

Sec. 6. Minnesota Statutes 1980, Section 626.557, Subdivision 19, is amended to read:

Subd. 19. **PENALTY.** Any caretaker, as defined in subdivision 2, or operator or employee thereof, or volunteer worker thereat, who intentionally abuses or neglects a vulnerable adult, or being a caretaker, knowingly permits conditions to exist which result in the abuse or neglect of a vulnerable adult, ~~may be charged with a violation of section 609.23~~ is guilty of a gross misdemeanor.

Sec. 7. **EFFECTIVE DATE.**

Sections 1 to 6 are effective the day following final enactment.

Approved March 23, 1982

## CHAPTER 637 — H.F.No. 2065

*An act relating to public welfare; providing for regulation of aversive or deprivation procedures for behavior modification of mentally retarded individuals; proposing new law coded in Minnesota Statutes, Chapter 245.*

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

Section 1. **[245.825] USE OF AVERSIVE OR DEPRIVATION PROCEDURES IN FACILITIES SERVING MENTALLY RETARDED PERSONS. [Subdivision 1.] RULES.**

The commissioner of public welfare shall by October, 1983 promulgate rules governing the use of aversive and deprivation procedures in all licensed facilities serving mentally retarded persons. No provision of these rules shall encourage or require the use of aversive and deprivation procedures. The rules shall prohibit: (a) the application of certain aversive or deprivation procedures in facilities except as authorized and monitored by the designated regional review committees; and (b) the use of aversive or deprivation procedures that restrict the consumers' normal access to nutritious diet, drinking water, adequate ventilation, necessary medical care, ordinary hygiene facilities, normal sleeping conditions, and necessary clothing. The rule shall further specify that consumers may not be denied ordinary access to legal counsel and next of kin. In addition, the rule may specify other prohibited practices and the specific conditions under which permitted practices are to be carried out.

Sec. 2. **[245.825] [Subd. 2.] REGIONAL REVIEW COMMITTEE.**

After the rules have been promulgated the commissioner shall appoint regional review committees to monitor the rules.

Approved March 23, 1982

Changes or additions are indicated by underline, deletions by ~~strikeout~~.