

MINNESOTA STATUTES 1977 SUPPLEMENT

245.03 DEPARTMENT OF PUBLIC WELFARE

CHAPTER 245. DEPARTMENT OF PUBLIC WELFARE

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245.03 Department of public welfare established; commissioner.

There is created a department of public welfare. A commissioner of public welfare shall be appointed by the governor under the provisions of section 15.06. The commissioner shall be selected on the basis of ability and experience in welfare and without regard to political affiliations. The commissioner shall appoint a deputy commissioner.

[1977 c 305 s 30]

245.791 Exclusions.

Sections 245.781 to 245.813 shall not apply to:

- (1) Day care or residential care provided by a relative to related persons;
- (2) Day care or residential care provided for a cumulative total of less than 30 days in any 12 month period;
- (3) Day care provided for persons from a single unrelated family for any length of time;
- (4) A home caring for a person placed there by a licensed agency for legal adoption, unless the adoption is not completed within two years after placement;
- (5) A licensed hospital whose psychiatric or chemical dependency program is located within the hospital.
- (6) A nursing home, hospital, or boarding care home, licensed by the state board of health, except that an identifiable unit of such a facility which regularly provides care for more than five handicapped persons must be licensed under sections 245.781 to 245.813;
- (7) A day care or residential facility serving fewer than five physically or mentally handicapped adults;
- (8) A day care or residential program serving any number of nonhandicapped adults;
- (9) A sheltered workshop day program, certified by the state board of education;
- (10) A work activity day program, certified by the state board of education;
- (11) A work-wage home providing care for one nonrelated child who has reached his sixteenth birthday and who has been independently placed for purposes of education or employment;
- (12) A school under the general supervision of the commissioner of education or a local education agency;
- (13) A residential or day care facility under the direct control and supervision of a local education agency or a state agency other than the commissioner;
- (14) Day care provided for periods of no more than three hours per day for any person while his relatives are in the same building, or can be present in the same building within 30 minutes;
- (15) Facilities which in the judgment of the commissioner of education are operated for the primary purpose of educating children shall be exempt from these rules and regulations except insofar as the regulations affect the health and safety of the children therein. The classrooms shall meet the applicable standards of the commissioner of public safety and state board of health.

[1977 c 25 s 1]

245.814 Liability insurance for foster parents.

The commissioner of public welfare shall within the appropriation provided purchase and provide insurance to foster parents to cover their liability for:

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(1) injuries or property damage caused or sustained by foster children in their home; and

(2) actions arising out of alienation of affections sustained by the natural parents of a foster child.

Coverage shall apply to all foster boarding homes licensed by the department of public welfare, or established by the juvenile court and certified by the commissioner of corrections pursuant to section 260.185, subdivision 1, clause (c) (5), to the extent that the liability is not covered by the provisions of the standard homeowner's or automobile insurance policy. The insurance shall not cover property owned by the foster parents, damage caused intentionally by a child over 12 years of age, or property damage arising out of business pursuits or the operation of any vehicle, machinery, or equipment.

[1977 c 360 s 1]

CHAPTER 246. PUBLIC INSTITUTIONS

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246.02 Executive officers.

[For text of subd 1, see M.S.1976]

Subd. 2. The commissioner of public welfare shall act with the advice of the medical policy directional committee on mental health in the appointment and removal of the chief executive officers of the following institutions: Anoka State Hospital, Ah-Gwah-Ching Nursing Home, Fergus Falls State Hospital, Hastings State Hospital, Moose Lake State Hospital, Oak Terrace Nursing Home, Rochester State Hospital, St. Peter State Hospital, Willmar State Hospital, Faribault State Hospital, Cambridge State Hospital, and Brainerd State Hospital.

[For text of subd 4, see M.S.1976]

[1977 c 347 s 37]

246.43 Sex offenders.

Subdivision 1. **Conviction of specified offenses; presentence examinations.** If a person who is 18 years of age or older at the time of his apprehension is convicted under sections 609.342, 609.343, 609.344, 609.345, or 609.365, or is convicted under section 609.17 of an attempt to commit an act proscribed by sections 609.342 or 609.344, or is convicted of an act otherwise within the scope of one of these provisions occurring prior to its effective date, the court shall commit him to the commissioner of public welfare of the department of public welfare or shall order any other state, local, or private agency that the court may deem adequate to make said examination for a presentence social, physical and mental examination. The court and all public officials shall make available to the examining person, agency or commissioner upon his request all pertinent data in their possession in respect to the case.

[For text of subds 2 to 19, see M.S.1976]

[1977 c 130 s 1]

246.51 Payment for care and treatment; determination.

The commissioner shall make investigation as necessary to determine, and as circumstances require redetermine, what part of the cost of care, if any, the patient is able to pay. If the patient is unable to pay the full cost of care the commissioner shall make a determination as to the ability of the relatives to pay. However, in no case shall the relatives, unless they reside outside the state, be ordered to pay more