

CHAPTER 272 — S.F.No. 337

An act relating to drivers' licenses; requiring licenses of a distinguishing color for persons under 19 years of age; amending Minnesota Statutes 1982, section 171.07, subdivision 1.

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

Section 1. Minnesota Statutes 1982, section 171.07, subdivision 1, is amended to read:

Subdivision 1. **LICENSE; CONTENTS.** The department shall, upon the payment of the required fee, issue to every applicant qualifying therefor a license designating the type or class of vehicles he is authorized to drive as applied for, which license shall bear thereon a distinguishing number assigned to the licensee, the full name, date of birth, residence address and permanent mailing address if different, a description of the licensee in such manner as the commissioner deems necessary, and a space upon which the licensee shall write his usual signature and his or her date of birth with pen and ink. No license shall be valid until it has been so signed by the licensee. Except in the case of an instruction permit, every license shall bear thereon a colored photograph of the licensee. Every license issued to an applicant under the age of ~~18~~ 19 shall be of a distinguishing color and plainly marked "provisional." The department shall use such process or processes in the issuance of licenses that prohibits as near as possible, the ability to alter or reproduce the licenses, or prohibit the ability to superimpose a photo on such licenses without ready detection. A license issued to an applicant of age 65 or over shall be plainly marked "senior" if requested by the applicant.

Sec. 2. **EXTENSION OF EXISTING PROVISIONAL LICENSES.**

Provisional licenses issued before the effective date of this act will remain valid until the licensee reaches the age of 19.

Sec. 3. **EFFECTIVE DATE.**

Section 1 is effective August 1, 1983 and applies to drivers' licenses issued on or after that date.

Approved June 6, 1983

CHAPTER 273 — S.F.No. 398

An act relating to vulnerable adults; refining the Vulnerable Adults Reporting Act; specifying reporting requirements; specifying access to reports; preventing record destruction; amending Minnesota Statutes 1982, section 626.557, subdivisions 2, 3, 4, 10, 12, 14, and by adding a subdivision; repealing Minnesota Statutes 1982, section 626.557, subdivision 12a.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

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

Section 1. Minnesota Statutes 1982, section 626.557, subdivision 2, is amended to read:

Subd. 2. **DEFINITIONS.** As used in this section, the following terms have the meanings given them unless the specific context indicates otherwise.

(a) "Facility" means a hospital or other entity required to be licensed pursuant to sections 144.50 to 144.58; a nursing home required to be licensed to serve adults pursuant to section 144A.02; an agency, day care facility, or residential facility required to be licensed to serve adults pursuant to sections 245.781 to 245.812; a mental health program receiving funds pursuant to section 245.61; or any entity required to be a home health agency certified for participation in Titles XVIII or XIX of the Social Security Act, 42 U.S.C. United States Code, title 42, sections 1395 et seq.

(b) "Vulnerable adult" means any person 18 years of age or older:

(1) Who is a resident or ~~patient~~ inpatient of a facility;

(2) Who receives services at or from a facility required to be licensed to serve adults pursuant to sections 245.781 to 245.812, except a person receiving outpatient services for treatment of chemical dependency or mental illness; or

(3) Who receives services from a home health agency certified for participation under Titles XVIII or XIX of the Social Security Act, United States Code, title 42, sections 1395 et seq and 1396 et seq; or

(4) Who, regardless of residence or type of service received, is unable or unlikely to report abuse or neglect without assistance because of impairment of mental or physical function or emotional status.

(c) "Caretaker" means an individual or facility who has responsibility for the care of a vulnerable adult as a result of family relationship, or who has assumed responsibility for all or a portion of the care of a vulnerable adult voluntarily, or by contract, or agreement.

(d) "Abuse" means:

(1) Any act which constitutes a violation ~~of~~ under sections 609.221 to 609.235, 609.322, 609.342, 609.343, 609.344, or 609.345; or

(2) The intentional and nontherapeutic infliction of physical pain or injury, or any persistent course of conduct intended to produce mental or emotional distress.

(e) "Neglect" means:

(1) Failure by a caretaker to supply the vulnerable adult with necessary food, clothing, shelter, health care or supervision; or

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(2) The absence or likelihood of absence of necessary food, clothing, shelter, health care, or supervision for a vulnerable adult.

(f) "Report" means any report received by the local welfare agency, police department, county sheriff, or licensing agency pursuant to this section.

(g) "Licensing agency" means:

(1) The commissioner of health, for facilities as defined in clause (a) which are required to be licensed or certified by the department of health;

(2) The commissioner of public welfare, for facilities required by sections 245.781 to 245.813 to be licensed;

(3) Any licensing board which regulates persons pursuant to section 214.01, subdivision 2; and

(4) Any agency responsible for credentialing human services occupations.

Sec. 2. Minnesota Statutes 1982, section 626.557, subdivision 3, is amended to read:

Subd. 3. **PERSONS MANDATED TO REPORT.** A professional or his delegate who is engaged in the care of vulnerable adults, education, social services, law enforcement, or any of the regulated occupations referenced in subdivision 2, clause (g)(3) and (4), or an employee of a rehabilitation facility certified by the commissioner of economic security for vocational rehabilitation, or an employee of or person providing services in a facility who has knowledge of the abuse or neglect of a vulnerable adult, has reasonable cause to believe that a vulnerable adult is being or has been abused or neglected, or who has knowledge that a vulnerable adult has sustained a physical injury which is not reasonably explained by the history of injuries provided by the caretaker or caretakers of the vulnerable adult shall immediately report the information to the local police department, county sheriff, local welfare agency, or appropriate licensing or certifying agency. The police department or the county sheriff, upon receiving a report, shall immediately notify the local welfare agency. The local welfare agency, upon receiving a report, shall immediately notify the local police department or the county sheriff and the appropriate licensing agency or agencies.

A person not required to report under the provisions of this subdivision may voluntarily report as described above. Medical examiners or coroners shall notify the police department or county sheriff and the local welfare department in instances in which they believe that a vulnerable adult has died as a result of abuse or neglect.

Nothing in this subdivision shall be construed to require the reporting or transmittal of information regarding an incident of abuse or neglect or suspected

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abuse or neglect if the incident has been reported or transmitted to the appropriate person or entity.

Sec. 3. Minnesota Statutes 1982, section 626.557, is amended by adding a subdivision to read:

Subd. 3a. REPORT NOT REQUIRED. (a) Where federal law specifically prohibits a person from disclosing patient identifying information in connection with a report of suspected abuse or neglect under this act, that person need not make a required report unless the vulnerable adult, or his guardian, conservator, or legal representative, has consented to disclosure in a manner which conforms to federal requirements. Facilities whose patients or residents are covered by such a federal law shall seek consent to the disclosure or suspected abuse or neglect from each patient or resident, or his guardian, conservator, or legal representative, upon his admission to the facility. Persons who are prohibited by federal law from reporting an incident of suspected abuse or neglect shall promptly seek consent to make a report.

(b) Except as defined in subdivision 2, paragraph (d), clause (1), verbal or physical aggression occurring between patients, residents, or clients of a facility, or self-abusive behavior of these persons does not constitute "abuse" for the purposes of subdivision 3 unless it causes serious harm. The operator of the facility or a designee shall record incidents of aggression and self-abusive behavior in a manner that facilitates periodic review by licensing agencies and county and local welfare agencies.

Sec. 4. Minnesota Statutes 1982, section 626.557, subdivision 4, is amended to read:

Subd. 4. REPORT. A person required to report under subdivision 3 shall make an oral report immediately by telephone or otherwise. A person required to report under subdivision 3 shall also make a report as soon as possible in writing to the appropriate police department, the county sheriff, local welfare agency, or appropriate licensing agency. The written report shall be of sufficient content to identify the vulnerable adult, the caretaker, the nature and extent of the suspected abuse or neglect, any evidence of previous abuse or neglect, name and address of the reporter, and any other information that the reporter believes might be helpful in investigating the suspected abuse or neglect. Written reports received by a police department or a county sheriff shall be forwarded immediately to the local welfare agency. The police department or the county sheriff may keep copies of reports received by them. Copies of written reports received by a local welfare department shall be forwarded immediately to the local police department or the county sheriff and the appropriate licensing agency or agencies.

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Unless the local welfare agency has notified a licensing agency, records maintained by local welfare agencies, local police departments, or county sheriffs under this section shall be destroyed as follows:

(a) All records relating to reports which, upon investigation, are found to be false shall be destroyed, but only after notice of intent to destroy has been mailed to the alleged abuser. At that party's request the records shall be maintained as confidential. The request must be mailed within 30 days of the mailing date of the original notice or the records will be destroyed;

(b) All records relating to reports which, upon investigation, are found to be substantiated shall be destroyed seven years after the date of the final entry in the case record; and

(c) All records of reports which, upon initial investigation, cannot be substantiated or disproved to the satisfaction of the local welfare agency, local police department or county sheriff shall be kept for a period of two years. If the local welfare agency, local police department or county sheriff is unable to substantiate the report within that period, each agency unable to substantiate the report shall destroy its records relating to the report.

If a licensing agency has been notified, records maintained by local welfare agencies, local police departments, or county sheriffs shall be destroyed upon receiving notice of record destruction from all licensing agencies notified about the report.

Sec. 5. Minnesota Statutes 1982, section 626.557, subdivision 10, is amended to read:

Subd. 10. **DUTIES OF LOCAL WELFARE AGENCY UPON A RECEIPT OF A REPORT.** (a) The local welfare agency shall immediately investigate and offer emergency and continuing protective social services for purposes of preventing further abuse or neglect and for safeguarding and enhancing the welfare of the abused or neglected vulnerable adult. Local welfare agencies ~~shall~~ have the right to may enter facilities and inspect and copy records as part of investigations. In cases of suspected sexual abuse, the local welfare agency shall immediately arrange for and make available to the victim appropriate medical examination and treatment. The investigation shall not be limited to the written records of the facility, but shall include every other available source of information. When necessary in order to protect the vulnerable adult from further harm, the local welfare agency shall seek authority to remove the vulnerable adult from the caretaker in whose care situation in which the neglect or abuse occurred. The local welfare agency shall also investigate to determine whether the conditions which resulted in the reported abuse or neglect place other vulnerable adults in jeopardy of being abused or neglected and offer protective social services that are called for by its determination. In performing any of these duties, the local welfare agency shall maintain appropriate records.

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(b) If the report indicates, or if the local welfare agency finds that the suspected abuse or neglect occurred at a facility, or while the vulnerable adult was or should have been under the care of or receiving services from a facility, or that the suspected abuse or neglect involved a person licensed by a licensing agency to provide care or services, the local welfare agency shall immediately notify the appropriate licensing agency or agencies, and provide the licensing agency with a copy of the report and of its investigative findings.

Sec. 6. Minnesota Statutes 1982, section 626.557, subdivision 12, is amended to read:

Subd. 12. **RECORDS.** Each licensing agency shall maintain summary records of reports of suspected abuse or neglect and suspected violations of the requirements of this section with respect to facilities or persons licensed or credentialed by that agency. These records shall state As part of these records, the agency shall prepare an investigation memorandum. The investigation memorandum shall be accessible to the public pursuant to section 13.03. It shall contain a complete review of the agency's investigation, including but not limited to the facility's name, if any, a statement of the nature of the suspected abuse or neglect or violation of the requirements of this section and the results of the agency's investigation, pertinent information obtained from medical or other records reviewed, the investigator's name, a summary of the investigation's findings, and a statement of any determination made or action taken by the agency. These records, which The investigation memorandum shall not contain the name be written in a manner which protects the identity of the person making the report or reporter and of the vulnerable adult, shall be public and may not contain the name or, to the extent possible, the identity of the alleged perpetrator or of those interviewed during the investigation. During the licensing agency's investigation, all other records maintained data collected pursuant to this section shall be private data on individuals, except that the records classified as investigative data pursuant to section 13.39. After the licensing agency's investigation is complete, the data on individuals collected and maintained shall be private data on individuals. All data collected pursuant to this section shall be made available to a prosecuting authority authorities and law enforcement officials, local welfare agencies, and other licensing agencies in investigating the alleged abuse or neglect. The records shall be collected and maintained in accordance with the provisions of chapter 13, and an individual subject of a record shall have access to the record in accordance with those sections, except that Notwithstanding any law to the contrary, the name of the reporter shall be disclosed only upon a finding by the court that the report was false and made in bad faith.

Records maintained by licensing agencies under this section shall be destroyed as follows:

(a) All records relating to reports which, upon investigation, the licensing agency finds to be false shall be destroyed in accordance with provisions of subdivision 4, clause (a);

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(b) All records relating to reports which, upon investigation, the licensing agency finds are substantiated shall be destroyed seven years after the date of the final entry in the case record; and

(c) All records of reports which, upon initial investigation, cannot be substantiated or disproved to the satisfaction of the licensing agency shall be kept for two years. If the licensing agency is unable to substantiate the report within that period, the agency shall destroy the records. The licensing agency shall notify the appropriate local welfare agency, local police department, or county sheriff of the agency's destruction of records relating to reports made pursuant to this section and the reasons for the destruction.

Notwithstanding the provisions of section 138.163:

(1) All data maintained by licensing agencies, treatment facilities, or other public agencies which relate to reports which, upon investigation, the licensing agency finds to be false may be destroyed two years after the finding was made;

(2) All data maintained by licensing agencies, treatment facilities, or other public agencies which relate to reports which, upon investigation, the licensing agency finds to be unsubstantiated may be destroyed four years after the finding was made;

(3) All data maintained by licensing agencies, treatment facilities, or other public agencies which relate to reports which, upon investigation, the licensing agency finds to be substantiated may be destroyed seven years after the finding was made.

Sec. 7. Minnesota Statutes 1982, section 626.557, subdivision 14, is amended to read:

Subd. 14. **ABUSE PREVENTION PLANS.** (a) Each facility, except home health agencies, shall establish and enforce an ongoing written abuse prevention plan. The plan shall contain an assessment of the physical plant, its environment, and its population identifying factors which may encourage or permit abuse, and a statement of specific measures to be taken to minimize the risk of abuse. The plan shall comply with any rules governing the plan as are promulgated by the licensing agency.

(b) Each facility shall develop an individual abuse prevention plan for each vulnerable adult residing there. Facilities designated in subdivision 2, clause (b)(2) or clause (b)(3) shall develop plans for any vulnerable adults receiving services from them. The plan shall contain an individualized assessment of the person's susceptibility to abuse, and a statement of the specific measures to be taken to minimize the risk of abuse to that person. For the purposes of this clause, the term "abuse" includes self-abuse.

Sec. 8. **REPEALER.**

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Minnesota Statutes 1982, section 626.557, subdivision 12a is repealed.

Approved June 6, 1983

CHAPTER 274 — S.F.No. 412

An act relating to corrections; providing for the supervision and control of parolees and persons on supervised release by the commissioner of corrections; removing the limitation on contracts for temporary detention of pre-trial detainees; transferring functions and powers of the corrections board to the commissioner of corrections; providing for reimbursement of foster care costs for delinquent juveniles; adjusting the duration of certain sentences; defining second or subsequent violation or offense; providing for administration of Ramsey county corrections services; amending Minnesota Statutes 1982, sections 241.26, subdivisions 1, 3, and 4; 243.05; 243.51, subdivision 3; 244.04, subdivision 1; 244.05; 244.06; 244.065; 244.09, subdivision 11; 260.251, subdivision 1a; 383A.28, subdivision 2; 609.02, by adding a subdivision; 609.11, subdivision 6; Laws 1923, chapter 289, sections 1, as amended; and 2, as amended; proposing new law coded in chapter 383A; repealing Minnesota Statutes 1982, sections 241.045; 243.07; 243.09; 243.10; 243.12; and 243.14.

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

Section 1. Minnesota Statutes 1982, section 241.26, subdivision 1, is amended to read:

Subdivision 1. **BOARD COMMISSIONER.** When consistent with the public interest and the public safety, the ~~board may, with the recommendation of the commissioner, of corrections~~ may conditionally release an inmate who is eligible and being considered for parole under section 243.05, to work at paid employment, seek employment, or participate in a vocational training or educational program. Release under this subdivision constitutes an extension of the limits of confinement and each inmate so released shall be confined in the institution from which released or in some other suitable place of confinement designated by the commissioner of corrections during the hours he is not employed, seeking employment, or engaged in a vocational training or educational program, or, if employed, seeking employment, or engaged in a vocational training or educational program, between the hours of such activity. A reasonable allowance for travel time and meals shall be permitted.

Sec. 2. Minnesota Statutes 1982, section 241.26, subdivision 3, is amended to read:

Subd. 3. **RULES.** The commissioner of corrections shall, ~~upon consultation with the corrections board,~~ establish rules for the placement and supervision of such inmates and for the administration of the programs authorized by this

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