

Jensen Settlement

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Background

- The Jensen Settlement Agreement is the result of a federal class-action lawsuit filed against the DHS in **July 2009** alleging that residents of the former METO program were unlawfully secluded and restrained
- Rather than a trial, in **December 2011**, the U.S. District Court for the District of Minnesota adopted a Settlement Agreement.
- **In 2012**, Federal District Court Judge Donovan Frank appointed David Ferleger, Esq., as the court monitor

Comprehensive Plan of Action

- In August 2013, a Comprehensive Plan of Action (CPA) was established
- The CPA outlines the path DHS will take to come into compliance with the terms of the Settlement Agreement.
- As part of the CPA, DHS agreed to establish a Jensen Implementation Team, which is responsible for management of this plan

CPA Parts

- **Part I** - Addresses the closure and replacement of the Minnesota Specialty Health System (MSHS)- Cambridge facility with community homes and services.
- **Part II** - Addresses the modernization of Rule 40
- **Part III** - Addresses the development of Minnesota's Olmstead Plan

Part I - Closure of METO & MSHS-Cambridge

- DHS officially closed the METO program **June 30, 2011**
- The Minnesota Specialty Health System (MSHS)–Cambridge replaced the METO program
- As part of the settlement, DHS agreed to close MSHS-Cambridge
- On August 30, 2014 MSHS- Cambridge closed

Part I - Closure of MSHS-Cambridge

- MSHS – Cambridge has transitioned to Minnesota Life Bridge (MLB) a community-based residential treatment program
- MLB currently has two homes – Brobergs Lake and Stratton Lake
- MLB will be adding two new homes in the next six months; one in NE Minnesota and another in the South or West Metro.

Part II – Modernization of Rule 40

- Rule 40 governs the use of aversive and deprivation procedures in licensed facilities that serve persons with developmental disabilities
- The new rule (positive supports rule) will apply:
 - To home and community-based services licensed under Minnesota Statutes, Chapter 245D provided to persons with a disability or persons age 65 and older and
 - To services provided by all department-licensed facilities and programs to persons with a developmental disability or a related condition.

Part III - Olmstead Plan

- As part of the **Jensen Settlement Agreement**, the state and DHS agreed to develop an Olmstead Plan (**December 2011**)
- In **March 2012**, the **Olmstead Planning Committee** was established and began meeting . The committee submitted their recommendations to the DHS Commissioner on **October 23, 2012**
- In **January 2013**, Governor Mark Dayton issued an executive order, forming the **Olmstead Subcabinet** and directing identified agencies to develop and implement an **Olmstead Plan**.