



State of Minnesota

Office of the Ombudsman for Mental Health and Developmental Disabilities

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2006 Changes to the Minnesota Commitment and Treatment Act July, 2006

There were three (3) changes to 253B this year, and they are as follows:

1. HF 2656, Art. 2, Sect. 18 amends 253B.02, the definition of chemically dependent person. It adds opium to the list of controlled substance drugs if used by a pregnant woman who engages in its habitual or excessive use, for a non-medical purpose. This change is effective July 1, 2006.
2. HF 3073, Sect. 1, amends 253B.23, subd. 2 [c], Legal results of commitment. It removes “or special guardian for the person or a” from this clause. This is the clause that addresses if the person being committed is a minor or owns property of value and is not competent to manage the estate. It leaves the appointment of a conservator in place. This change is effective August 1, 2006.
3. HF 3488, Art. 1, Sect. 12, amends 253B.045, subd. 2, Facilities. It adds the term ‘treatment’ to the section. It had stated ‘regional center’ and should read ‘regional treatment center.’ This is the section that covers how the commissioner shall bill for temporary confinement. This change is effective August 1, 2006.

NOTE: Of interest is the fact that HF 3111 amends MS 245.50 to include chemical dependency treatment to the law. This is the law that allows counties to contract for treatment with a provider in a bordering state for persons held pursuant to 253B. Bordering states under this law are Iowa, Wisconsin, South Dakota and North Dakota. The bordering state must have a similar law. The laws and contracts must state that for individuals who are treated in bordering states, they are subject to the laws of the sending state relating to length of confinement, re-examinations, and extensions of confinement. This change is effective August 1, 2006.

If you have any questions regarding civil commitment changes, please contact Roger Schwab at 320-231-5962 or 1-800-657-3506 or you may e-mail him at roger.schwab@state.mn.us.

