

Subject Civil commitment

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Date February 17, 2020

Overview

This bill, as amended, updates chapter 253B and some provisions of chapter 253D, governing civil commitment. The bill makes technical changes, updates terminology and references, clarifies existing provisions, and aims to update the chapter to more accurately reflect current civil commitment processes and treatment.

Summary

Section	Description
1	Community-based treatment program. Amends § 253B.02, subd. 4b. Clarifies and adds services to the definition of “community-based treatment program.”
2	Examiner. Amends § 253B.02, subd. 7. Modifies definition of “examiner” by clarifying and expanding the list of who may serve as an examiner.
3	Court examiner. Amends § 253B.02 by adding subd. 7a. Adds definition of “court examiner.”
4	Head of the facility or program. Amends § 253B.02, subd. 8. Clarifies definition and changes terminology to “head of the facility or program.”
5	Health officer. Amends § 253B.02, subd. 9. Clarifies and expands the list of individuals who may qualify as a health officer.

Section	Description
6	<p>Interested person.</p> <p>Amends § 253B.02, subd. 10. Clarifies definition of “interested person” and adds health care and mental health providers to the definition.</p>
7	<p>Person who poses a risk of harm due to a mental illness.</p> <p>Amends § 253B.02, subd. 13. Clarifies definition and modifies terminology.</p>
8	<p>Peace officer.</p> <p>Amends § 253B.02, subd. 16. Adds deputy sheriffs to the definition of “peace officer.”</p>
9	<p>Person who has a mental illness and is dangerous to the public.</p> <p>Amends § 253B.02, subd. 17. Clarifies definition and changes terminology; includes definition of mental illness; removes paragraph (b) regarding persons committed as sexually dangerous or as having a sexual psychopathic personality.</p>
10	<p>State-operated treatment program.</p> <p>Amends § 253B.02, subd. 18. Updates definition and modifies terminology; clarifies programs included in definition.</p>
11	<p>Treatment facility.</p> <p>Amends § 253B.02, subd. 19. Updates terminology and clarifies facilities included in definition.</p>
12	<p>Pass.</p> <p>Amends § 253B.02, subd. 21. Updates terminology.</p>
13	<p>Pass plan.</p> <p>Amends § 253B.02, subd. 22. Updates terminology.</p>
14	<p>Pass-eligible status.</p> <p>Amends § 253B.02, subd. 23. Updates terminology.</p>
15	<p>Psychotropic medication.</p> <p>Amends § 253B.02 by adding subd. 23. Adds definition of “psychotropic medication.”</p>
16	<p>Restraints.</p> <p>Amends § 253B.03, subd. 1. Updates terminology; adds the head of the state-operated treatment program, for clarity.</p>

Section	Description
17	<p>Correspondence.</p> <p>Amends § 253B.03, subd. 2. Updates terminology; adds the head of the state-operated treatment program, for clarity.</p>
18	<p>Visitors and phone calls.</p> <p>Amends § 253B.03, subd. 3. Adds the head of the state-operated treatment program, for clarity.</p>
19	<p>Disclosure of patient's admission.</p> <p>Amends § 253B.03, subd. 4a. Updates terminology; adds the head of the state-operated treatment program, for clarity.</p>
20	<p>Periodic assessment.</p> <p>Amends § 253B.03, subd. 5. Updates terminology, makes clarifying changes.</p>
21	<p>Consent for medical procedure.</p> <p>Amends § 253B.03, subd. 6. Updates terminology, makes clarifying and organizational changes; adds language for power of attorney and health care directives.</p>
22	<p>Consent for mental health treatment.</p> <p>Amends § 253B.03, subd. 6b. Updates terminology.</p>
23	<p>Adult mental health treatment.</p> <p>Amends § 253B.03, subd. 6d. Updates terminology; clarifies that a declaration of preferences or instructions may include health care or psychiatric directives; removes duplicative language.</p>
24	<p>Treatment plan.</p> <p>Amends § 253B.03, subd. 7. Updates terminology; adds the head of the state-operated or community-based treatment program; clarifies requirements for development and review of treatment plans.</p>
25	<p>Notification.</p> <p>Amends § 253B.03, subd. 10. Updates terminology; clarifies that notification requirements apply to persons temporarily confined.</p>
26	<p>Voluntary admission and treatment.</p> <p>Amends § 253B.04, subd. 1. Updates terminology and references; adds professional organizations whose inpatient admission standards may be used.</p>

Section	Description
27	<p>Voluntary treatment or admission for persons with a mental illness. Amends § 253B.04, subd. 1a. Updates terminology, makes clarifying changes.</p>
28	<p>Release. Amends § 253B.04, subd. 2. Updates terminology, makes clarifying changes.</p>
29	<p>Services for engagement in treatment. Proposes coding for § 253B.041.</p> <p>Subd. 1. Eligibility. (a) Describes the purpose of engagement services; allows an interested person to apply to the person’s county for engagement services, to avoid the need for civil commitment.</p> <p>(b) Lists eligibility requirements for engagement services.</p> <p>Subd. 2. Administration. (a) Requires the county prepetition screening team to determine whether an individual is eligible for engagement services.</p> <p>(b) Requires engagement services to begin if the individual is eligible; lists engagement services.</p> <p>(c) Specifies that engagement services must consider patient preferences; allows counties to contract with other agencies to provide services; specifies staff requirements.</p> <p>(d) Requires engagement services staff to facilitate referrals for mental health treatment, assist patients with obtaining health insurance, and conduct outreach efforts.</p> <p>Subd. 3. Commitment. Allows for engagement services to be stopped if a patient is in need of commitment; specifies procedures for this scenario.</p> <p>Subd. 4. Evaluation. Allows, but does not require, counties to provide engagement services. Directs the commissioner of human services to conduct an engagement services pilot project evaluation.</p>
30	<p>Facilities. Amends § 253B.045, subd. 2. Updates terminology and references; removes provision related to costs for temporary confinement in a Department of Corrections facility, which sites repealed subdivision.</p>
31	<p>Cost of care. Amends § 253B.045, subd. 3. Updates terminology.</p>

Section	Description
32	<p>Health plan company; definition.</p> <p>Amends § 253B.045, subd. 5. Removes children’s mental health collaboratives from definition of “health plan company.”</p>
33	<p>Coverage.</p> <p>Amends § 253B.045, subd. 6. Removes provisions related to the requirement that health plan companies provide coverage for court-ordered mental health services, simplifying the requirements.</p>
34	<p>Emergency admission.</p> <p>Proposes coding for § 253B.051. Replaces, reorganizes, and updates provisions of § 253B.05 related to emergency admission that are repealed in this bill.</p> <p>Subd. 1. Peace officer or health officer authority. (a) Specifies the circumstances under which a peace officer or health officer may take a person into custody and transport the person to an examiner or treatment program or facility, or to the person’s home.</p> <p>(b) Specifies that an examiner’s written statement under subdivision 2 is sufficient authority for a peace officer or health officer to take a person into custody and transport the person to a treatment facility or program.</p> <p>(c) Requires a peace officer or health officer who takes a person into custody and transports that person to make a written application for that person’s admission; specifies what the written application must include.</p> <p>(d) Requires a copy of the examiner’s written statement to be made available to the person taken into custody.</p> <p>(e) Allows the officer to personally provide transportation or arrange for other suitable transportation; specifies that, if possible, the officer must not be in uniform and must not use a visibly marked law enforcement vehicle.</p> <p>Subd. 2. Emergency hold. (a) Allows a treatment facility, state-operated treatment program, or community-based treatment program to admit or hold a patient for emergency care and treatment; provides different requirements for the Minnesota Sex Offender Program (MSOP).</p> <p>(b) Specifies requirements for an examiner’s written statement to hold a patient.</p> <p>(c) If applicable, requires the examiner to make a good faith effort to obtain and consider information from a person who previously brought the person to a treatment program or facility, prior to writing the statement for an emergency</p>

Section	Description
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hold. Specifies what the statement must include. Requires the examiner to inquire about health care and advance psychiatric directives.

(d) Requires the facility or program to give a copy of the written statement to the patient immediately upon initiating the emergency hold, and to maintain a copy. Requires the facility or program to provide notice to the patient in writing of the right to leave after 72 hours, the right to a medical examination within 48 hours, and the right to request a change to voluntary status.

(e) Prohibits the facility or program from allowing or requiring the patient's consent to participate in a clinical drug trial during an emergency admission or hold. Specifies that this does not apply to a clinical drug trial in which the patient was participating at the time the emergency admission or hold was initiated.

Subd. 3. Duration of hold, release procedures, and change of status.

(a) Requires a determination about the need for an emergency hold as soon as possible, or within 12 hours of the person's arrival at a treatment facility or program.

Specifies that the peace officer or health officer hold ends upon whichever of the following occurs first: (1) initiation of an emergency hold under subdivision 2; (2) voluntary admission; (3) an examiner's decision not to admit the person; or (4) 12 hours after the person's arrival.

(b) Allows a facility or program to hold a patient for up to 72 hours after the examiner signs the written statement for an emergency hold. Requires release unless the facility or program obtains a court order to hold the patient, but prohibits a consecutive emergency hold.

(c) Allows a court to issue a judicial hold if the agency files a petition to civilly commit a person.

(d) Prohibits a court from releasing a patient under a 72-hour hold unless the court receives a written petition for release and holds a summary hearing.

(e) Specifies what the written petition for release must include, and the procedures the court must follow upon receiving such petition.

(f) Requires the head of the treatment facility or program to immediately notify the agency that employs the peace officer or health officer who initiated the emergency hold if: (1) a facility or program releases a patient during the 72-hour hold; (2) the examiner does not admit the patient; or (3) the patient leaves without consent.

Section	Description
	(g) Exempts a treatment facility or program from the notice requirement in paragraph (f), unless notice is requested, if a patient is held for detoxification and is no longer a danger to self or others.
	(h) Requires a patient's status change to voluntary upon the patient's written request and the head of the facility or program's consent.
35	Persons with mental illness or developmental disability. Amends § 253B.06, subd. 1. Updates terminology, makes clarifying changes.
36	Chemically dependent persons. Amends § 253B.06, subd. 2. Updates terminology, makes clarifying changes.
37	Discharge. Amends § 253B.06, subd. 3. Updates terminology and references, makes clarifying changes.
38	Prepetition screening. Amends § 253B.07, subd. 1. Updates terminology and references, makes clarifying changes to the requirements for prepetition screenings. Specifies that in-person interviews are preferred, if practicable, but not required.
39	The petition. Amends § 253B.07, subd. 2. Updates terminology, makes clarifying changes.
40	Petition originating from criminal proceedings. Amends § 253B.07, subd. 2a. Adds paragraph (b), which specifies that only a court examiner may conduct an assessment as described in the Minnesota Rules of Criminal Procedure. Adds paragraph (c), which specifies that when a county is ordered to consider civil commitment following an incompetency determination, the county in which the criminal matter is pending is responsible for conducting the prepetition screening and filing the commitment petition, if applicable, unless otherwise agreed to.
41	Apprehend and hold orders. Amends § 253B.07, subd. 2b. Updates terminology and references.
42	Change of venue. Amends § 253B.07, subd. 2d. Adds requirements for notice of and response to a motion for change of venue.

Section	Description
43	<p>Court-appointed examiners. Amends § 253B.07, subd. 3. Updates terminology.</p>
44	<p>Prehearing examination; report. Amends § 253B.07, subd. 5. Updates terminology.</p>
45	<p>Preliminary hearing. Amends § 253B.07, subd. 7. Updates terminology.</p>
46	<p>Time for commitment hearing. Amends § 253B.08, subd. 1. Updates terminology.</p>
47	<p>Place of hearing. Amends § 253B.08, subd. 2a. Updates terminology.</p>
48	<p>Absence permitted. Amends § 253B.08, subd. 5. Updates terminology.</p>
49	<p>Witnesses. Amends § 253B.08, subd. 5a. Updates terminology.</p>
50	<p>Standard of proof. Amends § 253B.09, subd. 1. Updates terminology. Adds paragraph (c) allowing for commitment to both a treatment facility or program and to the commissioner of human services, in case a state-operated treatment program becomes the least restrictive alternative. Outlines requirements for when a patient's level of care needs change, including provisional discharge procedures.</p>
51	<p>Findings. Amends § 253B.09, subd. 2. Clarifies that a suitable location may be a person's home.</p>
52	<p>Reporting judicial commitments; private treatment program or facility. Amends § 253B.09, subd. 3a. Updates terminology; requires the court to send a copy of the commitment order to the commissioner, if a patient is committed to a state-operated treatment program.</p>
53	<p>Initial commitment period. Amends § 253B.09, subd. 5. Updates terminology.</p>

Section	Description
54	<p>Administration of psychotropic medication.</p> <p>Amends § 253B.092. Updates terminology and references, makes clarifying changes. Allows for a treating medical practitioner to continue administering a psychotropic medication to the patient through a hearing date or court order under certain circumstances. Specifies that only injectable psychotropic medications may be used if physical force is required to administer the medication, and specifies related requirements. Prohibits the use of a nasogastric tube to administer medication.</p>
55	<p>Access to medical records.</p> <p>Amends § 253B.0921. Updates terminology.</p>
56	<p>Duration.</p> <p>Amends § 253B.095, subd. 3. Updates terminology, makes clarifying change.</p>
57	<p>Findings.</p> <p>Amends § 253B.097, subd. 1. Updates terminology.</p>
58	<p>Case manager.</p> <p>Amends § 253B.097, subd. 2. Updates terminology.</p>
59	<p>Reports.</p> <p>Amends § 253B.097, subd. 3. Makes clarifying change.</p>
60	<p>Immunity from liability.</p> <p>Amends § 253B.097, subd. 6. Updates terminology.</p>
61	<p>Procedures upon commitment.</p> <p>Amends § 253B.10.</p> <p>Subd. 1. Administrative requirements. Updates terminology; removes specific requirement for information sharing by the head of the treatment facility or program.</p> <p>Subd. 2. Transportation. Updates terminology; allows for patient transport via protected transport provider.</p> <p>Subd. 3. Notice of admission. Updates terminology.</p> <p>Subd. 3a. Interim custody and treatment of committed person. Adds new subdivision specifying that if a patient is residing in a facility or program, a commitment order constitutes authority for the facility or program to confine</p>

Section	Description
	and provide treatment to the patient until the patient is transferred to the facility or program to which the patient has been committed.
	Subd. 4. Private treatment. Updates terminology.
	Subd. 5. Transfer to voluntary status. Updates terminology.
62	<p>Reports.</p> <p>Amends § 253B.12, subd. 1. Updates terminology, makes clarifying changes. Adds paragraph specifying procedures for when a written report from the head of the treatment facility or program is not filed within the required time.</p>
63	<p>Examination.</p> <p>Amends § 253B.12, subd. 3. Updates terminology</p>
64	<p>Hearing; standard of proof.</p> <p>Amends § 253B.12, subd. 4. Updates terminology.</p>
65	<p>Record required.</p> <p>Amends § 253B.12, subd. 7.</p>
66	<p>Persons with mental illness or chemical dependency.</p> <p>Amends § 253B.13, subd. 1. Updates terminology; adds provision allowing for a commitment to be extended for up to 14 days so a hearing for a continued commitment can be completed, under specified circumstances.</p>
67	<p>Transfer of committed persons.</p> <p>Amends § 253B.14. Updates terminology.</p>
68	<p>Authority to detain and transport a missing patient.</p> <p>Amends § 253B.141. Updates terminology, makes clarifying changes.</p>
69	<p>Provisional discharge.</p> <p>Amends § 253B.15, subd. 1. Updates terminology and makes clarifying changes. Adds provision allowing the head of a non-state-operated treatment facility or program to provisionally discharge a patient. Requires provisional discharge plan to be developed with input from the patient and the designated agency.</p>
70	<p>Representative of designated agency.</p> <p>Amends § 253B.15, subd. 1a. Updates terminology.</p>

Section	Description
71	<p>Revocation of provisional discharge. Amends § 253B.15, subd. 2. Clarifies provisions governing circumstances for provisional discharge revocation.</p>
72	<p>Procedure; notice. Amends § 253B.15, subd. 3. Makes clarifying changes.</p>
73	<p>Report to the court. Amends § 253B.15, subd. 3a. Makes clarifying changes.</p>
74	<p>Review. Amends § 253B.15, subd. 3b. Makes clarifying changes.</p>
75	<p>Hearing. Amends § 253B.15, subd. 3c. Makes clarifying changes.</p>
76	<p>Return to facility. Amends § 253B.15, subd. 5. Updates terminology, makes clarifying changes.</p>
77	<p>Modification and extension of provisional discharge. Amends § 253B.15, subd. 7. Updates terminology; clarifies the required procedures for a designated agency to extend a provisional discharge; allows for patient input.</p>
78	<p>Provisional discharge extension. Amends § 253B.15 by adding subd. 8a. Specifies that a provisional discharge automatically continues for the duration of a new or extended commitment, if a court extends the commitment or issues a new commitment order, unless otherwise provided by the order or the provisional discharge is revoked.</p>
79	<p>Expiration of provisional discharge. Amends § 253B.15, subd. 9. Makes clarifying changes.</p>
80	<p>Voluntary return. Amends § 253B.15, subd. 10. Updates terminology.</p>
81	<p>Discharge of committed persons. Amends § 253B.16. Updates terminology, makes clarifying changes.</p>
82	<p>Release; judicial determination. Amends § 253B.17. Updates terminology, makes clarifying changes.</p>

Section	Description
83	Procedure. Amends § 253B.18, subd. 1. Updates terminology.
84	Review; hearing. Amends § 253B.18, subd. 2. Updates terminology.
85	Indeterminate commitment. Amends § 253B.18, subd. 3. Updates terminology.
86	Release on pass; notification. Amends § 253B.18, subd. 4a. Updates terminology.
87	Pass-eligible; notification. Amends § 253B.18, subd. 4b. Updates terminology and organization.
88	Special review board. Amends § 253B.18, subd. 4c. Updates terminology.
89	Petition; notice of hearing; attendance; order. Amends § 253B.18, subd. 5. Updates terminology, makes clarifying change.
90	Victim notification of petition and release; right to release statement. Amends § 253B.18, subd. 5a. Updates terminology.
91	Transfer. Amends § 253B.118, subd. 6. Updates terminology and organization.
92	Provisional discharge. Amends § 253B.18, subd. 7. Updates terminology and organization.
93	Provisional discharge plan. Amends § 253B.18, subd. 8. Updates terminology and makes clarifying change.
94	Provisional discharge; revocation. Amends § 253B.18, subd. 10. Updates terminology and organization, makes clarifying changes.
95	Exceptions. Amends § 253B.18, subd. 11. Updates terminology, makes clarifying changes.

Section	Description
96	Return of patient. Amends § 253B.18, subd. 12. Updates terminology, makes clarifying changes.
97	Voluntary readmission. Amends § 253B.18, subd. 14. Updates terminology.
98	Discharge. Amends § 253B.18, subd. 15. Updates terminology and organization.
99	Petition; hearing. Amends § 253B.19, subd. 2. Updates terminology.
100	Notice to court. Amends § 253B.20, subd. 1. Updates terminology.
101	Necessities. Amends § 253B.20, subd. 2. Updates terminology.
102	Notice to designated agency. Amends § 253B.20, subd. 3. Updates terminology.
103	Aftercare services. Amends § 253B.20, subd. 4. Updates terminology, specifies that a mental health professional (rather than “physician”) may be included in establishing an aftercare services plan.
104	Notice to physician. Amends § 253B.20, subd. 6. Updates terminology; requires notice of discharge for a patient’s mental health professional (rather than “physician”).
105	Administrative procedures. Amends § 253B.21, subd. 1. Updates terminology.
106	Applicable regulations. Amends § 253B.21, subd. 2. Updates terminology.
107	Powers. Amends § 253B.21, subd. 3. Updates terminology.

Section	Description
108	Cost of care; commitment by tribal court order; Red Lake Band of Chippewa Indians. Amends § 253B.212, subd. 1. Updates terminology and cross-reference.
109	Cost of care; commitment by tribal court order; White Earth Band of Ojibwe Indians. Amends § 253B.212, subd. 1a. Updates terminology and cross-reference.
110	Cost of care; commitment by tribal court order; any federally recognized Indian tribe within the state of Minnesota. Amends § 253B.212, subd. 1b. Updates terminology and cross-reference.
111	Effect given to tribal commitment order. Amends § 253B.212, subd. 2. Updates terminology.
112	Establishment. Amends § 253B.22, subd. 1. Specifies state-operated treatment facilities and programs for which review boards must be established; makes clarifying change.
113	Right to appear. Amends § 253B.22, subd. 2. Updates terminology and makes clarifying change.
114	Notice. Amends § 253B.22, subd. 3. Updates terminology, makes clarifying changes.
115	Review. Amends § 253B.22, subd. 4. Updates terminology.
116	Costs of hearings. Amends § 253B.23, subd. 1. Updates terminology.
117	Responsibility for conducting prepetition screening and filing commitment petitions. Amends § 253B.23, subd. 1b. Removes references to early intervention (changed to engagement services in this bill).
118	Legal results of commitment status. Amends § 253B.23, subd. 2. Updates terminology.
119	Transmittal of data to national instant criminal background check system. Amends § 253B.24. Updates terminology.

Section	Description
120	Court examiner. Amends § 253D.02, subd. 6. Updates terminology.
121	Petition. Amends § 253D.07, subd. 2. Makes clarifying changes.
122	Correctional facilities. Amends § 253D.10, subd. 2. Adds a paragraph assigning county and Department of Human Services financial responsibility for costs of temporary confinement in a correctional facility as allowed for sex offender civil commitment under this section.
123	Psychotropic medication. Amends § 253D.21. Updates terminology.
124	Procedure. Amends § 253D.28, subd. 2. Updates terminology.
125	Appropriation. Appropriates money in fiscal year 2020 from the general fund to the commissioner of human services for the engagement services pilot project.
126	Repealer. Repeals sections 253B.02, subds. 6 and 12a (“emergency treatment” and “mental illness” definitions); 253B.05, subdivisions 1, 2, 2b, 3, and 4 (emergency admission); 253B.064 (early intervention); 253B.065 (early intervention); 253B.066 (early intervention); 253B.09, subdivision 3 (patient financial determination); 253B.12, subd. 2 (basis for discharge); 253B.15, subdivision 11 (partial institutionalization); and 253B.20, subdivision 7 (request for services after discharge)



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