

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H.F. 2679

DATE: March 19, 2004

Version: As introduced

Authors: Soderstrom

Subject: DHS State-Operated Services Policy Bill

Analyst: Danyell A. Punelli

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: www.house.mn/hrd.

Overview

This is the Department of Human Services State-Operated Services policy bill. This bill includes various policy initiatives that create additional safety and security protections for staff, patients, and the general public. In addition, this bill allows for limitations on the Patients' and Residents' Bills of Rights for persons civilly committed to the Minnesota sex offender program.

Section

- 1** **Contraband articles; exceptions; penalty.** Amends § 243.55, subd. 1. Expands current law to include possession of contraband items (such as controlled substances, firearms, weapons, explosives, or alcoholic liquor or malt beverages) in secure treatment facilities as a violation of criminal statutes. Current law limits a violation to the introduction of contraband items.
- 2** **Savings account.** Amends § 246.15, by adding a subdivision. Requires the commissioner to create a savings account for each patient receiving treatment in a secure treatment facility. Requires that the money come from a portion of the patient's share of the cost of care. Requires the money in this saving account to be made available to the patient when the patient is ready to be transitioned into the community. Requires the money in the account to be used for expenses associated with obtaining housing and other personal needs. Requires the savings account to be called "forensic patient transition savings account."
- 3** **Administrative restriction.** Amends § 253B.02, by adding a subdivision. Defines "administrative restriction." Requires the commissioner to establish policies and procedures regarding the use of administrative restriction.
- 4** **Safety.** Amends § 253B.02, by adding a subdivision. Defines "safety."

Section

- 5 Security.** Amends § 253B.02, by adding a subdivision. Defines "security."
- 6 Administrative restriction.** Amends § 253B.03, by adding a subdivision. (a) Prohibits administrative restriction from being used for the convenience of staff, for retaliation for filing complaints, or as a substitute for program treatment. Prohibits administrative restriction from involving any further deprivation of privileges than is necessary.
- (b) Allows administrative restriction to include separate and secure housing.
- (c) Prohibits patients under administrative restriction from being limited in access to their attorney.
- 7 Provisional discharge; review.** Amends § 253B.18, subd. 9. Requires the treatment facility to request that the community provider or persons involved in the patient's health care disclose health information to the treatment facility when a petition for amendment of provisional discharge or discharge is filed with the commissioner and the patient is on provisional discharge. Requires the information to be released without the patient's consent to the treatment facility for the limited purpose of evaluating the patient's compliance with the terms of the provisional discharge and to assist the facility in their evaluation of the petition.
- 8 Legislative findings and purpose.** Adds § 253B.184. (a) Finds that sexual psychopathic personalities and sexually dangerous persons civilly committed to the Minnesota sex offender program are a significantly different population from other patients and residents protected by the Patients' and Residents' Bill of Rights and the Patients' Bill of Rights. Lists the ways in which persons civilly committed to the Minnesota sex offender program are different from other patients and residents.
- (b) Authorizes the commissioner to limit the statutory rights under the Patients' and Residents' Bills of Rights of individuals committed to the sex offender program in order to ensure the safety and security of the treatment facility, staff, other patients, and the public, and to maintain a safe environment in which treatment can be best provided.
- 9 Rights of patients committed under this section.** Amends § 253B.185, by adding a subdivision. (a) Allows the commissioner or the commissioner's designee to limit the statutory rights described in paragraph (b) for patients committed to the Minnesota sex offender program. Allows the statutory rights to be limited as necessary to maintain a therapeutic environment and the security of the facility, to prevent crime, or to protect the safety and well-being of patients, staff, and the public. Allows limitation of statutory rights to be applied facility-wide, to parts of the facility, or to individual patients.
- (b) Allows the head of a secure treatment facility to limit certain statutory rights of patients and residents. Lists the statutory rights that may be limited.
- (c) Prohibits patients committed to a secure treatment facility from maintaining a civil cause of action to enforce the Patients' and Residents' Bills of Rights.
- 10 Correctional employees.** Amends § 609.2231, subd. 3. Expands the fourth-degree assault law to include offenses committed against employees or other care providers at state-operated services facilities.
- 11 Effective date.** Makes section 9 effective the day following final enactment.