

CHAPTER 252

MENTALLY RETARDED AND EPILEPTIC; STATE HOSPITALS

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252.01 [ Repealed, 1961 c 137 s 2 ]

252.011 [ Repealed, 1961 c 137 s 2 ]

252.015 [ Repealed, 1961 c 137 s 2 ]

252.02 [ Repealed, 1961 c 137 s 2 ]

**252.025 STATE HOSPITALS FOR THE MENTALLY RETARDED AND EPILEPTIC.** Subdivision 1. State hospitals for the mentally retarded and epileptic shall be established and maintained at Faribault, Cambridge and Brainerd, and notwithstanding any provision to the contrary they shall be respectively known as the Faribault State Hospital, the Cambridge State Hospital, and the Brainerd State Hospital. Each of the foregoing state hospitals shall also be known by the name of regional center at the discretion of the commissioner of public welfare.

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

Subd. 3. [ Repealed, 1975 c 242 s 3 ]  
[ 1961 c 137 s 1; 1967 c 6 s 1,2; 1976 c 289 s 1 ]

252.03 [ Repealed, 1977 c 415 s 5 ]

252.04 [ Repealed, Ex1961 c 62 s 7 ]

252.041 [ Repealed, 1971 c 637 s 7 ]

252.042 [ Repealed, 1971 c 637 s 7 ]

252.043 [ Repealed, 1971 c 637 s 7 ]

252.044 [ Repealed, 1971 c 637 s 7 ]

252.045 [ Repealed, 1971 c 637 s 7 ]

252.046 [ Repealed, 1971 c 637 s 7 ]

252.047 [ Repealed, 1969 c 204 s 4 ]

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

[ 1923 c 365 s 1; 1929 c 231 s 1; 1953 c 593 s 2; 1965 c 45 s 22; 1967 c 6 s 2 ]  
(4502)

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

[ 1921 c 76 s 1; Ex1936 c 57 s 1; 1947 c 212 s 1; 1953 c 593 s 2; 1965 c 45 s 23 ]  
(4503)

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

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

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

[ 1921 c 76 s 2; Ex1936 c 57 s 2; 1947 c 212 s 2; 1951 c 339 s 1; 1965 c 45 s 24 ]  
(4504)

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

[ 1921 c 76 s 3 ] (4505)

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

[ 1913 c 261 s 1; 1965 c 45 s 25; 1967 c 6 s 2 ] (4506)

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

[ 1913 c 261 s 2; 1965 c 45 s 26; 1967 c 6 s 2 ] (4507)

**252.11** [ Repealed, 1961 c 26 s 1 ]

**252.12** [ Repealed, 1961 c 26 s 1 ]

**252.13** [ Repealed, 1961 c 26 s 1 ]

**252.14** [ Repealed, 1961 c 26 s 1 ]

**252.15** [ Repealed, 1963 c 830 s 9 ]

252.16 [ Repealed, 1963 c 830 s 9 ]

252.17 [ Repealed, 1963 c 830 s 9 ]

252.18 [ Repealed, 1963 c 830 s 9 ]

252.19 [ Repealed, 1963 c 830 s 9 ]

252.20 [ Repealed, 1963 c 830 s 9 ]

**252.21 COMMISSIONER OF PUBLIC WELFARE MAY MAKE GRANTS FOR DEVELOPMENTAL ACHIEVEMENT CENTERS FOR THE MENTALLY RETARDED AND CEREBRAL PALSIED.** In order to assist in the establishment of developmental achievement centers for the mentally retarded and cerebral palsied, the commissioner of public welfare is hereby authorized and directed to make grants, within the limits of the money appropriated, to those developmental achievement centers for the mentally retarded and cerebral palsied that he shall select.

[ 1963 c 830 s 1; 1974 c 480 s 5; 1977 c 337 s 2 ]

**252.22 APPLICANTS FOR ASSISTANCE; TAX LEVY.** Any city, town, county or non-profit corporation or any combination thereof, may apply to the commissioner of public welfare for assistance in establishing and operating a developmental achievement center and program for mentally retarded and cerebral palsied persons. Application for such assistance shall be on forms supplied by the commissioner. Each applicant shall annually submit to the commissioner its plan and budget for the next fiscal year. No applicant shall be eligible for a grant hereunder unless its plan and budget have been approved by the commissioner.

Any city, town, or county is authorized, at the discretion of its governing body, to make grants from special tax revenues or from its general revenue fund to any non-profit organization, governmental or corporate, within or outside its jurisdiction, that has established a developmental achievement center for the mentally retarded and cerebral palsied. In order to provide necessary funds to establish and operate developmental achievement centers for the mentally retarded and cerebral palsied, the governing body of any city, town, or county may levy annually upon all taxable property in such city, town, or county, a special tax in excess of any statutory or charter limitation but such levy shall not exceed one-sixth of one mill as to any city or town. The governing body of any city, town, or county may make such a levy, where necessary, separate from the general levy. Nothing contained herein shall in any way preclude the use of funds available for this purpose under any existing statute or charter provision relating to cities, towns and counties.

[ 1963 c 830 s 2; 1965 c 480 s 1; 1967 c 878 s 1; 1971 c 668 s 2; 1973 c 123 art 5 s 7; 1973 c 583 s 16; 1973 c 773 s 1; 1974 c 480 s 6; 1977 c 337 s 3 ]

**252.23 ELIGIBILITY REQUIREMENTS.** A developmental achievement center shall satisfy all of the following requirements to be eligible for assistance under sections 252.21 to 252.26:

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

Mentally retarded and cerebral palsied children who can benefit from the program of services, including those school age children who have been excused or excluded from school;

Mentally retarded and cerebral palsied children and adults who are unable to attend school because of their chronological age and are unable to independently engage in ordinary community activities;

(2) Provide counseling services to parents or guardians of mentally retarded and cerebral palsied persons who may register at the center;

(3) Comply with all rules duly promulgated by the commissioner of public welfare.

[ 1963 c 830 s 3; 1971 c 584 s 1; 1974 c 480 s 7; 1977 c 337 s 4 ]

**252.24 COMMISSIONER'S DUTIES.** Subdivision 1. **Selection of developmental achievement centers.** The commissioner of public welfare shall select those applicants for assistance and grant them assistance, as provided in subdivision 3, whose developmental achievement center location and program is licensed under the provisions of sections 245.781 to 245.813 and 257.175, and in his opinion, best provides daytime activities for mentally retarded and cerebral palsied persons within the state appropriation made available for this purpose.

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**Subd. 2. Supervision of projects; promulgation of rules.** The commissioner of public welfare shall closely supervise any developmental achievement center receiving a grant under sections 252.21 to 252.26. He shall promulgate rules in the manner provided by law as necessary to carry out the purposes of sections 252.21 to 252.26, including but not limited to rules pertaining to facilities for housing developmental achievement centers, administration of centers, and eligibility requirements for admission and participation in activities of the center.

**Subd. 3. Payment procedure.** The commissioner of public welfare at the beginning of each fiscal year, shall allocate available funds to developmental achievement center programs for disbursement during the fiscal year to those centers that have been selected to receive grants and whose plans and budgets have been approved. The commissioner shall, from time to time during the fiscal year, review the budgets, expenditures and programs of the various centers and if he determines that any amount of funds are not needed for any particular center to which they were allocated, he may, after 30 days' notice, withdraw such funds as are unencumbered and reallocate them to other centers. He may withdraw all funds from any center upon 90 days' notice whose program is not being administered in accordance with its approved plan and budget.

**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.

The board of directors of a developmental achievement 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.

[ 1963 c 830 s 4; 1967 c 878 s 2,3; 1969 c 905 s 1; 1971 c 584 s 2; 1971 c 668 s 1; 1973 c 583 s 17; 1974 c 406 s 44; 1974 c 480 s 1,2; 1975 c 238 s 2; 1976 c 163 s 52; 1977 c 337 s 5; 1977 c 347 s 38 ]

**252.25 BOARD OF DIRECTORS.** Every city, town, county or non-profit corporation, or combination thereof, establishing a developmental achievement center for the mentally retarded and cerebral palsied shall, before it comes under the terms of sections 252.21 to 252.26, appoint a board of directors for the center program. When any city, town or county singly establishes such a center, such board shall be appointed by the chief executive officer of the city or the chairman of the governing board of the county or town. When any combination of cities, towns, counties or non-profit corporations, establishes such a center, the chief executive officers of the cities or non-profit corporations and the chairman of the governing bodies of the counties or towns shall appoint the board of directors. If a non-profit corporation singly establishes such a center, its chief executive officer shall appoint the board of directors of the center. Membership on a board of directors while not mandatory, should be representative of local health, education and welfare departments, medical societies, mental health centers, associations concerned with mental retardation and cerebral palsy, civic groups and the general public. Nothing in sections 252.21 to 252.26 shall be construed to preclude the appointment of elected or appointed public officials or members of the board of directors of the sponsoring non-profit corporation to such board of directors.

[ 1963 c 830 s 5; 1973 c 123 art 5 s 7; 1974 c 480 s 3; 1977 c 337 s 6 ]

**252.26 DUTIES OF BOARD OF DIRECTORS.** Subject to the provisions of sections 252.21 to 252.26 and the rules of the commissioner of public welfare, each board of directors of a developmental achievement 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;

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(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.

[ 1963 c 830 s 6; 1974 c 480 s 4; 1975 c 238 s 3; 1977 c 337 s 7 ]

**252.261 EXISTENCE.** Any daytime activity center in existence on September 1, 1977 shall be deemed to be a developmental achievement center for the purposes of Laws 1977, Chapter 337, Sections 1 to 7.

[ 1977 c 337 s 8 ]

**252.27 COST OF BOARDING CARE OUTSIDE OF HOME OR INSTITUTION.** Subdivision 1. Whenever any child who is mentally retarded, epileptic or emotionally handicapped is in 24 hour care outside the home and outside the state institutions, in a facility licensed by the commissioner of public welfare, the cost of care shall be paid by the county of financial responsibility determined pursuant to section 256D.18. If the child's parents or guardians do not reside in this state, the cost shall be paid by the county in which the child is found. The county paying the costs of care and treatment shall, subject to rules promulgated by the commissioner of public welfare, receive reimbursement not exceeding 70 percent of the costs from funds made available for this purpose by the legislature. Reimbursement shall cease when the mentally retarded, epileptic or emotionally handicapped child reaches age 18. If the state appropriation for this purpose is insufficient, reimbursement shall be prorated. For the purposes of this section an "emotionally handicapped child" means any child having a psychiatric or other emotional disorder which substantially impairs his mental health and who requires 24 hour treatment or supervision.

Subd. 2. The commissioner of public welfare shall promulgate rules to determine the responsibility of the parents and the child to contribute to the cost of care and treatment based upon ability to pay. Responsibility of the parents and of the child for the cost of care shall be up to a maximum of \$125 per month. Reimbursement by the parents and child shall be made to the county making any payments for care and treatment. The commissioner may require payment of the full cost of caring for children whose parents or guardians do not reside in this state. The commissioner's determination shall be conclusive in any action to enforce payment of the cost of care. Any appeals from the commissioner's determination shall be made pursuant to section 256.045, subdivisions 2 and 3.

Subd. 3. If the parent fails to make appropriate reimbursement as required in subdivision 2, the county attorney may initiate a civil action to collect any unpaid reimbursement.

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.

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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.

[ 1969 c 582 s 1; 1971 c 648 s 1,2; 1973 c 696 s 1; 1974 c 406 s 45; 1975 c 293 s 1; 1976 c 163 s 53; 1977 c 331 s 2,3; 1978 c 560 s 3 ]

**252.28 COMMISSIONER OF PUBLIC WELFARE; DUTIES.** Subdivision 1. The commissioner of public welfare may determine the need, location, and program of public and private residential and day care facilities and services for mentally retarded children and adults.

Subd. 2. The commissioner of public welfare shall:

(1) Establish uniform rules, regulations and program standards for each type of residential and day facility or service for more than four retarded persons, including state institutions under control of the commissioner and serving mentally retarded persons.

(2) Grant licenses according to the provisions of Laws 1976, Chapter 243, Sections 2 to 13.

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.

[ 1971 c 229 s 1; 1975 c 60 s 1; 1976 c 149 s 50; 1976 c 243 s 14 ]

**252.29** [ Repealed, 1976 c 149 s 63 ]

**252.30 AUTHORIZATION TO MAKE GRANTS FOR COMMUNITY RESIDENTIAL FACILITIES.** The commissioner of public welfare may make grants to nonprofit organizations, municipalities or local units of government to provide up to 25 percent of the cost of constructing, purchasing or remodeling small community residential facilities for mentally retarded and cerebral palsied persons allowing such persons to live in a homelike atmosphere near their families. Up to one-fifth of the grant may be used for equipment and initial staff costs. No aid under this section shall be granted to a facility providing for more than 16 residents in a living unit and with more than two living units. The advisory board established by section 252.29 shall recommend to the commissioner appropriate disbursement of the funds appropriated by Laws 1973, Chapter 673, Section 3. Prior to any disbursement of funds the commissioner shall review the plans and location of any proposed facility to determine whether such a facility is needed. The commissioner shall promulgate such rules and regulations for the making of grants and for the administration of sections 252.29 and 252.30 as he deems proper. The remaining portion of the cost of constructing, purchasing or remodeling facilities shall be borne by nonstate sources including federal grants, local government funds, funds from charitable sources, gifts and mortgages.

[ 1973 c 673 s 2 ]

**252.31 ADVISORY COUNCIL.** The commissioner of public welfare shall appoint an advisory council of 11 members to be known as the advisory council for the mentally retarded and physically handicapped. The council shall advise the commissioner relative to those laws for which the commissioner is responsible to administer and enforce relating to mental retardation and physical disabilities. The council shall

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consist of persons who are providers or consumers of service for the mentally retarded or physically handicapped, or who are interested citizens. The commissioner of education and the commissioner of health or their designees shall be non-voting ex-officio members and shall advise the council as to rules, regulations and services which relate to the departments of education and health. The council shall expire and the terms, compensation and removal of appointed members shall be as provided in section 15.059.

[ 1976 c 149 s 51 ]