repealed effective May 1, 1980. See Laws 1978, Chapter 723, Article 1, Section 20.

**246.44 PIPESTONE INDIAN SCHOOL, LEASE BY STATE.** The commissioner of public welfare is empowered to enter into a lease with the United States of America, or any authorized department or agency thereof or to acquire by gift, for use by the state for the purposes hereinafter set forth the institution owned by the federal government and known as the Pipestone Indian School of the Bureau of Indian Affairs located in Pipestone County. The lease or instrument of acquisition by gift, referred to above, shall not be effective until approved by the Executive Council.

[ 1953 c 727 s 1 ]

**246.45 PUBLIC INSTITUTION.** The institution referred to in section 246.44, if leased to or acquired by the state, shall be, for such period of time as it may be operated by the state, a state institution within the department of public welfare and subject to the control and supervision of the commissioner of public welfare.

[ 1953 c 727 s 2 ]

**246.46 NAME; CARE AND TREATMENT OF MENTALLY DEFICIENT PERSONS OR OF ALCOHOLICS.** The institution referred to in section 246.44, if leased to or acquired by the state, shall be used for the care and treatment of mentally deficient persons or of persons afflicted with alcoholism, as may be determined by the commissioner of public welfare with approval of the governor. Said institution shall be known by such name, prefixed by the word "Pipestone" as the commissioner of public welfare, with approval of the governor, may determine.

[ 1953 c 727 s 3 ]

**246.47** [ Repealed, 1959 c 578 s 7 ]

**246.48** [ Repealed, 1959 c 578 s 7 ]

**246.49** [ Repealed, 1959 c 578 s 7 ]

**246.50 CARE OF PATIENTS AT STATE HOSPITALS; DEFINITIONS.** Subdivision 1. For the purposes of sections 246.50 to 246.55, the terms set out in subdivisions 2 to 8 shall have the meanings ascribed to them.

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

Subd. 3. "State hospital" means a state hospital for the mentally ill or mentally deficient now existing or hereafter established.

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

Subd. 5. "Cost of care" means the commissioner's determination of the anticipated average per capita cost of all maintenance, treatment and expense, including depreciation of buildings and equipment, and indirect costs related to the operation other than that paid from the Minnesota state building fund, at all of the state hospitals for the mentally ill or mentally deficient during the current year for which billing is being made. "Cost of care" for outpatient or day-care patients shall not exceed 50 percent of the total average per capita cost for resident patients as determined by the commissioner of public welfare.

For purposes of this subdivision "resident patient" means a person who occupies a bed while housed in a hospital for observation, care, diagnosis, or treatment.

For purposes of this subdivision "outpatient" or "day-care" patient means a person who makes use of diagnostic or therapeutic service but does not occupy a regular hospital bed.

For the purposes of collecting from the federal government for the care of those patients eligible for medical care under the social security act "cost of care" shall be determined as set forth in the rules and regulations of the Department of Health, Education, and Welfare.

Subd. 6. "Relatives" means the spouse, and parents and, in the case of the mentally ill, children 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 commitment or voluntary admission to a state hospital, 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 board" means the welfare board of the patient's county as defined in subdivision 7 and of the county of commitment, and any other county welfare board possessing information regarding, or requested by the commissioner to investigate, the financial circumstances of a patient or his relatives.

[ 1959 c 578 s 1; 1967 c 386 s 1; 1969 c 205 s 1; 1971 c 637 s 1-4; 1973 c 235 s 1 ]

**246.51 PAYMENT FOR CARE AND TREATMENT; DETERMINATION.** The commissioner shall make investigation as necessary to determine, and as circumstances require redetermine, what part of the cost of care, if any, the patient is able to pay. If the patient is unable to pay the full cost of care the commissioner shall make a determination as to the ability of the relatives to pay. However, in no case shall the relatives, unless they reside outside the state, be ordered to pay more than ten percent of the cost of care for each patient not to exceed \$125 per month. Voluntary payments in excess of \$125 per month may be accepted by the commissioner. The commissioner

may require payment of the full per capita cost of care in state hospitals for children whose parents or guardians do not reside in Minnesota. No parent shall be liable for the cost of care given a patient at a state hospital after the patient has reached the age of 18 years. The commissioner's determination shall be conclusive in any action to enforce payment of the cost of care unless appealed from as provided in section 246.55. All money received shall be paid to the state treasurer and placed in the general fund of the state and a separate account kept of it. Responsibility under this section shall not apply to those relatives having gross earnings of less than \$11,000 per year.

[ 1959 c 578 s 2; 1969 c 399 s 1; 1971 c 637 s 5; 1973 c 35 s 46; 1973 c 138 s 1; 1973 c 235 s 2; 1973 c 725 s 45; 1977 c 331 s 1 ]

**246.52 PAYMENT FOR CARE; ORDER; ACTION.** 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 the commissioner's determination and shall be conclusive unless appealed from as herein provided. 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.

[ 1959 c 578 s 3 ]

**246.53 CLAIM AGAINST ESTATE OF DECEASED PATIENT.** Upon the death of a patient, or a former patient, the total cost of care given him, less the amount actually paid toward the cost of such care by the patient and his relatives, shall be filed by the commissioner as a claim against the estate of such patient with the court having jurisdiction to probate the estate and 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. If the commissioner of public welfare shall determine that the property or estate of any such patient is not to more than care for and maintain the wife and minor or dependent children of such deceased patient, he shall have the power to compromise the claim of the state in such manner as he, in his judgment and upon investigation, may deem just and proper. Any statute of limitations which limits the commissioner in recovering the cost of care obligation incurred by a patient or former patient shall not apply to any claim against an estate made hereunder to recover cost of care.

[ 1959 c 578 s 4; 1969 c 205 s 2 ]

**246.54 LIABILITY OF COUNTY; REIMBURSEMENT.** The patient's county shall pay annually to the state of Minnesota \$10 for each month or portion thereof the patient spends at a state hospital. Any portion of said amount actually received by the state of Minnesota from the patient and his relatives shall be credited to said county. The county shall not be entitled to reimbursement therefor from the patient, his estate or his relatives, except as provided in section 246.53. No such payments shall be made for any patient who was last committed prior to July 1, 1947.

[ 1959 c 578 s 5; 1971 c 637 s 6 ]

**246.55 APPEAL FROM ORDER OF COMMISSIONER.** Any patient or relative aggrieved by an order of the commissioner under sections 246.50 to 246.55 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 the 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 246.50 to 246.55 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 in the same manner as appeals are taken from appealable orders in civil actions.

[ 1959 c 578 s 6 ]



**246.56 PRE-VOCATIONAL TRAINING FOR MENTALLY ILL OR RETARDED PATIENTS; ADMINISTRATION.** Subdivision 1. The commissioner of public welfare is hereby authorized to establish, subject to the approval of the commissioner of education, within the state institutions for the mentally ill and mentally retarded, work activity programs for the manufacture, processing and repairing of goods, wares, and merchandise for the purpose of providing therapeutic work activities for patients and residents.

Subd. 2. The work activity programs authorized herein shall be planned and designed exclusively to provide therapeutic activities for handicapped workers whose physical or mental impairment is so severe as to make productive capacity inconsequential. The activities within this program shall conform to the rules and regulations relating to work activity centers promulgated by the United States Department of Labor. To accomplish the foregoing purpose the commissioner of public welfare shall have the power and authority to:

(a) use the diversified labor fund established by Laws 1945, Chapter 575, Section 19, to purchase equipment and remodel facilities of the institutions referred to in subdivision 1 to initiate the work activity program,

(b) formulate a system of records and accounts which shall at all times indicate the extent of purchases, sales, wages, and bidding practices and which shall be open to public inspection.

The commissioner of public welfare shall, subject to the approval of the commissioner of education, have the power and authority to:

(a) create a work activity center revolving fund for the purpose of receiving and expending moneys in the operation of the said programs,

(b) contract with public and private industries for the manufacture, repair, or assembling of work according to standard bidding practices,

(c) use the revenue from the operation of said programs to pay wages to patients and residents according to their productivity, purchase equipment and supplies and pay other expenses necessary to the operation of the said programs,

(d) establish an advisory committee consisting of representatives from the departments of health, education, and public welfare, labor and business groups, interested community agencies, including but not limited to the Minnesota Association of Rehabilitation Facilities, the Minnesota Association for Retarded Children, and the Minnesota Association for Mental Health, and the general public. This committee will act in an advisory capacity with respect to the scope of work activity programs, the nature of the goods to be produced and services to be performed in such programs,

(e) utilize all available vocational rehabilitation services and encourage the integration of the work activity program into existing vocational rehabilitation and community based programs, so that the work activity program will neither duplicate nor unfairly compete with existing public or private community programs.

[ 1969 c 34 s 1 ]

**246.57 SHARED SERVICE AGREEMENTS.** The commissioner of public welfare may authorize any state hospital to enter into agreement with other governmental and nonprofit health service organizations for participation in shared service agreements that would be of mutual benefit to the state, the health service organizations involved, and the public. The charges for the services shall be on an actual cost basis and the receipts shall be deposited in the general fund.

[ 1976 c 163 s 47 ]

**246.58 LABOR ACCOUNTS; USE OF PROFITS.** Profits accrued by reason of operation of diversified labor accounts at any public institution under the control of the commissioner of public welfare may be used at the direction of the superintendent of the institution for the purchase of occupational therapy equipment.

[ 1976 c 163 s 48 ]

**246.59 LODGING; FOOD; MAID SERVICE.** Subdivision 1. The commissioner of administration shall establish a fair rental rate including utility costs to any person who resides on state welfare or correctional institution grounds.

Subd. 2. Quarters and a stipend allowance of not to exceed \$150 per month may be authorized by the commissioner of welfare for medical students and physician fellows.

Subd. 3. Neither the commissioner of corrections nor the commissioner of public welfare shall furnish commissary privileges including food, laundry service, and household supplies to any person in staff residences or apartments.

Subd. 4. Neither the commissioner of corrections, the commissioner of public welfare, nor any other state officer or employee shall use state money to employ personnel with domestic duties to work in the residence of any officer or employee of any institution, department, or agency of the state.

[ 1976 c 163 s 49 ]

**246.60 CONSOLIDATION; EMPLOYEES.** When institutions under the control of the commissioner of public welfare or the commissioner of corrections are consolidated, the commissioner of personnel and the commissioner of administration shall direct the department incorporating the consolidation and any other state department or agency, as necessary, to employ the affected employees at no loss in salary. The commissioner of personnel shall temporarily suspend any rules or laws to accommodate these provisions. Any department or agency that employs an affected employee is authorized to temporarily exceed its approved complement. The commissioner of personnel shall develop procedures to insure that moving expenses are reimbursed for those employees who relocate pursuant to the consolidation.

[ 1976 c 163 s 50 ]