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CHAPTER 252

MENTALLY RETARDED AND EPILEPTIC; STATE HOSPITALS

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252.01 [Repealed, 1961 c 137 s 2]

252.011 [Repealed, 1961 c 137 s 2]

252.015 [Repealed, 1961 c 137 s 2]

252.02 [Repealed, 1961 c 137 s 2]

252.025 STATE HOSPITALS FOR THE MENTALLY RETARDED AND EPILEPTIC. Subdivision 1. State hospitals for the mentally retarded and epileptic shall be established and maintained at Faribault, Cambridge and Brainerd, and notwithstanding any provision to the contrary they shall be respectively known as the Faribault State Hospital, the Cambridge State Hospital, and the Brainerd State Hospital.

Subd. 2. They shall be under the general management and control of the commissioner of public welfare.

Subd. 3. The commissioner of public welfare may lease the Ramsey County Preventorium and operate it as an annex to the Cambridge State Hospital.

[1961 c 137 s 1; 1967 c 6 s 1, 2]

252.03 ADMISSION. The commissioner of public welfare may provide for the admission to any such state hospital of any mentally retarded or epileptic person who is a resident of this state or who may have been heretofore or may hereafter be committed to the guardianship of the commissioner of public welfare.

[1919 c 407 s 7; 1961 c 560 s 21; 1967 c 6 s 2] (4498)

252.04 [Repealed, Ex1961 c 62 s 7]

252.041 CHARGES FOR PATIENT CARE; DEFINITIONS. Subdivision 1. For the purposes of sections 252.041 to 252.046, the terms set out in subdivisions 2 to 8 have the meanings ascribed to them.

Subd. 2. "Commissioner" means the commissioner of public welfare.

Subd. 3. "State institution" means a state institution for the mentally retarded or epileptic now existing or hereafter established, or any state institution where the mentally retarded are receiving care.

Subd. 4. "Patient" means any person receiving care or treatment at such a state institution whether he entered such institution voluntarily or under commitment.

Subd. 5. "Cost of care" means the commissioner's determination of the average per capita cost of all maintenance, treatment and expenses, other than that paid from the Minnesota state building fund, at the state hospitals for the mentally retarded and epileptic at Faribault, Cambridge and Brainerd during the fiscal year previous to the period for which billing is being made.

Subd. 6. "Relatives" means the parents and spouse of a patient, in that order of liability for cost of care.

Subd. 7. "Patient's county" means the county of the patient's legal settlement for poor relief purposes at the time of admission to a state institution, or if he has no such legal settlement in this state, it means the county of commitment, except that where a patient with no such legal settlement is committed while serving a sentence at a penal institution, it means the county from which he was sentenced.

Subd. 8. "County welfare boards" means the welfare board of the patient's county as defined in subdivision 7 and any other county welfare board possessing

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information regarding, or requested by the commissioner to investigate, the financial circumstances of a patient or his relatives.

[*Ex1961 c 62 s 1; 1967 c 6 s 2*]

252.042 DETERMINATION OF LIABILITY OF PATIENT OR RELATIVES.

The county welfare boards shall investigate the financial circumstances of each patient and his relatives and shall report thereon to the commissioner. The commissioner shall make such further investigation as he deems necessary and shall determine, and as circumstances require he may redetermine, what part of the cost of care the patient is able to pay, if any. If, in the opinion of the commissioner, the patient is unable to pay the full cost of care, he shall make a like determination as to the ability of the relatives to pay the charge provided in section 252.043. Such determinations shall be conclusive in any action to enforce payment of the cost of care unless appealed from as hereinafter provided. Responsibility under this section shall not apply to those relatives with an income of less than \$4000 per year.

[*Ex1961 c 62 s 2*]

252.043 ORDER TO PAY; LIMITATIONS UPON LIABILITY. The commissioner shall issue an order to the patient or the guardian of his estate, if there be one, and relatives determined able to pay requiring them to pay monthly to the state of Minnesota the amounts so determined, the total of which shall not exceed the full cost of care. Such order shall specifically state that the commissioner's determinations shall be conclusive unless appealed from as herein provided. In no case shall the relatives be ordered to pay more for each patient than \$10 per month of the cost of care but payments in excess of \$10 may be accepted by the commissioner. No relative shall be liable for the cost of care given a patient at a state institution for the mentally deficient or epileptic after such patient has reached the age of 21 years. When a patient or relative fails to pay the amount due hereunder the attorney general, upon request of the commissioner, may institute, or direct the appropriate county attorney to institute, civil action to recover such amount with interest.

[*Ex1961 c 62 s 3*]

NOTE: See section 252.047.

252.044 LIABILITY OF ESTATE OF DECEASED PATIENT. Upon death of a patient or former patient, the total cost of care from the effective date of Extra Session Laws 1961, Chapter 62, regardless of the amount the patient was ordered to pay, less the amount actually paid toward the cost of care by the patient or his relatives, shall be allowed as a claim against the estate of such patient or former patient by the court having jurisdiction to probate the estate. All proceeds collected by the state in such case shall be divided between the state and county in proportion to the cost of care each has borne.

There is appropriated from the general revenue fund, or from the fund or account in the state treasury to which the money was credited, to the counties as provided by this section, an amount sufficient to make the necessary payments as are provided herein.

[*Ex1961 c 62 s 4; 1963 c 655 s 1*]

252.045 PATIENT'S COUNTY; PAYMENT TO STATE; REIMBURSEMENT.

The patient's county shall pay quarterly to the state of Minnesota \$10 for each month or portion thereof the patient spends at the state institution. Any portion of said amount actually received by the state of Minnesota from the patient and his relatives shall be reimbursed to said county. The county shall not be entitled to reimbursement therefor from the patient, his estate or his relatives, except as provided herein. Each quarter the commissioner shall notify each county of the amount due under this section.

There is appropriated from the general revenue fund, or from the fund or account in the state treasury to which the money was credited, to the counties as provided by this section, an amount sufficient to make the necessary payments as are provided herein.

[*Ex1961 c 62 s 5; 1963 c 655 s 2*]

252.046 REVIEW. The commissioner shall establish a procedure for hearing complaints regarding the amount of charges. Any patient or relative aggrieved by an order of the commissioner hereunder may appeal from such order to the district court of the county in which he resides by serving notice of such appeal on the commissioner and filing the notice, with proof of service thereof, in the office of the clerk of the district court of such county within 30 days from the date the

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order was mailed or such later date not exceeding one year from date of mailing as permitted by order of such court. Such appeal may be brought on for hearing by the appellant or the commissioner upon ten days' written notice. It shall be tried to the court which shall hear such evidence as it deems necessary and by order affirm or modify the order of the commissioner. When any order or determination of the commissioner made under sections 252.041 to 252.046 is brought in question on such appeal, such order or determination shall be determined de novo. Appeal to the supreme court from the order of the district court may be taken in the same manner as appeals are taken from appealable orders in civil actions.

[*Ex1961 c 62 s 6*]

252.047 ORDER TO PAY; LIMITATION UPON LIABILITY. Notwithstanding any provisions of Minnesota Statutes, Section 252.043, the commissioner of public welfare shall issue an order to a patient in any state institution for the mentally retarded or epileptic or the guardian of his estate, if there be one, and relatives determined able to pay requiring them to pay monthly to the state of Minnesota the amounts so determined, the total of which shall not exceed the full cost of care. Such order shall specifically state that the commissioner's determinations shall be conclusive unless appealed from as herein provided. In no case shall the relatives be ordered to pay more for each patient than ten percent of the cost of care but payments in excess thereof may be accepted by the commissioner. When a patient or relative fails to pay the amount due hereunder the attorney general, upon request of the commissioner, may institute, or direct the appropriate county attorney to institute civil action to recover such amount with interest.

[*1965 c 886 s 25*]

252.05 ABDUCTION OR ENTICING AWAY PROHIBITED; PENALTY. Every person who shall abduct, entice, or carry away from a state hospital for the mentally retarded or epileptic any inmate thereof, who has not been legally discharged therefrom, shall be guilty of a felony and punished by a fine of not to exceed \$1,000 or imprisonment in the state prison or state reformatory not to exceed three years, or both, in the discretion of the court; any and every person who shall abduct, entice, or carry away from any place other than a state hospital, a person duly committed as feeble-minded or mentally deficient to the guardianship of the commissioner of public welfare with the intention of wrongfully removing such person from the direct custody of the commissioner of public welfare, such person known by him to be under the supervision of the commissioner of public welfare or his agents, shall be guilty of a gross misdemeanor.

[*1923 c 365 s 1; 1929 c 231 s 1; 1953 c 593 s 2; 1965 c 45 s 22; 1967 c 6 s 2*] (*4502*)

252.06 SHERIFF TO TRANSPORT MENTALLY DEFICIENT AND EPILEPTIC PERSONS. It shall be the duty of the sheriff of any county, upon the request of the commissioner of public welfare, to take charge of and transport any mentally deficient or any epileptic person who has been committed by the probate court of any county to the care and custody of the commissioner of public welfare to such institution as may be designated by the commissioner of public welfare and there deliver such person to the superintendent of the institution.

[*1921 c 76 s 1; Ex1936 c 57 s 1; 1947 c 212 s 1; 1953 c 593 s 2; 1965 c 45 s 23*] (*4503*)

252.07 SHERIFF, EXPENSES. In any county where the sheriff receives a salary in full compensation for official services performed for the county, he shall receive no additional compensation for services performed under the provisions of sections 252.06 to 252.08, but he shall be reimbursed by the county wherein such mentally deficient or epileptic person was committed for the necessary expenses incurred by him in taking charge of and transporting such person to such institution and the subsistence of himself and such person while enroute.

In any county where the sheriff does not receive a salary he shall be paid \$5 a day for the time necessarily employed in performance of the service, together with expenses incurred by him in taking charge of and transporting such person to such institution and the subsistence of himself and such person while enroute.

When the mentally deficient or epileptic person is a female, the sheriff shall appoint some suitable woman to act in his stead. Such woman shall exercise all the powers vested in the sheriff and shall be paid \$5 per day for the time necessarily employed in the performance of such service, together with expenses incurred

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by her in taking charge of and transporting such person to such institution and the subsistence of herself and such person while enroute.

[1921 c 76 s 2; Ex1936 c 57 s 2; 1947 c 212 s 2; 1951 c 339 s 1; 1965 c 45 s 24] (4504)

252.08 PROBATE COURT TO AUDIT EXPENSE ACCOUNTS. The fees and expenses of any sheriff or other person performing the service under the provisions of sections 252.06 to 252.08 shall be audited by the probate judge of the county and paid by the county auditor and county treasurer upon the written order of the probate judge without other or further allowance.

[1921 c. 76 s. 3] (4505)

252.09 COURSES OF INSTRUCTION FOR TEACHERS. The commissioner of public welfare may establish and maintain at the state hospital for the mentally retarded and epileptic at Faribault courses of instruction for teachers and others interested in the care and training of mentally retarded or defective children and make all necessary rules and regulations for the organization and conduct of such courses.

[1913 c 261 s 1; 1965 c 45 s 25; 1967 c 6 s 2] (4506)

252.10 FEES AND EXPENSES. The commissioner of public welfare shall charge and collect from each person taking any such courses of instruction an amount for board and tuition not exceeding \$10 per week and the moneys so collected shall be turned into the state treasury as are other miscellaneous receipts from the institution. The expenses incident to the conduct of such courses of instruction and for the board of those taking the same shall be paid as are the other expenses for maintaining the state hospital for the mentally retarded and epileptic. The courses of instruction herein referred to shall, within the limitation of charges as stated, be made as near self-sustaining as possible.

[1913 c 261 s 2; 1965 c 45 s 26; 1967 c 6 s 2] (4507)

252.11 [Repealed, 1961 c 26 s 1]

252.12 [Repealed, 1961 c 26 s 1]

252.13 [Repealed, 1961 c 26 s 1]

252.14 [Repealed, 1961 c 26 s 1]

252.15 [Repealed, 1963 c 830 s 9]

252.16 [Repealed, 1963 c 830 s 9]

252.17 [Repealed, 1963 c 830 s 9]

252.18 [Repealed, 1963 c 830 s 9]

252.19 [Repealed, 1963 c 830 s 9]

252.20 [Repealed, 1963 c 830 s 9]

252.21 COMMISSIONER OF PUBLIC WELFARE MAY MAKE GRANTS FOR DAYTIME ACTIVITY CENTERS FOR THE MENTALLY RETARDED. In order to assist in the establishment of daytime activity centers for the mentally retarded, the commissioner of public welfare is hereby authorized and directed to make grants, within the limits of the money appropriated, to those daytime activity centers for the mentally retarded that he shall select.

[1963 c 830 s 1]

252.22 APPLICANTS FOR ASSISTANCE; TAX LEVY. Any city, village, town, county or non-profit corporation or any combination thereof, may apply to the commissioner of public welfare for assistance in establishing and operating a daytime activity center and program for mentally retarded persons. Application for such assistance shall be on forms supplied by the commissioner. Each applicant shall annually submit to the commissioner its plan and budget for the next fiscal year. No applicant shall be eligible for a grant hereunder unless its plan and budget have been approved by the commissioner.

Any city, town, village, or county is authorized, at the discretion of its governing body, to make grants from special tax revenues or from its general revenue fund to any nonprofit organization, governmental or corporate, within or outside its jurisdiction, that has established a daytime activity center for the mentally retarded. In order to provide necessary funds to establish and operate daytime activity centers for the mentally retarded, the governing body of any city, town, village, or county may levy annually upon all taxable property in such city, town, village, or county, a special tax in excess of any statutory or charter limitation but such levy shall not exceed one-half mill as to any city, town or village, and shall not exceed one mill as to any county, provided that the county levy in contiguous counties with cities of the first class shall not exceed two-tenths of a mill, and

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further provided that, in no event, in contiguous counties with cities of the first class shall the combined levy of cities, villages, townships and the county exceed an amount that is equal to three-tenths of a mill levied by the county. In any other county containing a city of the first class, the county levy shall not exceed three-tenths of a mill. The governing body of any city, town, village, or county may make such a levy, where necessary, separate from the general levy. 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, villages, counties.

[1963 c 830 s 2; 1965 c 480 s 1; 1967 c 878 s 1]

252.23 ELIGIBILITY REQUIREMENTS. An applicant shall satisfy all of the following requirements to be eligible for assistance under sections 252.21 to 252.26:

(1) Provide daytime activities for any or all of the following classes of persons:

School age mentally retarded children who are neither educable or trainable;

Mentally retarded children and adults who are unable to attend school because of their chronological age and are unable to independently engage in ordinary community activities;

(2) Provide counselling services to parents or guardians of mentally retarded persons who may register at the center;

(3) Comply with all rules and regulations duly promulgated by the commissioner of public welfare.

[1963 c 830 s 3]

252.24 COMMISSIONER'S DUTIES. Subdivision 1. **Selection of daytime activity centers.** The commissioner of public welfare shall select those applicants for assistance and grant them assistance, as provided in subdivision 3, whose center location and program is licensed under the provisions of Minnesota Statutes 1965, Sections 257.081, 257.101, 257.111, 257.123, 257.175, 257.13, and in his opinion, best provides daytime activities for mentally retarded persons within the state appropriation made available for this purpose.

Subd. 2. **Supervision of projects; promulgation of rules and regulations.** The commissioner of public welfare shall closely supervise any daytime activity center receiving a grant under sections 252.21 to 252.26. He shall promulgate in the manner provided by law such rules and regulations as are necessary to carry out the purposes of sections 252.21 to 252.26, including but not limited to rules and regulations pertaining to facilities for housing activity centers, administration of centers, and eligibility requirements for admission and participation in activities of the center.

Subd. 3. **Payment procedure.** The commissioner of public welfare at the beginning of each fiscal year, shall allocate available funds to activity center programs for disbursement during the fiscal year to those centers that have been selected to receive grants and whose plans and budgets have been approved. The commissioner shall, from time to time during the fiscal year, review the budgets, expenditures and programs of the various centers and if he determines that any amount of funds are not needed for any particular center to which they were allocated, he may, after 30 days' notice, withdraw such funds as are unencumbered and reallocate them to other centers. He may withdraw all funds from any center upon 90 days' notice whose program is not being administered in accordance with its approved plan and budget.

Subd. 4. **Limitation on grants; fees.** No grants of assistance to any center shall exceed 50 percent of all its expenditures for (a) salaries, (b) contract facilities and services, (c) operation, maintenance and service costs, (d) other expenditures specifically approved and authorized by the commissioner of public welfare; provided, however, that the commissioner shall not approve or authorize any expenditure for rental, lease, construction, or other expenditures for facilities to house the daytime activity center. The commissioner shall not expend in any fiscal year in any one county an amount in excess of 25 cents per capita of the population in said county. The board of directors of an activity center may, with the approval of the commissioner, charge a reasonable attendance fee, based on the ability of the mentally retarded person, his guardian or family to pay such a fee, provided that no mentally retarded person shall be denied participation in the activities of such a center because of an inability to pay such a fee.

[1963 c 830 s 4; 1967 c 878 s 2, 3]

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252.25 BOARD OF DIRECTORS. Every city, village, town, county or non-profit corporation, or combination thereof, establishing a daytime activity center for the mentally retarded shall, before it comes under the terms of sections 252.21 to 252.26, appoint a board of directors for the activity center program. When any city, village, town or county singly establishes such a center, such board shall be appointed by the chief executive officer of the city or village or the chairman of the governing board of the county or town. When any combination of cities, villages, towns, counties or non-profit corporations, establishes such a center, the chief executive officers of the cities, villages or non-profit corporations and the chairman of the governing bodies of the counties or towns shall appoint the board of directors. If a non-profit corporation singly establishes such a center, its chief executive officer shall appoint the board of directors of the activity center. Membership on a board of directors while not mandatory, should be representative of local health, education and welfare departments, medical societies, mental health centers, associations concerned with mental retardation, civic groups and the general public. Nothing in sections 252.21 to 252.26 shall be construed to preclude the appointment of elected or appointed public officials or members of the board of directors of the sponsoring non-profit corporation to such board of directors.

[1963 c 830 s 5]

252.26 DUTIES OF BOARD OF DIRECTORS. Subject to the provisions of sections 252.21 to 252.26 and the rules and regulations of the commissioner of public welfare, each board of directors of a daytime activity center shall:

(1) Recruit and promote financial support for the center from sources such as business, labor, industrial and private foundations, voluntary agencies, and the general public;

(2) Promote and enter into working agreements with other social service and educational agencies, both public and private, that provide service to the mentally retarded;

(3) Advise the commissioner of public welfare on the adoption and implementation of policies to stimulate effective community relations;

(4) Review the annual budget and plan of the center and make recommendations thereon;

(5) Review and evaluate periodically the services provided by the center and report thereon to the commissioner of public welfare, and when indicated to the public.

[1963 c 830 s 6]