

SENATE

STATE OF MINNESOTA

EIGHTY-EIGHTH SESSION

S.F. No. 2733

(SENATE AUTHORS: EATON)

DATE	D-PG	OFFICIAL STATUS
03/17/2014	6283	Introduction and first reading Referred to Health, Human Services and Housing
03/20/2014	6397a	Comm report: To pass as amended and re-refer to Judiciary
03/26/2014	6848a	Comm report: To pass as amended
	6864	Second reading

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

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

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

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

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

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

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

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

(ii) is requesting an amendment to a current court order authorizing administration
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 raised in the February 2013 Office of the Legislative Auditor report on
2.11 state-operated services. The pilot program may include no more than three counties to
2.12 test the efficacy of providing notice and information to the commissioner when a petition
2.13 is filed to commit a patient exclusively to the commissioner. The commissioner shall
2.14 provide a status update to the chairs and ranking minority members of the legislative
2.15 committees with jurisdiction over civil commitment and human services issues, no later
2.16 than January 15, 2015.