

## HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 2882

03/10/2014 Authored by Johnson, C.,  
The bill was read for the first time and referred to the Committee on Health and Human Services Policy  
03/19/2014 Adoption of Report: Amended and re-referred to the Committee on Judiciary Finance and Policy  
03/21/2014 Adoption of Report: Placed on the General Register  
Read Second Time

1.1 A bill for an act  
1.2 relating to human services; modifying the administration of neuroleptic  
1.3 medication to persons subject to civil commitment; establishing a pilot program;  
1.4 amending Minnesota Statutes 2012, section 253B.092, subdivision 2.

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

1.6 Section 1. Minnesota Statutes 2012, section 253B.092, subdivision 2, is amended to  
1.7 read:

1.8 Subd. 2. **Administration without judicial review.** Neuroleptic medications may be  
1.9 administered without judicial review in the following circumstances:

1.10 (1) the patient has the capacity to make an informed decision under subdivision 4;

1.11 (2) the patient does not have the present capacity to consent to the administration  
1.12 of neuroleptic medication, but prepared a health care directive under chapter 145C or a  
1.13 declaration under section 253B.03, subdivision 6d, requesting treatment or authorizing an  
1.14 agent or proxy to request treatment, and the agent or proxy has requested the treatment;

1.15 (3) the patient has been prescribed neuroleptic medication but lacks the capacity  
1.16 to consent to the administration of that neuroleptic medication upon admission to the  
1.17 treatment facility; continued administration of the medication is in the patient's best  
1.18 interest; and the patient does not refuse administration of the medication. In this situation,  
1.19 the previously prescribed neuroleptic medication may be continued for up to 14 days  
1.20 while the treating physician:

1.21 (i) is obtaining a substitute decision-maker appointed by the court under subdivision  
1.22 6; or

1.23 (ii) is requesting an amendment to a current court order authorizing administration  
1.24 of neuroleptic medication;

2.1           (4) a substitute decision-maker appointed by the court consents to the administration  
2.2 of the neuroleptic medication and the patient does not refuse administration of the  
2.3 medication; or

2.4           ~~(4)~~ (5) the substitute decision-maker does not consent or the patient is refusing  
2.5 medication, and the patient is in an emergency situation.

2.6           Sec. 2. **PILOT PROGRAM; NOTICE AND INFORMATION TO**  
2.7 **COMMISSIONER OF HUMAN SERVICES REGARDING PATIENTS**  
2.8 **COMMITTED TO COMMISSIONER.**

2.9           The commissioner of human services may create a pilot program that is designed to  
2.10 respond to issues that were raised in the February 2013 Office of the Legislative Auditor  
2.11 report on state-operated services. The pilot program may include no more than three  
2.12 counties to test the efficacy of providing notice and information to the commissioner prior  
2.13 to or when a petition is filed to commit a patient exclusively to the commissioner. The  
2.14 commissioner shall provide a status update to the chairs and ranking minority members of  
2.15 the legislative committees with jurisdiction over civil commitment and human services  
2.16 issues, no later than January 15, 2015.