

MINNESOTA STATUTES 1979 SUPPLEMENT

HOSPITALIZATION AND COMMITMENT ACT 253A.09

CHAPTER 253A. HOSPITALIZATION AND COMMITMENT ACT

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253A.02 Definitions.

[For text of subs 1 to 22, see M.S.1978]

Subd. 23. "Designated agency" means an agency selected by the county board to provide the services under this chapter.

[1979 c 324 s 32]

253A.07 Judicial commitment.

Subdivision 1. Any interested person may file in the probate court of the county of the proposed patient's settlement or presence a petition for commitment of a proposed patient, setting forth the name and address of the proposed patient, the name and address of his nearest relatives, and the reasons for the petition. Such petition shall be accompanied either by a written statement by a licensed physician stating that he has examined the proposed patient and is of the opinion that the proposed patient may be mentally ill, mentally deficient, or inebriate, and should be hospitalized, or by a written statement by the petitioner that, after reasonable effort, the petitioner has been unable to obtain an examination by a licensed physician or that an examination could not be performed. Before filing, a copy of the petition shall be delivered by the petitioner to the designated agency.

[For text of subs 2 to 6, see M.S.1978]

Subd. 7. The probate court shall direct the designated agency to make an investigation into the financial circumstances, family relationships, residence, social history, and background of such patient and make a report thereof in writing to be filed with the court for the use and guidance of the head of the hospital to which such person may be committed. The court may require that such report be filed prior to the commitment hearing.

[For text of subs 8 to 30, see M.S.1978]

[1979 c 324 s 33,34]

253A.09 Transportation.

Subdivision 1. Whenever an individual is about to be placed in a hospital or public health facility under the terms of sections 253A.01 to 253A.21, the court may by order:

(a) Upon the request of an interested person, authorize the designated agency to arrange for the individual's transportation to the hospital with appropriate medical or nursing attendants, and by such means as may be suitable for the individual's condition. The person making the request shall be liable for the cost of such transportation.

(b) Authorize the designated agency or public health facility personnel to transport the individual to the designated facility if the head of the designated agency or health facility has advised the court that such personnel are available for the purpose.

(c) Authorize an interested or any other responsible person to transport the individual to the designated facility.

(d) Authorize a peace officer to transport the individual to the hospital or public health facility. Unless otherwise ordered by the court, the peace officer shall not be in uniform and shall use a motor vehicle not visibly marked as a police vehicle.

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[For text of subds 2 and 3, see M.S.1978]

[1979 c 324 s 35]

253A.10 Places of temporary hospitalization.

[For text of subds 1 to 3, see M.S.1978]

Subd. 4. The designated agency shall take such reasonable measures, including provision for medical treatment, as may be necessary to assure proper care and treatment of a person temporarily detained pursuant to this section.

[1979 c 324 s 36]

253A.14 Transfer.

Subdivision 1. The commissioner may transfer any patient who is committed by probate court as mentally ill, mentally deficient, or inebriate from one state hospital or institution to any other hospital or other institution under his jurisdiction which is capable of providing such patient proper care and treatment, unless such patient was found by the committing court to be dangerous to the public or to have a psychopathic personality. Whenever a patient is transferred from one hospital to another written notice shall be given to the probate court if the patient was committed under sections 253A.01 to 253A.21, and to his parent or spouse or, if none be known, to an interested person, and the designated agency.

[For text of subd 2, see M.S.1978]

[1979 c 324 s 37]

253A.15 Discharge.

[For text of subds 1 to 5, see M.S.1978]

Subd. 6. Notice of the expiration of the one year period or of the extended period shall be given by the head of the hospital to the committing court, the commissioner, and the designated agency.

[For text of subds 7 to 10, see M.S.1978]

Subd. 11. (a) The head of any hospital, prior to the discharge or provisional discharge of any patient committed as mentally ill, mentally deficient, or inebriate, shall notify the patient's spouse, or if there be none, an adult child, or if there be none, the next of kin of the patient, of the proposed discharge date. The notice shall be sent to the last known address of the patient's next of kin by certified mail with return receipt. Further, the notice shall include the following information: (1) the proposed date of discharge or provisional discharge; (2) the date, time and place of the meeting of the staff, who have been treating the patient, to discuss discharge and discharge planning; (3) that the patient will be present at the meeting; (4) that the next of kin may attend the designated staff meeting and present any information relevant to the discharge of the patient. The notice shall be sent to the next of kin at least one week prior to the date designated for the meeting.

(b) The head of any hospital, upon the provisional discharge, partial hospitalization, or release of any patient hospitalized under sections 253A.01 to 253A.21, shall notify the designated agency before the patient is to leave the hospital. Whenever possible said notice shall be given at least one week before the patient is to leave the hospital. The commissioner shall provide by rule the procedure and methods whereby such patient shall be helped to receive all public assistance benefits provided by state or federal law to which his residence and circumstances entitle him. The rules shall be uniformly applied in all counties, and all counties shall provide temporary relief whenever necessary to meet the intent of this subdivision.

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Subd. 12. Prior to the date of discharge, provisional discharge, partial hospitalization, or release of any patient hospitalized under sections 253A.01 to 253A.21, the designated agency of the county of such patient's residence, in cooperation with the head of the hospital where the patient is hospitalized, and the patient's physician, if notified pursuant to subdivision 13, shall establish a continuing plan of after-care services for such patient including a plan for medical and psychiatric treatment, nursing care, vocational assistance, and such other aid as the patient shall need. It shall be the duty of the designated agency to supervise and assist such patient in finding employment, suitable shelter, and adequate medical and psychiatric treatment, and to aid in his readjustment to the community.

Subd. 13. In establishing such plan for after-care services the designated agency shall engage in consultation with persons or agencies, including any public health nurse and vocational rehabilitation personnel, as is necessary to insure adequate planning for after-care services.

[For text of subds 14 to 17, see M.S.1978]

[1979 c 324 s 38-41]

253A.21 General provisions.

[For text of subds 1 to 4, see M.S.1978]

Subd. 5. The commissioner or any other aggrieved party may appeal to the district court from any order entered under sections 253A.01 to 253A.21 in the manner prescribed in section 487.39.

Upon perfection of the appeal, the return shall be filed forthwith. The district court shall hear the appeal within 20 days after service of the notice of appeal. This appeal shall not suspend the operation of the order appealed from until the appeal is determined, unless otherwise ordered by the district court. Notwithstanding any contrary provision in section 487.39, an appeal may be taken from the determination of a district court judge to the supreme court without leave of the supreme court in cases in which the district court upholds an order committing a person under section 253A.07, subdivision 17, or an order denying a petition under section 253A.19.

[For text of subds 6 to 8, see M.S.1978]

[1979 c 172 s 1]

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254A.03	State authority on alcohol and drug abuse.	254A.12	Affected employees.
254A.031	American Indian programs.	254A.14	Services to youth and other underserved populations.
254A.05	Duties of advisory council.	254A.16	Responsibilities of the commissioner.
254A.07	Comprehensive programs; coordination of local programs.	254A.17	Repealed.

254A.02 Definitions.

[For text of subds 1 to 10, see M.S.1978]

Subd. 11. "American Indian" means a person of one quarter or more Indian blood.

[For text of subds 12 to 17, see M.S.1978]

[1979 c 243 s 3]