

A bill for an act
relating to mental health; authorizing placement at a community behavioral health
hospital; amending Minnesota Statutes 2008, section 253B.09, subdivision 1.

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

Section 1. Minnesota Statutes 2008, section 253B.09, subdivision 1, is amended to read:

Subdivision 1. **Standard of proof.** (a) If the court finds by clear and convincing
evidence that the proposed patient is a person who is mentally ill, developmentally
disabled, or chemically dependent and after careful consideration of reasonable alternative
dispositions, including but not limited to, dismissal of petition, voluntary outpatient care,
voluntary admission to a treatment facility, appointment of a guardian or conservator,
or release before commitment as provided for in subdivision 4, it finds that there is no
suitable alternative to judicial commitment, the court shall commit the patient to the
least restrictive treatment program or alternative programs which can meet the patient's
treatment needs consistent with section 253B.03, subdivision 7.

(b) In deciding on the least restrictive program, the court shall consider a range of
treatment alternatives including, but not limited to, community-based nonresidential
treatment, community residential treatment, partial hospitalization, acute care hospital,
and regional treatment center services. The court shall also consider the proposed patient's
treatment preferences and willingness to participate voluntarily in the treatment ordered.
The court may not commit a patient to a facility or program that is not capable of meeting
the patient's needs.

(c) If the commitment as mentally ill, chemically dependent, or developmentally
disabled is to a service facility provided by the commissioner of human services, the

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2.1 court shall order the commitment to the commissioner. The commissioner shall designate
2.2 the placement of the person to the court.

2.3 (d) If the court finds a proposed patient to be a person who is mentally ill under
2.4 section 253B.02, subdivision 13, paragraph (a), clause (2) or (4), the court shall commit
2.5 to a community-based program that meets the proposed patient's needs. For purposes of
2.6 this paragraph, a community-based program may include inpatient mental health services
2.7 at a community hospital, including a community behavioral health hospital operated
2.8 by the commissioner of human services.