

CLASS ACTION SETTLEMENT AGREEMENT FOR METO RESIDENTS WHO WERE RESTRAINED OR SECLUDED

A class action settlement has been reached for residents who were restrained or secluded at the Minnesota Extended Treatment Options (METO), a state operated facility serving people with developmental disabilities. The **Notice of the Class Action Settlement** was mailed to every resident at METO from July 1, 1997 through May 1, 2011, and was also mailed to their guardians, and any contact person for the resident in METO records. The **Settlement Agreement** includes a \$3 million settlement amount for residents who were restrained or secluded while at METO -- also called Class Members in the settlement agreement.

The Court will determine the amount of money each Class Member may be entitled to receive. In order to receive any money from the settlement each Class Member must sign and return a **Claim Form**, which was included with the Notice, by September 15, 2011, to Settlement Class Counsel at the following address:

Shamus P. O'Meara
Settlement Class Counsel
Johnson & Condon, P.A.
7401 Metro Boulevard, Suite 600
Minneapolis, MN 55439-3034
952.806.0438
SPO@Johnson-Condon.com

Class Members or their legal guardians can also contact Mr. O'Meara with any questions regarding the settlement, or to receive copies of the Notice and documents mailed out to each resident.

The settlement allows Class Members to use the Claim Form to describe additional incidents of restraint or seclusion, including injuries, so this information can be considered by the Court in its determination of how much money each Class Member will receive. It also protects Class Members' rights to receive ongoing disability or other government benefits. After a fairness hearing on December 1, 2011, and upon final approval of the agreement, the Court's final order will state:

“To the extent of this Court’s authority, the Settlement Amount paid to Plaintiffs and Class Members shall not jeopardize any disability benefits or related benefits or funding they are receiving or for which they may qualify.”

The agreement also prevents the State from recovering any settlement money Class Members receive for cost of care charges for residing at METO, or for their participation in any other State program involving people with developmental disabilities

Class Members who do not want to be a part of the settlement must sign and return the **Request for Exclusion (Opt Out)** form mailed to them by September 1, 2011 to Settlement Class counsel at the address above.

The Settlement Agreement dramatically improves treatment for residents placed in METO or its replacement facility, including immediately discontinuing the use of mechanical restraint, manual restraint, prone restraint, chemical restraint, seclusion, and the use of painful techniques that seek to punish. The settlement also ensures there is a true emergency before an approved restraint can be used, requires the State to consult with an outside expert for the use of restraints, and to report to the Court every 3 months to ensure compliance with the settlement. The agreement also increases staff and training for those employees who care for people with developmental disabilities.

Finally, the agreement requires the State to review and update an important State rule (Rule 40) protecting people with developmental disabilities, so that current best practices, positive behavioral supports, and appropriate placement plans are developed. The State will also form an *Olmstead* Committee that includes advocates to ensure that the care and treatment of people with developmental disabilities in Minnesota is consistent with the U.S. Supreme Court’s *Olmstead* decision.