

Public Welfare and Related Activities

CHAPTER 245

DEPARTMENT OF PUBLIC WELFARE

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245.01 [Repealed, 1953 c 593 s 6]

245.02 [Repealed, 1953 c 593 s 6]

245.03 DEPARTMENT OF PUBLIC WELFARE ESTABLISHED; COMMISSIONER. There is hereby created and established a department of public welfare. A commissioner of public welfare shall be appointed by the governor with the advice and consent of the senate. The term of office of the commissioner first appointed shall expire February 1, 1959, after which the term of office of the commissioner shall be for a term of six years. The commissioner shall be selected on the basis of ability and experience in welfare and without regard to political affiliations. The governor may remove the commissioner at any time for cause after notice and hearing. Subject to the provisions of sections 245.03 to 245.12 and other applicable laws, now or hereinafter enacted, the commissioner shall have the power to organize his department in such manner as he may deem necessary, and to appoint a deputy commissioner in unclassified service. He shall also appoint such other subordinate officers, employees and agents as he may deem necessary to discharge the functions of the department; and define the duties of such officers, employees and agents and to delegate to them any of his powers or duties subject to his control and under such conditions as he may prescribe. Appointments to exercise delegated powers shall be written orders filed with the secretary of state. The commissioner shall give bond in the sum of \$10,000.

[1953 c 593 s 1; 1965 c 45 s 17]

245.04 TRANSFER OF POWERS AND DUTIES. All powers and duties now vested in or imposed upon the director of social welfare and the division of social welfare and upon the director of public institutions and the division of public institutions, by the laws of this state or by any law of the United States are hereby transferred to, vested in, and imposed upon the commissioner of public welfare. The commissioner of public welfare is hereby constituted the "state agency" as defined by the social security act of the United States.

[1953 c 593 s 2]

245.05 SUCCESSION TO RIGHTS AND OBLIGATIONS OF FORMER AGENCIES. The department of public welfare to which the functions, powers,

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and duties of a previously existing department or other agency are by sections 245.03 to 245.12 assigned and transferred shall be deemed and held to constitute a continuation of the former department or agency as to matters within the jurisdiction of the former department or agency, and not a new authority, for the purpose of succession to all rights, powers, duties, and obligations of the former department or agency as constituted at the time of such assignment or transfer, except as otherwise provided by such sections, with the same force and effect as if such functions, powers and duties had not been assigned or transferred.

[1953 c 593 s 3]

245.06 PENDING PROCEEDINGS AND BUSINESS. Any proceeding, court action, prosecution, or other business or matter undertaken or commenced prior to April 21, 1953, by a department or other agency, the functions, powers, and duties whereof are by sections 245.03 to 245.12 assigned and transferred to the department of public welfare, and are still pending on April 21, 1953, may be conducted and completed by the new department in the same manner and under the same terms and conditions and with the same effect as though it were undertaken or commenced and were conducted or completed by the former department or agency prior to said transfer.

[1953 c 593 s 4]

245.07 TRANSFER OF PROPERTY AND EMPLOYEES OF FORMER AGENCIES. The head of a department or other agency whose functions, powers, and duties are by sections 245.03 to 245.12 assigned and transferred to the department of public welfare shall transfer and deliver to such department of public welfare all contracts, books, maps, plans, papers, records, and property of every description within his jurisdiction or control, and shall also transfer thereto any or all employees engaged in the exercise of such functions, powers, or duties. The commissioner of public welfare to which such assignment or transfer is made is hereby authorized to take possession of said property, and shall take charge of said employees and shall employ them in the exercise of their respective functions, powers, and duties transferred as aforesaid, without reduction of compensation, subject, however, to change or termination of employment or compensation as may be otherwise provided by law.

[1953 c 593 s 5]

245.071 PAYMENTS UNDER ECONOMIC OPPORTUNITY ACT EXCLUDED FROM COMPUTATION OF NEED. With respect to any program of old age assistance, medical aid to the aged, aid to families with dependent children, aid to the blind, or aid to the disabled administered pursuant to Minnesota Statutes 1961, Chapter 245, or 256, or Chapter 256A, or any program of relief of the poor administered pursuant to Minnesota Statutes 1961, Chapters 261, 262, and 263—

(1) the first \$85 plus one-half of the excess over \$85 of payments made to or on behalf of any person for or with respect to any month under Title I or II of the Economic Opportunity Act, Public Law 88-452, as amended, shall not be regarded (a) as income or resources of such person in determining his need under such program or (b) as income or resources of any other individual in determining the need of such other individual under such program;

(2) no payments made to or on behalf of any person for or with respect to any month under such title or any such program shall be regarded as income or resources of any other individual in determining the need of such other individual except to the extent actually made available to or for the benefit of such other individual; and

(3) no grant made to any family under Title III of the Economic Opportunity Act, Public Law 88-452, as amended, shall be regarded as income or resources of such family in determining the need of any member thereof under such program.

[1965 c 750 s 1]

245.08 [Obsolete]

245.09-245.12 [Unnecessary]

245.21 DECLARATION OF POLICY. Financial assistance, as far as practicable under the conditions in this state, to needy individuals who have attained the age of 18 years and who are permanently and totally disabled, is hereby declared to be a special matter of state concern and a necessity in promoting health and welfare. To provide such assistance, a state wide system of aid to needy

individuals, who are permanently and totally disabled, are within the age limits herein stated, and have the qualifications prescribed by sections 245.21 to 245.43 is hereby established. This system shall be in effect in all counties of this state and mandatory upon them.

[1953 c 617 s 1; 1965 c 479 s 1]

245.22 DEFINITIONS. Subdivision 1. **Terms.** Unless the context clearly indicates otherwise, the following terms, for the purposes of sections 245.21 to 245.43, shall have the meanings, respectively, ascribed to them in this section.

Subd. 2. **Assistance.** "Assistance" means money payments to, or payments for medical care in behalf of, needy individuals who are permanently and totally disabled, made as provided for in this act.

Subd. 3. **Applicant.** "Applicant" means any person who has applied for assistance.

Subd. 4. **Recipient.** "Recipient" means any person who has been granted assistance.

Subd. 5. **State agency.** "State Agency" means the commissioner of public welfare.

Subd. 6. **County agency.** "County Agency" means a county welfare board operating under and pursuant to the provisions of Minnesota Statutes 1949, Chapter 393.

Subd. 7. **Permanently and totally disabled individual; disabled person.** "Permanently and totally disabled individual," hereinafter referred to as a "disabled person," means one who is found by medical authority to be totally and permanently disabled. Certification of permanent and total disability shall be by a licensed physician or panel of physicians on forms to be prescribed by the department of public welfare, provided that such certification of disability shall be subject to review by a panel of physicians advisory to the state department of public welfare.

Subd. 8. **Medical institution.** "Medical institution" means an institution, public or private, other than an institution for tuberculosis or mental diseases, established to provide medical care, licensed by the state department of health.

Subd. 9. **Patient.** "Patient" means an individual admitted to a medical institution because of injuries or illness, who is receiving medical care and for whom there is planned continuing medical care directed toward improvement in health or for whom palliative medical care is required though improvement in health or recovery cannot be expected, and who is free to leave the institution at the conclusion of treatment, or at any other time, upon his own decision.

Subd. 10. **Medical care.** "Medical care" means medical, dental, surgical, hospital, nursing, or licensed nursing home care, provided or prescribed by persons authorized by law to give such care.

Subd. 11. **Social security act.** "Social Security Act" means the act of congress enacted by the 74th Congress of the United States, approved August 14, 1935, Public Law No. 271, and any amendments to or supplements thereof, including specifically the "Social Security Act Amendments of 1950," Public Law No. 734, 81st Congress, approved August 28, 1950, and any act of the congress encompassing the same field.

Subd. 12. **Administrator.** "Administrator" means the federal security administrator, charged by the congress of the United States with the duty of administering the social security act, and any person, division, board or agency now or hereafter designated by or under the authority of the congress of the United States to exercise his functions and perform his duties, or any of them.

[1953 c 617 s 2; 1955 c 588 s 1; 1965 c 479 s 2]

245.23 STATE AGENCY, DUTIES. Subdivision 1. **Supervision.** The state agency shall supervise the administration of assistance by the county agencies under the provisions of sections 245.21 to 245.43.

Subd. 2. **Rules.** The state agency shall make uniform rules and regulations, not inconsistent with law, in the manner provided by law, for carrying out and enforcing the provisions of sections 245.21 to 245.43 in an efficient, economical, and impartial manner, and to the end that the assistance system hereby established may be administered uniformly throughout the state, having regard for varying costs of living in different parts of the state, and in all things to carry out the spirit and purpose of such sections. Specifically, he may make uniform rules and regulations further defining "permanently and totally disabled individuals," "medical care" and "medical institution," such definitions to be consistent with and in further-

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ance of the spirit and purposes of this act. He shall make rules and regulations which restrict the use or disclosure of information concerning applicants and recipients to purposes directly connected with the administration of aid to disabled persons. All such rules and regulations shall be furnished immediately to all county agencies and shall be binding on those county agencies.

Subd. 3. **Forms.** The state agency shall prescribe the form of, print, and supply to the county agencies blanks for applications and reports and such other forms as may be necessary or advisable for proper administration of this act.

Subd. 4. **Cooperation with administrator.** The state agency shall cooperate with the administrator in the administration of the program for aid to needy totally and permanently disabled individuals in this state so as to bring to the state full advantages of the provisions of the social security act amendments of 1950, Public Law No. 734, Part 5, being Title XIV of the social security act as amended, and any amendments thereof, and any act of the congress encompassing the same field, including the furnishing of such reports and information as the administrator may require.

[1953 c 617 s 3]

245.24 COUNTY AGENCIES. Subdivision 1. **General duties.** The county agencies shall administer the system of assistance to disabled persons in their respective counties under the supervision and in compliance with the requirements of the state agency, and shall make such reports, prepare such statistics and keep such records and accounts in relation thereto as the state agency may require.

Subd. 2. **Medical services.** The county agency may designate and pay for the services of a physician or physicians to assist it in investigating applications for assistance, for the purpose of determining the eligibility and the possibility of physical restoration of applicants or recipients, and to provide treatment for physical rehabilitation.

[1953 c 617 s 4; 1957 c 706 s 1]

245.25 CONDITIONS, REQUIREMENTS, AND RESTRICTIONS. Subdivision 1. **Residence.** Any resident of this state who is eligible to receive assistance and who complies with its provisions is entitled to receive assistance while continuing to reside in this state. Temporary absence from the state may be allowed a recipient in accordance with the rules and regulations of the state agency.

Subd. 2. **Application.** Any individual who believes that he is eligible for assistance shall have the opportunity to apply for it; his application shall be promptly investigated, and if he is found eligible, assistance shall be furnished to him with reasonable promptness.

Subd. 3. **Amount of assistance.** The amount of assistance shall be fixed with due regard to the conditions in each case and in accordance with the rules and regulations of the state agency.

Subd. 4. **Annual income of recipient.** The annual income of any property which is not so utilized as to produce reasonable returns shall be deemed to be the net income which would be available if the property were suitably used. Due consideration shall be given to the current or prevailing conditions affecting the use of such property.

Subd. 5. **Fixing amount of assistance.** In determining need and in fixing the amount of assistance, there shall be taken into consideration all income and resources of the applicant or recipient.

[1953 c 617 s 5; 1955 c 588 s 2; 1957 c 706 s 2; 1965 c 478 s 1]

245.26 NEEDY INDIVIDUALS. Subdivision 1. **Qualifications.** Subject to the other provisions of sections 245.21 to 245.43, assistance may be granted to a needy individual who:

- (1) Has attained the age of 18 years;
- (2) Has been a resident of this state for at least one year immediately preceding his application;
- (3) Is permanently and totally disabled.

Subd. 2. **Absence in service of state or United States.** For all purposes of such sections, absence in the service of the state of Minnesota or of the United States shall not be deemed to interrupt residence in this state if domicile be not acquired outside of the state.

[1953 c 617 s 6; 1957 c 652 s 1; 1965 c 479 s 3]

245.27 INELIGIBILITY AND DISQUALIFICATION. Subdivision 1. **Immunes of public institutions; recipients of other relief.** No assistance shall be

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paid to a disabled person while or during the time he is an inmate of, and receives gratuitously all the necessities of life from, any public institution maintained by the United States or any state, or is receiving old age assistance, aid to dependent children, or aid to the blind. However, where medical care is being furnished to patients in public medical institutions, part or all of any assistance may be paid, subject to rules and regulations made by the state agency.

Subd. 2. Property ownership. Except as provided in subdivision 3, no assistance shall be paid to a disabled person if:

- (1) that disabled person owns personal property, convertible into cash, of a reasonable market value exceeding \$300;
- (2) that disabled person and spouse own personal property, convertible into cash, of a combined reasonable market value exceeding \$450;
- (3) that disabled person or spouse, or both together, own any real estate except such as used exclusively as a home and the market value of which less encumbrances exceeds \$10,000.

Subd. 3. Property ownership; exceptions. (1) Household goods and furniture used in the home, wearing apparel, insurance policies the cash surrender value of which does not exceed \$500 per person, and a lot in a burial ground shall not be considered in determining the property limitation set forth in subdivision 2.

(2) If the liquidation of the personal property convertible into cash referred to in subdivision 2 would cause undue loss or hardship, the county agency, in its discretion, may nevertheless grant assistance.

(3) If there is no available market for the sale of the real estate specified in subdivision 2, clause (3), as a bar to the granting of assistance, or if the price which can be obtained on the prevailing market for that real estate is not fair and reasonable, considering the interest of the disabled person, spouse, or both, therein and the possibility of a sale of said property for a greater amount within a reasonable length of time after the application for assistance is made, the county agency may nevertheless, in its discretion, grant assistance.

Subd. 4. Disabled person divesting himself of property. No assistance shall be paid to a disabled person:

- (1) Who has, within five years prior to the date of his application for assistance, deprived himself directly or indirectly of any property for the purpose of qualifying for assistance;
- (2) Whose spouse has made an assignment or transfer directly or indirectly of any property for the purpose of qualifying either person for assistance under sections 245.21 to 245.43.

Subd. 5. Relatives able to take adequate care; reimbursement, enforcement. If at any time during the continuance of any assistance granted under sections 245.21 to 245.43 the county agency finds that any parent, child or spouse is reasonably able to contribute to the necessary care and support of the recipient without undue hardship to himself or his immediate family, the county agency shall seek reimbursement from the relatives able to pay. If the relatives fail or refuse to contribute to the care and support of the recipient, the payment or support shall be enforced in the following manner:

(1) The county attorney of a county which gives aid files a petition in the district court of the county in which the relative resides, stating:

- (a) The name and address of the relative and of the recipient;
- (b) Facts showing that the relative owes a duty of support to the recipient and is able to contribute;
- (c) Facts showing that the county has given aid to recipient and has a right to reimbursement.

(2) If the court finds the petition to be sufficient, it shall docket the case, set a time and place for hearing, and issue an order to show cause which must be served on the relative in the manner provided for service of summons at least ten days before the day of hearing.

(3) The district court shall in a summary way hear the allegations and proofs of the parties and by order require maintenance from such relatives, if of sufficient ability (having due regard for their own future maintenance and making reasonable allowance for the protection of the property and investments from which they derive their living and their care and protection in old age) in the following order: First, the husband or wife; then the father; then the children and

the court may consider whether or not the parents have supported the children in the manner prescribed by law; and finally the mother. Such order shall specify a sum which will be sufficient for the support of the recipient to be paid weekly or monthly, during a period fixed in the order, or until the further order of the court. If the court believes that the relative is not able to wholly maintain the recipient, but is able to contribute to his support, the court may direct two or more relatives to maintain him and prescribe the proportion each shall contribute. If the court believes that the relatives are not able to wholly maintain the recipient, but are able to contribute to his support, the court shall direct a sum to be paid weekly or monthly by each relative in proportion to his ability. Contributions directed by court order, if for less than full support, shall be paid to the county welfare agency and applied to the dependent person's grant. Upon application of any party affected thereby and upon like notice and procedure, the court may modify its order. Obedience to these orders may be enforced by proceedings for contempt.

(4) The county may enforce payment from a relative in any other way provided by law. If an order for payment has been issued under clause (3), the county may bring an action to collect the delinquent payments with costs.

[1953 c 617 s 7; 1955 c 588 s 3; 1957 c 652 s 2, 3; 1965 c 799 s 1; 1965 c 477 s 1]

245.28 RESIDENCE OF DISABLED PERSON. For the purposes of sections 245.21 to 245.43, a disabled person shall be conclusively deemed to be a resident of the county in which he has resided for one year immediately preceding the filing of his application for assistance, or, if he has not resided in any one county for that period, his residence shall be conclusively deemed to be the county in which he has longest resided during the year immediately preceding the filing of that application. His residence is not lost or terminated until a new residence is acquired in another county or state. The county of his residence, as herein defined, shall be liable for all payments of assistance to him under the provisions of such sections. For the purpose of determining county residence, but not state residence, the time during which a person is an inmate or patient in one of the following places, whether public or private, is excluded: a hospital, poor house, jail, prison, nursing or boarding care home, or home for the aged.

[1953 c 617 s 8; 1955 c 588 s 4]

245.29 APPLICATION FOR ASSISTANCE. Subdivision 1. **Filing.** An applicant shall file his application for assistance in writing with the county agency of the county in which he resides at the time of making application in such manner and form as shall be prescribed by the state agency. All statements in the application shall be verified by the applicant. The county agency must notify every applicant of his right to a fair hearing before the state agency on any county agency action on his claim for assistance or failure to act with reasonable promptness thereon, and of the method by which he may obtain a hearing.

Subd. 2. **Investigation; decision; payments.** Upon the filing of an application for assistance, the county agency shall promptly make or cause to be made such investigation as it may deem necessary and as may be required by the rules and regulations of the state agency. Upon the completion of that investigation, the county agency shall promptly decide whether the applicant is eligible for assistance. If it decides that the applicant is eligible for assistance, it shall decide upon the amount of that assistance and the date on which it shall begin, and shall make a grant of assistance which shall be binding upon the county and be complied with by the county until that grant is modified or vacated. The county agency shall notify the applicant of its decision in writing. That assistance shall be paid monthly to the applicant upon order of the county agency from funds appropriated to that agency for this purpose. The county agency shall, upon the granting of that assistance, file an order, on a form to be approved by the state agency, with the auditor of the county, and thereafter warrants shall be drawn and payments made only in accordance with that order to the recipient of that assistance subject to the provisions of section 245.38.

Subd. 3. **Transfer of application to proper county.** If upon the investigation provided for in subdivision 2 the county agency shall decide that the application was not filed in the county of applicant's residence as defined by section 245.28, it shall transfer the application and all records of its investigation, together with a copy of its decision, to the county agency of the county which it has decided is the county of the applicant's residence. Thereupon the county agency of that

county shall proceed in the same manner as though the application had been originally filed with it. If the county agency to which the application is transferred, after such investigation as it deems proper, which shall be promptly made, decides that the county of which it is the agency is not the county of the applicant's residence, it shall transmit the original application, and all other matters transmitted to it by the first county, together with the record of any investigation made by it and a copy of its decision, to the state agency, which shall thereupon promptly decide the question of residence and make an order referring the application to the county agency of the proper county for further action. The state agency may make such investigation as it deems proper before making its decision. It shall prescribe rules and regulations for carrying into effect this subdivision. The order of the state agency shall be binding upon the county agency involved and the applicant or recipient, and shall be complied with by that agency unless reversed on appeal as hereinafter provided. The county agency to which an application is thus referred shall thereupon proceed promptly to comply with the provisions of subdivision 2. All the provisions of sections 245.21 to 245.43 apply to county agencies to which applications have been transferred under this subdivision, to the counties in which they act, all officers of those counties, and applicants and recipients involved in those transfers.

[1953 c 617 s 9; 1965 c 51 s 47]

245.30 APPEALS FROM DECISION OR ORDER OF COUNTY AGENCY. Subdivision 1. **Appeal to state agency.** Any applicant or recipient aggrieved by any decision or order of a county agency may appeal therefrom to the state agency. An appeal may also be taken if the application is not acted upon by the county agency with reasonable promptness. The state agency shall, upon receipt of any such appeal, notify the county agency and review the case with reasonable promptness, giving the applicant or recipient and the county agency an opportunity for a fair hearing before it. The state agency may, upon its own motion, review any decision or order made by a county agency or consider any application upon which a decision or order has not been made by a county agency with reasonable promptness, with the same opportunity for a fair hearing to be given the applicant or recipient and the county agency as upon appeal. Upon any appeal to the state agency, or when the state agency decides, upon its own motion, to review any decision of a county agency or to consider any application upon which a decision has not been made by a county agency with reasonable promptness, the county agency shall, upon request of the state agency, forthwith forward to it the original application, the record of its investigation and of the investigations of any other county, all medical and other reports made to it, and any and all other records filed with or considered by it, together with copies of any decision or order made by it; all of which shall constitute a part of the record of the state agency, to be considered by it. The state agency may make such additional investigation as it may deem necessary, and shall make such decision and order as to the granting of assistance and as to the amount and nature of assistance to be paid the applicant or recipient, if granted, as it decides is justified and in conformity with sections 245.21 to 245.43. Any applicant or recipient shall have the right at all hearings before the state agency to produce any evidence that he desires and to be represented by a friend or counsel. Every decision and order of the state agency shall be binding upon the county agency involved and the applicant or recipient, and shall be complied with by the county agency unless modified or reversed on appeal as hereinafter provided.

Subd. 2. **Appeal to district court.** If a decision or order of the state agency is not, in the opinion of the county agency, or of the applicant or recipient, in conformity with this act, either may within 30 days after that decision or order appeal from the decision or order to the district court of the county in which the application was finally filed by serving a copy of a written notice of appeal upon the state agency and the adverse party and filing the original of the written notice, together with proof of service, with the clerk of the district court of the county. The appeal may be brought on for hearing by either party by mailing ten days written notice stating the time and place of such hearing. Upon serving of that notice, the state agency shall, if demanded, furnish the county agency and applicant or recipient a summary of the issues involved, a copy of all supporting papers, a transcript of any testimony and a copy of its decision or order. The court shall try and determine the appeal upon the record of the state agency as certified to it

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and in its determination shall be limited to the issue as to whether the decision or order of the state agency is fraudulent, arbitrary or unreasonable. No new or additional evidence shall be taken on such appeal or introduced by any party to such hearing on appeal in the district court, unless such new or additional evidence, in the opinion of the court, is necessary to a disposition of the appeal. The court shall within 30 days make its decision upon the appeal, giving its reasons therefor, and shall order the state agency to take further action in the matter not inconsistent with the determination of the court.

Subd. 3. **Hearing in district court.** The matter may be heard by the district court at any general or special terms thereof or out of term or in chambers; and in judicial districts having more than one judge, the senior or presiding judge shall hear the same, or if unable to do so, shall refer the matter to some other judge in the district.

Subd. 4. **Appeal to supreme court.** The applicant or recipient, or the county agency, or the state agency, may appeal from the order of the district court to the supreme court in the same manner as appeals are taken from appealable orders in civil actions. No costs or disbursements shall be taxed against any party on appeals to the district court or to the supreme court.

Subd. 5. **Grants paid, pending appeals.** All grants of assistance shall be paid pending the hearing and determination of appeals to the district court or supreme court when such assistance has been ordered paid by the state agency. If the appeal shall be from an order of the state agency raising or lowering the amount paid to a recipient, and if the order of the state agency shall not be sustained, then the recipient shall from and after the first day of the month next following the final order of the district court receive the amount, if any, theretofore fixed by the county agency, subject to the provisions of section 245.38.

Subd. 6. **Protests against grants.** Any taxpayer of the state, resident therein, may appear at any time before the county agency of the county wherein he resides and protest the granting or continuance of any individual assistance, or any portion thereof, with the same right to appeal to the state agency as granted an applicant or recipient.

[1953 c 617 s 10]

245.31 APPLICABILITY OF OTHER LAWS; RECOVERY FOR ASSISTANCE FURNISHED; TRANSFER OF ASSISTANCE; CHANGE OF RESIDENCE; INDIVIDUAL CONSIDERATION. Subdivision 1. **Sections 256.22, 256.23.** The provisions of Minnesota Statutes 1949, Sections 256.22 and 256.23, are hereby made applicable to all proceedings under sections 245.21 to 245.43.

Subd. 2. **Section 256.25.** The provisions of Minnesota Statutes 1949, Section 256.25, as to the allowance as claims in the probate court of amounts paid as old age assistance are made applicable to amounts paid as assistance under the provisions of sections 245.21 to 245.43.

Subd. 3. **Recovery of assistance furnished; apportionment.** When any amount shall be recovered from any source for assistance furnished under the provisions of sections 245.21 to 245.43, there shall be paid to the United States the amount which shall be due under the terms of the social security act, and the balance thereof shall be paid into the treasuries of the state and county, substantially in the proportion in which they respectively contributed toward the total assistance paid. The amount due the respective participating units of government shall be determined by rule and regulation adopted by the commissioner of public welfare pursuant to a formula of reimbursement prescribed or authorized by the federal social security administration.

Subd. 4. **Transfer or assignment of assistance.** No assistance given under sections 245.21 to 245.43 shall be transferable or assignable at law or in equity, except as provided in subdivision 3 and no money paid or payable under such sections shall be subject to execution, levy, attachment, garnishment or other legal process or to the operation of any bankruptcy or insolvency law.

Subd. 5. **Section 256.35.** The provisions of Minnesota Statutes 1949, Section 256.35, as to mandamus proceedings under the old age assistance act, shall be applicable to county agencies and county auditors under sections 245.21 to 245.43.

Subd. 6. **Change of residence.** When a recipient changes his place of residence, he shall notify the county agency in which the grant of assistance to him is in effect. If he removes to another county, he shall declare whether such absence is

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temporary or for the purpose of taking up regular domicile. The county originally granting assistance shall continue to pay the same regardless of change of residence within the state by a recipient.

Subd. 7. **Individual consideration.** Neither the county agency nor the state agency shall have the power to grant or modify any assistance to applicants or recipients as a group, but must consider each application, each modification and each grant of assistance individually upon its merits.

[1953 c 617 s 11; 1959 c 25 s 1]

245.32 PAYMENTS ISSUED TO RECIPIENT, EXCEPTIONS. All payments of assistance must be issued to the recipient except:

(1) in those instances in which a legal guardian has been appointed by the court having jurisdiction to make such appointments;

(2) in those instances in which the county agency, subject to rules and regulations of the state agency, determines that payments for medical care shall be made directly to the vendor of such care.

[1953 c 617 s 12]

245.33 REPORTS BY RECIPIENTS. Each recipient shall file such reports with the county agency as the county agency or the state agency may from time to time require.

[1953 c 617 s 13]

245.34 OFFENSES. Subdivision 1. **Fraud.** Whoever obtains, or attempts to obtain, or aids or abets any person to obtain, by means of a wilfully false statement or representation, or by impersonation or other fraudulent device, assistance to which he is not entitled, or assistance greater than that to which he is entitled, or payment of any forfeited installment grant, or knowingly aids or abets in buying or in any way disposing of the property of a recipient of assistance without the consent of the state agency with intent to defeat the purposes of sections 245.21 to 245.43, or who, being a recipient, transfers any personal property exceeding \$300 in value, without first giving notice to the county agency of his intention so to do, shall be guilty of a gross misdemeanor.

Subd. 2. **Conviction.** If a recipient or applicant is convicted of an offense under subdivision 1, the county agency may deny a grant of assistance, which it might otherwise make, or cancel a grant theretofore made.

[1953 c 617 s 14]

245.35 PAYMENTS OF GRANTS. Subdivision 1. **By county in first instance.** Each grant of assistance shall be paid in the first instance by the county in which the grant was made, in the manner provided for in section 245.29, subdivision 1.

Subd. 2. **By state agency.** The county agency shall submit to the state agency an estimate of expenditures for each succeeding month in such form as required by the state agency. Payment shall be made monthly in advance by the state agency to the counties out of federal funds available for that purpose for each succeeding month, together with an amount of state funds equal to 50 percent of the difference between the total estimated cost and the federal funds so available. Adjustment of any overestimate or underestimate made by any county shall be made upon the direction of the state agency in any succeeding month.

Subd. 3. **Expenses; repayment to counties.** Not exceeding one-half of any funds available for administrative purposes shall be used to defray necessary expenses of the state agency in the supervision of the aid to permanently and totally disabled laws of this state, and the balance shall be used to repay the counties pro rata in the proportion the total number of recipients in the county bears to the total number of recipients in the state for the period in question.

[1953 c 617 s 15; 1955 c 588 s 5, 6]

245.36 PROVISIONS TO FINANCE PAYMENTS. Subdivision 1. **Section 393.08 applicable.** The provisions of Minnesota Statutes 1949, Section 393.08, are hereby made applicable to assistance granted under sections 245.21 to 245.43.

Subd. 2. **Transfer of surplus funds from other county funds.** Any county may transfer surplus funds from any county fund, except the sinking or drainage ditch funds, to the fund established for the payment of assistance under the provisions of sections 245.21 to 245.43 in order to provide moneys necessary to administer that assistance, pending collection of taxes levied for that purpose. Any portion of money so transferred not needed for administering assistance shall be transferred back to the fund from which it was taken.

Subd. 3. **Borrowing money.** Any county not having surplus funds available for transfer may borrow the necessary sum required for granting assistance under this act until taxes levied for that purpose are available.

[1953 c 617 s 16]

245.37 SOCIAL SECURITY ACT TO BE GIVEN EFFECT. Sections 245.21 to 245.43, in their various terms and provisions, including the amount of assistance paid to a disabled person thereunder, is intended to comply with and give effect to the social security act referred to therein. In event federal funds are not available or are inadequate to pay in full the proportions of assistance grants contemplated by such sections, payment of which is provided for by the social security act, then and in such case, and until federal funds are available in full, the county agency of each county must reduce each assistance grant to a disabled person by an amount equal to such deficiency.

[1953 c 617 s 17]

245.38 REVOCATION, MODIFICATION, OR SUSPENSION OF ASSISTANCE. All assistance granted under sections 245.21 to 245.43 shall be considered as frequently as may be required by the rules of the state agency. After such further investigation as the county agency may deem necessary or the state agency may require, the amount of assistance may be changed or assistance may be entirely withdrawn if the state or county agency finds that the recipient's circumstances have altered sufficiently to warrant such action. The county agency may for cause at any time revoke, modify or suspend any grant of assistance previously made. All such decisions shall be subject to appeal and review by the state agency as provided in section 245.30.

[1953 c 617 s 18]

245.39 REEXAMINATION OF RECIPIENTS. Every recipient shall submit to a reexamination as to his mental and physical condition at least once in every three years, unless excused therefrom by the state agency, and at other times when required to do so by the state agency. He shall furnish any information required by the state agency or county agency for the purpose of deciding upon his continued eligibility for assistance under sections 245.21 to 245.43.

[1953 c 617 s 19]

245.40 REFUSAL OF MEDICAL CARE. Assistance under sections 245.21 to 245.43 shall not be granted or continued to any applicant or recipient who unreasonably refuses medical care when the condition making him a totally and permanently disabled individual may be partially or wholly remedied by such care, and a certificate in writing to that effect is made by three properly qualified and licensed physicians, one selected by the affected person, one selected by the state agency, and one selected by these two. If the applicant or recipient refuses, upon notification so to do by the state agency or the county agency, to select a physician to act under this section, the county or state agency may select one for him. Any person denied a grant or continuance of assistance upon this ground may appeal to the state agency in the manner provided in section 245.30.

[1953 c 617 s 20]

245.41 STANDARDS FOR MEDICAL INSTITUTIONS. The state department of health is designated as the authority which shall be responsible for establishing and maintaining standards for medical institutions, patients in which are eligible for assistance under sections 245.21 to 245.43, and all such medical institutions shall be subject to the provisions of Minnesota Statutes 1949, Chapter 144, and the rules and regulations of and standards established by the state department of health thereunder.

[1953 c 617 s 21]

245.42 METHODS OF ADMINISTRATION PRESCRIBED BY STATE AGENCY. The state agency shall prescribe such methods of administration as are necessary for compliance with requirements of the social security act, as amended, and for the proper and efficient operation of the program of assistance under sections 245.21 to 245.43. Those methods of administration include methods relating to the establishment and maintenance of personnel standards on a merit basis as concerns all employees of county agencies except those employed in an institution, sanatorium, or hospital. The state agency shall exercise no authority with respect to the selection, tenure of office, and compensation of any individual employed in accordance with such methods. The state agency shall establish and maintain a system of personnel standards on a merit basis for all such employees of the

county agencies and the examination thereof, and the administration thereof shall be directed and controlled exclusively by the state agency, except in those counties in which such employees are covered by a merit system that meets the requirements of the state agency and the administrator.

[1953 c 617 s 22]

245.43 GRANTS OF ASSISTANCE, APPROVAL BY ADMINISTRATOR.

Grants of assistance may be made only after a plan for such assistance, prepared by the state agency, has been approved by the administrator and in no case prior to July 1, 1953.

[1953 c 617 s 23]

245.46 RESIDENTIAL TREATMENT CENTER. Subdivision 1. **Establishment, location, control.** There is hereby established the Minnesota Residential Treatment Center to be located within 25 miles of the Minneapolis campus of the University of Minnesota which shall be a treatment center for emotionally disturbed and psychotic children and shall be under the general control and management of the commissioner of public welfare.

Subd. 2. **Persons eligible for admission.** The commissioner may transfer or admit to the center any child who, in his opinion, will benefit from the services available thereat and who is under commitment to a state hospital as mentally ill, or who is under guardianship of the commissioner, or who is under temporary custody of a county welfare board and referred by the board to the commissioner or whose parents or guardian seek his admission as a voluntary patient.

Subd. 3. **Power of superintendent of center.** The superintendent of the center shall have the same powers in regard to provisional and final discharge of patients under commitment as mentally ill as the superintendent of a state hospital for the mentally ill.

Subd. 4. **Acquisition of site.** The commissioner of administration is authorized to acquire by purchase with the approval of the governor, by gift, or condemnation, a suitable tract of land for the construction of the center.

Subd. 5. **Costs of care and treatment, payment.** Ninety percent of the costs of care and treatment at the center shall be paid by the state. The remaining ten percent shall be paid by county of commitment for children under guardianship of the commissioner, by the county liable for cost of state mental hospital care for children under commitment as mentally ill, and by the county of settlement for poor relief purposes for other children admitted to the center.

[1957 c 957 s 1-5]

245.51 INTERSTATE COMPACT ON MENTAL HEALTH. The interstate compact on mental health is hereby enacted into law and entered into by this state with all other states legally joining therein in the form as follows:

INTERSTATE COMPACT ON MENTAL HEALTH

The contracting states solemnly agree that:

ARTICLE I

The party states find that the proper and expeditious treatment of the mentally ill and mentally deficient can be facilitated by cooperative action, to the benefit of the patients, their families, and society as a whole. Further, the party states find that the necessity of and desirability for furnishing such care and treatment bears no primary relation to the residence or citizenship of the patient but that, on the contrary, the controlling factors of community safety and humanitarianism require that facilities and services be made available for all who are in need of them. Consequently, it is the purpose of this compact and of the party states to provide the necessary legal basis for the institutionalization or other appropriate care and treatment of the mentally ill and mentally deficient under a system that recognizes the paramount importance of patient welfare and to establish the responsibilities of the party states in terms of such welfare.

ARTICLE II

As used in this compact:

(a) "Sending state" shall mean a party state from which a patient is transported pursuant to the provisions of the compact or from which it is contemplated that a patient may be so sent.

(b) "Receiving state" shall mean a party state to which a patient is transported pursuant to the provisions of the compact or to which it is contemplated that a patient may be so sent.

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(c) "Institution" shall mean any hospital or other facility maintained by a party state or political subdivision thereof for the care and treatment of mental illness or mental deficiency.

(d) "Patient" shall mean any person subject to or eligible as determined by the laws of the sending state, for institutionalization or other care, treatment, or supervision pursuant to the provisions of this compact.

(e) "After-care" shall mean care, treatment and services provided a patient, as defined herein, on convalescent status or conditional release.

(f) "Mental illness" shall mean mental disease to such extent that a person so afflicted requires care and treatment for his own welfare, or the welfare of others, or of the community.

(g) "Mental deficiency" shall mean mental deficiency as defined by appropriate clinical authorities to such extent that a person so afflicted is incapable of managing himself and his affairs, but shall not include mental illness as defined herein.

(h) "State" shall mean any state, territory or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

ARTICLE III

(a) Whenever a person physically present in any party state shall be in need of institutionalization by reason of mental illness or mental deficiency, he shall be eligible for care and treatment in an institution in that state irrespective of his residence, settlement or citizenship qualifications.

(b) The provisions of paragraph (a) of this article to the contrary notwithstanding, any patient may be transferred to an institution in another state whenever there are factors based upon clinical determinations indicating that the care and treatment of said patient would be facilitated or improved thereby. Any such institutionalization may be for the entire period of care and treatment or for any portion or portions thereof. The factors referred to in this paragraph shall include the patient's full record with due regard for the location of the patient's family, character of the illness and probable duration thereof, and such other factors as shall be considered appropriate.

(c) No state shall be obliged to receive any patient pursuant to the provisions of paragraph (b) of this article unless the sending state has given advance notice of its intention to send the patient; furnished all available medical and other pertinent records concerning the patient; given the qualified medical or other appropriate clinical authorities of the receiving state an opportunity to examine the patient if said authorities so wish; and unless the receiving state shall agree to accept the patient.

(d) In the event that the laws of the receiving state establish a system of priorities for the admission of patients, an interstate patient under this compact shall receive the same priority as a local patient and shall be taken in the same order and at the same time that he would be taken if he were a local patient.

(e) Pursuant to this compact, the determination as to the suitable place of institutionalization for a patient may be reviewed at any time and such further transfer of the patient may be made as seems likely to be in the best interest of the patient.

ARTICLE IV

(a) Whenever, pursuant to the laws of the state in which a patient is physically present, it shall be determined that the patient should receive after-care or supervision, such care or supervision may be provided in a receiving state. If the medical or other appropriate clinical authorities having responsibility for the care and treatment of the patient in the sending state shall have reason to believe that after-care in another state would be in the best interest of the patient and would not jeopardize the public safety, they shall request the appropriate authorities in the receiving state to investigate the desirability of affording the patient such after-care in said receiving state, and such investigation shall be made with all reasonable speed. The request for investigation shall be accompanied by complete information concerning the patient's intended place of residence and the identity of the person in whose charge it is proposed to place the patient, the complete medical history of the patient, and such other documents as may be pertinent.

(b) If the medical or other appropriate clinical authorities having responsibility for the care and treatment of the patient in the sending state and the appropriate authorities in the receiving state find that the best interest of the patient

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would be served thereby, and if the public safety would not be jeopardized thereby, the patient may receive after-care or supervision in the receiving state.

(c) In supervising, treating, or caring for a patient on after-care pursuant to the terms of this article, a receiving state shall employ the same standards of visitation, examination, care, and treatment that it employs for similar local patients.

ARTICLE V

Whenever a dangerous or potentially dangerous patient escapes from an institution in any party state, that state shall promptly notify all appropriate authorities within and without the jurisdiction of the escape in a manner reasonably calculated to facilitate the speedy apprehension of the escapee. Immediately upon the apprehension and identification of any such dangerous or potentially dangerous patient, he shall be detained in the state where found pending disposition in accordance with law.

ARTICLE VI

The duly accredited officers of any state party to this compact, upon the establishment of their authority and the identity of the patient, shall be permitted to transport any patient being moved pursuant to this compact through any and all states party to this compact, without interference.

ARTICLE VII

(a) No person shall be deemed a patient of more than one institution at any given time. Completion of transfer of any patient to an institution in a receiving state shall have the effect of making the person a patient of the institution in the receiving state.

(b) The sending state shall pay all costs of and incidental to the transportation of any patient pursuant to this compact, but any two or more party states may, by making a specific agreement for that purpose, arrange for a different allocation of costs as among themselves.

(c) No provision of this compact shall be construed to alter or affect any internal relationships among the departments, agencies and officers of and in the government of a party state, or between a party state and its subdivisions, as to the payment of costs, or responsibilities therefor.

(d) Nothing in this compact shall be construed to prevent any party state or subdivision thereof from asserting any right against any person, agency or other entity in regard to costs for which such party state or subdivision thereof may be responsible pursuant to any provision of this compact.

(e) Nothing in this compact shall be construed to invalidate any reciprocal agreement between a party state and a non-party state relating to institutionalization, care or treatment of the mentally ill or mentally deficient, or any statutory authority pursuant to which such agreements may be made.

ARTICLE VIII

(a) Nothing in this compact shall be construed to abridge, diminish, or in any way impair the rights, duties, and responsibilities of any patient's guardian on his own behalf or in respect of any patient for whom he may serve, except that where the transfer of any patient to another jurisdiction makes advisable the appointment of a supplemental or substitute guardian, any court of competent jurisdiction in the receiving state may make such supplemental or substitute appointment and the court which appointed the previous guardian shall upon being duly advised of the new appointment, and upon the satisfactory completion of such accounting and other acts as such court may by law require, relieve the previous guardian of power and responsibility to whatever extent shall be appropriate in the circumstances; provided, however, that in the case of any patient having settlement in the sending state, the court of competent jurisdiction in the sending state shall have the sole discretion to relieve a guardian appointed by it or continue his power and responsibility, whichever it shall deem advisable. The court in the receiving state may, in its discretion, confirm or reappoint the person or persons previously serving as guardian in the sending state in lieu of making a supplemental or substitute appointment.

(b) The term "guardian" as used in paragraph (a) of this article shall include any guardian, trustee, legal committee, conservator, or other person or agency how-

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ever denominated who is charged by law with power to act for or responsibility for the person or property of a patient.

ARTICLE IX

(a) No provision of this compact except Article V shall apply to any person institutionalized while under sentence in a penal or correctional institution or while subject to trial on a criminal charge, or whose institutionalization is due to the commission of an offense for which, in the absence of mental illness or mental deficiency, said person would be subject to incarceration in a penal or correctional institution.

(b) To every extent possible, it shall be the policy of states party to this compact that no patient shall be placed or detained in any prison, jail or lockup, but such patient shall, with all expedition, be taken to a suitable institutional facility for mental illness or mental deficiency.

ARTICLE X

(a) Each party state shall appoint a "compact administrator" who, on behalf of his state, shall act as general coordinator of activities under the compact in his state and who shall receive copies of all reports, correspondence, and other documents relating to any patient processed under the compact by his state either in the capacity of sending or receiving state. The compact administrator or his duly designated representative shall be the official with whom other party states shall deal in any matter relating to the compact or any patient processed thereunder.

(b) The compact administrators of the respective party states shall have power to promulgate reasonable rules and regulations to carry out more effectively the terms and provisions of this compact.

ARTICLE XI

The duly constituted administrative authorities of any two or more party states may enter into supplementary agreements for the provision of any service or facility or for the maintenance of any institution on a joint or cooperative basis whenever the states concerned shall find that such agreements will improve services, facilities, or institutional care and treatment in the fields of mental illness or mental deficiency. No such supplementary agreement shall be construed so as to relieve any party state of any obligation which it otherwise would have under other provisions of this compact.

ARTICLE XII

This compact shall enter into full force and effect as to any state when enacted by it into law and such state shall thereafter be a party thereto with any and all states legally joining therein.

ARTICLE XIII

(a) A state party to this compact may withdraw therefrom by enacting a statute repealing the same. Such withdrawal shall take effect one year after notice thereof has been communicated officially and in writing to the governors and compact administrators of all other party states. However, the withdrawal of any state shall not change the status of any patient who has been sent to said state or sent out of said state pursuant to the provisions of the compact.

(b) Withdrawal from any agreement permitted by Article VII(b) as to costs or from any supplementary agreement made pursuant to Article XI shall be in accordance with the terms of such agreement.

ARTICLE XIV

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to

the constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

[1957 c 326 s 1]

245.52 COMMISSIONER OF PUBLIC WELFARE AS COMPACT ADMINISTRATOR. The commissioner of public welfare is hereby designated as "compact administrator." He shall have the powers and duties specified in the compact, and he may, in the name of the state of Minnesota, subject to the approval of the attorney general as to form and legality, enter into such agreements authorized by the compact as he deems appropriate to effecting the purpose of the compact. He shall, within the limits of the appropriations for the care of the mentally ill and mentally deficient available therefor, authorize such payments as are necessary to discharge any financial obligations imposed upon this state by the compact or any agreement entered into under the compact.

[1957 c 326 s 2]

245.53 TRANSMITTAL OF COPIES OF ACT. Duly authenticated copies of sections 245.51 to 245.53 shall, upon its approval, be transmitted by the secretary of state to the governor of each state, the attorney general and the secretary of state of the United States, and the council of state governments.

[1957 c 326 s 3]

245.61 COMMISSIONER OF PUBLIC WELFARE MAY MAKE GRANTS FOR LOCAL MENTAL HEALTH PROGRAMS. The commissioner of public welfare is hereby authorized to make grants to assist cities, counties, towns, villages or any combinations thereof, or non-profit corporations in the establishment and operation of local mental health programs to provide the following services: (a) collaborative and cooperative services with public health and other groups for programs of prevention of mental illness, mental retardation, and other psychiatric disabilities; (b) informational and educational services to the general public, and lay and professional groups; (c) consultative services to schools, courts and health and welfare agencies, both public and private; (d) out-patient diagnostic and treatment services; (e) rehabilitative services for patients suffering from mental or emotional disorders, mental retardation and other psychiatric conditions particularly those who have received prior treatment in an in-patient facility.

[1957 c 392 s 1]

245.62 COMMUNITY MENTAL HEALTH PROGRAM; TAX LEVY. Any city, county, town, or village, or any combination thereof, of over 50,000 population, and upon consent of the commissioner of public welfare, any city, county, town or village or combination thereof with less than 50,000 population, may establish a community mental health services program and may establish clinics and staff same with persons specially trained in psychiatry and related fields. Such programs and clinics may be administered by a city, county, town, village or non-profit corporation or a community mental health board established pursuant to sections 245.61 to 245.69.

In order to provide the necessary funds to establish and operate a mental health services program and to establish and maintain a clinic, the governing body of any city, county, town or village may levy annually upon all taxable property in such city, county, town or village, a special tax in excess of any statutory or charter limitation but such levy shall not exceed one mill. The governing body of any city, county, town or village may make such a levy, where necessary, separate from the general levy and at any time of the year. Nothing contained herein shall in any way preclude the use of funds available for this purpose under any existing statute or charter provision relating to cities, towns, counties or villages.

[1957 c 392 s 2; 1959 c 530 s 1]

245.63 ASSISTANCE OR GRANT. Any city, county, town, village, non-profit corporation or community mental health board administering a mental health services program may apply for the assistance provided by sections 245.61 to 245.69 by submitting annually to the commissioner of public welfare its plan and budget for the next fiscal year together with the recommendations of the community mental health board thereon. No programs shall be eligible for a grant hereunder unless its plan and budget have been approved by the commissioner.

[1957 c 392 s 3]

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245.64 FUNDS ALLOCATED. At the beginning of each fiscal year the commissioner of public welfare shall allocate available funds to the mental health programs for disbursement during the fiscal year in accordance with such approved plans and budgets. The commissioner shall, from time to time during the fiscal year, review the budgets and expenditures of the various programs and if funds are not needed for a program to which they were allocated, he may, after reasonable notice and opportunity for hearing, withdraw such funds as are unencumbered and reallocate them to other programs. He may withdraw funds from any program which is not being administered in accordance with its approved plan and budget.

[1957 c 392 s 4]

245.65 LIMITATION ON GRANTS. Subdivision 1. Except as hereinafter provided, grants for any program shall not exceed 50 percent of the total expenditures for (a) salaries, (b) contract facilities and services, (c) operation, maintenance, rental and service costs, (d) per diem and travel expense of members of community mental health boards, (e) mortgage or other financial costs specifically approved by the commissioner of public welfare for buildings and facilities constructed under the auspices of community mental health centers construction programs sponsored by the government of the United States, and (f) other expenditures specifically approved and authorized by the commissioner of public welfare, nor shall they exceed in any fiscal year 55 cents per capita of the area served by the program. Where any county served by a program hereunder has an assessed valuation of real and personal property of less than \$13,000,000 and the required total mill levy for all costs, including administrative costs, for all forms of public assistance exceeds by 50 percent or more the average required mill levy for such costs in all counties of the state, and the levy is insufficient to pay the county's share of such costs, said county may levy annually, for the purposes of Laws 1963, Chapter 796, a special tax in excess of any statutory limitation of not to exceed two mills and grants hereunder, attributable to such county's proportionate share of the total expenditures based on the ratio of such county's population to the total population of the area served by the program, may exceed 50 percent of the total expenditures but shall not exceed 83 cents per capita of such county. No grants shall be made for capital expenditures, except as herein provided. Grants may be made for expenditures for mental health services whether provided by operation of a local facility or through contract with other public or private agencies.

Subd. 2. Where local funds from any source other than the department of public welfare are being used to finance community mental health services prior to the effective date of sections 245.61 to 245.69, such funds shall not be used for matching state funds hereunder except that such local funds may be used for matching state funds for expansion of the existing services if such existing and expanded services conform to the provisions of sections 245.61 to 245.69.

Subd. 3. Existing local out-patient psychiatric clinic services now 100 percent state supported shall continue to receive such support until local funds are secured to provide 50 percent of such support but in no event beyond four years from the effective date hereof. Nothing in sections 245.61 to 245.69 shall be construed to limit the power of the commissioner of public welfare to establish clinics pursuant to section 246.014(10).

[1957 c 392 s 5; 1963 c 796 s 1; 1965 c 389 s 1]

245.66 COMMUNITY HEALTH BOARDS. Every city, county, town or village, or combination thereof establishing a community mental health services program shall, before it may come within the provisions of sections 245.61 to 245.69, establish a community mental health board. When a combination of four or less of such political subdivisions establish such a program the board shall consist of nine members. When a combination of five or six of such political subdivisions establish such a program the board shall consist of at least nine members but not more than twelve members at the option of the selection committee. When seven or more of such political subdivisions establish such a program the board shall consist of at least nine members but not more than fifteen members at the option of the selecting committee. When any city, county, town or village singly establishes such a program, such board shall be appointed by the chief executive officer of such city or village or the chairman of the governing body of such county or town. When a non-profit corporation is the administrator of

such a program not established by a city, county, town or village, such corporation shall select a community mental health board which shall be representative of the groups herein enumerated, but the number of members need not be nine. When any combination of the political subdivision herein enumerated establishes a community mental health services program, the chief executive officer of each participating city or village and the chairman of the governing body of each participating county or town shall appoint two members to a selecting committee which shall select the members of the board. Membership of the community mental health boards shall be representative of local health departments, medical societies, county welfare boards, hospital boards, lay associations concerned with mental health, labor, agriculture, business, civic and professional groups and the general public. Nothing in this section shall be construed to preclude the appointment to the community mental health board of individuals who are also members of a board of county commissioners so long as the mental health board retains the representative character indicated above.

[1957 c 392 s 6; 1959 c 303 s 1; 1963 c 796 s 2]

245.67 MEMBERS OF COMMUNITY HEALTH BOARDS; TERMS, VACANCIES, REMOVAL. Except for boards appointed by non-profit corporations, the term of office of each member of the community mental health board shall be for three years measured from the first day of the year of appointment except that of the members first appointed, one-third shall be appointed for a term of one year, one-third for a term of two years, and one-third for a term of three years if there is a nine, twelve, or fifteen member board. Any remaining members first appointed shall serve the three year term. Vacancies shall be filled for the unexpired term in the same manner as original appointments. Any member of a board may be removed by the appointing authority for neglect of duty, misconduct or malfeasance in office, after being given a written statement of charges and an opportunity to be heard thereon.

[1957 c 392 s 7; 1963 c 796 s 3]

245.68 DUTIES OF COMMUNITY HEALTH BOARDS. Subject to the provisions of this section and the rules and regulations of the commissioner of public welfare, each community mental health board shall:

(a) Review and evaluate community mental health service provided pursuant to sections 245.61 to 245.69, and report thereon to the commissioner of public welfare, the administrator of the program, and, when indicated, the public, together with recommendations for additional services and facilities;

(b) Recruit and promote local financial support for the program from private sources such as community chests, business, industrial and private foundations, voluntary agencies and other lawful sources, and promote public support for municipal and county appropriations;

(c) Promote, arrange and implement working agreements with other social service agencies, both public and private, and with other educational and judicial agencies;

(d) Advise the administrator of the community mental health program on the adoption and implementation of policies to stimulate effective community relations;

(e) Review the annual plan and budget and make recommendations thereon; and

(f) When so determined by the authority establishing the program, act as the administrator of the program.

[1957 c 392 s 8]

245.69 ADDITIONAL DUTIES OF COMMISSIONER OF PUBLIC WELFARE. In addition to the powers and duties already conferred upon him by law the commissioner of public welfare shall:

(a) Promulgate rules and regulations governing eligibility of community mental health programs to receive state grants, prescribing standards for qualification of personnel and quality of professional service and for in-service training and educational leave programs for personnel, governing eligibility for service so that no person will be denied service on the basis of race, color or creed, or inability to pay, providing for establishment, subject to the approval of the commissioner, of fee schedules which shall be based upon ability to pay and the guiding principle of which shall be that no one who can afford to pay for his own treatment at the rate customarily charged in private practice shall be treated in the community mental health services clinic except as hereinafter provided, regulating fees for consulta-

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tion and diagnostic services which services may be provided to anyone without regard to his financial status when referred by the courts, schools, or health or welfare agencies whether public or private, and such other rules and regulations as he deems necessary to carry out the purposes of sections 245.61 to 245.69.

(b) Review and evaluate local programs and the performance of administrative and psychiatric personnel and make recommendations thereon to community mental health boards and program administrators;

(c) Provide consultative staff service to communities to assist in ascertaining local needs and in planning and establishing community mental health programs; and

(d) Employ qualified personnel, including a director of community mental health services, under the supervision of the medical director to implement sections 245.61 to 245.69.

[1957 c 392 s 9]

245.70 MENTALLY ILL AND MENTALLY RETARDED; FEDERAL AID.

The commissioner of public welfare is hereby designated the state agency to establish and administer a state-wide plan for the construction, equipment, maintenance, and operation of any facilities for the care, treatment, diagnosis, or rehabilitation, of the mentally retarded or mentally ill which are or may be required as a condition for eligibility for benefits under any federal law and in particular under the Federal Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 (P.L. 88-164). The commissioner of public welfare is authorized and directed to receive, administer, and expend any funds that may be available under any federal law or from any other source, public or private, for such purposes.

[1965 c 626 s 1]

245.71 CONDITIONS TO FEDERAL AID FOR MENTALLY ILL AND MENTALLY RETARDED. The commissioner of public welfare is authorized and empowered to comply with all conditions and requirements necessary to receive federal aid or grants with respect to the establishment, construction, maintenance, equipment or operation, for all the people of this state, of adequate facilities and services as specified in section 245.70, including the authority:

(a) To designate or establish a state advisory council, with representation as required as a condition of eligibility for benefits under any federal law, to consult with him in carrying out the purposes of this act;

(b) To provide an inventory of existing facilities or a particular category thereof, and to survey the need for additional facilities;

(c) To develop and administer a construction program or programs which, in conjunction with existing facilities will afford adequate facilities to serve the people of this state;

(d) To provide for priority of projects or facilities;

(e) To provide to applicants an opportunity for a hearing before him;

(f) To prescribe and require compliance with such standards of maintenance and operation applicable to such facilities as are reasonably necessary to protect the public health, welfare, and safety;

(g) To promulgate rules and regulations as to methods of administration, reporting and personnel standards.

[1965 c 626 s 2]

245.75 FEDERAL GRANTS FOR INDIANS. The commissioner of public welfare is authorized to enter into contracts with the department of health, education, welfare and the department of interior, bureau of Indian affairs, for the purpose of receiving federal grants for the welfare and relief of Minnesota Indians. Such contract and the plan of distribution of such funds shall be subject to approval of the Minnesota public relief advisory committee.

[1965 c 886 s 23]