

D R A F T

LEGISLATIVE REPORT

MELVIN HECKT, LEGISLATIVE CHAIRMAN

At our last annual convention, we adopted a tentative legislative program for 1961. This was then further refined by the Legislative Committee and by the Minnesota ARC Board of Directors and sent to each chapter for their discussion and suggestions. The final list of legislative recommendations was then adopted by the Minnesota ARC Board. Many of the recommendations were the same as those of the Interim Commission on the Mentally Retarded, Handicapped and Gifted. Several of our Minnesota ARC members were active with this Interim Commission.

15 specific recommendations were made and, as a result of these recommendations, a number of legislative improvements were adopted. I would like to outline for you the most significant of these. It will be several more days before all of the last minute legislation can be analyzed and results available.

The Faribault State School and Hospital will receive funds to employ 35 additional persons; however, 18 of these people will be for their expanded laundry and will not represent a staff increase to Faribault because Faribault will be doing the laundry for Owatonna, the Deaf and Blind Schools from now on. This leaves them a net increase of 17 new employees—they had requested 175. Cambridge asked for 68 new employees; they will receive 7. Also, in the future, the Lake Owasso facility will be under the jurisdiction of Cambridge and they will receive approximately 44 employees as a result of this transfer. Lake Owasso was formerly under the Faribault State School and Hospital. The new institution at Brainerd had asked for 132 new employees and they will receive a total of 81 new employees for this coming biennium. Staffing at all institutions continues to be a problem.

For at least five years, the Minnesota Association has been urging that improvements be made in the food preparation, handling and distribution system at Faribault S.S. & H.

As a result of a recent one-day survey by Mr. A. C. Avery, who is a food handling expert for the Navy and worked by our association, \$6,000 has been provided in one of the legislative building Bills for a complete study of Faribault's food handling and kitchen facilities. I feel this is a definite step forward.

There have been salary improvements for state staff working with the retarded; specifically at the institution level. There has been an increase in the superintendents' salaries and, also, an increase in salaries for the clinical directors. The plan of the legislature seems to be to have hospital administrators as heads of the institutions, with a well paid and highly trained clinical director in charge of the patient program.

In special education, a bill has been passed which will provide \$900 annually board and room for educable handicapped children who travel to a district other than their own and stay there in order to receive the kind of special instruction they need. This bill would not apply to the trainable retarded at the present time. In addition to the \$900 for board and room, there would still be \$225 available annually for transportation.

We are very pleased that the bill to provide for a pilot program of community day centers for the retarded has been passed. The bill calls for an appropriation of \$36,000, \$12,000 for the first year of the biennium and \$24,000 for the second year of the biennium. The original request was for \$70,000 and the House bill called for this amount; however, the Senate bill called for only \$30,000—the compromise amount was the \$36,000 total. This bill would provide day center activity services for the pre-school, school and post-school age mentally retarded. The school age trainable and educable children would not be eligible since it is assumed that these are, or will be, taken care of by the public schools. Bills have been passed providing for some new buildings at state institutions. The building bill calls for four new dormitories at the Brainerd institution; one new male patient dormitory at Faribault. These buildings can only be built if the constitution amendment is passed in 1962, allowing the state to extend its debt limits.

We had asked that the food allowance be increased to 65 cents per patient per day. This would be an increase of 2 cents over the present 63 cents. The food allowance was left at 63 cents. However,

due to circumstances the value of the daily food allowance will be \$.67. Previously, \$.04 of the \$.63 was in federal food surpluses. In the future, the federal food surpluses will be in addition to the \$.63 food allowance.

Developing programs for the mentally retarded through legislation is a slow process; however, we have made steady gains over the past several sessions. In 1959, we obtained the Interim Commission, an increase in transportation aids from \$160 to \$225, an increase in daily food allowance from \$.60 to \$.63, one additional social worker in the Section on Mental Retardation, and 29 additional employees at Faribault, where they were very badly needed. Dollar value of the 1959 legislation was in the neighborhood of \$400,000. The dollar value of the 1961 legislation will be quite close to this; specifically, the food study at Faribault and the day activity bill total \$42,000.

Members of the chapters in Minnesota are to be congratulated on the excellent way in which they informed their own legislators about the needs of retarded children. I know that many of you have had legislators speak at your meetings from time to time; this is certainly one of the best methods of getting close to the legislators and attaining their interest in our problem. The legislative program would have hardly any effect if we did not have this kind of response from the members of the local chapters.

At the time of preparation of this report, I do not have any information regarding the new institution for the Iron Range. The bill had been introduced to provide \$5,000 for a committee to study a location for an institution on the Iron Range.

I would recommend that every chapter plan to have the senators and representatives speak to them...the legislators welcome this type of opportunity and certainly the effectiveness of any future legislation depends to a great extent on the work we do between now and 1963.

## Legislative Report

In addition, the legislature passed a new bill for charges for care of the mentally retarded in state institutions. This bill calls for a maximum payment of \$10 per month from the parents; however, payments would cease at age 21 and person with a gross income of less than \$4,000 per year would not pay anything. The amount paid by those with an income of over \$4,000 per year would be based on ability to pay. The new law provides that the state determine the ability to pay; however, if the parent is not satisfied with the amount they are asked to pay, they can appeal to the commissioner of welfare.

This bill, as passed conforms to the recommendations of the NARC Institutions Committee. The recommendations of NARC are that: the maximum rate not be tied to the per capita cost of the institution program, (2) any monthly charge cease when the patient reaches 21, (3) the responsibility for determining and collecting fees should be vested in the state department which gives the institutional service.

The county under this bill would pay \$120 per year, instead of \$80 per year. We will want to watch the development/of this law carefully. We feel, however, that it is basically a good law as far as charges bill laws are concerned.

MINNESOTA ASSOCIATION FOR RETARDED CHILDREN

Recommended 1961 Legislative Program

1. The Minnesota Association for Retarded Children recognizes a serious need for increased staffing for all institutions for the mentally retarded. Our recommendation is that the staffing at these institutions be increased to a minimum number required to do an adequate job.
2. The Minnesota Association for Retarded Children recommends that money be appropriated by the legislature for an architectural study to determine building needs and future development of the Faribault State School and Hospital. Further, we recommend that an adequate amount of money be appropriated for a study to determine ways of improving food handling, preparation and distribution at the Faribault State School and Hospital.
3. The Minnesota Association for Retarded Children after study and observation feels that it is necessary to increase salaries for certain professionals working with the mentally retarded. We therefore recommend that the legislature increase salaries of certain groups of professional employees both within the institutions, state department of welfare, and department of education to an adequate level to attract and hold qualified personnel and to be competitive with city and county departments and private industry.
4. We recognize the need to further develop special education programs throughout the state, especially in rural areas and therefore we recommend that the experimental plan for regional coordinators of special education being proposed by the department of education be passed by the legislature.
5. In order to give proper and adequate care to mentally retarded residing in the community and to make it possible for counties and parents to afford the necessary service. We support the plan of the Commissioner of Welfare for state subsidy to counties for care of retarded in community residential facilities.
6. Because the mentally retarded need supervision before they are placed in institutions and when they are released from institutions and also if they never reside in an institution and because we recognize that there is not now an adequate number of social workers at the county level to handle this job, we support the recommendation of the Commissioner of Welfare that the state give subsidy to counties to enable them to employ additional social workers to serve the mentally retarded.
7. We wish to draw the attention of the legislature to the need for improving diagnostic facilities to determine mental retardation and wish to point out that improving staffing within state institutions might make it possible in the future for the state institutions to give diagnostic service to non-resident wards of the commissioner.
8. Because most of the mentally retarded will always reside in the community and because there is a need for expansion of community facilities to serve those mentally retarded not able to benefit from a school program, we recommend that the state legislature appropriate \$70,000 for the biennium for a pilot program of community day centers in Minnesota, these to serve pre-school, school and post-school age mentally retarded.

## **Recommended 1961 Legislative Program (Continued)**

9. It has been evident that the interim commission on handicapped gifted and mentally retarded has made a very real contribution towards solving problems in these three areas. Recognizing the need for continued study of the development of the program for the mentally retarded we recommend that the legislature again appoint an interim commission dealing solely with the mentally retarded to consider the following items; Needed research, a new census law, future services to be given by the institutions, expansion of community programs, education and training, meeting health needs and better coordination of all state services and facilities.

10. Because we feel that it is important to have complete facilities at each of our institutions for the mentally retarded, we urge that money be appropriated for construction of the school department and rehabilitation therapy building at the Brainerd State school and Hospital.

11. Because of the changing population at the Faribault State School and Hospital result from the transfer of many older working patients to Brainerd and replacing these with young high-care children from the waiting list and because the present older buildings which housed the transferred patients are completely inadequate for these children, we feel it is urgent that money be appropriated by the 1961 legislature for construction of two new male patient buildings at the Faribault State School and Hospital.

12. There has been study during the past interim of the need for an additional institution to serve the retarded. We do not feel that this study is yet complete and we recommend that the study be continued by the above recommended interim commission on mental retardation,

13. The Minnesota Association for Retarded Children recognizes the need to continue construction and improvement of all of the institutions for the mentally retarded in the state of Minnesota. We therefore urge the legislature to consider carefully the building needs of Cambridge, Faribault, Brainerd and Owatonna State Schools Hospitals

14. We urge that the medical division of the department of welfare be allowed to employ a person with proper medical and institutional abilities to direct all phases of the state program for the retarded.

STATE LAWS OF MINNESOTA PASSED AT THE LEGISLATIVE SESSION OF 1961

CHAPTER 62—H.F. No. 56

AN ACT relating to charges for care of patients at state institutions for the mentally retarded and the epileptic, and the liability of patients, relatives of patients and counties for such charges; repealing Minnesota Statutes 1957, Section 252.04, as amended.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Subdivision 1. For the purposes of this act, the terms set out in subdivision 2 to 8 have the meanings ascribed to them,

Subd. 2. "Commissioner" means the commissioner of public welfare.

Subd. 3. "State institution" means a state institution for the mentally retarded or epileptic now existing or hereafter established, or any state institution where the mentally retarded are receiving care.

Subd. 4. "Patient" means any person receiving care or treatment at such a state institution whether he entered such institution voluntarily or under commitment.

Subd. 5. "Coat of care" means the commissioner's determination of the average per capita cost of all maintenance, treatment and expenses, other than that paid from the Minnesota State Building Fund, at the state schools and hospitals for the mentally deficient at Faribault, Cambridge and Brainerd during the fiscal year previous to the period for which billing is being made.

Subd. 6. "Relatives" means the parents and spouse of a patient, in that order of liability for cost of care.

Subd. 7. "Patient's county" means the county of the patient's legal settlement for poor relief purposes at the time of admission to a state institution, or if he has no such legal settlement in this state, it means the county of commitment, except that where a patient with no such legal settlement is committed while serving a sentence at a penal institution, it means the county from which he was sentenced.

Subd. 8. "County welfare boards" means the welfare board of the patient's county as defined in Subdivision 7 and any other county welfare board possessing information regarding, or requested by the commissioner to investigate, the financial circumstances of a patient or his relatives

Sec. 2. The county welfare boards shall investigate the financial circumstances of each patient and his relatives and shall report thereon to the commissioner. The commissioner shall make such further investigation as he deems necessary and shall determine, and as circumstances require he may redetermine, what part of the cost of care the patient is able to pay, if any. If, in the opinion of the commissioner, the patient is unable to pay the full cost of care, he shall make a like determination as to the ability of the relatives to pay the charge provided in section 3 hereof. Such determinations shall be conclusive in any action to enforce payment of the cost of care unless appealed from as hereinafter provided. Responsibility under this section shall not apply to those relatives with an income of less than \$4,000 per year,

Sec. 3. The commissioner shall issue an order to the patient or the guardian of his estate if there be one, and relatives determined able to pay requiring them to pay monthly to the State of Minnesota the amounts so determined, the total of which shall not exceed the full cost of care. Such order shall specifically state that the commissioner's determinations shall be

**STATE LAWS OF MINNESOTA PASSED AT THE LEGISLATIVE SESSION OF 1961**  
**CHAPTER 62--H.F. No. 56 (Continued)**

conclusive unless appealed from as herein provided. In no case shall the relatives be ordered to pay more for each patient than \$10 per month of the cost of care but payments in excess of \$10 per month may be accepted by the commissioner. No relative shall be liable for the cost of care given a patient at a state institution for the mentally deficient or epileptic after such patient has reached the age of 21 years. When a patient or relative fails to pay the amount due hereunder the Attorney General, upon request of the commissioner, may institute, or direct the appropriate county attorney to institute, civil action to recover such amount with interest.

Sec. 4. Upon death of a patient or former patient, the total cost of care from the effective date of this act, regardless of the amount the patient was ordered to pay, toward the cost of care by the patient or his relative, shall be allowed as a claim against the estate of such patient or former patient by the court having jurisdiction to probate the estate. All proceeds collected by the state in such case shall be divided between the state and county in proportion to the cost of care each has borne.

Sec. 5. The patient's county shall pay quarterly to the State of Minnesota \$10 for each month or portion thereof the patient spends at the state institution. Any portion of said amount actually received by the State of Minnesota from the patient and his relatives shall be reimbursed to said county. The county shall not be entitled to reimbursement therefor from the patient his estate or his relatives, except as provided herein. Each quarter the commissioner shall notify each county of the amount due under this section.

Sec. 6. The commissioner shall establish a procedure for hearing complaints regarding the amount of charges. Any patient or relative aggrieved by an order of the commissioner hereunder may appeal from such order to the district court of the county in which he resides by serving notice of such appeal on the commissioner and filing the notice, with proof of service thereof, in the office of the clerk of the district court of such county within 30 days from the date the order was mailed or such later date not exceeding one year from date of mailing as permitted by order of such court. Such appeal may be brought on for hearing by the appellant or the commissioner upon ten days' written notice. It shall be tried to the court which shall hear such evidence as it deems necessary and by order affirm or modify the order of the commissioner. When any order or determination of the commissioner made under this act is brought in question on such appeal such order or determination shall be determined de novo. Appeal to the supreme court from the order of the district court may be taken in the same manner as appeals are taken from appealable orders in civil actions.

Sec. 7. Minnesota Statutes 1957, Section 252.04, as amended by Laws 1959, Chapter 157, Section 8, is repealed.



DEPARTMENT OF PUBLIC WELFARE

Policies Concerning Collections for Care of the Mentally Retarded and Epileptics,  
Effective November 14, 1961

- I The cost of care shall be the average monthly per capita cost of operating the institutions at Faribault, Cambridge and Brainerd in the preceding fiscal year. for a full calendar month and 1/30 of that amount per day for a fractional part of a month.
- II Determination orders shall be issued to all patients and responsible relatives who are found able to pay for this care.
- III The following criteria will be used as a guide for determining ability to pay, but there may be variations due to circumstances:
  - A. Patients (with guardians or with funds in a Social Welfare Fund)
    - 1. Without Dependents (Spouse - Children)
      - a. With Income
        - (1) Over \$1,000 liquid assets - Full Average Per Capita Cost
        - (2) \$300 - \$1,000 liquid assets - Commensurate with Income \*
        - (3) Under \$300 liquid assets - No Charge
      - b. Without Income
        - (1) Over \$1,000 liquid assets - Full Average Per Capita Cost
        - (2) \$300 - 1,000 liquid assets - Commensurate with Circumstances
        - (3) Under \$300 liquid assets - No Charge
    - 2. With Dependents
      - a. With Income
        - (1) Over \$5,000 liquid assets - Full Average Per Capita Cost
        - (2) \$300 - \$5,000 liquid assets - Commensurate with Income \*
        - (3) Under \$300 liquid assets - No Charge
      - b. Without Income
        - (1) Over \$10,000 liquid assets - Full Average Per Capita Cost
        - (2) \$5,000 - \$10,000 liquid assets - \$50 Per Month
        - (3) Under \$5,000 liquid assets - No Charge
- \$14 per month will be aliened for clothing, and personal incidentals of the patient \$6.00 per month will be allowed guardians for travel to see ward.
- B. Responsible Relatives (Spouse and Parents)
  - 1. No Dependents - Annual Income in Excess of \$4,000 - \$10 per month
  - 2. One Dependant - Annual Income in Excess of \$4,500 - \$10 per month
  - 3. Two Dependents - Annual Income in Excess of \$5,000 - \$10 per month
  - 4. Three Dependents - Annual Income in Excess of \$5,500 - \$10 per month
  - 5. Four Dependents - Annual Income in Excess of \$6,000 - \$10 per month
  - 6. Five or More Dependents - Annual Income in Excess of \$6,500 - \$10 per month

#### IV Charges to Counties

A. The county in which the patient had legal settlement for poor relief purposes at the time of admission to the hospital, shall be charged \$10 for each month, or portion thereof that said patient spends in the hospital.

V Claims will be filed against the estates of patients only unless a responsible relative should pass away leaving an unpaid balance he had been determined able to pay.

VI An appeal to District Court may be taken from any determination made by the Commissioner.