

**SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION**

S.F. No. 2400

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DATE
03/13/2019

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OFFICIAL STATUS
Introduction and first reading
Referred to Judiciary and Public Safety Finance and Policy

1.1 A bill for an act
1.2 relating to corrections; authorizing medical director of Department of Corrections
1.3 to make health care decisions for certain inmates lacking decision-making capacity
1.4 and placed in an outside facility on conditional medical release; amending
1.5 Minnesota Statutes 2018, section 241.75, subdivision 2.

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

1.7 Section 1. Minnesota Statutes 2018, section 241.75, subdivision 2, is amended to read:

1.8 Subd. 2. **Health care decisions.** The medical director of the Department of Corrections
1.9 may make a health care decision for an inmate incarcerated in a state correctional facility
1.10 or placed in an outside facility on conditional medical release if the inmate's attending
1.11 physician determines that the inmate lacks decision-making capacity and:

1.12 (1) there is not a documented health care agent designated by the inmate or the health
1.13 care agent is not reasonably available to make the health care decision;

1.14 (2) if there is a documented health care directive, the decision is consistent with that
1.15 directive;

1.16 (3) the decision is consistent with reasonable medical practice and other applicable law;
1.17 and

1.18 (4) the medical director has made a good faith attempt to consult with the inmate's next
1.19 of kin or emergency contact person in making the decision, to the extent those persons are
1.20 reasonably available.