

CHAPTER 254A

TREATMENT FOR ALCOHOL AND DRUG ABUSE

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254A.01 PUBLIC POLICY. It is hereby declared to be the public policy of this state that the interests of society are best served by providing persons who are dependent upon alcohol or other drugs with a comprehensive range of rehabilitative and social services. Further, it is declared that treatment under these services shall be voluntary when possible; treatment shall not be denied on the basis of prior treatment; treatment shall be based on an individual treatment plan for each person undergoing treatment; treatment shall include a continuum of services available for a person leaving a program of treatment; treatment shall include all family members at the earliest possible phase of the treatment process.

[1973 c 572 s 1]

254A.02 DEFINITIONS. Subdivision 1. For the purposes of chapter 254A, unless the context clearly indicates otherwise, the terms defined in this section have the meanings given them.

Subd. 2. "Approved treatment program" means care and treatment services provided by any individual, organization or association to drug dependent persons, which meets the standards established by the commissioner of public welfare.

Subd. 3. "Comprehensive program" means the range of services which are to be made available for the purpose of prevention, care and treatment of alcohol and drug abuse.

Subd. 4. "Drug abuse or abuse of drugs" is the use of any psychoactive or mood altering chemical substance, without compelling medical reason, in such a manner as to induce mental, emotional or physical impairment and cause socially dysfunctional or socially disordering behavior and which results in psychological or physiological dependency as a function of continued use.

Subd. 5. "Drug dependent person" means any inebriate person or any person incapable of managing himself or his affairs or unable to function physically or mentally in an effective manner because of the abuse of a drug, including alcohol.

Subd. 6. "Facility" means any treatment facility administered under an approved treatment program established under Laws 1973, Chapter 572.

Subd. 7. "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol, or other drugs.

Subd. 8. "Other drugs" means any psychoactive chemical other than alcohol.

Subd. 9. "Program director" means the director of any approved treatment program responsible under Laws 1973, Chapter 572 for the examination, treatment or making of recommendations with respect to care and treatment of any person subject to the provisions of Laws 1973, Chapter 572.

Subd. 10. "State authority" is a division established within the department of public welfare for the purpose of relating the authority of state government in the area of alcohol and drug abuse to the alcohol and drug abuse activities within the state.

Subd. 11. "Native American" means a person of one quarter or more Indian blood.

Subd. 12. "Area mental health board" or "area board" means a board established pursuant to sections 245.61 to 245.69.

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Subd. 13. "Commissioner" means the commissioner of public welfare.

Subd. 14. "Youth" means any person 18 years of age or under.

Subd. 15. "Underserved populations" means identifiable groups of significant numbers which do not have available to them sufficient programs and services designed to meet their special alcoholism and chemical dependency needs.

Subd. 16. "Affected employee" means an employee whose job performance is substantially affected by chemical dependency.

Subd. 17. "Purchase of service agreement" means a contract between a contractor and service provider for the provision of services. The agreement shall specify the services to be provided, the method of delivery, the type of staff to be employed, and a method of evaluation of the services to be provided.

[1973 c 572 s 2; 1974 c 575 s 1; 1976 c 125 s 1,2]

254A.03 STATE AUTHORITY ON ALCOHOL AND DRUG ABUSE. Subdivision

1. There is hereby created an alcohol and other drug abuse section in the department of public welfare. This section shall be headed by a director who shall be in the unclassified service. The section shall:

(a) conduct and foster basic research relating to the cause, prevention and methods of diagnosis, treatment and rehabilitation of alcoholic and other drug dependent persons;

(b) coordinate all activities and programs of all the various state departments as they relate to alcohol and other drug dependency and abuse problems;

(c) develop and demonstrate new methods and techniques for the prevention, treatment and rehabilitation of alcohol and other drug abuse and dependency problems;

(d) gather and disseminate facts and information about alcoholism and other drug dependency and abuse to public and private agencies and the courts so requesting such information for guidance to and assistance in prevention, treatment and rehabilitation;

(e) inform and educate the general public on alcohol and other drug dependency and abuse problems;

(f) serve as the state authority concerning alcohol and other drug dependency and abuse;

(g) establish a state plan which shall set forth goals and priorities within a comprehensive alcohol and other drug dependency and abuse program for Minnesota. All governmental units operating alcohol and other drug abuse or dependency programs or administering state or federal funds for such programs shall annually set their program goals and priorities and allocate funds in accordance with the comprehensive state plan;

(h) make contracts with and grants to public and private agencies and organizations, both profit and nonprofit, and individuals for the provision of comprehensive program services;

(i) solicit and accept any gift of money or property for purposes of Laws 1973, Chapter 572, and any grant of money, services, or property from the federal government, the state, any political subdivision thereof, or any private source;

(j) with respect to alcohol and other drug abuse programs serving the native American community, establish guidelines for the employment of personnel with considerable practical experience in alcohol and other drug abuse problems, and understanding of social and cultural problems related to alcohol and other drug abuse, in the native American community.

Subd. 2. There is hereby created, within the alcohol and drug abuse section of the department of public welfare, the position of special assistant for native American programs on alcoholism and drug abuse and an assistant to that position. The special assistant position shall be filled by a person with considerable practical experience in and understanding of alcohol and other drug abuse problems in the native American community, who shall be responsible to the director of the alcohol and drug abuse section created in subdivision 1 and shall be in the unclassified service. The special assistant with the approval of the director shall:

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(a) Administer funds appropriated for native American groups, organizations and reservations within the state for native American alcoholism and drug abuse programs,

(b) Establish policies and procedures for such native American programs with the assistance of the citizens advisory council created by section 254A.04, and the native American advisory board.

[1973 c 572 s 3; 1974 c 575 s 2]

254A.031 NATIVE AMERICAN PROGRAMS. The commissioner shall enter into one or more purchase of service agreements to provide programs for native Americans. The agreements shall provide for residential and aftercare treatment programs, programs relating to prevention, education, and community awareness, and training programs. All programs shall be designed to meet the needs identified by the native American community, and appropriate recognition shall be given to the cultural and social needs of native Americans. The commissioner shall enter into the agreements after consultation with the special assistant for native American programs of the alcohol and drug abuse section of the department of public welfare, and all agreements shall be reviewed pursuant to section 254A.03.

[1976 c 125 s 3]

254A.04 CITIZENS ADVISORY COUNCIL. There is hereby created an alcohol and other drug abuse advisory council to advise the department of public welfare concerning the problems of alcohol and other drug dependency and abuse, composed of 11 members appointed by the governor. At least five members shall be individuals whose interests or training are in the field of alcohol dependency and abuse; and at least five members whose interests or training are in the field of dependency and abuse of drugs other than alcohol. The council shall expire and the terms, compensation and removal of members shall be as provided in section 15.059.

[1973 c 572 s 4; 1975 c 315 s 17]

254A.05 DUTIES OF ADVISORY COUNCIL. Subdivision 1. (a) The council shall assist in the formulation of policies and guidelines for the implementation of the commissioner's responsibilities in the area of alcohol and drug abuse.

(b) The council shall advise the commissioner and director on policies, goals, and the operation of the comprehensive state plan for alcohol and drug abuse program services in the state and other matters as directed by the commissioner and director, and shall encourage public understanding and support of the alcohol and drug abuse programs.

(c) The council shall make recommendations to the commissioner regarding grants to community mental health boards under section 254A.07.

Subd. 2. [Repealed, 1975 c 315 s 26]

[1973 c 572 s 5]

254A.06 TRANSFER OF PERSONNEL. All individuals employed by the commission on alcohol problems and the drug abuse section of the state planning agency are transferred to the department of public welfare.

[1973 c 572 s 6]

254A.07 COMPREHENSIVE PROGRAMS; COORDINATION OF LOCAL PROGRAMS. Subdivision 1. The commissioner of public welfare shall designate the community mental health boards to (a) coordinate all alcohol and other drug abuse services conducted by local agencies, and to (b) review all proposed agreements, contracts, plans, and programs in relation to alcohol and other drug abuse prepared by any such local agencies for funding from any local, state or federal governmental sources.

Subd. 2. The department of public welfare may make grants to community mental health boards for comprehensive programs for prevention, care, and treatment of alcohol and other drug abuse as developed and defined by the state authority. Grants made for programs serving the native American community shall take into account the guidelines established in section 254A.03, subdivision 1, clause (j). Grants may be made for the cost of these comprehensive programs and services whether provided directly by community mental health boards or by other public and private agencies and organizations, both profit and nonprofit, and individuals, pursuant to contract. Noth-

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ing herein shall prevent the state authority from entering into contracts with and making grants to other state agencies for the purpose of providing specific services and programs.

Subd. 3. The expense of administration, operation and maintenance of comprehensive programs shall be financed by equal shares of state and local matching funds except as provided by Laws 1973, Chapter 572 and Minnesota Statutes 1971, Section 245.65, Subdivision 1, Clause (g).

[1973 c 572 s 7; 1974 c 575 s 3]

254A.08 DETOXIFICATION CENTERS. Subdivision 1. Every community mental health board shall provide a detoxification program for drug dependent persons within its area; the board may utilize existing treatment programs and other agencies to meet this responsibility.

Subd. 2. For the purpose of this section, a detoxification program means a social rehabilitation program established for the purpose of facilitating access into care and treatment by detoxifying and evaluating the person and providing entrance into a comprehensive program. Such a program shall have available the services of a licensed physician for medical emergencies and routine medical surveillance.

Subd. 3. The approved expense of administration, operation and maintenance of detoxification programs throughout the state shall be financed as follows: Notwithstanding any other provision of law, funding up to 85 percent provided by the state shall be effective through December 31, 1976. Effective January 1, 1977 up to 75 percent shall be provided by the state with the remainder of the cost to be financed by the counties served and by client fees in accordance with rules promulgated by the department of public welfare.

[1973 c 572 s 8; 1976 c 286 s 1]

NOTE: Subdivision 3 was also amended by Laws 1976, Chapter 163, Section 54 as follows:

"Subd. 3. The expense of administration, operation and maintenance of detoxification programs throughout the state shall be financed as follows: Services provided and clients served qualifying for federal reimbursement shall be financed totally out of state and federal matching funds; services provided and clients served not qualifying for federal reimbursement shall be financed one-half from state revenues and one-half from local revenues appropriated from the county funds. If the state appropriation for this purpose is insufficient, reimbursement shall be prorated. All clients shall purchase services in accordance with the regulations promulgated by the department of public welfare."

254A.09 CONFIDENTIALITY OF RECORDS. The department of public welfare shall assure confidentiality to individuals who are the subject of research by the state authority or treatment by an approved treatment program. The commissioner shall withhold from all persons not connected with the conduct of such research or treatment the names or other identifying characteristics of such individual unless the individual gives written permission that information relative to his treatment and recovery may be discussed with a prospective employer by either an approved treatment program staff member or a qualified employment counselor. Persons so authorized to protect the privacy of such individuals may not be compelled in any federal, state or local, civil, criminal, administrative or other proceeding to identify or disclose other confidential information about such individuals.

[1973 c 572 s 16]

254A.10 RULES AND REGULATIONS. The commissioner of public welfare, pursuant to the administrative procedures act, shall promulgate rules to implement Laws 1973, Chapter 572.

[1973 c 572 s 17]

254A.12 AFFECTED EMPLOYEES. Participating area boards shall enter into one or more purchase of service agreements to provide services to employers to develop personnel practices for prevention of alcoholism and other chemical dependency, and to assist affected employees in gaining access to care through identification and referral services.

[1976 c 125 s 4]

254A.14 SERVICES TO YOUTH AND OTHER UNDERSERVED POPULATIONS. Subdivision 1. **Identification.** Participating area boards shall enter into one or more purchase of service agreements to provide services related to the prevention of chemical dependency to persons and groups which have responsibility for, and access to, youth and other underserved populations. The boards shall also en-

ter into purchase of service agreements to assist youth and other underserved populations in gaining access to care.

Subd. 2. **Treatment facilities.** If, as a result of programs authorized under subdivision 1, significant numbers of persons are identified for whom treatment and after-care programs are not available, participating area boards may request funds from the commissioner to develop treatment and aftercare capabilities.

[1976 c 125 s 5]

254A.15 AFFIRMATIVE OUTREACH. The commissioner shall design and implement a plan of affirmative outreach to encourage utilization of the services authorized in sections 254A.031, 254A.12, and 254A.14. The plan may include purchase of services by the commissioner to carry out the plan.

[1976 c 125 s 6]

254A.16 RESPONSIBILITIES OF THE COMMISSIONER. Subdivision 1. The commissioner shall evaluate or contract for the evaluation of all programs authorized under sections 254A.031, 254A.12, and 254A.14. The evaluation shall be directed at determining the degree to which funded activities attain their prestated objectives, whether existent and proposed activities are the most appropriate programmatic response to predetermined needs, and whether they are cost effective.

Subd. 2. (a) The commissioner shall provide program guidelines and technical assistance to the area boards in carrying out their responsibilities under sections 254A.12 and 254A.14.

(b) The commissioner shall recommend to the governor and to the legislature means of making the programs funded under sections 254A.031, 254A.12, and 254A.14 wholly or partially self-sustaining.

[1976 c 125 s 7]

254A.17 ALLOCATION OF FUNDS BY COMMISSIONER OF PUBLIC WELFARE. The funds appropriated for sections 254A.031, 254A.12, 254A.14, and 254A.15 to the commissioner of public welfare shall be allocated by him subject to the following provisions:

(a) For the purposes of section 254A.12, the allocation of funds shall be to each participating area board on the basis of total numbers of persons in the work force in counties served by the area board. For the purposes of section 254A.14, the allocation of funds shall be to each participating area board on the basis of the elementary, middle and secondary school populations and the most current United States census data in counties served by the area board. Area boards shall ensure that services are provided in each county in proportion to the population to be served.

(b) Funds in section 254A.12 to assist troubled employees in gaining access to care may be used for private employer or employee groups of under 200 persons, or public employer or employee groups of any number and shall be paid on the following cost sharing basis: During the first year of the program, the participating area board shall meet 90 percent of the cost of the program, and the employer or employee group shall meet 10 percent of the cost. During the second year of the program, each party shall pay 50 percent of the cost of the program. Private employer or employee groups of over 200 may participate in programs authorized under section 254A.12, but shall not be eligible for receipt of public funds under Laws 1976, Chapter 125. The area board and employer and employee groups must work towards a financially self-sustaining system for each program.

(c) Funds shall not be used to supplant or reduce in any way present local, state, federal, or private expenditure levels supporting existing resources.

(d) Existing program resources shall be fully utilized before new programs are developed.

(e) Allocation of funds to area mental health boards shall be contingent upon the demonstrated capability of the boards to adequately plan and coordinate chemical dependency programs.

(f) Area boards shall be encouraged to plan jointly to develop needed program resources on a multiarea basis.

(g) Programs developed by funds allocated under sections 254A.031, 254A.12, and 254A.14 shall comply with the guidelines established by the commissioner.

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(h) No more than five percent of the total allocation to an area mental health board may be used for purposes of administering and monitoring purchased services.

(i) Purchase of service agreements and contracts under sections 254A.12, 254A.14, and 254A.16 shall be contingent on the demonstrated capability of a service provider to adequately fulfill the terms of the agreement or contract.

(j) During the biennium, the commissioner may review the unexpended balance of funds allocated to each area board and service provider under sections 254A.12 and 254A.14 and may reallocate unexpended funds within the program categories established by sections 254A.12 and 254A.14 based upon demand for services.

[1976 c 125 s 8]