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Dr. E. J. Engberg, Supt.
Faribault State Hospital

cc: mek

To Mr. Krue
H. J. C/m (HJ)

DEPARTMENT OF PUBLIC WELFARE

TO: Mr. Morris Hursh, Commissioner

April 13, 1967

Mr. Ove Wangensteen, Assistant Commissioner

Mental Health Medical Policy Committee

All Medical Services Division Institutions
Attention: Medical Directors
Administrators

MSD Task Force

DPW Cabinet

FROM: David J. Vail, M. D.
Medical Director

SUBJECT: Attached draft (March 31, 1967), Constitution of the Minnesota
State Hospitals for the Mentally Ill and Mentally Retarded

The attached draft of the Constitution of the Minnesota State Hospitals for the Mentally Ill and Mentally Retarded represents the first full revision of the Constitution since the original document was promulgated in 1961.

This Constitution applies to the institutions enumerated in Article I, that is, those facilities under the direct supervision of the Medical Services Division of the Department of Public Welfare that are defined legally as Hospitals. Therefore, it does not apply to the Minnesota Residential Treatment Center, the Owatonna State School, or the Shakopee Home for Children.

The Constitution is prepared for purposes of spelling out the relationships among the Governing Body, the Medical Staff, and the Administration of the hospitals as the state-level equivalent of individual hospital by-laws, and is intended to provide a supporting document for the individual hospitals toward the requirements of Accreditation by the Joint Commission on Accreditation of Hospitals.

If necessary or feasible we can reconvene the Constitution Committee to review this material prior to submission for ratification to the Mental Health Medical Policy Committee and the Commissioner.

This Constitution will eventually appear in a suitable portion of the Department of Public Welfare Institutions' Manual.

5/9/67
Discussed at meeting of Exec. Mgt. &
decided we should await final
decision as to approved manual.

#2

April 13, 1967

If you have any comments about this material, I would appreciate them as soon as possible, but preferably not later than April 28, 1967.

DJV:rcj
Enclosure

CONSTITUTION

THE MINNESOTA STATE HOSPITALS FOR THE MENTALLY ILL AND MENTALLY RETARDED

ARTICLE I. DEFINITION

The Minnesota State Hospitals for the Mentally Ill and Mentally Retarded are established under the laws of the State of Minnesota for the purpose of providing care and treatment of the mentally ill and the mentally retarded.

Laws governing the operation of these hospitals are set forth principally in Minnesota Statutes 1965, Chapters 246, 250, 251, 253, 254 and 256. Citations herein are from Minnesota Statutes 1965.

The Minnesota State Hospitals for the Mentally Ill and Mentally Retarded are operated under the jurisdiction of the Commissioner of Public Welfare in the Division of Medical Services of the Department of Public Welfare of the State of Minnesota. They are:

The Anoka State Hospital in Anoka

The Brainerd State Hospital in Brainerd

The Cambridge State Hospital in Cambridge

The Faribault State Hospital in Faribault

The Fergus Falls State Hospital in Fergus Falls

The Hastings State Hospital in Hastings

The Minnesota Security Hospital in St. Peter

The Moose Lake State Hospital in Moose Lake

The Rochester State Hospital in Rochester

The St. Peter State Hospital in St. Peter

The Willmar State Hospital in Willmar

ARTICLE II. GOALS

Section 1. General

The main goal of the Minnesota State Hospitals for the Mentally Ill and Mentally Retarded is to contribute to the reduction of the problem of major mental disorder in Minnesota, principally by serving as a resource to the community in providing for the treatment, care, control or supervision of persons with existing or potential legally defined mental problems. Subsidiary and related goals are (1) To provide a resource to the community for the care and treatment of persons with culturally and individually defined mental problems, where it is deemed that existing community resources are insufficient; (2) To participate in and contribute to the development of community resources for the prevention, control, and treatment of mental problems; and (3) To participate in and contribute to the modification of social institutions in the community toward the prevention, control, and treatment of mental problems.

Section 2. Hospitals for the Mentally Ill

The Anoka, Hastings, Fergus Falls, Moose Lake, Rochester, St. Peter and Willmar State Hospitals provide care and treatment for the mentally ill.

Certain hospitals have specific additional responsibilities as set forth in law or policy as follows:

The Moose Lake State Hospital and the Willmar State Hospital
for the treatment of alcoholism.

The Minnesota Security Hospital "for the purpose of holding in custody and caring for such insane persons, idiots, imbeciles, and epileptics as may be committed thereto by courts of criminal jurisdiction, or otherwise, or transferred thereto by courts of criminal jurisdiction, or otherwise, or transferred thereto by the commissioner of public welfare, and for such persons as may be declared insane while confined in any penal institution, or who may be found to be mentally infirm and dangerous. . . ." (253.20)

The Anoka and Rochester State Hospitals for the specialized medical and surgical treatment of conditions which cannot be managed in other state hospitals for the mentally ill and retarded.

Section 3. Hospitals for the Mentally Retarded

The Brainerd State Hospital, the Cambridge State Hospital, and the Faribault State Hospital provide care and treatment for the mentally retarded of all ages.

Section 4. The Measure of Services

The Commissioner of Public Welfare is charged with the responsibility of providing "unified and continuous development" (246.01) of the Minnesota State Hospitals. He is further charged with the specific responsibility of bringing "the care and treatment of the mentally ill as speedily as possible" (246.013) to the following "measure of service . . . established and prescribed as the goal of the State of Minnesota in its care and treatment of the mentally ill people of the state:" (246.012)

- "(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 department of public welfare and at least one dietitian at each state hospital. There shall be adequate staff and equipment for processing preparation, distribution and serving of foods.
- "(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 fields.
- "(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 disease.
- "(5) The commissioner of public welfare shall provide modern and adequate psychiatric social case work service.

- "(6) The commissioner of public welfare 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) The commissioner of public welfare shall establish training programs for the training of personnel and may require the participation of personnel in such programs. Within the limits of the appropriations available he may establish professional training programs in the forms of educational stipends for positions for which there is a scarcity of applicants.
- "(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 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 those 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 commissioner of public welfare shall establish a program of detection, diagnosis and treatment of mentally or nervously ill persons and persons described in paragraph (9), 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 reclassify 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 section 246.014, subdivision 2, the commissioner of public welfare 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 therefor, the commissioner of public welfare 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 therefor may be used to make available services, abilities and advice of leaders in these and related field, and may provide them with meals and accommodations and compensate them for traveling expenses and services." (246.012)

Section 7. Records and Statistics

"The commissioner of public welfare shall cause to be devised, installed and operated an adequate system of records and statistics which shall consist of all basic record forms including patient personnel records and medical record forms and the manner of their use shall be precisely uniform throughout all hospitals for the mentally ill." (246.017, Subdivision 1)

ARTICLE III. GOVERNING BODY

Section 1. Definition

The Governing Body of the Minnesota State Hospitals for the Mentally Ill and Mentally Retarded shall be defined for these purposes as consisting

of the following officers:

The Commissioner of Public Welfare, as Chairman

The Assistant Commissioner of Public Welfare, as Vice-Chairman

The Director of the Division of Medical Services (Medical Director)
as Secretary

The Chairman of the Mental Health Medical Policy Committee, ex-officio

The Governing Body shall meet at regular intervals for the purpose of effecting its responsibilities under law. In any dispute of authority the commissioner shall be construed to have "exclusive power of administration and management" (246.01) of the Minnesota State Hospitals.

The Governing Body shall maintain and work with certain committees. It shall appoint chief executive officers in the manner hereinafter described. It shall participate in the process of appointment of chiefs of medical staff and other members of the medical staff in the manner hereinafter described.

Section 2. Selection of Officers of the Governing Body

The Commissioner of Public Welfare is appointed by the Governor of the State of Minnesota, with the advice and consent of the senate, for a six-year term. He "shall be selected on the basis of ability and experience in welfare and without regard to political affiliations." (245.03)

The Assistant Commissioner is appointed by the Commissioner.

The Medical Director is appointed by the Commissioner upon the advice of the Mental Health Medical Policy Committee.

The Chairman of the Mental Health Medical Policy Committee is appointed in the manner hereinafter described. He is the psychiatrist member of said Committee.

ARTICLE IV. COMMITTEES

Section 1. Mental Health Medical Policy Committee

This is referred to in law as the "Medical Policy Directional Committee on Mental Health."

"The commissioner of public welfare shall create and establish a medical policy directional committee on mental health composed of five members who are experts in their various fields of medicine or related sciences. Not more than one member shall be selected from any one field of medicine or related sciences which shall include the field of psychiatry, neurology, physiology, biochemistry, internal medicine, pediatrics, pharmacology, and psychology.

"One member shall be appointed whose term shall expire July 1, 1954, and his successors thereafter shall be appointed for a period of three years; two members shall be appointed whose terms expire on July 1, 1955, and their successors shall be appointed for a term of three years, two members shall be appointed whose terms shall expire on July 1, 1956, and their successors thereafter shall be appointed for a term of three years.

"The committee will meet at least six times each year at such times and in such places as the commissioner of public welfare may determine. He may

call such additional meetings from time to time as he may deem necessary not exceeding a maximum of 50 meetings in any one year. Each member shall receive the sum of \$50 per day for time actually spent in transacting the business of the board and shall be reimbursed for expenses actually incurred in the performance of their official duties.

"The Committee shall advise the commissioner of public welfare as to all phases of professional standards including patient care, training of personnel, establishment of treatment programs, obtaining adequate staff, establishment of medical and statistical records and operation of practices in order that they be compatible with professional requirements. The committee shall advise the commissioner of public welfare in approval and guidance of research projects and distribution of research funds. They shall assist him in establishing and maintaining the best possible practices in all mental institutions.

"The commissioner of public welfare shall appoint a licensed physician to serve as medical director to assist him in establishing and maintaining the medical policies formulated by the committee and other medical policies of the department of public welfare. Such physicians shall have the rights and qualifications and serve upon the conditions prescribed by section 246.02 for appointment of certain officers." (246.017, Subdivision 2).

Section 2. Other Committees

1. Executive Committee. The Governing Body shall constitute the Executive Committee.

2. Joint Conference Committee. The Governing Body shall meet at intervals and not less than four times a year with the chief executive officers and medical directors of the Minnesota State Hospitals for the Mentally Ill and Mentally Retarded for the purpose of discussing problems of mutual interest and concern with a view to developing optimal development and coordination of programs and the achievement of the objectives herein stated.

Said meetings shall be held individually with the several hospitals and do not include other joint or group conferences that may be held from time to time.

3. Business Management. Matters pertaining to administrative procedures, business management, fiscal control, building and maintenance and dietetics, as they concern the Minnesota State Hospitals for the Mentally Ill and Mentally Retarded shall be dealt with primarily as is feasible in the Division of Medical Services, but otherwise are delegated by the Commissioner to officials in the Division of Administrative Services of the Department of Public Welfare. Such operations shall be governed by the laws of the State of Minnesota. Said officials shall in addition meet at intervals with administrative officers of the Minnesota State Hospitals for the Mentally Ill and Mentally Retarded.

4. Personnel Management. Matters pertaining to personnel management as they concern the Minnesota State Hospitals for the Mentally Ill and Mentally

Retarded shall be dealt with primarily as is feasible in the Division of Medical Services, but otherwise are delegated by the Commissioner of Public Welfare to the Personnel Office of the Department of Public Welfare. Such operations shall be governed by the laws of the State of Minnesota.

5. Other Committees. There shall be in the Department of Public Welfare, a Medical Records and Accreditation Committee, a Chaplaincy Committee, a Community Mental Health Advisory Committee, a Daytime Activity Care Advisory Committee, a Humane Practices Committee, an Infectious Disease Control Committee, a Stipend Committee, and such other committees and conferences as the Governing Body may from time to time cause to be established in the interest of increasing the effectiveness of programs of the Minnesota State Hospitals for the Mentally Ill and Mentally Retarded.

Section 3. Minutes of Meetings

The proceedings of meetings of all committees of the Governing Body shall be recorded in written minutes and preserved at the Central Office of the Department of Public Welfare in St. Paul.

ARTICLE V. HOSPITAL ADMINISTRATION

Section 1. Executive Officers

"The commissioner of public welfare shall appoint a chief executive officer for each institution under his exclusive control and may remove him for misconduct, incompetency, or neglect of official duty. No such removal shall be made except upon written charges and opportunity to be heard. Every such executive officer shall have the qualifications and perform the duties

now or hereafter required by law, or by rules prescribed by the commissioner of public welfare. He may appoint an acting chief executive officer during such interim period as is necessary to select and appoint a chief executive officer." (246.02)

Such appointment or removal of chief executive officers of the Minnesota State Hospitals shall in accordance with law (246.02, subd. 2) be done upon the advice of the Mental Health Medical Policy Committee.

The chief executive officer is the official representative of the Governing Body. He is responsible for the conduct of the hospital, and provides liaison among the governing body, the medical staff, the nursing staff, and other departments of the hospital. If a physician, he may act also as chief of the medical staff.

Section 2. Chief of the Medical Staff

The Commissioner of Public Welfare, upon the advice of the Mental Health Medical Policy Committee, may also directly appoint "a licensed doctor of medicine as chief of the medical staff and he shall be in charge of all medical care, treatment, rehabilitation, and research." (246.0251)

Section 3. Limitation

"No person shall act as a superintendent or administrative head of a hospital or sanatorium licensed under Minnesota Statutes . . . without first registering with the state board of health in the manner hereinafter provided." (144.59) "No person shall be granted any such registration unless person be at least 21 years of age, of good moral character and has had at least two

years' experience in an administrative position in such an institution in this State, or one of equal standing in another state, or has successfully completed one year of formal training in an approved course in hospital administration, together with a one year internship therein." (144.60).

Section 4. Relationship between Chief Executive Officer and Chief of the Medical Staff

The relationship between the chief executive officer and the chief of the medical staff is spelled out in Mental Health Rule Number Four, adopted by the Commissioner of Public Welfare on December 11, 1963. This Rule reads as follows:

In accordance with M.S. 246.02, Subd. 1, which requires the Commissioner of Public Welfare to prescribe the duties of a chief executive officer of the institutions enumerated in M.S. 246.02, Subd. 2, it is hereby provided that the director of administrative services (Hospital Administrator) shall be responsible for the operation of the hospital in accordance with the treatment program established by the Director of Medical Services of the hospital (the chief of the medical staff as described in M.S. 246.0251). Said Director of Medical Services shall define and have the authority to implement what is a medical responsibility in full recognition of his final accountability to the commissioner.

ARTICLE VI. MEDICAL STAFF

Section 1. Requirements

Members of the Medical Staff shall be licensed by the State of Minnesota in accordance with Chapter 147 of Minnesota Statutes 1965, for the practice of medicine.

Physicians holding the "Temporary Certificate for Graduate Training" issued by and with the full approval of the Minnesota State Board of Medical

Examiners, in accordance with Section 147.16 of Minnesota Statutes 1965, may be appointed to the Medical Staff provided that they hold also full Certification by the Educational Council on Foreign Medical Graduates.

Section 2. Method of Appointment

Appointments to the medical staff, exclusive of the appointment of the medical superintendent or the chief of the medical staff, which are made by the Commissioner in the manner described herein, shall be made, with the approval of the Governing Body, by the chief of the medical staff, the medical superintendent or the medical staff of each hospital in accordance with the by-laws of said individual hospital.

Section 3. Basic Staff Categories

Appointments shall be made of four basic categories, together with such other categories as the individual hospital by-laws may designate:

1. Active staff
2. Consultative staff
3. Honorary staff
4. Dual appointments.

Section 4. Designation of Staff Categories

4.1 Active staff

Physicians appointed to the medical staff in the classified service of the state, whether full-time or part-time, shall be designated as members of the active medical staff. In addition to the procedures of the individual hospital and the Governing Body pertaining to medical staff appointments, they shall be appointed in accordance with the laws, rules, and regulations governing

employment under the Civil Service of the State of Minnesota and shall be subject to the obligations and rights thereunto pertaining.

4.2 Honorary staff

Physicians from the University of Minnesota, the Mayo Clinic, community mental health centers, and other agencies, or physicians emeritus who have retired from active service or physicians who may so choose to serve as friends of the hospital, may upon the approval of the Governing Body be appointed to the honorary staff, to serve with or without pay. Physicians on the honorary staff may also hold appointments on the active medical staff depending upon (1) their attendance at regular meetings of the medical staff, and (2) their participation in working committees of the medical staff.

4.3 Consultative staff

Physicians serving the hospital in a consultative capacity shall be appointed to the consultative staff.

4.4 Dual Appointments

Physicians on the consultative staff may also hold appointments on the active medical staff and, depending upon (1) their attendance at regular meetings of the medical staff, and (2) their participation in working committees of the medical staff.

4.5 Chief of the Medical Staff, Contractual

A physician appointed contractually on a part-time basis in the manner pertaining to physicians on the consultative staff, may, upon the

recommendation of the Governing Body serve as chief of the medical staff with the full obligations and rights thereunto pertaining. Said physician shall be ipso facto a member of the active medical staff.

Section 5. Terms of Appointment

Physicians appointed as medical superintendent shall be appointed for an indefinite period subject to discharge provisions of Section 246.02 of Minnesota Statutes, 1965. Physicians appointed in the State Civil Service, following the termination of their probationary period, the duration of which is in accordance with the rules and regulations of the Department of Civil Service, shall have indefinite tenure in their appointment during satisfactory performance and good behavior in accordance with the rules and regulations of the Department of Civil Service. Physicians serving the hospital under contractual arrangements in whatever category of staff their appointment is held, shall be considered as holding annual appointments.

Section 6. Effective Date

Physicians holding positions on the active or consultative medical staff, or both, or on the honorary medical staff, of the Minnesota State Hospitals for the Mentally Ill and Mentally Retarded as of the date of adoption of this constitution shall be considered as having these appointments with full obligations and rights thereunto pertaining.

ARTICLE VII. DENTAL STAFF

Members of the dental staff shall be licensed by the State of Minnesota for the practice of dentistry in accordance with the provisions of Chapter

150 of Minnesota Statutes 1965. They may be appointed under Civil Service or on a contractual basis. Obligations, rights and privileges, categories and terms of appointment shall be similar to those pertaining to members of the medical staff as described in Article VI, Sections 3, 4, and 5 herein. Method of appointment shall be similar to Article V, Sections 2 and 6 herein, except that their appointments need not be approved by the Governing Body. Depending upon the local by-laws and rules and regulations of the individual hospital, they may organize separately as the Dental Staff or together with the medical staff as the Medical and Dental Staff. Other rules and regulations governing their procedures of practice and relationships with the medical staff and other departments of the hospital shall be determined locally.

ARTICLE VIII. AMENDMENTS

Changes in Minnesota law governing the Minnesota State Hospitals for the Mentally Ill and Mentally Retarded and policy statements and additional or amended rules and regulations concerning medical and dental organization or practices in the Minnesota State Hospitals for the Mentally Ill and Mentally Retarded issued from the Governing Body shall be construed as amendments to this Constitution. From time to time these Articles shall be revised so as to incorporate said amendments.

This Constitution supercedes any and all previous Constitutions for said hospitals.

Adopted this _____ day of _____, 1967, in St. Paul, Minnesota.

Chairman
Morris Hursh, Commissioner of Public Welfare

Vice-Chairman
Ove Wangensteen, Assistant Commissioner

Secretary
David J. Vail, M. D., Medical Director

For the Mental Health Medical Policy Committee:

Chairman

This is a true copy. The original is on file in the office of the
Commissioner of Public Welfare at the Centennial Office Building, St. Paul,
Minnesota.

Attest: _____
David J. Vail, M. D.
Medical Director
Secretary, Governing Body