

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

James and Lorie Jensen, et al.,

Case No. 09-cv-01775 (DWF/BRT)

Plaintiffs,

vs.

Minnesota Department of Human  
Services, et al.

**DECLARATION OF  
DANIEL J. BAKER, PH.D**

Defendants.

I, Daniel J. Baker, pursuant to [28 U.S.C. § 1746](#), hereby declare as follows:

1. I am employed by the Minnesota Department of Human Services (“DHS”) as the Jensen Internal Reviewer, Quality Assurance and Disability Compliance Services. I have been in that role since December 1, 2015. This declaration is based on my personal knowledge.

2. As the Jensen Internal Reviewer, I review every instance of restraint use at Minnesota Life Bridge (“MLB”) on an ongoing and continuous basis.

3. For the purpose of verification for reporting on Evaluation Criteria (ECs) related to prohibited techniques, I use a sampling methodology. For example, for verification of the data on EC 39 for the March 2019 Summary Report, I reviewed a random sample of 10 of 50 incidents in the reporting period. Verification via a random sampling methodology is a professionally accepted best practice in compliance, and is taught by The Society for Corporate Compliance and Ethics as a recommended strategy.

The sample drawn for the March 2019 Summary Report was sufficiently large to assure validity.

4. I have monitored the use of restraints at MLB since the schedule for compliance reporting was established in early 2016. Based on my review of every instance of restraint use at Minnesota Life Bridge (“MLB”) on an ongoing and continuous basis, and additional verification for reporting purposes, I found that MLB did not use prohibited restraints or techniques.

5. DHS met with Dr. Colleen Wieck and Ms. Roberta Opheim (the “Consultants”) regarding suggested data collection and verification procedures that would be utilized to prepare the March 2019 Summary Report, and DHS reached agreement with the Consultants on data collection and verification procedures. Sampling was discussed with and agreed to by the Consultants in preparation for the March 2019 Summary Report.

6. For the purpose of verification of data on previously unreported ECs (i.e., those subject to exception reporting and ECs not included in the February 22, 2016 Order (retired) through 2017), I reviewed a random sample of incidents from October 1, 2015 through December 31, 2017 and all incidents from January 1, 2018 through June 30, 2018 for the August 2018 Semi-Annual Compliance Report, and all incidents from July 1, 2018 through December 31, 2018 for the March 2019 Summary Report.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 7-15-19

**s/ Daniel J. Baker**  
DANIEL J. BAKER