

SENATE
STATE OF MINNESOTA
EIGHTY-NINTH SESSION

S.F. No. 1903

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DATE	D-PG	OFFICIAL STATUS
03/19/2015	1050	Introduction and first reading Referred to Health, Human Services and Housing

1.1 A bill for an act
 1.2 relating to civil commitment; requiring a level-of-care assessment for patients
 1.3 being admitted from jail or a correctional institution; amending Minnesota
 1.4 Statutes 2014, section 253B.10, subdivision 1.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2014, section 253B.10, subdivision 1, is amended to read:

1.7 Subdivision 1. **Administrative requirements.** (a) When a person is committed,
 1.8 the court shall issue a warrant or an order committing the patient to the custody of the
 1.9 head of the treatment facility. The warrant or order shall state that the patient meets the
 1.10 statutory criteria for civil commitment.

1.11 (b) The commissioner shall prioritize patients being admitted from jail or a
 1.12 correctional institution who are:

1.13 (1) ordered confined in a state hospital for an examination under Minnesota Rules of
 1.14 Criminal Procedure, rules 20.01, subdivision 4, paragraph (a), and 20.02, subdivision 2;

1.15 (2) under civil commitment for competency treatment and continuing supervision
 1.16 under Minnesota Rules of Criminal Procedure, rule 20.01, subdivision 7;

1.17 (3) found not guilty by reason of mental illness under Minnesota Rules of Criminal
 1.18 Procedure, rule 20.02, subdivision 8, and under civil commitment or are ordered to be
 1.19 detained in a state hospital or other facility pending completion of the civil commitment
 1.20 proceedings; or

1.21 (4) committed under this chapter to the commissioner after dismissal of the patient's
 1.22 criminal charges.

1.23 ~~Patients described in this paragraph must be admitted to a service operated by the~~
 1.24 ~~commissioner within 48 hours.~~ (c) The commissioner must ensure that a level-of-care

2.1 assessment is conducted and based on the assessment, a level-of-care determination is made
2.2 for patients under paragraph (b). The commissioner may delegate authority to conduct
2.3 the level-of-care assessment to a county agency. The assessment must be conducted by a
2.4 licensed mental health professional under section 245.462, subdivision 18, or a licensed
2.5 practitioner under section 245.462, subdivision 17. The level-of-care assessment may be
2.6 incorporated into the prepetition screening under section 253B.07, subdivision 1. Based
2.7 on the level-of-care determinations, if a patient is determined: (1) to need hospital-level
2.8 care, the patient must be admitted to a service operated by the commissioner within 48
2.9 hours of the commissioner's receipt and approval of the level-of-care assessment; and (2)
2.10 to need care other than hospital-level care, the patient must be admitted to a service that
2.11 provides the appropriate level of care including, but not limited to, a service operated
2.12 by or under contract with the commissioner or a county agency within 48 hours of the
2.13 commissioner's receipt and approval of the level-of-care assessment.

2.14 (d) The commitment under this section must be ordered by the court as provided in
2.15 section 253B.09, subdivision 1, paragraph (c).

2.16 (e) (e) Upon the arrival of a patient at the designated treatment facility, the head of
2.17 the facility shall retain the duplicate of the warrant and endorse receipt upon the original
2.18 warrant or acknowledge receipt of the order. The endorsed receipt or acknowledgment
2.19 must be filed in the court of commitment. After arrival, the patient shall be under the
2.20 control and custody of the head of the treatment facility.

2.21 (f) (f) Copies of the petition for commitment, the court's findings of fact and
2.22 conclusions of law, the court order committing the patient, the report of the examiners,
2.23 and the prepetition report shall be provided promptly to the treatment facility.