

**SENATE**  
**STATE OF MINNESOTA**  
**NINETY-FIRST SESSION**

**S.F. No. 2400**

(SENATE AUTHORS: HAYDEN, Dziedzic and Klein)

DATE  
03/13/2019

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Introduction and first reading  
Referred to Judiciary and Public Safety Finance and Policy

OFFICIAL STATUS

1.1 A bill for an act

1.2 relating to corrections; authorizing medical director of Department of Corrections

1.3 to make health care decisions for certain inmates lacking decision-making capacity

1.4 and placed in an outside facility on conditional medical release; amending

1.5 Minnesota Statutes 2018, section 241.75, subdivision 2.

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

1.7 Section 1. Minnesota Statutes 2018, section 241.75, subdivision 2, is amended to read:

1.8 Subd. 2. **Health care decisions.** The medical director of the Department of Corrections

1.9 may make a health care decision for an inmate incarcerated in a state correctional facility

1.10 or placed in an outside facility on conditional medical release if the inmate's attending

1.11 physician determines that the inmate lacks decision-making capacity and:

1.12 (1) there is not a documented health care agent designated by the inmate or the health

1.13 care agent is not reasonably available to make the health care decision;

1.14 (2) if there is a documented health care directive, the decision is consistent with that

1.15 directive;

1.16 (3) the decision is consistent with reasonable medical practice and other applicable law;

1.17 and

1.18 (4) the medical director has made a good faith attempt to consult with the inmate's next

1.19 of kin or emergency contact person in making the decision, to the extent those persons are

1.20 reasonably available.