

hospital. The board may examine the records of all patients admitted and may examine personally at its own instigation all patients who from the records or otherwise appear to justify reasonable doubt as to continued need of confinement in a mental hospital. The board shall report its findings to the commissioner. The board may also receive reports from patients and interested persons, including but not limited to hospital employees, on conditions affecting the humane and dignified care of patients and the board may examine the circumstances thereof in the manner described in this subdivision.

Sec. 2. Minnesota Statutes 1971, Section 253A.17, is amended by adding a subdivision to read:

Subd. 9. Every person hospitalized or otherwise receiving services under this act shall be entitled to receive proper care and treatment, best adapted, according to contemporary professional standards, to rendering further custody, institutionalization, or other services unnecessary. To this end the head of the hospital shall devise or cause to be devised for each person so hospitalized a written program plan which shall describe in behavioral terms the case problems, and the precise goals, including the expected period of time for hospitalization, and the specific measures to be employed in the solution or easement of said problems. Each plan shall be reviewed at not less than quarterly intervals to determine progress toward the goals, and to modify the program plan as necessary. The program plan shall be devised and reviewed in each instance with the appropriate county welfare department, and with the patient. The hospital record shall attest to the program plan review. If the county welfare department or the patient does not so participate in the planning and review, the hospital record shall include reasons for non-participation and the plans for future involvement.

The department of public welfare shall monitor the aforementioned program plan and review process to insure compliance with the provisions of this subdivision.

Approved May 23, 1973.

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## CHAPTER 553—S.F.No.672

[Coded]

*An act relating to corrections; establishing an office of ombudsman; definitions; granting the ombudsman certain enforce-*

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*ment powers of investigation, action on complaints, publication of opinions and recommendations; amending Minnesota Statutes 1971, Chapter 241, by adding sections.*

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1971, Chapter 241, is amended by adding a section to read:

**[241.407] CORRECTIONS; OFFICE OF OMBUDSMAN; CREATION; QUALIFICATIONS; FUNCTION.** The office of ombudsman for the Minnesota state department of corrections is hereby created. The ombudsman shall serve at the pleasure of the governor in the unclassified service, shall be selected without regard to political affiliation, and shall be a person highly competent and qualified to analyze questions of law, administration, and public policy. No person may serve as ombudsman while holding any other public office. The ombudsman for the department of corrections shall be accountable to the governor and shall have the authority to investigate decisions, acts, and other matters of the department of corrections so as to promote the highest attainable standards of competence, efficiency, and justice in the administration of corrections.

Sec. 2. Minnesota Statutes 1971, Chapter 241, is amended by adding a section to read:

**[241.42] DEFINITIONS. Subdivision 1.** For the purposes of this act, the following terms shall have the meanings here given them.

Subd. 2. "Administrative agency" or "agency" means any division, official, or employee of the Minnesota department of corrections, the youth conservation commission, the adult corrections commission and the board of pardons, but does not include:

(a) any court or judge;

(b) any member of the senate or house of representatives of the state of Minnesota;

(c) the governor or his personal staff;

(d) any instrumentality of the federal government of the United States;

(e) any political subdivision of the state of Minnesota;

(f) any interstate compact.

Subd. 3. "Commission" means the ombudsman commission.

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Subd. 4. "Correctional client" means any person under the jurisdiction of the Minnesota department of corrections, and includes all persons in state correctional institutions and all persons on parole or probation under the supervision of the commissioner of corrections, the youth conservation commission or the adult corrections commission.

Sec. 3. Minnesota Statutes 1971, Chapter 241, is amended by adding a section to read:

**[241.43] ORGANIZATION OF OFFICE OF OMBUDSMAN.**  
Subdivision 1. The ombudsman may select, appoint, and compensate out of available funds such assistants and employees as he may deem necessary to discharge his responsibilities. All employees, except the secretarial and clerical staff, shall serve at the pleasure of the ombudsman in the unclassified service. The ombudsman and his full-time staff shall be members of the Minnesota state retirement association.

Subd. 2. The ombudsman shall designate one of his assistants to be the deputy ombudsman.

Subd. 3. The ombudsman may delegate to members of his staff any of his authority or duties except the duty of formally making recommendations to an administrative agency or reports to the office of the governor, or to the legislature.

Sec. 4. Minnesota Statutes 1971, Chapter 241, is amended by adding a section to read:

**[241.44] POWERS OF OMBUDSMAN; INVESTIGATIONS; ACTION ON COMPLAINTS; RECOMMENDATIONS.** Subdivision 1. POWERS. The ombudsman shall have the following powers:

(a) He may prescribe the methods by which complaints are to be made, reviewed, and acted upon; provided, however, that he may not levy a complaint fee;

(b) He may determine the scope and manner of investigations to be made;

(c) Except as otherwise provided, he may determine the form, frequency, and distribution of his conclusions, recommendations, and proposals; provided, however, that the governor or his representative may, at any time the governor deems it necessary, request and receive information from the ombudsman;

(d) He may investigate, upon a complaint in writing or upon his own initiative, any action of an administrative agency;

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(e) He may request and shall be given access to information in the possession of an administrative agency which he deems necessary for the discharge of his responsibilities;

(f) He may examine the records and documents of an administrative agency;

(g) He may enter and inspect, at any time, premises within the control of an administrative agency;

(h) He may order any person to appear, give testimony, or produce documentary or other evidence which the ombudsman deems relevant to a matter under his inquiry; provided, however, that any witness at a hearing or before an investigation as herein provided, shall possess the same privileges reserved to such a witness in the courts or under the laws of this state;

(i) The ombudsman may bring an action in an appropriate state court to provide the operation of the powers provided in this subdivision. The ombudsman may use the services of legal assistance to Minnesota prisoners for legal counsel. The provisions of this act are in addition to other provisions of law under which any remedy or right of appeal or objection is provided for any person, or any procedure provided for inquiry or investigation concerning any matter. Nothing in this act shall be construed to limit or affect any other remedy or right of appeal or objection nor shall it be deemed part of an exclusionary process.

#### Subd. 2. MATTERS APPROPRIATE FOR INVESTIGATION.

(a) In selecting matters for his attention, the ombudsman should address himself particularly to actions of an administrative agency which might be:

(1) contrary to law or regulation;

(2) unreasonable, unfair, oppressive, or inconsistent with any policy or judgment of an administrative agency;

(3) mistaken in law or arbitrary in the ascertainment of facts;

(4) unclear or inadequately explained when reasons should have been revealed;

(5) inefficiently performed;

(b) The ombudsman may also concern himself with strengthening procedures and practices which lessen the risk that objectionable actions of the administrative agency will occur.

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Subd. 3. COMPLAINTS. The ombudsman may receive a complaint from any source concerning an action of an administrative agency. He may, on his own motion or at the request of another, investigate any action of an administrative agency.

The ombudsman may exercise his powers without regard to the finality of any action of an administrative agency; however, he may require a complainant to pursue other remedies or channels of complaint open to the complainant before accepting or investigating the complaint.

After completing his investigation of a complaint, the ombudsman shall inform the complainant, the administrative agency, and the official or employee, of the action taken.

A letter to the ombudsman from a person in an institution under the control of an administrative agency shall be forwarded immediately and unopened to the ombudsman's office.

Subd. 4. RECOMMENDATIONS. (a) If, after duly considering a complaint and whatever material he deems pertinent, the ombudsman is of the opinion that the complaint is valid, he may recommend that an administrative agency should:

- (1) consider the matter further;
- (2) modify or cancel its actions;
- (3) alter a regulation or ruling;
- (4) explain more fully the action in question; or
- (5) take any other step which the ombudsman states as his recommendation to the administrative agency involved.

If the ombudsman so requests, the agency shall within the time he specifies, inform the ombudsman about the action taken on his recommendation or the reasons for not complying with it.

(b) If the ombudsman has reason to believe that any public official or employee has acted in a manner warranting criminal or disciplinary proceedings, he may refer the matter to the appropriate authorities.

(c) If the ombudsman believes that an action upon which a valid complaint is founded has been dictated by a statute, and that the statute produces results or effects which are unfair or otherwise objectionable, the ombudsman shall bring to the attention of the governor and the legislature his view concerning desirable statutory change.

Sec. 5. Minnesota Statutes 1971, Chapter 241, is amended by adding a section to read:

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**[241.45] PUBLICATION OF RECOMMENDATIONS; REPORTS.** Subdivision 1. The ombudsman may publish his conclusions and suggestions by transmitting them to the office of the governor. Before announcing a conclusion or recommendation that expressly or impliedly criticizes an administrative agency, or any person, the ombudsman shall consult with that agency or person. When publishing an opinion adverse to an administrative agency, or any person, the ombudsman shall include in such publication any statement of reasonable length made to him by that agency or person in defense or mitigation of the action.

Subd. 2. In addition to whatever reports the ombudsman may make on an ad hoc basis, the ombudsman shall at the end of each year report to the governor concerning the exercise of his functions during the preceding year.

Sec. 6. This act is effective July 1, 1973.

Sec. 7. **EXPIRATION DATE.** This act shall expire July 1, 1977.

Approved May 23, 1973.

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## CHAPTER 554—S.F.No.678

[Coded]

*An act relating to insurance, motor vehicles; prohibiting certain family policy premium increases for families with a handicapped member.*

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **[65B.131] INSURANCE; MOTOR VEHICLES; FAMILY POLICIES; HANDICAPPED PERSONS; RESTRICTIONS ON PREMIUM INCREASES.** No person, authorized under the laws of this state to sell and provide automobile insurance as defined by the commissioner, and providing such insurance under any policy covering all the members of any family who are of the age and licensed to drive those motor vehicles which are owned, leased or regularly operated by such family members shall require, demand or receive any increase in premium payment for such insurance coverage solely on the basis that a handicapped member of that family has attained the age for the lawful operation of a motor vehicle on the roadways of this state if such handicapped member of the family

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