

# MINNESOTA STATUTES 1977 SUPPLEMENT

## 246.51 PUBLIC INSTITUTIONS

than ten percent of the cost of care for each patient not to exceed \$125 per month. Voluntary payments in excess of \$125 per month may be accepted by the commissioner. The commissioner may require payment of the full per capita cost of care in state hospitals for children whose parents or guardians do not reside in Minnesota. No parent shall be liable for the cost of care given a patient at a state hospital after the patient has reached the age of 18 years. The commissioner's determination shall be conclusive in any action to enforce payment of the cost of care unless appealed from as provided in section 246.55. All money received shall be paid to the state treasurer and placed in the general fund of the state and a separate account kept of it. Responsibility under this section shall not apply to those relatives having gross earnings of less than \$11,000 per year.

[ 1977 c 331 s 1 ]

## CHAPTER 250. GILLETTE HOSPITAL BOARD

Sec.  
250.05 Creation; administration; powers and duties.

250.05 Creation; administration; powers and duties.

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

Subd. 2. The Gillette hospital board shall be governed by a board of directors consisting of seven members, not more than three of whom shall be residents of Ramsey county. One member shall be the commissioner of public welfare or designee of the commissioner. One member shall be the commissioner of health or designee of the commissioner. Five members, at least three of whom shall be consumers as defined in section 145.72, shall be appointed by the governor with the advice and consent of the senate.

[For text of subds 2a to 6, see M.S.1976]

[ 1977 c 10 s 1 ]

NOTE: Subdivision 2 is effective December 31, 1978 pursuant to Laws 1977, Chapter 10, Section 2.

## CHAPTER 252. MENTALLY RETARDED AND EPILEPTIC; STATE HOSPITALS

Sec.  
252.03 Repealed.  
252.21 Commissioner of public welfare may make grants for developmental achievement centers for the mentally retarded and cerebral palsied.  
252.22 Applicants for assistance; tax levy.

Sec.  
252.23 Eligibility requirements.  
252.24 Commissioner's duties.  
252.25 Board of directors.  
252.26 Duties of board of directors.  
252.261 Existence. [New]  
252.27 Cost of boarding care outside of home or institution.

252.03 [ Repealed, 1977 c 415 s 5 ]

252.21 Commissioner of public welfare may make grants for developmental achievement centers for the mentally retarded and cerebral palsied.

In order to assist in the establishment of developmental achievement centers for the mentally retarded and cerebral palsied, the commissioner of public welfare is hereby authorized and directed to make grants, within the limits of the money appropriated, to those developmental achievement centers for the mentally retarded and cerebral palsied that he shall select.

[ 1977 c 337 s 2 ]

252.22 Applicants for assistance; tax levy.

Any city, 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 developmental achievement center and program for mentally retarded and cerebral palsied persons. Application for such assistance shall be on forms sup-

## MENTALLY RETARDED AND EPILEPTIC 252.24

plied 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, 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 developmental achievement center for the mentally retarded and cerebral palsied. In order to provide necessary funds to establish and operate developmental achievement centers for the mentally retarded and cerebral palsied, the governing body of any city, town, or county may levy annually upon all taxable property in such city, town, or county, a special tax in excess of any statutory or charter limitation but such levy shall not exceed one-sixth of one mill as to any city or town. The governing body of any city, town, 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 and counties.

[ 1977 c 337 s 3 ]

### 252.23 Eligibility requirements.

A developmental achievement center 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 and cerebral palsied children who can benefit from the program of services, including those school age children who have been excused or excluded from school;

Mentally retarded and cerebral palsied 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 counseling services to parents or guardians of mentally retarded and cerebral palsied persons who may register at the center;

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

[ 1977 c 337 s 4 ]

### 252.24 Commissioner's duties.

Subdivision 1. **Selection of developmental achievement centers.** The commissioner of public welfare shall select those applicants for assistance and grant them assistance, as provided in subdivision 3, whose developmental achievement center location and program is licensed under the provisions of sections 245.781 to 245.813 and 257.175, and in his opinion, best provides daytime activities for mentally retarded and cerebral palsied persons within the state appropriation made available for this purpose.

Subd. 2. **Supervision of projects; promulgation of rules.** The commissioner of public welfare shall closely supervise any developmental achievement center receiving a grant under sections 252.21 to 252.26. He shall promulgate rules in the manner provided by law as necessary to carry out the purposes of sections 252.21 to 252.26, including but not limited to rules pertaining to facilities for housing developmental achievement 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 developmental achievement 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

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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; provided, the grant of assistance to each center shall fund the center's total cost under its approved budget for the fiscal year for transportation to and from the center of persons who fulfill the eligibility requirements of section 252.23, subdivision 1, and who attend the center.

The board of directors of a developmental achievement center may, with the approval of the commissioner, charge a reasonable attendance fee, based on the ability of the mentally retarded or cerebral palsied person, his guardian or family to pay such a fee. No mentally retarded or cerebral palsied person shall be denied participation in the activities of such a center because of an inability to pay such a fee.

[ 1977 c 337 s 5; 1977 c 347 s 38 ]

## 252.25 Board of directors.

Every city, town, county or non-profit corporation, or combination thereof, establishing a developmental achievement center for the mentally retarded and cerebral palsied shall, before it comes under the terms of sections 252.21 to 252.26, appoint a board of directors for the center program. When any city, town or county singly establishes such a center, such board shall be appointed by the chief executive officer of the city or the chairman of the governing board of the county or town. When any combination of cities, towns, counties or non-profit corporations, establishes such a center, the chief executive officers of the cities 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 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 and cerebral palsy, 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.

[ 1977 c 337 s 6 ]

## 252.26 Duties of board of directors.

Subject to the provisions of sections 252.21 to 252.26 and the rules of the commissioner of public welfare, each board of directors of a developmental achievement 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, which provide service to the mentally retarded and cerebral palsied;
- (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

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## MENTAL RETARDATION PROTECTION 252A.03

report thereon to the commissioner of public welfare, and when indicated to the public;

(6) Provide for transportation to and from the center of all persons who fulfill the eligibility requirements of section 252.23, clause (1) and who attend the center, if provision for this transportation is not unreasonably burdensome to the center and if a more efficient, reasonable, alternative means of transportation does not exist.

[ 1977 c 337 s 7 ]

### 252.261 Existence.

Any daytime activity center in existence on September 1, 1977 shall be deemed to be a developmental achievement center for the purposes of Laws 1977, Chapter 337, Sections 1 to 7.

[ 1977 c 337 s 8 ]

### 252.27 Cost of boarding care outside of home or institution.

Subdivision 1. Whenever any child who is mentally retarded, epileptic or emotionally handicapped is in 24 hour care outside the home and outside the state institutions, in a facility licensed by the commissioner of public welfare, the cost of care shall be paid by the county of financial responsibility determined pursuant to section 256D.18. If the child's parents or guardians do not reside in this state, the cost shall be paid by the county in which the child is found. The county paying the costs of care and treatment shall, subject to rules promulgated by the commissioner of public welfare, receive reimbursement not exceeding 70 percent of the costs from funds made available for this purpose by the legislature. Reimbursement shall cease when the mentally retarded, epileptic or emotionally handicapped child reaches age 18. If the state appropriation for this purpose is insufficient, reimbursement shall be prorated. For the purposes of this section an "emotionally handicapped child" means any child having a psychiatric or other emotional disorder which substantially impairs his mental health and who requires 24 hour treatment or supervision.

Subd. 2. The commissioner of public welfare shall promulgate rules to determine the responsibility of the parents and the child to contribute to the cost of care and treatment based upon ability to pay. Responsibility of the parents and of the child for the cost of care shall be up to a maximum of \$125. Reimbursement by the parents and child shall be made to the county making any payments for care and treatment. The commissioner may require payment of the full cost of caring for children whose parents or guardians do not reside in this state. The commissioner's determination shall be conclusive in any action to enforce payment of the cost of care. Any appeals from the commissioner's determination shall be made pursuant to section 246.55.

[For text of subds 3 and 4, see M.S.1976]

[ 1977 c 331 s 2,3 ]

## CHAPTER 252A. MENTAL RETARDATION PROTECTION

Sec.  
252A.03 Nomination of commissioner as guardian or conservator.  
252A.04 Comprehensive evaluation.

Sec.  
252A.07 Filing of comprehensive evaluation.  
252A.18 Persons under guardianship by prior law.

### 252A.03 Nomination of commissioner as guardian or conservator.

[For text of subds 1 and 2, see M.S.1976]

Subd. 3. The commissioner shall accept the nomination if the psychologist's report contained in the comprehensive evaluation concludes that the alleged mentally retarded person is, in fact, mentally retarded and if the comprehensive evalua-