



August 30, 2018

The Honorable Donovan W. Frank  
United States District Court  
District of Minnesota  
316 North Robert Street  
St. Paul, Minnesota 55101

Re: *Jensen, et al. v. Minnesota Department of Human Services, et al.*  
Court File No.: 09-CV-01775 DWF/BRT

Dear Judge Frank:

Enclosed please find the Department's August 2018 Semi-Annual Compliance Report, covering the reporting period January 1, 2018 to June 30, 2018. This Report is filed pursuant to the Court's February 22, 2016 Order for Reporting on the Settlement Agreement (Doc. No. 545).

The Court's July 19, 2018 Order resulting from the July 12, 2018 Biannual Status Conference in this matter (Doc. No. 693) provided that following receipt of the Department's August 2018 Semi-Annual Compliance Report, the Court would issue an order establishing next steps. To further aid the Court in addressing the applicable legal standard to determine the circumstances under which it will end its involvement in this matter, and in response to issues raised during the July 12, 2018 status conference, the Department attaches an Addendum to the August 2018 Semi-Annual Compliance Report. The Addendum provides an overview of Evaluation Criteria noted as Exception Reporting, in addition to an overview of Evaluation Criteria no longer requiring reporting. The Court Consultants were provided with an advance copy of the Addendum on August 27, 2018.

Sincerely,

Charles E. Johnson  
Deputy Commissioner

CC: Shamus O'Meara, Plaintiffs' Class Counsel  
Colleen Wieck, Executive Director for the Governor's Council on Developmental Disabilities  
Roberta Opheim, Ombudsman for Mental Health and Developmental Disabilities

**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.,

Defendants.

**AFFIDAVIT OF  
MARGARET FLETCHER BOOTH,  
PH.D., CONCERNING  
VERIFICATION OF DEFENDANTS'  
AUGUST 2018 SEMI-ANNUAL  
COMPLIANCE REPORT**

STATE OF MINNESOTA       )  
                                          ) ss.  
COUNTY OF RAMSEY       )

MARGARET FLETCHER BOOTH, being first duly sworn on oath, states as follows:

1. I am employed by the Minnesota Department of Human Services ("DHS") as the Manager, Quality Assurance and Disability Compliance Services ("QADC Services").

2. I am familiar with the above-captioned case and settlement.

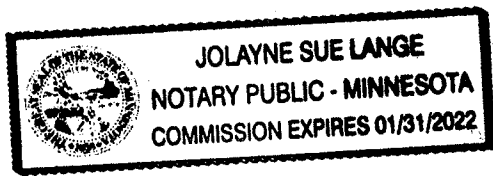
3. In order to verify that the information set forth in Defendants' August 2018 Semi-Annual Compliance Report and Addendum ("Report"), is correct and accurate, QADC Services:

(A) had individuals with personal knowledge of specific information in the Report review the specific information, verify its correctness and accuracy, and attest to the correctness and accuracy of the specific information in an affidavit; and

(B) conducted the supplemental verification activities described in relevant sections of the Report.

4. Based upon this process and my own personal knowledge, I verify that the information in the Report is correct, accurate, and complete.

FURTHER YOUR AFFIANT SAYETH NOT.



*Margaret Fletcher Booth*  
MARGARET FLETCHER BOOTH, Ph.D.

Subscribed and sworn to before me on

August 28, 2018

*Jolayne Lange*  
NOTARY PUBLIC

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.,

Defendants.

**AFFIDAVIT OF  
MARGARET FLETCHER BOOTH,  
PH.D., CONCERNING FILING OF  
DEFENDANTS' AUGUST 2018  
SEMI-ANNUAL COMPLIANCE  
REPORT UNDER SEAL**

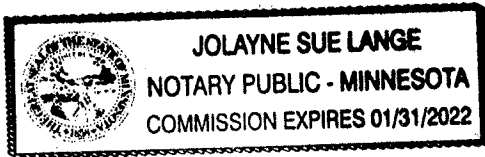
STATE OF MINNESOTA       )  
                                          ) ss.  
COUNTY OF RAMSEY       )

MARGARET FLETCHER BOOTH, being first duly sworn on oath, states as follows:

1. I am employed by the Minnesota Department of Human Services ("DHS") as Manager, Quality Assurance and Disability Compliance Services ("QADC Services").
2. I am familiar with the above-captioned case and settlement.
3. I am familiar with the contents of the Defendants' August 2018 Semi-Annual Compliance Report ("Report") and the associated Identifier Key.
4. Based upon my own personal knowledge of the contents of the Report, I verify that the unredacted version of the Report filed under seal contains private welfare data that, under Minn. Stat. § 13.46, subd. 2(a), DHS is prohibited from publicly disclosing.

5. Based upon my own personal knowledge of the contents of the Report, I verify that the unredacted version of the Identifier Key filed under seal contains private welfare data that, under Minn. Stat. § 13.46, subd. 2(a), DHS is prohibited from publicly disclosing.

FURTHER YOUR AFFIANT SAYETH NOT.



*Margaret Fletcher Booth*  
MARGARET FLETCHER BOOTH, Ph.D.

Subscribed and sworn to before me on

August 28, 2018

*Jolayne Lange*  
NOTARY PUBLIC

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.,

Defendants.

**AFFIDAVIT OF MARGARET  
FLETCHER BOOTH, PH.D.,  
CONCERNING VERIFICATION OF  
DEFENDANTS' ADDENDUM TO  
THE AUGUST 2018 SEMI-ANNUAL  
COMPLIANCE REPORT**

STATE OF MINNESOTA        )  
                                          ) ss.  
COUNTY OF RAMSEY        )

MARGARET FLETCHER BOOTH, being first duly sworn on oath, states as follows:

1. I am employed by the Minnesota Department of Human Services ("DHS") as Manager, Quality Assurance and Disability Compliance Services ("QADC Services").

2. I am familiar with the above-captioned case and settlement and understand that this affidavit is a verification of information set forth in Defendants' August 2018 Semi-Annual Compliance Report and Addendum ("Report").

3. I have personal knowledge of the information I provided for the following sections of the Report and verify that the information I provided is correct and accurate:

Evaluation Criteria 15 16, 17, 18, 19, 20, 21, 25, 26, 27, 31, 33, 34, 37, 42, 43, 44, 63, 82, 85, 86, 87, 88, 95, 99, 102 and 104.

4. I further hereby verify the data contained in the portions of the Report described above at paragraph 3 is either (1) public data under applicable laws, or (2) if it is not-public data, the data subject(s) of any such not-public data have consented to such data being used publicly, or (3) I have alerted QADC Services at DHS so that the data can be filed under seal.

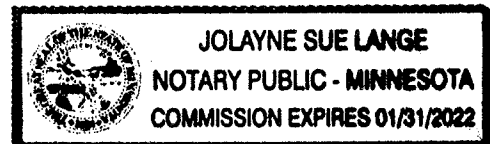
FURTHER YOUR AFFIANT SAYETH NOT.

  
MARGARET FLETCHER BOOTH, Ph.D.

Subscribed and sworn to before me on

August 29, 2018

  
NOTARY PUBLIC



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.,

Defendants.

**AFFIDAVIT OF MARGARET  
FLETCHER BOOTH, PH.D.,  
CONCERNING VERIFICATION OF  
DEFENDANTS' AUGUST 2018  
SEMI-ANNUAL COMPLIANCE  
REPORT**

STATE OF MINNESOTA        )  
                                          ) ss.  
COUNTY OF RAMSEY        )

MARGARET FLETCHER BOOTH, being first duly sworn on oath, states as follows:

1. I am employed by the Minnesota Department of Human Services ("DHS") as Manager, Quality Assurance and Disability Compliance Services ("QADC Services").

2. I am familiar with the above-captioned case and settlement and understand that this affidavit is a verification of information set forth in Defendants' August 2018 Semi-Annual Compliance Report ("Report").

3. I have personal knowledge of the information I provided for the following sections of the Report and verify that the information I provided is correct and accurate: January 1, 2018 to June 30, 2018 Updates regarding Evaluation Criteria 39, 41, and 98.

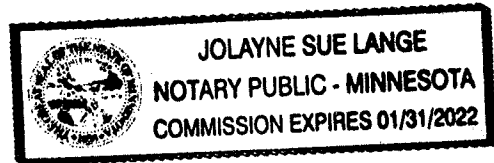
4. I further hereby verify the data contained in the portions of the Report described above at paragraph 3 is either (1) public data under applicable laws, or (2) if it is not-public data, the data subject(s) of any such not-public data have consented to such data being used publicly, or (3) I have alerted QADC Services at DHS so that the data can be filed under seal.

FURTHER YOUR AFFIANT SAYETH NOT.

  
MARGARET FLETCHER BOOTH, Ph.D.

Subscribed and sworn to before me on

August 29, 2018



  
NOTARY PUBLIC

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.,

**AFFIDAVIT OF  
KAREN SULLIVAN HOOK  
CONCERNING VERIFICATION OF  
DEFENDANTS' AUGUST 2018  
SEMI-ANNUAL COMPLIANCE  
REPORT**

Defendants.

STATE OF MINNESOTA       )  
                                          ) ss.  
COUNTY OF RAMSEY       )

KAREN SULLIVAN HOOK, being first duly sworn on oath, states as follows:

1. I am employed by the Minnesota Department of Human Services ("DHS") as Deputy Senior Counsel and Administrative Law Office Manager.
2. I am familiar with the above-captioned case and settlement and understand that this affidavit is a verification of information set forth in Defendants' August 2018 Semi-Annual Compliance Report ("Report").
3. I have personal knowledge of the information I provided for the following sections of the Report and verify that the information I provided is correct and accurate: January 1, 2018 to June 30, 2018 Update regarding Evaluation Criterion 103.

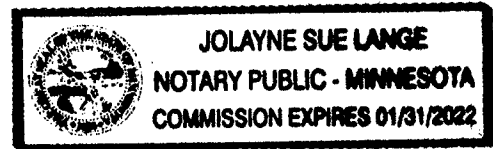
4. I further hereby verify the data contained in the portions of the Report described above at paragraph 3 is either (1) public data under applicable laws, or (2) if it is not-public data, the data subject(s) of any such not-public data have consented to such data being used publicly, or (3) I have alerted the Quality Assurance and Disability Compliance Services (“QADC Services”) at DHS so that the data can be filed under seal.

FURTHER YOUR AFFIANT SAYETH NOT.

  
KAREN SULLIVAN HOOK

Subscribed and sworn to before me on

August 28, 2018



  
NOTARY PUBLIC

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

James and Lorie Jensen, et al.,  
Plaintiffs,

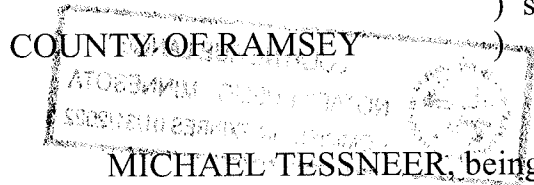
Case No. 09-cv-01775 DWF/BRT

vs.

Minnesota Department of Human  
Services, et al.,  
Defendants.

**AFFIDAVIT OF  
MICHAEL TESSNEER  
CONCERNING VERIFICATION OF  
DEFENDANTS' AUGUST 2018  
SEMI-ANNUAL COMPLIANCE  
REPORT**

STATE OF MINNESOTA )  
 ) ss.  
COUNTY OF RAMSEY )



MICHAEL TESSNEER, being first duly sworn on oath, states as follows:

1. I am employed by the Minnesota Department of Human Services ("DHS") as Director of Compliance, Olmstead Implementation Office.
2. I am familiar with the above-captioned case and settlement and understand that this affidavit is a verification of information set forth in Defendants' August 2018 Semi-Annual Compliance Report ("Report").
3. I have personal knowledge of the information I provided for the following section of the Report and verify that the information I provided is correct and accurate: January 1, 2018 to June 30, 2018 Update regarding Evaluation Criterion 79.

4. I further hereby verify the data contained in the portions of the Report described above at paragraph 3 is either (1) public data under applicable laws, or (2) if it is not-public data, the data subject(s) of any such not-public data have consented to such data being used publicly, or (3) I have alerted Quality Assurance and Disability Compliance Services ("QADC Services") at DHS so that the data can be filed under seal.

FURTHER YOUR AFFIANT SAYETH NOT.

  
MICHAEL TESSNEER

Subscribed and sworn to before me on

August 28, 2018



  
NOTARY PUBLIC

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.,

Defendants.

**AFFIDAVIT OF  
CAROL OLSON CONCERNING  
VERIFICATION OF DEFENDANTS'  
ADDENDUM TO THE AUGUST 2018  
SEMI-ANNUAL COMPLIANCE  
REPORT**

STATE OF MINNESOTA            )  
                                          ) ss.  
COUNTY OF RAMSEY            )

CAROL OLSON, Being first duly sworn on oath, states as follows:

1. I am employed by the Minnesota Department of Human Services ("DHS") as Executive Director, Forensics; Direct Care and Treatment.
2. I am familiar with the above-captioned case and settlement and understand that this affidavit is a verification of information set forth in Defendants' August 2018 Semi-Annual Compliance Report ("Report").
3. I have personal knowledge of the information I provided for the following sections of the Report and verify that the information I provided is correct and accurate: Addendum updates regarding Evaluation Criterion 82.

4. I further hereby verify the data contained in the portions of the Report described above at paragraph 3 is either (1) public data under applicable laws, or (2) if it is not-public data, the data subject(s) of any such not-public data have consented to such data being used publicly, or (3) I have alerted Quality Assurance and Disability Compliance Services ("QADC Services") at DHS so that the data can be filed under seal.

FURTHER YOUR AFFIANT SAYETH NOT.

Carol Olson, Executive  
CAROL OLSON Director

Subscribed and sworn to before me on  
August 27<sup>th</sup>, 2018

Marlene Mae Albers  
NOTARY PUBLIC



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.,

Defendants.

**AFFIDAVIT OF  
ROCHELLE FISCHER  
CONCERNING VERIFICATION OF  
DEFENDANTS' ADDENDUM TO  
THE AUGUST 2018 SEMI-ANNUAL  
COMPLIANCE REPORT**

STATE OF MINNESOTA       )  
                                          ) ss.  
COUNTY OF RAMSEY       )

ROCHELLE FISCHER, being first duly sworn on oath, states as follows:

1. I am employed by the Minnesota Department of Human Services ("DHS") as Administrator, Anoka-Metro Regional Treatment Center.
2. I am familiar with the above-captioned case and settlement and understand that this affidavit is a verification of information set forth in Defendants' August 2018 Semi-Annual Compliance Report ("Report").
3. I have personal knowledge of the information I provided for the following sections of the Report and verify that the information I provided is correct and accurate: Addendum updates regarding Evaluation Criterion 85.

4. I further hereby verify the data contained in the portions of the Report described above at paragraph 3 is either (1) public data under applicable laws, or (2) if it is not-public data, the data subject(s) of any such not-public data have consented to such data being used publicly, or (3) I have alerted Quality Assurance and Disability Compliance Services ("QADC Services") at DHS so that the data can be filed under seal.

FURTHER YOUR AFFIANT SAYETH NOT.

Rochelle Fischer  
ROCHELLE FISCHER

Subscribed and sworn to before me on

August 28<sup>th</sup>, 2018

Christine Louise Swanson

NOTARY PUBLIC



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.,

**AFFIDAVIT OF STEVEN DAHL  
CONCERNING VERIFICATION OF  
DEFENDANTS' AUGUST 2018  
SEMI-ANNUAL COMPLIANCE  
REPORT**

Defendants.

STATE OF MINNESOTA )  
 ) ss.  
COUNTY OF RAMSEY )

STEVEN DAHL, being first duly sworn on oath, states as follows:

1. I am employed by the Minnesota Department of Human Services (“DHS”) as Director, Community Support Services and Short Term Residential Services.
2. I am familiar with the above-captioned case and settlement and understand that this affidavit is a verification of information set forth in Defendants’ August 2018 Semi-Annual Compliance Report (“Report”).
3. I have personal knowledge of the information I provided for the following sections of the Report and verify that the information I provided is correct and accurate: January 1, 2018 to June 30, 2018 Updates regarding Evaluation Criteria 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, and 93.

4. I further hereby verify the data contained in the portions of the Report described above at paragraph 3 is either (1) public data under applicable laws, or (2) if it is not-public data, the data subject(s) of any such not-public data have consented to such data being used publicly, or (3) I have alerted Quality Assurance and Disability Compliance Services ("QADC Services") at DHS so that the data can be filed under seal.

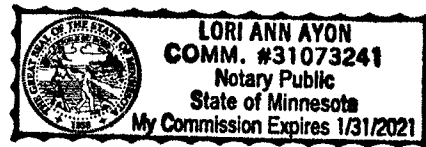
FURTHER YOUR AFFIANT SAYETH NOT.



STEVEN DAHL

Subscribed and sworn to before me on

August 28, 2018

  
NOTARY PUBLIC

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.,

**AFFIDAVIT OF MARK BROSTROM  
CONCERNING VERIFICATION OF  
DEFENDANTS' AUGUST 2018  
SEMI-ANNUAL COMPLIANCE  
REPORT**

Defendants.

STATE OF MINNESOTA       )  
                                          ) ss.  
COUNTY OF ISANTI       )

MARK BROSTROM, being first duly sworn on oath, states as follows:

1. I am employed by the Minnesota Department of Human Services ("DHS") as Manager, Minnesota Life Bridge Treatment Homes.

2. I am familiar with the above-captioned case and settlement and understand that this affidavit is a verification of information set forth in Defendants' August 2018 Semi-Annual Compliance Report ("Report").

3. I have personal knowledge of the information I provided for the following sections of the Report and verify that the information I provided is correct and accurate: January 1, 2018 to June 30, 2018 Updates regarding Evaluation Criteria 2, 3, 47, 48, 49, 50, 51, 52, 53, and 64.

4. I further hereby verify the data contained in the portions of the Report described above at paragraph 3 is either (1) public data under applicable laws, or (2) if it is not-public data, the data subject(s) of any such not-public data have consented to such data being used publicly, or (3) I have alerted Quality Assurance and Disability Compliance Services ("QADC Services") at DHS so that the data can be filed under seal.

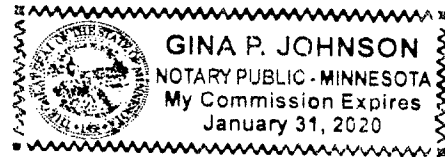
FURTHER YOUR AFFIANT SAYETH NOT.

  
MARK BROSTROM

Subscribed and sworn to before me on

August 24, 2018

Gina P. Johnson  
NOTARY PUBLIC



UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

James and Lorie Jensen, et al.,

Case No. 09-cv-01775 DWF/BRT

Plaintiffs,

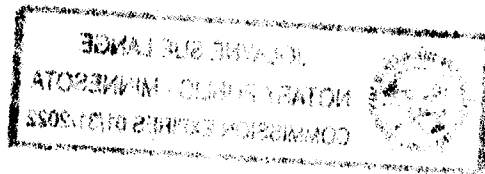
vs.

Minnesota Department of Human  
Services, et al.,

Defendants.

**AFFIDAVIT OF  
DANIEL J. BAKER, PHD,  
CONCERNING VERIFICATION OF  
DEFENDANTS' ADDENDUM TO  
THE AUGUST 2018 SEMI-ANNUAL  
COMPLIANCE REPORT**

STATE OF MINNESOTA            )  
                                          ) ss.  
COUNTY OF RAMSEY            )



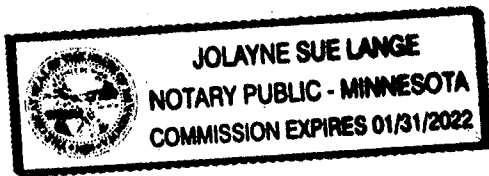
DANIEL J. BAKER, being first duly sworn on oath, states as follows:


1. I am employed by the Minnesota Department of Human Services ("DHS") as Internal Reviewer, Quality Assurance and Disability Compliance Services ("QADC Services").
2. I am familiar with the above-captioned case and settlement and understand that this affidavit is a verification of information set forth in Defendants' August 2018 Semi-Annual Compliance Report ("Report").
3. I have personal knowledge of the information I provided for the following sections of the Report and verify that the information I provided is correct and accurate:

Addendum updates regarding Evaluation Criteria 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 22, 23, 24, 28, 29, 30, 32, 35, 36, and 40.

4. I further hereby verify the data contained in the portions of the Report described above at paragraph 3 is either (1) public data under applicable laws, or (2) if it is not-public data, the data subject(s) of any such not-public data have consented to such data being used publicly, or (3) I have alerted QADC Services at DHS so that the data can be filed under seal.

FURTHER YOUR AFFIANT SAYETH NOT.



  
DANIEL J. BAKER, Ph.D.

Subscribed and sworn to before me on

August 24, 2018

  
NOTARY PUBLIC

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

James and Lorie Jensen, et al.,  
  
Plaintiffs,

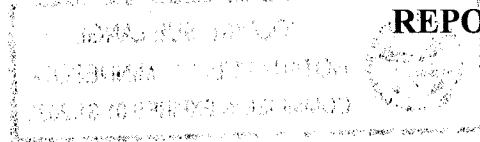
Case No. 09-cv-01775 DWF/BRT

vs.

Minnesota Department of Human  
Services, et al.,

Defendants.

**AFFIDAVIT OF  
DANIEL J. BAKER, PHD,  
CONCERNING VERIFICATION OF  
DEFENDANTS' AUGUST 2018  
SEMI-ANNUAL COMPLIANCE  
REPORT**



STATE OF MINNESOTA            )  
                                                  ) ss.  
COUNTY OF RAMSEY            )

DANIEL J. BAKER, being first duly sworn on oath, states as follows:

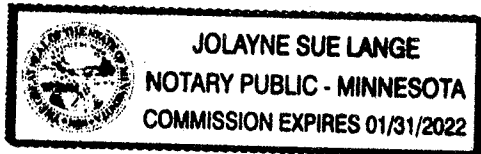
1. I am employed by the Minnesota Department of Human Services ("DHS") as Internal Reviewer, Quality Assurance and Disability Compliance Services ("QADC Services").

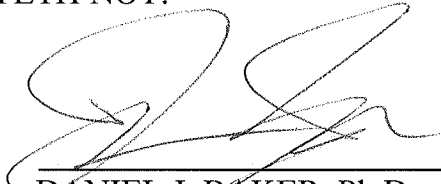
2. I am familiar with the above-captioned case and settlement and understand that this affidavit is a verification of information set forth in Defendants' August 2018 Semi-Annual Compliance Report ("Report").

3. I have personal knowledge of the information I provided for the following sections of the Report and verify that the information I provided is correct and accurate: January 1, 2018 to June 30, 2018 Updates regarding Evaluation Criteria 39, 41, and 98.

4. I further hereby verify the data contained in the portions of the Report described above at paragraph 3 is either (1) public data under applicable laws, or (2) if it is not-public data, the data subject(s) of any such not-public data have consented to such data being used publicly, or (3) I have alerted QADC Services at DHS so that the data can be filed under seal.

FURTHER YOUR AFFIANT SAYETH NOT.



  
DANIEL J. BAKER, Ph.D.

Subscribed and sworn to before me on

August 24, 2018

  
NOTARY PUBLIC