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Court Administrator

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

JUN 24 2011

SECOND JUDICIAL DISTRICT

By CK Deputy

Case Type: 14 Other Civil

In Re Temporary Funding of Core Functions of
the Executive Branch of the State of Minnesota

Court File No. 62-cv-11-5203

**AFFIDAVIT OF LYNNE MEGAN IN SUPPORT OF
INTERVENORS' PETITION FOR TEMPORARY FUNDING OF
GOVERNMENT ASSISTANCE PROGRAMS FOR PERSONS WITH DISABILITIES**

STATE OF MINNESOTA)
)ss.
COUNTY OF RAMSEY)

Lynne Megan being duly sworn, on oath says:

1. I am an adult resident of the State of Minnesota, and make this Affidavit on the facts and circumstances to the best of my knowledge and recollection.

2. I am the president of the **Minnesota Habilitation Coalition, Inc.**, a Minnesota non-profit corporation ("MHC"), one of the intervenors in this matter. I am also the president and chief executive officer of TSE, Inc. ("TSE"). TSE is a member of MHC and provides community based employment and related job support and training services to adults with disabilities.

3. MHC has thirty-four members (the "Members") in the state of Minnesota. Our Members believe that all people have the right to work, including those individuals with disabilities.

4. Our Members are licensed through the Department of Human Services ("DHS") to provide support services to disabled individuals to help them develop and maintain life skills,

participate in community life and engage in proactive and satisfying activities of their own choosing, including the following services:

- Supported employment and work-related activities;
- Community integrated activities, including the use of leisure and recreation time;
- Supervision, training and assistance in the areas of self-care, communication, socialization and behavior management;
- Training in community survival skills, money management and therapeutic activities that increase adaptive living skills of a person; and
- Transportation services for non-medical purposes to enable persons to participate in the services listed above.

(collectively, the “DTH Services”).

5. Our Members provide these DTH Services to Minnesotans with disabilities under the waiver programs described in paragraph 7 of the Affidavit of Bruce H. Nelson.

6. Our Members’ clients are some of the most vulnerable and medically fragile citizens in the State. They range from individuals requiring personal care assistance for their very basic needs to those who are quite capable of living semi-independently with the right support services. Clients rely upon our Members to provide these DTH Services to be healthy and safe in their homes and communities.

7. To that point, the DTH Services our Members provide are wide ranging. For example, our Members assist their clients in finding and keeping jobs through individualized job placement assistance, on-the-job training, employer education, training to use public transportation, ongoing follow-up supports and supervision. For some clients, our Members

assist them with various activities of daily living, including eating, toileting, medication management, skin care, mobility, communication and behavioral support, among others.

8. According to a 2006 survey of the Department of Human Services focused on the DTH Services provided by our Members and the members of Minnesota Development Achievement Center Association (“MnDACA”), more than 6,000 businesses provided employment opportunities to more than 13,800 disabled Minnesotans. These Minnesotans have earned over \$46 million in wages as a result of those positions.

9. The state government (with federal Medicaid participation) is the primary source of payment for the services our Members provide, either through DHS waiver services or as a pass through of Medical Assistance dollars that intermediate care facilities for the developmentally disabled receive for their clients, who then participate in our Members’ programs.

10. The day training, habilitation and other services provided to disabled Minnesotans by our Members and paid for through Medical Assistance were determined by the Honorable Gregg E. Johnson, chief judge of the Ramsey County District Court, in 2005, as critical and essential services provided by the State.

11. Our Members have explored all viable options available to handle an immediate cessation of Medical Assistance and other government payments and none of them are feasible. If the government shutdown were to occur, our Members would not have the funds necessary to pay for staff, rent, utilities and other operating expenses required to provide their services and programs to the thousands of disabled Minnesotans, who depend upon these services for their care, employment and livelihood. Very few of our Members have sufficient cash reserves to continue paying these operating expenses beyond two weeks.

12. In the event of a government shutdown, our Members would initially look to lenders for assistance, but I believe only a few, if any, of our Members would be able to secure any sort of bridge financing from a lender given the credit markets and the fact that our Members would not have a stream of payments from Medical Assistance to secure the financing request.

13. Without the funding provided through Medical Assistance, our Members would be forced to lay-off staff and suspend their operations. Without the services of our Members, many clients of our Members will lose their jobs and, thus, will no longer be earning any income to pay for their basic daily needs or paying state and federal income taxes. They will no longer have day training and other skills development programs to attend, meaning they will be forced to remain in their homes or group homes and intermediate care facilities, with limited and, in some cases, no social or community interaction. These group homes and intermediate care facilities would be required to staff an additional 30 hours of care per week to supervise clients during the day without any additional funding.

14. If our Members are unable to provide the support and training services required by businesses in connection with client job placement, businesses will be forced to fill the position with another person, who does not require additional support or services to do these jobs, to maintain their operations. Further, the government shutdown and the lack of temporary funding for these services could irreparably threaten our Members' relationships with employers, many of which have taken years to build. Employers cannot wait for our Members' programs to restart and, given this uncertainty, may be unwilling to offer disabled individuals employment opportunities through our Members' programs in the future.

15. In every instance, our Member programs and services, along with those provided by the members of the MnDACA, allow nearly 14,000 Minnesotans with disabilities the

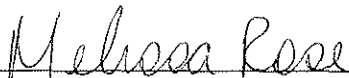
opportunity to work in meaningful jobs, be actively engaged in their communities, to build relationships with non-disabled peers, enhance their personal skills and pursue life with dignity.

FURTHER YOUR AFFIANT SAYETH NOT



Lynne Megan

Subscribed and sworn to before me this 20th
day of June 2011.



Notary Public

