



*Resolution  
of the  
Board of County Commissioners  
St. Louis County, Minnesota*

*Adopted on: February 28, 2006*

*Resolution No. 143*

*Offered by Commissioner: Fink*

WHEREAS, on behalf of the taxpayers of St. Louis County, the St. Louis County Board of Commissioners continually seeks ways to keep the cost of county government as cost effective as possible; and

WHEREAS, the cost of St. Louis County government is significantly affected by mandates from the State of Minnesota; and

WHEREAS, the Minnesota State Legislature in 2005 passed legislation (M.S. 6.79) which allows local governments to file resolutions with the State Auditor which either object to particular state mandates or make recommendations for reforming particular state mandates; and

WHEREAS, the State Auditor has encouraged local governments to submit mandate reform proposals to her office and has expressed a willingness to partner with local governments in achieving those reforms;

WHEREAS, the State of Minnesota has been involved in the systematic shifting of costs to County property taxpayers for obligations which are rightly the responsibility of the State.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board of Commissioners hereby submits to the State Auditor a certified copy of this resolution and the list of mandates, along with statute citations and comments, as candidates for repeal;

RESOLVED FURTHER, that the St. Louis County Board of Commissioners requests that the State Auditor take any measures available to aid the repeal of these mandates.

Commissioner Fink moved the adoption of the Resolution and it was declared adopted upon the following vote:

Yeas - Commissioners Fink, O'Neil, Kron, Forsman, Raukar, and Chair Nelson - 6

Nays - None

Out of Room - Commissioner Sweeney - 1

**STATE OF MINNESOTA**

Office of County Auditor, ss.  
County of St. Louis

I, **DONALD DICKLICH**, Auditor of the County of St. Louis, do hereby certify that I have compared the foregoing with the original resolution filed in my office on the 28th day of February, A.D. 2006, and that this is a true and correct copy.

WITNESS MY HAND AND SEAL OF OFFICE at Duluth, Minnesota, this 28th day of February, A.D., 2006

DONALD DICKLICH, COUNTY AUDITOR

By

Deputy Auditor/Clerk of County Board

## **Hold Orders/Commitments – MS 253B.05**

**Hold orders for commitments are 100% county dollars. Eliminate or fund this responsibility.**

### **253B.05 Emergency admission.**

#### **Subdivision 1. Emergency hold.**

(a) Any person may be admitted or held for emergency care and treatment in a treatment facility with the consent of the head of the treatment facility upon a written statement by an examiner that:

- (1) the examiner has examined the person not more than 15 days prior to admission;
- (2) the examiner is of the opinion, for stated reasons, that the person is mentally ill, mentally retarded or chemically dependent, and is in danger of causing injury to self or others if not immediately detained; and
- (3) an order of the court cannot be obtained in time to prevent the anticipated injury.

(b) If the proposed patient has been brought to the treatment facility by another person, the examiner shall make a good faith effort to obtain a statement of information that is available from that person, which must be taken into consideration in deciding whether to place the proposed patient on an emergency hold. The statement of information must include, to the extent available, direct observations of the proposed patient's behaviors, reliable knowledge of recent and past behavior, and information regarding psychiatric history, past treatment, and current mental health providers. The examiner shall also inquire into the existence of health care directives under chapter 145, and advance psychiatric directives under section [253B.03](#), subdivision 6d.

(c) The examiner's statement shall be: (1) sufficient authority for a peace or health officer to transport a patient to a treatment facility, (2) stated in behavioral terms and not in conclusory language, and (3) of sufficient specificity to provide an adequate record for review. If danger to specific individuals is a basis for the emergency hold, the statement must identify those individuals, to the extent practicable. A copy of the examiner's statement shall be personally served on the person immediately upon admission and a copy shall be maintained by the treatment facility.

#### **Subd. 2. Peace or health officer authority.**

(a) A peace or health officer may take a person into custody and transport the person to a licensed physician or treatment facility if the officer has reason to believe, either through direct observation of the person's behavior, or upon reliable information of the person's recent behavior and knowledge of the person's past behavior or psychiatric treatment, that the person is mentally ill or mentally retarded and in danger of injuring self or others if not immediately detained. A peace or health officer or a person working under such officer's supervision, may take a person who is believed to be chemically dependent or is intoxicated in public into custody and transport the person to a treatment facility. If the person is intoxicated in public or is believed to be chemically dependent and is not in danger of causing self-harm or harm to any person or property, the peace or health officer may transport the person home. The peace or health officer shall make written application for admission of the person to the treatment facility. The application shall contain the peace or health officer's statement specifying the reasons for and circumstances under which the person was taken into custody. If danger to specific individuals is a basis for the emergency hold, the statement must include identifying information on those individuals, to the extent practicable. A copy of the statement shall be made available to the person taken into custody.

(b) As far as is practicable, a peace officer who provides transportation for a person placed in a facility under this subdivision may not be in uniform and may not use a vehicle visibly marked as a law enforcement vehicle.

(c) A person may be admitted to a treatment facility for emergency care and treatment under this subdivision with the consent of the head of the facility under the following circumstances: (1) a written statement shall only be made by the following individuals who are knowledgeable, trained, and practicing in the diagnosis and treatment of mental illness or mental retardation; the medical officer, or the officer's designee on duty at the facility, including a licensed physician,

a registered physician assistant, or an advanced practice registered nurse who after preliminary examination has determined that the person has symptoms of mental illness or mental retardation and appears to be in danger of harming self or others if not immediately detained; or (2) a written statement is made by the institution program director or the director's designee on duty at the facility after preliminary examination that the person has symptoms of chemical dependency and appears to be in danger of harming self or others if not immediately detained or is intoxicated in public.

Subd. 2a. Repealed, 1997 c 217 art 1 s 118

Subd. 2b. **Notice.** Every person held pursuant to this section must be informed in writing at the time of admission of the right to leave after 72 hours, to a medical examination within 48 hours, and to request a change to voluntary status. The treatment facility shall, upon request, assist the person in exercising the rights granted in this subdivision.

Subd. 3. **Duration of hold.**

(a) Any person held pursuant to this section may be held up to 72 hours, exclusive of Saturdays, Sundays, and legal holidays after admission. If a petition for the commitment of the person is filed in the district court in the county of the person's residence or of the county in which the treatment facility is located, the court may issue a judicial hold order pursuant to section [253B.07](#), subdivision 2b.

(b) During the 72-hour hold period, a court may not release a person held under this section unless the court has received a written petition for release and held a summary hearing regarding the release. The petition must include the name of the person being held, the basis for and location of the hold, and a statement as to why the hold is improper. The petition also must include copies of any written documentation under subdivision 1 or 2 in support of the hold, unless the person holding the petitioner refuses to supply the documentation. The hearing must be held as soon as practicable and may be conducted by means of a telephone conference call or similar method by which the participants are able to simultaneously hear each other. If the court decides to release the person, the court shall direct the release and shall issue written findings supporting the decision. The release may not be delayed pending the written order. Before deciding to release the person, the court shall make every reasonable effort to provide notice of the proposed release to:

(1) any specific individuals identified in a statement under subdivision 1 or 2 or individuals identified in the record who might be endangered if the person was not held;

(2) the examiner whose written statement was a basis for a hold under subdivision 1; and

(3) the peace or health officer who applied for a hold under subdivision 2.

(c) If a person is intoxicated in public and held under this section for detoxification, a treatment facility may release the person without providing notice under paragraph (d) as soon as the treatment facility determines the person is no longer a danger to themselves or others. Notice must be provided to the peace officer or health officer who transported the person, or the appropriate law enforcement agency, if the officer or agency requests notification.

(d) If a treatment facility releases a person during the 72-hour hold period, the head of the treatment facility shall immediately notify the agency which employs the peace or health officer who transported the person to the treatment facility under this section.

(e) A person held under a 72-hour emergency hold must be released by the facility within 72 hours unless a court order to hold the person is obtained. A consecutive emergency hold order under this section may not be issued.

Subd. 4. **Change of status.** Any person admitted pursuant to this section shall be changed to voluntary status provided by section [253B.04](#) upon the person's request in writing and with the consent of the head of the treatment facility.