

MS Chapter 245.91 – 245.97 and 245.94 Amendment Changes

The Ombudsman for Mental Health and Developmental Disabilities statute, MS Chapter 245.91 – 245.97, was amended in the 2017 legislative session. This document will explain the amendments.

The definitions section, 245.91 were amended in:

Subd. 4 Facility or Program:

Amended from any agency, facility or program that is licensed by the commissioner of Human Services, Health or Education to provide services or treatment for mental illness, developmental disabilities, chemical dependency or emotional disturbance to also include providers and programs that are certified or registered.

Subd. 6 Serious Injury:

See [What Makes an Injury Serious Enough to Report](#) document for more clarification.

Subd. 6 (4) Head Injuries with loss of consciousness:

Amended to add, or a potential for a closed head injury or concussion without loss of consciousness requiring a medical assessment by a health care professional, whether or not further medical attention was sought.

Subd. 6 (13):

Added attempted suicide to definition.

Subd. 6 (14):

Amended to: all other injuries and incidents considered serious after an assessment by a health care professional, including but not limited to self-injurious behavior, a medication error requiring medical treatment, a suspected delay of medical treatment, a complication of a previous injury or a complication of medical treatment for an injury.

245.94 Powers of Ombudsman; Reviews and Evaluations; Recommendations:

Subd. 1 (b):

Added that the Ombudsman is a health oversight agency defined in the Code of Federal regulations (CFR) title 45, section 164.501. The Ombudsman may access patient records according to CFR Title 42, section 2.53.

Subd. 1 (f):

Added the ombudsman is not required to obtain consent for access to private data on individuals served by the Mn. Sex Offender Program (MSOP). It also allows the Ombudsman to take photographic or video evidence while reviewing the actions of an agency, facility, or program, with the consent of the client. The legislation also added the Ombudsman is not required to obtain consent to access private data on decedents who were receiving services for chemical dependency.

Subd. 1 (i):

Added the Ombudsman may attend Human Services review Boards or Special Review Boards for individuals served by the MSOP.