

2004 Changes to the MN Commitment and Treatment Act

HF 2277

HF 2277 Article 3 Sections 14-17 applies to patients at Mn. Security Hospital and the Mn. Sex Offender Program at Moose Lake or Mn. Security Hospital.

Sections 14, 15 and 16 add definitions to 253B.02 [Definitions]

Section 14 adds subd. 24 - Administrative Restriction is any measure utilized by the Commissioner of DHS to maintain safety and security, protect possible evidence and prevent continuation of suspected criminal acts. This may include use of increased monitoring, program limitations, loss of privileges, restricting access to and use of possessions and, separation of the patient from the normal living environment.

It applies to patients who: 1] are suspected of committing a crime or are charged with a crime; 2] are the subject of a criminal investigation; 3] are awaiting sentencing following a conviction of a crime; or 4] are awaiting transfer to a correctional facility.

The Commissioner shall establish policies and procedures for the use of administrative restriction. These must identify the implementation and termination of its use.

Sect. 15 adds subd. 25. Safety; which, is defined as protection of persons or property.

Sect.16 adds subd. 26. Security; which, is defined as measures necessary to achieve management and accountability of patients, staff, and visitors as well as property of the facility.

Sect.17 amends 253B.03, Rights of Patients, by adding subd.1a, Administrative Restriction. This delineates the rights of the patient under this process.

The patients have a right to be free from unnecessary or excessive administrative restriction. Administrative restriction shall not be used for staff convenience, retaliation for filing complaints or as a substitute for program treatment. It may not involve more deprivation of privileges than necessary.

Administrative restriction may include separate and secure housing. The patient may not be restricted from contact with his/her attorney.

If the patient is placed on administrative restriction due to being suspected of committing a crime, the facility must report the crime to law enforcement within 24 hours of initiating the administrative restriction. The patient must be released if law enforcement doesn't begin investigating within 72 hours of the report.

A patient placed on administrative restriction due to a criminal investigation must be released when the investigation is complete unless charges are filed. If the patient is charged with a crime, administrative restriction may continue until the charge is disposed of.

The facility must notify the patient's attorney within 24 hours of initiation of administrative restriction.

Sect. 18 amends 253B.185 [Commitment of sexual psychopathic personalities and sexually dangerous persons] by adding subd. 7. Rights of Patients Committed Under This Section. This allows the commissioner or his designee to limit some statutory rights of patients committed to Mn. Sex Offender Program [MSOP].These rights may be limited only as necessary to maintain a therapeutic environment, the security of the facility or to protect the safety and well being of the patients, staff and public.

The rights that may be limited are: Patient Bill of Rights [MS 144.651]; Subd.19, personal privacy, Subd.21, private communication, Subd.22, retain and use personal property, Subd.25, manage personal financial affairs, Subd.26, meet with visitors and participate in groups;

253B.03 [Rights of Patients]; Subd.2, correspond with others; and, Subd.3 receive visitors and make phone calls.

All other rights under MS 144.651 and 253B.03 can only be limited as provided in those sections.

These amendments are effective immediately.

HF 1803

This is a clean up bill related to the re-write of the Guardianship Act last year. It deleted the term conservator from 253B to go along with the definition in the law. Conservators are only for managing finances /estates now. It leaves the term guardian in the law.

HF 2087

This bill addresses the release of information on individuals by counties, and public and private mental health providers to law enforcement in crisis situations. It also addresses the release of information on individuals to the Criminal Mental Health Court in the Hennepin County District Court.

I would suggest reading this legislation. If you have questions on it, please contact the Dept. of Administrations Division of Information Policy Analysis. Their phone number is 651-296-6733.



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State of Minnesota