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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252.01 [Repealed, 1961 c 137 s 2]

252.011 [Repealed, 1961 c 137 s 2]

252.015 [Repealed, 1961 c 137 s 2]

252.02 [Repealed, 1961 c 137 s 2]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252.04 [Repealed, Ex1961 c 62 s 7]

252.041 [Repealed, 1971 c 637 s 7]

252.042 [Repealed, 1971 c 637 s 7]

252.043 [Repealed, 1971 c 637 s 7]

252.044 [Repealed, 1971 c 637 s 7]

252.045 [Repealed, 1971 c 637 s 7]

252.046 [Repealed, 1971 c 637 s 7]

252.047 [Repealed, 1969 c 204 s 4]

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)

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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 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 and one-half 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 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; 1971 c 668 s 2]

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:

Mentally retarded children who can benefit from the program of services, including those school age children who have been excused or excluded from school;

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; 1971 c 584 s 1]

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 60 percent of all its expenditures for (a) salaries, (b) contract facilities and services, (c) operation, maintenance and service costs, (d) rent of an appropriate facility, (e) mortgage or other financial costs specifically approved and authorized by the commissioner of public welfare, (f) other expenditures specifically approved and authorized by the commissioner of public welfare.

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, 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 75 percent of the total expenditure for the daytime activity center program of such 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; 1969 c 905 s 1; 1971 c 584 s 2; 1971 c 668 s 1]

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

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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]

252.27 COST OF BOARDING CARE OUTSIDE HOME OR INSTITUTION.

Subdivision 1. Whenever any child who is mentally retarded, epileptic or emotionally handicapped is cared for outside the home and outside the several state institutions, in a facility approved by the commissioner of public welfare, the cost of such care shall be paid by the county in which such child has settlement for poor relief purposes; if the child does not have a settlement in this state, such cost shall be paid by the county in which he is found. The county paying the costs of such care and treatment shall, subject to uniform regulations established by the commissioner of public welfare, receive reimbursement not exceeding one half of such costs from funds made available for this purpose by the legislature, provided, however, that such reimbursement shall cease upon the mentally retarded, epileptic or emotionally handicapped child reaching age 18. For the purposes of this section an "emotionally handicapped child" means any child having a psychiatric or other disorder which substantially impairs his mental health and who is in need of treatment or supervision.

Subd. 2. Parents shall be responsible to reimburse the county making such payments, on the same basis as if the child were in a state institution for the mentally retarded, epileptic or emotionally handicapped, as provided in sections 252.042 to 252.047 and 246.51 to 246.52 except that this provision is not applicable to mentally retarded, epileptic, emotionally handicapped children 18 years of age and older.

[1969 c 582 s 1; 1971 c 648 s 1, 2]

252.28 COMMISSIONER OF PUBLIC WELFARE; DUTIES. Subdivision 1. The commissioner of public welfare may determine the need, location, and program of public and private residential and day care facilities and services for mentally retarded children and adults.

Subd. 2. The commissioner of public welfare shall:

(1) Establish uniform rules, regulations and program standards for each type of residential and day facility or service for more than four retarded persons, including state institutions under control of the commissioner and serving mentally retarded persons.

(2) Grant licenses to individuals, organizations or associations, or nonprofit groups meeting the provisions of this section and providing facilities or services for mentally retarded persons of all ages. All special residential schools, day schools and training centers for retarded persons shall come under the provisions of this section if not regulated by the commissioner of education or a church affiliated school system.

(3) Licenses shall be renewed annually, and a provisional license may be granted for up to one year. Licenses may be revoked pursuant to section 257.111. All licensed agencies are subject to review and supervision by the commissioner and shall receive consultation from the commissioner to further the purposes of this section.

(4) Create and establish a state advisory board to assist him in carrying out

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the provisions of this section, including, but not limited to, considerations of the social, medical, educational vocational management, parental and community interests of mentally retarded persons. The commissioner of education or his designee shall be a member of the advisory board for the purpose of developing rules, regulations and program standards compatible with those of the state board of education.

[1971 c 229 s 1]