

**9515.0700 HEARINGS.**

Subpart 1. **Judicial authorization required.** If a court order is required to authorize electroconvulsive therapy, the state facility's medical director or the director's designee shall petition the district court in the county of commitment for an order authorizing the treatment. If the patient has a court-appointed guardian or conservator, the medical director shall ask the guardian or conservator to seek authority to consent to electroconvulsive therapy in the district court in which the guardianship or conservatorship was established. When necessary and appropriate for the patient's welfare, the petition may be filed in the county where the patient is present.

Subp. 2. **Contents of petition.** The petition shall state that consent is requested to administer electroconvulsive therapy, describe its purpose, recite the risks and effects of the procedure, and recite the findings of the medical director and treating physician as provided in parts 9515.0500 and 9515.0600.

The petition may request the appointment of a guardian ad litem to represent the patient's interests.

Subp. 3. **Copy of petition for agency.** A copy of the petition shall be supplied to the designated agency in the county of financial responsibility in advance of the hearing.

Subp. 4. **County attorney.** The medical director shall seek representation from the county attorney of the county in which the hearing is held. In the event the county attorney is unable to provide such representation, the medical director shall seek legal representation through the Department of Human Services.

Subp. 5. **Cost of hearing.** The cost of such hearings shall be met by the county financially responsible for the patient as specified by Minnesota Statutes, section 256D.18, subdivision 2.

**Statutory Authority:** *MS s 246.01*

**History:** *L 1984 c 654 art 5 s 58; 17 SR 1279; 25 SR 1313*

**Published Electronically:** *February 2, 2005*