

9050.0230 ENFORCEMENT OF FINAL DISCHARGE ORDER.

A final discharge order is the order issued by the commissioner of veterans affairs following review of the administrator's discharge order under Minnesota Statutes, chapter 14, or the discharge order issued by the administrator of a facility operated by the commissioner of veterans affairs if no review was requested. A final discharge order is the final agency decision. When a resident refuses to comply with the terms of a final discharge order issued following review under Minnesota Statutes, chapter 14, and the final agency decision, the administrator may seek enforcement of the final discharge order by applying to the district court for an order enforcing the discharge order. Pursuant to Minnesota Statutes, section 198.045, the district court may order the sheriff of the county in which the facility operated by the commissioner of veterans affairs is located to remove the resident from the facility operated by the commissioner of veterans affairs and authorize the administrator to remove the resident's property and hold it until it can be returned to the former resident. Upon issuance of the court order, the procedures in part 9050.0210 regarding voluntary discharge must be followed, to the extent possible, to effect the discharge.

Statutory Authority: *MS s 198.003*

History: *14 SR 2355; 20 SR 2095; 28 SR 1251; L 2008 c 297 art 2 s 29*

Published Electronically: *October 15, 2008*