

ARTICLE 17

DIRECT CARE AND TREATMENT POLICY

Section 1. Minnesota Statutes 2020, section 253B.18, subdivision 6, is amended to read:

Subd. 6. **Transfer.** (a) A patient who is a person who has a mental illness and is dangerous to the public shall not be transferred out of a secure treatment facility unless it appears to the satisfaction of the commissioner, after a hearing and favorable recommendation by a majority of the special review board, that the transfer is appropriate. Transfer may be to another state-operated treatment program. In those instances where a commitment also exists to the Department of Corrections, transfer may be to a facility designated by the commissioner of corrections.

(b) The following factors must be considered in determining whether a transfer is appropriate:

- (1) the person's clinical progress and present treatment needs;
- (2) the need for security to accomplish continuing treatment;
- (3) the need for continued institutionalization;
- (4) which facility can best meet the person's needs; and
- (5) whether transfer can be accomplished with a reasonable degree of safety for the public.

(c) If a committed person has been transferred out of a secure treatment facility pursuant to this subdivision, that committed person may voluntarily return to a secure treatment facility for a period of up to 60 days with the consent of the head of the treatment facility.

(d) If the committed person is not returned to the original, nonsecure transfer facility within 60 days of being readmitted to a secure treatment facility, the transfer is revoked and the committed person shall remain in a secure treatment facility. The committed person shall immediately be notified in writing of the revocation.

(e) Within 15 days of receiving notice of the revocation, the committed person may petition the special review board for a review of the revocation. The special review board shall review the circumstances of the revocation and shall recommend to the commissioner whether or not the revocation shall be upheld. The special review board may also recommend a new transfer at the time of the revocation hearing.

(f) No action by the special review board is required if the transfer has not been revoked and the committed person is returned to the original, nonsecure transfer facility with no substantive change to the conditions of the transfer ordered under this subdivision.

ARTICLE 12

DIRECT CARE AND TREATMENT POLICY

Section 1. Minnesota Statutes 2020, section 253B.18, subdivision 6, is amended to read:

Subd. 6. **Transfer.** (a) A patient who is a person who has a mental illness and is dangerous to the public shall not be transferred out of a secure treatment facility unless it appears to the satisfaction of the commissioner, after a hearing and favorable recommendation by a majority of the special review board, that the transfer is appropriate. Transfer may be to another state-operated treatment program. In those instances where a commitment also exists to the Department of Corrections, transfer may be to a facility designated by the commissioner of corrections.

(b) The following factors must be considered in determining whether a transfer is appropriate:

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- (2) the need for security to accomplish continuing treatment;
- (3) the need for continued institutionalization;
- (4) which facility can best meet the person's needs; and
- (5) whether transfer can be accomplished with a reasonable degree of safety for the public.

(c) If a committed person has been transferred out of a secure treatment facility pursuant to this subdivision, that committed person may voluntarily return to a secure treatment facility for a period of up to 60 days with the consent of the head of the treatment facility.

(d) If the committed person is not returned to the original, nonsecure transfer facility within 60 days of being readmitted to a secure treatment facility, the transfer is revoked and the committed person must remain in a secure treatment facility. The committed person must immediately be notified in writing of the revocation.

(e) Within 15 days of receiving notice of the revocation, the committed person may petition the special review board for a review of the revocation. The special review board shall review the circumstances of the revocation and shall recommend to the commissioner whether or not the revocation should be upheld. The special review board may also recommend a new transfer at the time of the revocation hearing.

(f) No action by the special review board is required if the transfer has not been revoked and the committed person is returned to the original, nonsecure transfer facility with no substantive change to the conditions of the transfer ordered under this subdivision.

722.13 (g) The head of the treatment facility may revoke a transfer made under this subdivision
722.14 and require a committed person to return to a secure treatment facility if:

722.15 (1) remaining in a nonsecure setting does not provide a reasonable degree of safety to
722.16 the committed person or others; or

722.17 (2) the committed person has regressed clinically and the facility to which the committed
722.18 person was transferred does not meet the committed person's needs.

722.19 (h) Upon the revocation of the transfer, the committed person shall be immediately
722.20 returned to a secure treatment facility. A report documenting the reasons for revocation
722.21 shall be issued by the head of the treatment facility within seven days after the committed
722.22 person is returned to the secure treatment facility. Advance notice to the committed person
722.23 of the revocation is not required.

722.24 (i) The committed person must be provided a copy of the revocation report and informed,
722.25 orally and in writing, of the rights of a committed person under this section. The revocation
722.26 report shall be served upon the committed person, the committed person's counsel, and the
722.27 designated agency. The report shall outline the specific reasons for the revocation, including
722.28 but not limited to the specific facts upon which the revocation is based.

722.29 (j) If a committed person's transfer is revoked, the committed person may re-petition for
722.30 transfer according to subdivision 5.

722.31 (k) A committed person aggrieved by a transfer revocation decision may petition the
722.32 special review board within seven business days after receipt of the revocation report for a
722.33 review of the revocation. The matter shall be scheduled within 30 days. The special review
723.1 board shall review the circumstances leading to the revocation and, after considering the
723.2 factors in paragraph (b), shall recommend to the commissioner whether or not the revocation
723.3 shall be upheld. The special review board may also recommend a new transfer out of a
723.4 secure facility at the time of the revocation hearing.

723.5 Sec. 2. Minnesota Statutes 2021 Supplement, section 256.01, subdivision 42, is amended
723.6 to read:

723.7 Subd. 42. **Expiration of report mandates.** (a) If the submission of a report by the
723.8 commissioner of human services to the legislature is mandated by statute and the enabling
723.9 legislation does not include a date for the submission of a final report or an expiration date,
723.10 the mandate to submit the report shall expire in accordance with this section.

723.11 (b) If the mandate requires the submission of an annual or more frequent report and the
723.12 mandate was enacted before January 1, 2021, the mandate shall expire on January 1, 2023.
723.13 If the mandate requires the submission of a biennial or less frequent report and the mandate
723.14 was enacted before January 1, 2021, the mandate shall expire on January 1, 2024.

316.27 (g) The head of the treatment facility may revoke a transfer made under this subdivision
316.28 and require a committed person to return to a secure treatment facility if:

316.29 (1) remaining in a nonsecure setting does not provide a reasonable degree of safety to
316.30 the committed person or others; or

316.31 (2) the committed person has regressed clinically and the facility to which the committed
316.32 person was transferred does not meet the committed person's needs.

317.1 (h) Upon the revocation of the transfer, the committed person must be immediately
317.2 returned to a secure treatment facility. A report documenting the reasons for revocation
317.3 must be issued by the head of the treatment facility within seven days after the committed
317.4 person is returned to the secure treatment facility. Advance notice to the committed person
317.5 of the revocation is not required.

317.6 (i) The committed person must be provided a copy of the revocation report and informed,
317.7 orally and in writing, of the rights of a committed person under this section. The revocation
317.8 report must be served upon the committed person, the committed person's counsel, and the
317.9 designated agency. The report must outline the specific reasons for the revocation, including
317.10 but not limited to the specific facts upon which the revocation is based.

317.11 (j) If a committed person's transfer is revoked, the committed person may re-petition for
317.12 transfer according to subdivision 5.

317.13 (k) A committed person aggrieved by a transfer revocation decision may petition the
317.14 special review board within seven business days after receipt of the revocation report for a
317.15 review of the revocation. The matter must be scheduled within 30 days. The special review
317.16 board shall review the circumstances leading to the revocation and, after considering the
317.17 factors in paragraph (b), shall recommend to the commissioner whether or not the revocation
317.18 shall be upheld. The special review board may also recommend a new transfer out of a
317.19 secure treatment facility at the time of the revocation hearing.

THE FOLLOWING TWO SECTIONS ARE FROM SENATE ARTICLE 16.

453.6 Sec. 15. Minnesota Statutes 2021 Supplement, section 256.01, subdivision 42, is amended
453.7 to read:

453.8 Subd. 42. **Expiration of report mandates.** (a) If the submission of a report by the
453.9 commissioner of human services to the legislature is mandated by statute and the enabling
453.10 legislation does not include a date for the submission of a final report or an expiration date,
453.11 the mandate to submit the report shall expire in accordance with this section.

453.12 (b) If the mandate requires the submission of an annual or more frequent report and the
453.13 mandate was enacted before January 1, 2021, the mandate shall expire on January 1, 2023.
453.14 If the mandate requires the submission of a biennial or less frequent report and the mandate
453.15 was enacted before January 1, 2021, the mandate shall expire on January 1, 2024.

723.15 (c) Any reporting mandate enacted on or after January 1, 2021, shall expire three years
723.16 after the date of enactment if the mandate requires the submission of an annual or more
723.17 frequent report and shall expire five years after the date of enactment if the mandate requires
723.18 the submission of a biennial or less frequent report unless the enacting legislation provides
723.19 for a different expiration date.

723.20 (d) By January 15 of each year, the commissioner shall submit a list to the chairs and
723.21 ranking minority members of the legislative committees with jurisdiction over human
723.22 services by February 15 of each year, beginning February 15, 2022, of all reports set to
723.23 expire during the following calendar year in accordance with this section to the chairs and
723.24 ranking minority members of the legislative committees with jurisdiction over human
723.25 services. Notwithstanding paragraph (c), this paragraph does not expire.

723.26 Sec. 3. Laws 2009, chapter 79, article 13, section 3, subdivision 10, as amended by Laws
723.27 2009, chapter 173, article 2, section 1, is amended to read:

723.28 Subd. 10. **State-Operated Services**

723.29 The amounts that may be spent from the
723.30 appropriation for each purpose are as follows:

723.31 **Transfer Authority Related to**
723.32 **State-Operated Services.** Money
724.1 appropriated to finance state-operated services
724.2 may be transferred between the fiscal years of
724.3 the biennium with the approval of the
724.4 commissioner of finance.

724.5 **County Past Due Receivables.** The
724.6 commissioner is authorized to withhold county
724.7 federal administrative reimbursement when
724.8 the county of financial responsibility for
724.9 cost-of-care payments due the state under
724.10 Minnesota Statutes, section 246.54 or
724.11 253B.045, is 90 days past due. The
724.12 commissioner shall deposit the withheld
724.13 federal administrative earnings for the county
724.14 into the general fund to settle the claims with
724.15 the county of financial responsibility. The
724.16 process for withholding funds is governed by
724.17 Minnesota Statutes, section 256.017.

724.18 **Forecast and Census Data.** The
724.19 commissioner shall include census data and
724.20 fiscal projections for state-operated services
724.21 and Minnesota sex offender services with the

453.16 (c) Any reporting mandate enacted on or after January 1, 2021, shall expire three years
453.17 after the date of enactment if the mandate requires the submission of an annual or more
453.18 frequent report and shall expire five years after the date of enactment if the mandate requires
453.19 the submission of a biennial or less frequent report unless the enacting legislation provides
453.20 for a different expiration date.

453.21 (d) By January 15 of each year, the commissioner shall submit a list to the chairs and
453.22 ranking minority members of the legislative committees with jurisdiction over human
453.23 services by February 15 of each year, beginning February 15, 2022, a list of all reports set
453.24 to expire during the following calendar year in accordance with this section. Notwithstanding
453.25 paragraph (c), this paragraph does not expire.

467.20 Sec. 35. Laws 2009, chapter 79, article 13, section 3, subdivision 10, as amended by Laws
467.21 2009, chapter 173, article 2, section 1, subdivision 10, is amended to read:

467.22 Subd. 10. **State-Operated Services**

467.23 The amounts that may be spent from the
467.24 appropriation for each purpose are as follows:

467.25 **Transfer Authority Related to**
467.26 **State-Operated Services.** Money
467.27 appropriated to finance state-operated services
467.28 may be transferred between the fiscal years of
467.29 the biennium with the approval of the
467.30 commissioner of finance.

467.31 **County Past Due Receivables.** The
467.32 commissioner is authorized to withhold county
467.33 federal administrative reimbursement when
468.1 the county of financial responsibility for
468.2 cost-of-care payments due the state under
468.3 Minnesota Statutes, section 246.54 or
468.4 253B.045, is 90 days past due. The
468.5 commissioner shall deposit the withheld
468.6 federal administrative earnings for the county
468.7 into the general fund to settle the claims with
468.8 the county of financial responsibility. The
468.9 process for withholding funds is governed by
468.10 Minnesota Statutes, section 256.017.

468.11 **Forecast and Census Data.** The
468.12 commissioner shall include census data and
468.13 fiscal projections for state-operated services
468.14 and Minnesota sex offender services with the

724.22 ~~November and February budget forecasts.~~
724.23 ~~Notwithstanding any contrary provision in this~~
724.24 ~~article, this paragraph shall not expire~~ forecast.

724.25 (a) Adult Mental Health Services 106,702,000 107,201,000

724.26 **Appropriation Limitation.** No part of the
724.27 appropriation in this article to the
724.28 commissioner for mental health treatment
724.29 services provided by state-operated services
724.30 shall be used for the Minnesota sex offender
724.31 program.

724.32 **Community Behavioral Health Hospitals.**
724.33 Under Minnesota Statutes, section 246.51,
724.34 subdivision 1, a determination order for the
725.1 clients served in a community behavioral
725.2 health hospital operated by the commissioner
725.3 of human services is only required when a
725.4 client's third-party coverage has been
725.5 exhausted.

725.6 **Base Adjustment.** The general fund base is
725.7 decreased by \$500,000 for fiscal year 2012
725.8 and by \$500,000 for fiscal year 2013.

725.9 (b) Minnesota Sex Offender Services

725.10 Appropriations by Fund
725.11 General 38,348,000 67,503,000
725.12 Federal Fund 26,495,000 0

725.13 **Use of Federal Stabilization Funds.** Of this
725.14 appropriation, \$26,495,000 in fiscal year 2010
725.15 is from the fiscal stabilization account in the
725.16 federal fund to the commissioner. This
725.17 appropriation must not be used for any activity
725.18 or service for which federal reimbursement is
725.19 claimed. This is a onetime appropriation.

468.15 ~~November and February budget forecasts.~~
468.16 ~~Notwithstanding any contrary provision in this~~
468.17 ~~article, this paragraph shall not expire.~~

468.18 (a) Adult Mental Health Services 106,702,000 107,201,000

468.19 **Appropriation Limitation.** No part of the
468.20 appropriation in this article to the
468.21 commissioner for mental health treatment
468.22 services provided by state-operated services
468.23 shall be used for the Minnesota sex offender
468.24 program.

468.25 **Community Behavioral Health Hospitals.**
468.26 Under Minnesota Statutes, section 246.51,
468.27 subdivision 1, a determination order for the
468.28 clients served in a community behavioral
468.29 health hospital operated by the commissioner
468.30 of human services is only required when a
468.31 client's third-party coverage has been
468.32 exhausted.

469.1 **Base Adjustment.** The general fund base is
469.2 decreased by \$500,000 for fiscal year 2012
469.3 and by \$500,000 for fiscal year 2013.

469.4 (b) Minnesota Sex Offender Services

469.5 Appropriations by Fund
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469.7 Federal Fund 26,495,000 0

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469.9 appropriation, \$26,495,000 in fiscal year 2010
469.10 is from the fiscal stabilization account in the
469.11 federal fund to the commissioner. This
469.12 appropriation must not be used for any activity
469.13 or service for which federal reimbursement is
469.14 claimed. This is a onetime appropriation.

725.20 (c) **Minnesota Security Hospital and METO**
725.21 **Services**

725.22	Appropriations by Fund		
725.23	General	230,000	83,735,000
725.24	Federal Fund	83,505,000	0

725.25 **Minnesota Security Hospital.** For the
725.26 purposes of enhancing the safety of the public,
725.27 improving supervision, and enhancing
725.28 community-based mental health treatment,
725.29 state-operated services may establish
725.30 additional community capacity for providing
725.31 treatment and supervision of clients who have
725.32 been ordered into a less restrictive alternative
725.33 of care from the state-operated services
726.1 transitional services program consistent with
726.2 Minnesota Statutes, section 246.014.

726.3 **Use of Federal Stabilization Funds.**
726.4 \$83,505,000 in fiscal year 2010 is appropriated
726.5 from the fiscal stabilization account in the
726.6 federal fund to the commissioner. This
726.7 appropriation must not be used for any activity
726.8 or service for which federal reimbursement is
726.9 claimed. This is a onetime appropriation.

726.10 Sec. 4. **REPEALER.**

726.11 Minnesota Statutes 2020, sections 246.0136; 252.025, subdivision 7; and 252.035, are
726.12 repealed.

469.15 (c) **Minnesota Security Hospital and METO**
469.16 **Services**

469.17	Appropriations by Fund		
469.18	General	230,000	83,735,000
469.19	Federal Fund	83,505,000	0

469.20 **Minnesota Security Hospital.** For the
469.21 purposes of enhancing the safety of the public,
469.22 improving supervision, and enhancing
469.23 community-based mental health treatment,
469.24 state-operated services may establish
469.25 additional community capacity for providing
469.26 treatment and supervision of clients who have
469.27 been ordered into a less restrictive alternative
469.28 of care from the state-operated services
469.29 transitional services program consistent with
469.30 Minnesota Statutes, section 246.014.

469.31 **Use of Federal Stabilization Funds.**
469.32 \$83,505,000 in fiscal year 2010 is appropriated
469.33 from the fiscal stabilization account in the
469.34 federal fund to the commissioner. This
470.1 appropriation must not be used for any activity
470.2 or service for which federal reimbursement is
470.3 claimed. This is a onetime appropriation.

THE FOLLOWING SECTION IS FROM SENATE ARTICLE 12.

317.20 Sec. 2. **REPEALER.**

317.21 Minnesota Statutes 2020, sections 246.0136; 252.025, subdivision 7; and 252.035, are
317.22 repealed.