

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

James and Lorie Jensen, as parents, guardians
and next friends of Bradley J. Jensen; James
Brinker and Darren Allen, as parents,
guardians and next friends of Thomas M.
Allbrink; Elizabeth Jacobs, as parent, guardian
and next friend of Jason R. Jacobs; and others
similarly situated,

Civil No. 09-1775 (DWF/FLN)

Plaintiffs,

v.

ORDER

Minnesota Department of Human Services,
an agency of the State of Minnesota; Director,
Minnesota Extended Treatment Options, a
program of the Minnesota Department of
Human Services, an agency of the State of
Minnesota; Clinical Director, the Minnesota
Extended Treatment Options, a program of
the Minnesota Department of Human Services,
an agency of the State of Minnesota; Douglas
Bratvold, individually, and as Director of the
Minnesota Extended Treatment Options, a
program of the Minnesota Department of Human
Services, an agency of the State of Minnesota;
Scott TenNapel, individually and as Clinical
Director of the Minnesota Extended Treatment
Options, a program of the Minnesota Department
of Human Services, an agency of the State of
Minnesota; and State of Minnesota,

Defendants.

Mark R. Azman, Esq., and Shamus P. O'Meara, Esq., O'Meara Leer Wagner & Kohl, PA,
counsel for Plaintiffs.

Steven H. Alpert and Scott H. Ikeda, Assistant Attorneys General, Minnesota Attorney General's Office, counsel for State Defendants.

Samuel D. Orbovich, Esq., and Christopher A. Stafford, Esq., Fredrikson & Byron, PA, counsel for Defendant Scott TenNapel.

Upon consideration of the Court's direction for Court Monitor reviews under this Court's orders of the care, support, treatment, and circumstances of individuals who have left the Minnesota Extended Treatment Option (METO) and MSHS-Cambridge ("review subjects"),

IT IS HEREBY ORDERED:

1. **Access to Individual and Records.** Any county, agency, person or other entity, governmental or non-governmental, and any person working for, or in concert with, such an entity, which serves or has served any person whom the Court Monitor represents to be a review subject, shall permit the Court Monitor to have access to the individual, and to all his or her past and current records, whether paper, electronic, or in any other format.

2. **Access to Employees and Consultants.** Any county, agency, person or other entity, governmental or non-governmental, and any person working for, or in concert with, such an entity, which serves or has served any person whom the Court Monitor represents to be a review subject, shall permit the Court Monitor to have access to the professional, management, direct care staff, and other staff and consultants who serve or have served such persons, and to all related past and current records, whether paper, electronic, or in any other format.

3. **Access.** “Access” as used in this Order includes: (a) as to an individual, physical access to observe and meet with the person without interference in the person’s natural setting or location at the time of the request, and, if requested, to meet privately with the person, and (b) on-site review and receipt of copies of such records on request by the Court Monitor. Copies shall be provided on-site where possible or within five (5) days.

4. **Order Is Sufficient For Access.** No consents or authorizations other than presentation of this Order shall be required for disclosure to the Court Monitor. That any records requested or disclosed under this Order may include medical records, or records the custodian received from other entities, or records involving abuse, neglect or vulnerable adult or other investigations, does not exempt the records from disclosure to the Court Monitor. Oral or written designation of an individual as a review subject by the Court Monitor or his staff or his consultant shall be sufficient to invoke the obligation to provide the access described in this Order.

5. **Presentation of Order.** The Court Monitor may present, and shall provide if requested, a copy of this Order to any individual or entity requested to provide access under this Order. A copy of this Order shall be sufficient to invoke its effectiveness. The Court Monitor need not present a certified copy of this Order.

6. **Court Monitor, Staff and Consultants.** All of the terms of this Order apply to require access by the Court Monitor’s staff and consultants on the same basis as the access of the Court Monitor, described above. Such staff and consultants shall be

identified by an authorization letter, or copy of a letter, by the Court Monitor, which shall be presented, and provided on request, at the time access is sought.

Dated: April 29, 2014

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge