

9525.3015 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of parts 9525.3010 to 9525.3100, the following terms have the meanings given to them in this part.

Subp. 2. **Aversive procedure.** "Aversive procedure" has the meaning given it in part 9525.2710, subpart 4.

Subp. 3. **Best interest.** "Best interest" means the principle of decision making that weighs the desires and objectives of the ward and the benefits and harms to the ward of a particular act or course of action, based on reasonable alternatives, and selects the alternative that provides the most benefit and least harm.

Subp. 4. **Biomedical ethics committee.** "Biomedical ethics committee" means a multidisciplinary group established by a health care institution to address ethical dilemmas which arise within the institution.

Subp. 5. **Case management.** "Case management" means the administration and services provided under Minnesota Statutes, section 256B.092.

Subp. 6. **Case manager.** "Case manager" has the meaning given it in part 9525.0004, subpart 4.

Subp. 7. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Department of Human Services or the commissioner's designated representative.

Subp. 8. **Conservatee.** "Conservatee" means a person with a developmental disability for whom the court has appointed a public conservator.

Subp. 9. [Repealed, 18 SR 2244]

Subp. 10. **County of guardianship responsibility.** "County of guardianship responsibility" means the county social services agency in the county in which guardianship has been established by the court.

Subp. 11. **County staff acting as public guardian.** "County staff acting as public guardian" means the person designated by the county board to exercise public guardianship responsibilities delegated to the local agency.

Subp. 12. **Department.** "Department" means the Minnesota Department of Human Services.

Subp. 13. **Deprivation procedure.** "Deprivation procedure" has the meaning given it in part 9525.2710, subpart 12.

Subp. 14. **Do not resuscitate.** "Do not resuscitate" means a physician's order placed in the ward's medical chart to withhold cardiopulmonary resuscitation (CPR) in the event of cardiopulmonary arrest.

Subp. 15. **Electroconvulsive therapy or electroshock therapy.** "Electroconvulsive therapy" or "electroshock therapy" means a treatment by which a medically controlled seizure is produced by passing an electric current across part of the brain.

Subp. 16. **Experimental treatment.** "Experimental treatment" means drugs, therapies, or treatments that are unproven, have been confined largely to laboratory use, or have progressed to limited human application and trials, and lack wide recognition from the scientific community as a proven and effective measure of treatment.

Subp. 17. **Individual service plan.** "Individual service plan" means the written plan, developed by the service planning team, containing the components listed in Minnesota Statutes, section 256B.092.

Subp. 18. **Informed consent.** "Informed consent" means the principle that the consent is valid only if the person giving consent understands the nature of the treatment, the benefits, the risk of harm to the ward, the alternatives, and can give a reason for selecting a particular alternative. Informed consent requires that the person giving consent:

- A. is able to receive and assimilate relevant information;
- B. has the capacity to make reasoned decisions based upon relevant information;
- C. is giving consent voluntarily and without coercion;
- D. understands the nature of the diagnosis, the prognosis, and the current clinical condition; and
- E. understands the risk of harm to the ward and the benefits of all treatment alternatives, including risks and benefits of no treatment.

Subp. 19. **Least restrictive alternative.** "Least restrictive alternative" means the alternative that is the least intrusive and most normalized given the level of supervision and protection required for each individual ward. This level of supervision and protection allows risk taking to the extent that there is no reasonable likelihood that serious harm will happen to the ward or others.

Subp. 20. **Licensed physician.** "Licensed physician" means a person defined in Minnesota Statutes, section 252A.02, subdivision 5.

Subp. 21. **Local agency.** "Local agency" means the county of guardianship responsibility or the supervising agency.

Subp. 22. **Near relative.** "Near relative" means a spouse, parent, adult sibling, or adult child as defined in Minnesota Statutes, section 252A.02, subdivision 6.

Subp. 23. **Person with developmental disability.** "Person with developmental disability" has the meaning given it in part 9525.0016, subpart 2.

Subp. 24. **Psychotropic medication.** "Psychotropic medication" means a medication prescribed to treat mental illness and associated behaviors or to control or alter behavior. The major classes of psychotropic medications include:

- A. antipsychotic (neuroleptic);
- B. antidepressant;
- C. antianxiety;
- D. antimania;
- E. stimulant;
- F. sedative-hypnotic; and
- G. other medications prescribed for the purpose of controlling mood, mental status, or behavior.

Subp. 25. **Public conservator.** "Public conservator" means the department staff acting as public conservator or the county staff acting as public conservator when exercising some, but not all the powers designated in Minnesota Statutes, section 252A.111.

Subp. 26. **Public guardian.** "Public guardian" means the department staff acting as public guardian or the county staff acting as public guardian when exercising all of the powers designated in Minnesota Statutes, section 252A.111.

Subp. 27. **Regional center or regional treatment center.** "Regional center" or "regional treatment center" means a state-operated facility for persons with mental illness, developmental disability, or chemical dependency that is under direct administrative authority of the commissioner.

Subp. 28. **Research.** "Research," as defined in Code of Federal Regulations, title 45, section 46.102(d), means a systematic investigation designed to develop or contribute to generalized knowledge.

Subp. 29. **Residential program.** "Residential program" has the meaning given it in Minnesota Statutes, section 245A.02, subdivision 14.

Subp. 30. **State facility.** "State facility" has the meaning given it in Minnesota Statutes, section 246.50, subdivision 3. State facility includes state-operated community-based services.

Subp. 31. **Sterilization.** "Sterilization" means any medical procedure, treatment, or operation performed for the purpose of rendering a person permanently incapable of reproducing.

Subp. 32. **Supervising agency.** "Supervising agency" means the local agency that, upon agreement with the county of guardianship responsibility, fulfills designated guardianship responsibilities.

Subp. 33. **Terminal condition.** "Terminal condition" means an incurable or irreversible condition that is expected to result in death and for which the administration of medical treatment will serve only to prolong the dying process.

Subp. 34. **Ward.** "Ward" means a person with a developmental disability for whom the court has appointed a public guardian.

Statutory Authority: *MS s 252A.21; 256B.092*

History: *17 SR 2276; 18 SR 2244; L 2005 c 56 s 2; L 2013 c 59 art 3 s 21*

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