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State of Minnesota

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HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 2284

02/27/2023 Authored by Finke
The bill was read for the first time and referred to the Committee on Human Services Policy
03/09/2023 Adoption of Report: Placed on the General Register
Read for the Second Time

1.1 A bill for an act
1.2 relating to human services; modifying provisions regarding Minnesota residents
1.3 admitted to adjacent-state mental health facilities; amending Minnesota Statutes
1.4 2022, section 245.50, subdivision 5.

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

1.6 Section 1. Minnesota Statutes 2022, section 245.50, subdivision 5, is amended to read:

1.7 Subd. 5. Special contracts; bordering states. (a) An individual who is detained,
1.8 committed, or placed on an involuntary basis under chapter 253B may be confined or treated
1.9 in a bordering state pursuant to a contract under this section. An individual who is detained,
1.10 committed, or placed on an involuntary basis under the civil law of a bordering state may
1.11 be confined or treated in Minnesota pursuant to a contract under this section. A peace or
1.12 health officer who is acting under the authority of the sending state may transport an
1.13 individual to a receiving agency that provides services pursuant to a contract under this
1.14 section and may transport the individual back to the sending state under the laws of the
1.15 sending state. Court orders valid under the law of the sending state are granted recognition
1.16 and reciprocity in the receiving state for individuals covered by a contract under this section
1.17 to the extent that the court orders relate to confinement for treatment or care of mental
1.18 illness, chemical dependency, or detoxification. Such treatment or care may address other
1.19 conditions that may be co-occurring with the mental illness or chemical dependency. These
1.20 court orders are not subject to legal challenge in the courts of the receiving state. Individuals
1.21 who are detained, committed, or placed under the law of a sending state and who are
1.22 transferred to a receiving state under this section continue to be in the legal custody of the
1.23 authority responsible for them under the law of the sending state. Except in emergencies,
1.24 those individuals may not be transferred, removed, or furloughed from a receiving agency

2.1 without the specific approval of the authority responsible for them under the law of the  
2.2 sending state.

2.3 (b) While in the receiving state pursuant to a contract under this section, an individual  
2.4 shall be subject to the sending state's laws and rules relating to length of confinement,  
2.5 reexaminations, and extensions of confinement. No individual may be sent to another state  
2.6 pursuant to a contract under this section until the receiving state has enacted a law recognizing  
2.7 the validity and applicability of this section.

2.8 (c) If an individual receiving services pursuant to a contract under this section leaves  
2.9 the receiving agency without permission and the individual is subject to involuntary  
2.10 confinement under the law of the sending state, the receiving agency shall use all reasonable  
2.11 means to return the individual to the receiving agency. The receiving agency shall  
2.12 immediately report the absence to the sending agency. The receiving state has the primary  
2.13 responsibility for, and the authority to direct, the return of these individuals within its borders  
2.14 and is liable for the cost of the action to the extent that it would be liable for costs of its  
2.15 own resident.

2.16 (d) Responsibility for payment for the cost of care remains with the sending agency.

2.17 (e) This subdivision also applies to county contracts under subdivision 2 which include  
2.18 emergency care and treatment provided to a county resident in a bordering state.

2.19 (f) If a Minnesota resident is admitted to a facility in a bordering state under this chapter,  
2.20 ~~a physician, a licensed psychologist who has a doctoral degree in psychology, or an advanced~~  
2.21 ~~practice registered nurse certified in mental health,~~ an individual who is licensed in the  
2.22 bordering state, may act as a court examiner under sections 253B.07, 253B.08, 253B.092,  
2.23 253B.12, and 253B.17 subject to the same requirements and limitations in section 253B.02,  
2.24 ~~subdivision~~ subdivisions 4d and 7. An examiner under section 253B.02, subdivision 7, may  
2.25 initiate an emergency hold under section 253B.051 on a Minnesota resident who is in a  
2.26 hospital that is under contract with a Minnesota governmental entity under this section  
2.27 provided the resident, in the opinion of the examiner, meets the criteria in section 253B.051.

2.28 (g) This section shall apply to detoxification services that are unrelated to treatment  
2.29 whether the services are provided on a voluntary or involuntary basis.