

MENTAL HEALTH BILL
MINNESOTA MENTAL HEALTH POLICY ACT
CHAPTER 512, LAWS OF 1949

AN ACT RELATING TO MENTALLY ILL PERSONS,
INCLUDING BUT NOT LIMITED TO THOSE WITH NERVOUS
EMOTIONAL OR PERSONALITY ILLNESS, AND AMENDING
MINNESOTA STATUTES 1945, SECTIONS 256.01,
SUBDIVISIONS 1 AND 2, AND 246.01, AS AMENDED BY
LAWS 1947, CHAPTER 211.

WHEREAS, mental illness is a sickness with respect to which there should be no stigma or shame, and

WHEREAS, the people of the State of Minnesota through their legislature have undertaken to provide for those who are suffering from mental illness, hospitalization, both for care and for treatment have increased financial support for its seven hospitals for the mentally ill from two and one-third million dollars per annum in 1940 to five and one-quarter million dollars per annum in 1949, and \$11,431,000 in 1947 for new buildings and betterments and reconstruction of existing buildings and \$1,006,500 for new buildings and betterments and reconstruction of facilities for care and treatment of the feeble-minded and epileptic, and

WHEREAS, new and more effective methods and techniques of treatment and custodial care have recently been discovered some of which have already been applied and used in the state's institutions for the mentally ill with beneficial results, and

WHEREAS, the State of Minnesota desires to make available to said patients the newest and most effective techniques in the care and treatment for its mentally afflicted, and

WHEREAS, the State of Minnesota recognizes the necessity of adopting a program which will furnish dignity and hope for the patient, relief from anxiety for the patient's relatives and recognition for the psychiatric worker;

NOW, THEREFORE, BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. The measure of services hereinafter set forth are established and prescribed as the goal of the State of Minnesota, in its care and treatment of the mentally ill people of the state.

Sec. 2. Within the limits of the appropriations for the Division of Public Institutions the Director of Public Institutions is directed, in the performance of the duties imposed upon him by the laws of this state to bring to the measure prescribed by Section 1 hereof, the care and treatment of the mentally ill as speedily as is possible, and to thereafter subject to the paramount authority of the Legislature with respect to appropriations, maintain said standards in the care and treatment of the mentally ill.

Sec. 3. The measure of services established and prescribed by Section 1 are:

(1) There shall be served in state hospitals a single standard of food for patients and employees alike, which is nutritious and palatable together with special diets as prescribed by the medical staff thereof. There shall be a chief dietitian in the Division of Public Institutions and at least one dietitian at each state hospital. There shall be adequate staff and equipment for processing preparation, distribution and serving of food.

(2) There shall be a staff of persons, professional and lay, sufficient in number, trained in the diagnosis, care and treatment of the mentally ill, physical illness, and including religious and spiritual counsel through qualified chaplains (who shall be in the unclassified service) adequate to take advantage of and put into practice modern methods of psychiatry, medicine and related field.

(3) There shall be a staff and facilities to provide occupational and recreational therapy, entertainment and other creative activities as are consistent with modern methods of treatment and well being.

(4) There shall be in each state hospital for the care and treatment of the mentally ill facilities for the segregation and treatment of patients who have communicable diseases.

(5) The Director shall provide modern and adequate psychiatric social case work services.

(6) The Director shall make every effort to improve the accommodations for patients so that the same shall be comfortable and attractive with adequate furnishings, clothing, and supplies.

(7) At Hastings and Rochester, the Director shall establish training centers for the training of personnel and may require the personnel of the other institutions to attend such training centers from time to time in order that the personnel may be better equipped to carry into effect modern mental hospital treatment.

(8) There shall be a separate hospital for the diagnosis, care and treatment of the mentally ill who have tuberculosis which shall conform to the standards established for the diagnosis, care and treatment of the mentally ill and the standards established for the diagnosis, care and treatment of physical disease. Pending construction of such separate hospital, one of the present state hospitals, or so much thereof as may be necessary, shall be set apart for the diagnosis, care and treatment of the mentally ill who have tuberculosis and shall be staffed and equipped to meet the accepted requirements of modern medicine for the care and treatment of persons afflicted with tuberculosis.

(9) The standards herein established shall be adapted and applied to the diagnosis, care and treatment of senile persons, inebriate persons, mentally deficient persons and epileptic persons who come within these terms as defined in Minnesota Statutes 1945, Section 525. 749, Subdivisions 4, 5, 6, and 7, respectively, as amended by Laws 1947, Chapter 622, and of persons who are psychopathic personalities within the definition thereof in Minnesota Statutes 1945, Section 526. 09.

(10) The Director shall establish a program of detection, diagnosis and treatment of mentally or nervously ill persons and persons described in paragraph (11) hereof, and within the limits of appropriations may establish clinics and staff the same with persons specially trained in psychiatry and related fields.

(11) The Director of Civil Service and the Civil Service Commission may re-classify employees of the mental institutions from time to time, and assign classifications to such salary brackets as will adequately compensate personnel and reasonably assure a continuity of adequate staff.

(12) In addition to the chaplaincy services, provided in Sec. 3, Subd. 2, the Director of Public Institutions shall open said institutions to ministers of the Gospel to the end that religious and spiritual counsel and services are made available to the patients therein, and shall cooperate with all ministers of the Gospel in making said patients available for religious and spiritual counsel, and shall provide such ministers of the Gospel with meals and accommodations.

(13) Within the limits of the appropriations therefore, the Director shall establish and provide facilities and equipment for research and study in the field of modern hospital management, the causes of mental and related illness and the treatment, diagnosis and care of the mentally ill and funds provided therefore may be used to make available services, abilities and advice of leaders in these and related fields, and may provide them with meals and accommodations and compensate them for traveling expenses and services.

Sec. 4. Subd. 1. There is hereby established in the Division of Public Institutions a Commissioner of Mental Health and Mental Hospitals, who shall be in the unclassified service.

Subd. 2. The qualifications for appointment of such Commissioner shall include five years recognized experience in the field of psychiatry and related medicine and administration thereof.

Subd. 3. The Commissioner, subject to the direction and control of the Director of Public Institutions, shall supervise the care and treatment of mentally ill or nervous persons and persons within those specified in paragraph (1) of Section 3 hereof. Within the limits of the appropriations available, the Medical Commissioner may provide consultative services for courts, and state welfare agencies, supervise the placement and aftercare of patients provisionally or otherwise discharged from a state hospital or institution, promote and conduct programs of education for the people of the state relating to the problem of mental health and mental hygiene. The Commissioner shall administer, expend and distribute Federal funds which may be made available to the state for mental health and mental hygiene purposes.

Sec. 5. Minnesota Statutes 1945, Section 256.01, Subdivision 1, is amended to read as follows:

256.01 Subdivision 1. All the powers and duties now vested in or imposed upon the state board of control by the laws of this state or by any law of the United States are hereby transferred to, vested in, and imposed upon the director of social welfare, except the powers and duties otherwise specifically transferred by Law 1939, Chapter 431, to other agencies. The director of social welfare is hereby constituted the "state agency" as defined by the social security act of the United States and the laws of this state for all purposes except those relating to mental health or mental hygiene.

Sec. 6. Minnesota Statutes 1945, Section 256.01, Subd.2, is amended to read as follows:

Subd. 2. The director of social welfare shall:

(1) Administer and supervise all forms of public assistance in the state including general relief, relief to transients and state homeless, relief to veterans, old age assistance, aid to dependent children, aid to the blind and otherwise handicapped persons and such other welfare activities or services as may from time to time be vested in the director. Nothing herein shall transfer from the soldiers home board any of its present rights, powers, or duties, all of which shall continue to be exercised by said board.

(2) Administer and supervise all child welfare activities; promote the enforcement of laws protecting defective, illegitimate, dependent, neglected and delinquent children; license and supervise private child-caring and child-placing agencies and institutions; supervise the care of children in boarding and foster homes or in private institutions and generally perform all functions relating to the field of child welfare now vested in the state board of control.

(3) Administer and supervise all mental hygiene work involving persons children under his guardianship who are not in a state institution. ~~The authority and power conferred by this subdivision does not extend to administration or supervision of state institutions of mental hygiene nor to patients therein during the period of actual confinement, nor to mental testing, or to persons feebleminded, epileptic, or mentally ill on parole from state institutions.~~

(4) Administer and supervise all non-institutional services to the handicapped persons, including the blind, the deaf, the tubercular, the crippled, and otherwise handicapped persons. The authority and power conferred by this subdivision shall include such noninstitutional services to the handicapped as are now authorized to be performed by the state board of control and by the division of the deaf of the state industrial commission.

(5) Assist and actively cooperate with other departments, agencies and institutions, local, state, and federal, by performing services in conformity with the purposes of Laws 1939, Chapter 431, including the establishment of an efficient working relationship with the director of institutions relating to the care and supervision of individuals both prior to and after departure from institutions under the supervision of said director of institutions.

(6) Act as the agent of and cooperate with the federal government in matters of mutual concern relative to and in conformity with the provisions of Laws 1939, Chapter 431, including the administration of any federal funds granted to the state to aid in the performance of any functions of the director as specified in Laws 1939, Chapter 431 and including the promulgation of rules and regulations making uniformly available medical care benefits to all recipients of public assistance at such time as the federal government increases in participation in assistance expenditures for medical care to recipients of public assistance, the cost thereof to be borne in the same proportion as are the grants of aid to said recipients.

(7) Establish and maintain such administrative units as may reasonably be necessary for the performance of administrative functions common to all divisions of the department.

(8) Administer and supervise such additional welfare activities and services as may, from time to time, hereafter be vested by law in the state department.

(9) Establish within his division a bureau of old age assistance, of aid to dependent children, and a bureau of child welfare.

(10) The director is hereby specifically constituted as guardian of both the estate and the person of all of the wards of the state of Minnesota and other persons the guardianship of whom has been heretofore vested in the state board of control, whether by operation of law or by an order of court, without any further act or proceeding whatever, except as to persons committed as feeble-minded or epileptic. All of said guardianships, and the funds and property of the same, are hereby transferred to and vested in said director, and said director is hereby constituted a legal entity and is hereby empowered to act as guardian under any laws of this state heretofore conferring such powers upon the state board of control.

(11) All the powers and duties vested in or imposed upon the Director of public institutions with reference to the state sanatoriums for consumptives are hereby transferred to, vested in, and imposed upon the director of social welfare.

(12) The specific enumeration of powers and duties as hereinabove set forth shall in no way be construed to be a limitation upon the general transfer of powers herein contained.

Sec. 7. Minnesota Statutes 1945, Section 246.01, as amended by Laws 1947, Chapter 211, is amended to read as follows:

246.01. The director of public institutions is hereby specifically constituted the guardian of both the estate and person of all feeble-minded and or epileptic persons, the guardianship of whom has heretofore been vested in the state board of control or in the director of social welfare whether by operation of law or by an order of court without any further act or proceeding, and all the powers and duties vested in or imposed upon the state board of control or the director of social welfare, with reference to mental testing of persons ~~feeble-minded~~ mentally deficient or epileptic ~~or--mentally-ill~~ ~~on-parole-from-state-institutions;~~ and with reference to the institutions of the state of Minnesota except the state sanatorium for consumptives, are hereby transferred to, vested in, and imposed upon the director of public institutions, and in relation thereto said director is hereby charged with and shall have the exclusive power of administration and management of all of the following state institutions: The state prison, the state reformatory for men, the state training school for boys, the schools for the feeble-minded mentally deficient, state hospitals ~~and-asylums~~ for the insane mentally ill, the Minnesota Braille and sign saving school, the state school for the deaf, the ~~state-public-school-for-dependent-children;~~ the state epileptic colony, the state hospital for indigent, crippled, and deformed children, the state hospital for inebriates, the home school for girls, and the state reformatory for women. The director shall have power and authority to determine all matters relating to the unified and continuous development of all of the foregoing institutions and of such other institutions, the supervision of which may, from time to time, be vested in the director. It is intended that there be vested in the director all of the powers, functions, and authority heretofore vested in the state board of control relative to state institutions, except the state sanatorium for consumptives. The director shall have the power and authority to accept, in behalf of the state, contributions and gifts not exceeding \$25 for the use and benefit of the inmates of said public institutions, and the amount so received and accepted shall be credited to the amusement account. The director of public institutions is hereby constituted the "state agency" as defined by the social security act of the United States and the laws of this state for all purposes relating to mental health and mental hygiene.

It shall be the duty of the several directors to actively cooperate, each with the other, in establishing an efficient working relationship relative to the care and supervision of individuals both prior to and after departure from institutions hereinabove mentioned.