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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH  
SESSION

HOUSE FILE No. **576**

February 5, 2007

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The bill was read for the first time and referred to the Committee on Health and Human Services

1.1 A bill for an act  
1.2 relating to mental health; authorizing examiners for Minnesota residents in  
1.3 bordering states; amending Minnesota Statutes 2006, section 245.50, subdivision  
1.4 5.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2006, section 245.50, subdivision 5, is amended to read:

1.7 Subd. 5. **Special contracts; bordering states.** (a) An individual who is detained,  
1.8 committed, or placed on an involuntary basis under chapter 253B may be confined or  
1.9 treated in a bordering state pursuant to a contract under this section. An individual who is  
1.10 detained, committed, or placed on an involuntary basis under the civil law of a bordering  
1.11 state may be confined or treated in Minnesota pursuant to a contract under this section. A  
1.12 peace or health officer who is acting under the authority of the sending state may transport  
1.13 an individual to a receiving agency that provides services pursuant to a contract under  
1.14 this section and may transport the individual back to the sending state under the laws  
1.15 of the sending state. Court orders valid under the law of the sending state are granted  
1.16 recognition and reciprocity in the receiving state for individuals covered by a contract  
1.17 under this section to the extent that the court orders relate to confinement for treatment  
1.18 or care of mental illness or chemical dependency. Such treatment or care may address  
1.19 other conditions that may be co-occurring with the mental illness or chemical dependency.  
1.20 These court orders are not subject to legal challenge in the courts of the receiving state.  
1.21 Individuals who are detained, committed, or placed under the law of a sending state and  
1.22 who are transferred to a receiving state under this section continue to be in the legal  
1.23 custody of the authority responsible for them under the law of the sending state. Except  
1.24 in emergencies, those individuals may not be transferred, removed, or furloughed from

2.1 a receiving agency without the specific approval of the authority responsible for them  
2.2 under the law of the sending state.

2.3 (b) While in the receiving state pursuant to a contract under this section, an  
2.4 individual shall be subject to the sending state's laws and rules relating to length of  
2.5 confinement, reexaminations, and extensions of confinement. No individual may be sent  
2.6 to another state pursuant to a contract under this section until the receiving state has  
2.7 enacted a law recognizing the validity and applicability of this section.

2.8 (c) If an individual receiving services pursuant to a contract under this section leaves  
2.9 the receiving agency without permission and the individual is subject to involuntary  
2.10 confinement under the law of the sending state, the receiving agency shall use all  
2.11 reasonable means to return the individual to the receiving agency. The receiving agency  
2.12 shall immediately report the absence to the sending agency. The receiving state has the  
2.13 primary responsibility for, and the authority to direct, the return of these individuals  
2.14 within its borders and is liable for the cost of the action to the extent that it would be  
2.15 liable for costs of its own resident.

2.16 (d) Responsibility for payment for the cost of care remains with the sending agency.

2.17 (e) This subdivision also applies to county contracts under subdivision 2 which  
2.18 include emergency care and treatment provided to a county resident in a bordering state.

2.19 (f) If a Minnesota resident is admitted to a facility in a bordering state under this  
2.20 chapter, a physician, licensed psychologist who has a doctoral degree in psychology, or  
2.21 an advance practice registered nurse certified in mental health, who is licensed in the  
2.22 bordering state, may act as an examiner under sections 253B.07, 253B.09, 253B.092, and  
2.23 253B.12. Any person acting as an examiner under this paragraph must have received  
2.24 training on the provisions in chapter 253B.