



STEELE COUNTY BOARD OF COMMISSIONERS WORK SESSION AGENDA

Administration Center - 630 Florence Avenue – Owatonna, MN 55060

*Steele County's Mission:
Driven to deliver quality services in a respectful and fiscally responsible way.*

TUESDAY, July 8, 2025 at 4:00 PM
County Boardroom, Steele County Administration Center

Agenda

1. Call to Order

Business

2. Inmate Prescription Medication TRO
3. Human services update
4. Other Business

Adjourn

Disclaimer: This agenda has been prepared to provide information regarding an upcoming meeting of the Steele County Board of Commissioners. This document does not claim to be complete and is subject to change.



Steele County Agenda Item

Informational

Subject: Inmate Prescription Medication TRO

Department: Attorney's Office

Committee: Internal Central Services

Committee Meeting Date: July 1, 2025

Work Session Date: July 8, 2025

Board Meeting Date: Enter a date.

Purpose:

To seek Board authorization to file legal action against the DOC on behalf of the county to protect the County's rights under any injunctions that court might issue, delaying the application of the new law.

Background:

A new law went into effect 7/1 that requires jail staff to administer an inmate's own prescription medications. Prior to this change, the inmate's medical condition was evaluated by onsite professionals who administered medication as deemed medically necessary based on the inmate's current condition and not historical conditions. Requiring jail staff to administer the previously prescribed medication, particularly if the patient was seeing multiple providers to get drugs, such as opioids, could result unintended drug interactions. This increases the County's liability significantly. Advanced Correction Healthcare (ACH) has filed a lawsuit against the DOC challenging the new law.

The County Attorney is seeking board authorization to also file legal action against the DOC on behalf of the county to protect the County's rights under any injunctions that court might issue, delaying the application of the new law. The County would not be asking for damages. The Minnesota Attorney General did agree to a one-month TRO. (Their Attorney General is defending the law for DOC.) The Committee recommended adding this to the July 8th Work Session for discussion and possible Board action during the regular board meeting.

Financial Impacts:

Attachments: .

STATE OF MINNESOTA
COUNTY OF RAMSEY

DISTRICT COURT
SECOND JUDICIAL DISTRICT
CASE TYPE: Civil Other/Misc.

Advanced Correctional Healthcare, Inc.,
USA Medical & Psychological Staffing,
Inc., Freedom Behavioral Health, Inc.,

Court File No.: 62-CV-25-5225
Judge: Sara R. Grewing

Jamie Hammerbeck, M.D., Tammy
Provatas M.D., Kathryn Piha, CNP,
Kathryn Breon,
CNP,

**STIPULATION FOR TEMPORARY
RESTRAINING ORDER**

Minnesota Sheriff's Association,

Crow Wing County Sheriff Eric Klang,
Becker County,
Becker County Sheriff Todd Glander,
Freeborn County Sheriff Ryan Shea,
Pennington County Sheriff Seth Vettleson,
St. Louis County,
Todd County,

vs.

Paul Schnell, in his official capacity as
Commissioner of the Department Of
Corrections;

Defendant.

IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiffs and
Defendant, through their undersigned counsel, that the Court may enter a Temporary
Restraining Order stating as follows:

1. That Defendant is enjoined from taking any action with respect to the time
period before August 1, 2025 to enforce the Amendment to Minn. Stat. §
241.021 adding subdivision 4(f), which reads as follows:

Subd. 4f. **Provision of medications in correctional facilities.** (a) Correctional facilities licensed by the commissioner shall administer to confined and incarcerated persons the same medications prescribed to those individuals prior to their confinement or incarceration.

- (b) Unless a confined or incarcerated person is subject to a Jarvis order that dictates otherwise, paragraph (a) does not apply when:
- (1) a licensed health care professional determines, after consulting with the licensed health care professional who prescribed the medication, that the prescribed medication is not medically appropriate for the person based on the person's medical condition or status;
 - (2) a licensed health care professional determines a medication that is at least as effective as the current medication the person is prescribed is available to treat the condition and the licensed health care professional who prescribed the current medication approves the change in medications; or
 - (3) the person provides written notice to the licensed health care professional who is responsible for inmate health care at the correctional facility that the person no longer desires to take the medication.
- (c) As used in this subdivision, "licensed health care professional" means a physician licensed under chapter 147, physician assistant licensed under chapter 147A, or advanced practice registered nurse as defined in section 148.171, subdivision 3.
2. That the Temporary Restraining Order shall remain in effect until August 1, 2025, or until further Order of the Court.

BASSFORD REMELE
A Professional Association

Date: June 30, 2025

By /s/ Sarah M. Hoffman
Sarah M. Hoffman (#389411)
100 South 5th Street, Suite 1500
Minneapolis, MN 55402-1254
Telephone: (612) 333-3000
Facsimile: (612) 333-8829
shoffman@bassford.com

Attorneys for Plaintiffs ACH, USA Medical, & Psychological Staffing, Inc., Freedom Behavioral Health, Inc., Jamie Hammerbeck, M.D., Tammy Provatas M.D., Kathryn Piha, CNP, Kathryn Breon, CNP

Date: June 30, 2025

By /s/ Richard Hodsdon

Richard Hodsdon
Atty Reg: MN-0045664
2435 White Pine Way,
Stillwater, MN 55082
651-491-5900
Rick_hodsdon@yahoo.com

*Attorney for Plaintiffs Minnesota Sheriff's Association,
Crow Wing County Sheriff Erik Klang, Freeborn County
Sheriff Ryan Shea, Pennington County Sheriff Seth
Vettleson, and Todd County*

BECKER COUNTY ATTORNEY'S OFFICE

Date: June 30, 2025

By /s/ Brian W. McDonald

Brian W. McDonald
Becker County Attorney
913 Lake Avenue
Detroit Lakes, MN 56501
Telephone: (218) 847-6590
Atty. Reg. No. 0387510

*Attorney for Becker County and Becker County Sheriff
Todd Glander*

KIMBERLY J. MAKI
ST. LOUIS COUNTY ATTORNEY

Date: June 30, 2025

By /s/ Nick D. Campanario

Nick D. Campanario (#0316179)
Assistant County Attorney – Civil Division Head
Nathan N. LaCoursiere (#0388349)
Assistant County Attorney
St. Louis County Attorney's Office
St. Louis County Courthouse
100 North Fifth Avenue West, Room 501
Duluth, Minnesota 55802-1298
(218) 726-2323
lacoursieren@stlouiscountymn.gov

Attorneys for St. Louis County

KEITH ELLISON
MINNESOTA ATTORNEY GENERAL

Date: June 30, 2025

By /s/ Christy Hall

Kevin Jonassen, Assistant Attorney General (0392275)

Christy Hall, Assistant Attorney General (# 0392627)

Office of the Minnesota Attorney General

445 Minnesota Street

Suite 600

St. Paul, MN 55101

Kevin.Jonassen@ag.state.mn.us

Christy.Hall@ag.state.mn.us

Attorneys for Defendant Commissioner Schnell

MINNESOTA
JUDICIAL
BRANCH

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT
CASE TYPE: Civil/Other

Court File No.: _____

Advanced Correctional Healthcare, Inc.,
USA Medical & Psychological Staffing, Inc.,
Freedom Behavioral Health, Inc.,

Judge: _____

Jamie Hammerbeck, M.D., Tammy Provatas
M.D., Kathryn Piha, CNP, Kathryn Breon,
CNP,**COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF**

Minnesota Sheriff's Association,

Crow Wing County Sheriff Eric Klang,
Becker County,
Becker County Sheriff Todd Glander,
Freeborn County Sheriff Ryan Shea,
Pennington County Sheriff Seth Vettleson,
St. Louis County,
Todd County,

vs.

Paul Schnell, in his official capacity as
Commissioner of the Department Of
Corrections;

Defendant.

NOW COME the Plaintiffs, Advanced Correctional Healthcare, Inc. ("ACH"), USA Medical & Psychological Staffing, Inc. ("USA Medical"), Freedom Behavioral Health, Inc. ("FBH"), Jamie Hammerbeck, M.D.; Tammy Provatas M.D.; Kathryn Piha, CNP; Kathryn Breon, CNP, the Minnesota Sheriff's Association ("MSA"), Crow Wing County Sheriff Eric Klang, Becker County, Becker County Sheriff Todd Glander, Freeborn

County Sheriff Ryan Shea, Pennington County Sheriff Seth Vettleson, St. Louis County, and Todd County, for their Complaint against the above-named Defendant, and hereby state and allege as follows:

Introduction

1. This suit is brought to challenge the constitutionality and enforceability of a statutory amendment adding Subdivision 4f to Minnesota Statutes 2024, section 241.021, which was recently enacted as 2025 Session Law, Chapter 35, Article 5, section 7 and becomes effective on July 1, 2025.

2. As described below, the statute mandates the administration of medication that could be harmful or fatal to inmates who are in the custody of Minnesota County Jails and Minnesota County Sheriffs and to whom ACH, USA Medical, FBH, their employees, and the individual medical professionals provide medical care (collectively, “medical professional plaintiffs”).

3. As a result, the new statutory amendment places the medical professional plaintiffs in the position of being unable to provide medical care to inmates that ensures the federal and state constitutional rights of inmates. In addition, could cause them to violate their obligations under the Minnesota Medical Practice Act, and the Minnesota Nurse Practice Act.

4. The statute also places Minnesota Sheriffs at peril of action against their Peace Officer License, exposes them to risks of criminal liability and places counties and sheriffs at peril of civil litigation brought under federal, statutory, and common law claims of liability.

Parties

5. Plaintiff Advanced Correctional Healthcare (“ACH”) is an Illinois corporation with its principal place of business in Franklin TN. ACH has contracts to provide medical services at over 275 county jails in eighteen states, including fifty (50) contracts with counties in Minnesota, which are as follows: Anoka, Becker, Benton, Blue Earth, Cass (BH), Chippewa, Chisago, Clay, Clearwater, Cottonwood, Dakota, Douglas, Faribault, Fillmore, Freeborn, Goodhue, Houston, Hubbard, Isanti, Itasca, Jackson, Kanabec, Kandiyohi, Le Sueur, Mcleod, Meeker, Mille Lacs, Morisson, Mower, Nicollet, Nobles, Pennington, Pine, Pipestone, Renville, Rice, Sibley, Steele, Swift, Traverse, Wabasha, Wadena, Waseca, Watonwan, Wilkin, and Winona.

6. Plaintiff USA Medical and Psychological Staffing, S.C. (“USA Medical”) is a Wisconsin service corporation, with its principal place of business in Franklin, Tennessee. USA Medical has an agreement with ACH to provide medical staffing in order to fulfil many of its staffing requirements under its contracts, including the county jails set forth in Paragraph 5.

7. Plaintiff Freedom Behavioral Health, Inc. (“FBH”) is a Tennessee Corporation, with its principal place of business in Franklin, Tennessee. FBH has an agreement with ACH to provide mental health staffing and services for ACH to fulfill requirements under some of its contracts, including some county jails in the State of Minnesota, which are as follows: Anoka, Becker, Benton, Blue Earth, Brown, Cass, Chisago, Clay, Clearwater, Cottonwood, Dakota, Fariba, Freeborn, Goodhue, Hubbard, Isanti, Itasca, Kanabec, McLeod, Mille Lacs, Morrison, Mower, Nicollet, Nobles,

Pennington, Pine, Pipestone, Renville, Rice, Sibley, Steele, Wabasha, Waseca, and Winona.

8. Plaintiff Jamie Hammerbeck, M.D. is a physician licensed in the State of Minnesota who is Board Certified in Family Medicine and employed by USA Medical to provide medical services, including medication verification, at one or more facilities in Minnesota pursuant to county contracts with ACH. Specifically, Dr. Hammerbeck currently provides care regularly to patients at correctional facilities in the following counties, which have contracts with ACH: Pipestone and Renville. Dr. Hammerbeck is a Minnesota resident.

9. Plaintiff Tammy Provatas, M.D. is a physician licensed in the State of Minnesota who is Board Certified in Emergency Medicine and employed by USA Medical to provide medical services, including medication verification, at one or more facilities in Minnesota pursuant to county contracts with ACH. Specifically, Dr. Provatas provides care as a backup on-call provider and regularly receives calls regarding medication verification for individuals in custody at Minnesota jails where ACH has a contract to provide services. Dr. Provatas is a Michigan resident.

10. Plaintiff Kathryn Piha, CNP is a nurse practitioner licensed in the State of Minnesota and employed by USA Medical to provide medical services, including medication verification, at one or more facilities in Minnesota pursuant to county contracts with ACH. Specifically, Ms. Piha provides care to patients at the Anoka County jail, which has a contract with ACH. Ms. Piha is a Minnesota resident.

11. Plaintiff Kathryn Breon, CNP is a certified nurse practitioner licensed in the State of Minnesota and employed by USA Medical to provide medical services, including medication verification, at one or more facilities in Minnesota pursuant to county contracts with ACH. Specifically, Ms. Breon provides care to patients at the Freeborn County jail, which has a contract with ACH. Ms. Breon is a Minnesota resident.

12. Plaintiff The Minnesota Sheriffs' Association ("MSA") is the longest existing association in the State of Minnesota for law enforcement professionals. The organization was founded over 130 years ago to advance the interests of the Office of the Sheriff, and to promote public safety and professionalization of the law enforcement profession. The MSA is a 501(c)(3) nonprofit corporation whose voting membership is the 87 elected sheriffs of the counties of Minnesota. The Association includes thousands of members of the staff of the Office of Sheriff throughout the entire State of Minnesota. A primary goal of the MSA is to continue to advance the professional practices, image and reputation of law enforcement and sheriff's office employees and staff throughout the State and to support the Office of Sheriff in all of its statutory, constitutional and common law duties, including the operation and management of county jails. The MSA has a registered office address at Suite 222, 100 Empire Drive, St. Paul, MN 55103.

13. Sheriff Eric Klang is the Sheriff of Crow Wing County and is responsible for the operation of the jail in that county.

14. Sheriff Todd Glander is the Sheriff of Becker County and is responsible for the operation of the jail in that County.

15. Becker County owns and operates the jail in Becker County and is fiscally responsible for that facility.

16. Sheriff Ryan Shea is the Sheriff of Freeborn County and responsible for the operation of the jail in that County.

17. Sheriff Seth Vettleson is the Sheriff of Pennington County and is responsible for the operation of the jail in that County.

18. St. Louis County owns and operates the jail in St. Louis County and is fiscally responsible for that facility.

19. Todd County owns and operates the jail in Todd County and is fiscally responsible for that facility.

20. Defendant Paul Schnell is the Commissioner of the Minnesota Department of Corrections (DOC). As the Commissioner of the DOC, Mr. Schnell bears statutory responsibility for the licensing and regulation of local correctional facilities, including county jails, under the provisions of Minn. Stat. 241.021 and Minnesota Rules Chpt. 2911. The Minnesota Department of Corrections is located at 1450 Energy Park Drive, Suite 200, St. Paul, MN 55108.

Jurisdiction and Venue

21. This Court has jurisdiction because Plaintiffs and Defendants either reside in, or do business in Minnesota, and the facts giving rise to this lawsuit have occurred in Minnesota.

22. Venue is proper in Ramsey County under Minn. Stat. § 542.03 because Defendant is a public officer and carries out his duties at the Department of Corrections,

an agency that is located in St. Paul, MN, in the County of Ramsey. Furthermore, the statute giving rise to this action was passed by the legislature at the Minnesota State Capitol, which is located in St. Paul, MN, also in the County of Ramsey.

Relevant Facts

23. County Sheriffs are statutorily responsible for the control and operation of the County jail in their respective counties. Minn. Stat. § 387.11 (“COUNTY JAIL. The sheriff shall have the charge and custody of the county jail and receive and safely keep therein all persons lawfully committed thereto and not release any person therefrom unless discharged by due course of law.”). There are approximately 80 local jails in Minnesota who each day hold many thousands of individuals for a variety of lawful purposes, including thousands of persons not yet convicted of a crime and who are held in pre-trial detention, for purposes of extradition, judicial enforcement of civil orders and other similar lawful purposes. The persons in custody include county detainees, state inmates, federal detainees and inmates, and depending on the facility, can also include members of various recognized Indian Tribes.

24. Pursuant to Minnesota Statutes Section 241.021, which governs licensing, supervision, and operations of correctional facilities, Paul Schnell, as the Commissioner of Corrections, inspects and licenses all correctional facilities throughout the State of Minnesota, including the counties named as Plaintiffs herein.

25. Commissioner Schnell is also responsible for promulgating rules establishing minimum standards relating to the operation of correctional facilities, including “verification of medications in a timely manner” and other aspects of medical

care for persons in custody. *Id.*, subd. 1 (a)(4). The Commissioner has promulgated detailed rules governing the handling and administration of medication in county jails. See, Minn. R. § 2911.6400-2911.6800. Specifically, those rules provide that “[a] person delivering medication to an inmate must do so under the direction of the responsible health authority or health care personnel.” Minn. R. § 2911.6600, subpart 1. The term “Health authority” is defined as “an individual or agency licensed to practice medicine and provide health services to the inmate population of the facility or the physician at an institution with final responsibility for decisions related to medical judgments.” Minn. R. § 2911.0200, subpart 39. The term “health care personnel” is defined as “an individual whose primary duty is to provide health services in accordance with their respective license. The individual must be a RN, LPN, nurse practitioner, physician, or physician assistant.” *Id.*, subpart 40. These definitions apply to the individual medical professional plaintiffs herein.

26. The Commissioner can issue correction orders, change jail classifications which control the number of prisoners that can be held in a jail, change the duration a person can be held in a local jail, or revoke the license of correctional facilities that fail to comply with standards imposed by rule or statute. Minn. Stat. § 241.021, Subd. 1a – 1c.

27. Correctional facilities, like those operated by the counties and sheriffs named as plaintiffs herein, have a constitutional and statutory obligation to provide adequate medical care to individuals in custody. *DeShaney v. Winnebago Cnty. Dept. of Soc. Services*, 489 U.S. 189, 200 (1989). It is therefore the responsibility of the counties and sheriffs named as plaintiffs herein to ensure that individuals in custody receive

proper medical care, including receipt of medically appropriate prescriptions and other medications as determined by the person's medical conditions and environment at the time. See e.g. Minn. Adm. R. 2911.6600 Subp. 1 ("**Delivering medication.** A person delivering medication to an inmate must do so under the direction of the responsible health authority or health care personnel.>").

28. For some counties, the process of providing care to individuals in custody is to enter into a contract with ACH, which, through its agreements with USA Medical, FBH, and others, provides medical staff including nurses, nurse practitioners, physicians, and mental health staff who provide medical and mental health services to individuals in custody in Minnesota. For other counties, care and treatment is provided by other contractors or providers.

29. During the spring 2025 legislative session, an amendment to Minnesota Statutes Section 241.021 ("the Amendment"), the statute governing licensing, supervision, and operations of correctional facilities, was passed and signed into law.(see MN LEGIS 35 (2025), 2025 Minn. Sess. Law Serv. Ch. 35 (H.F. 2432) (WEST) or <https://www.revisor.mn.gov/laws/2025/0/35/laws.5.7.0#laws.5.7.0>). That Amendment added Subdivision 4f, which provides as follows:

Subd. 4f. **Provision of medications in correctional facilities.** (a) Correctional facilities licensed by the commissioner shall administer to confined and incarcerated persons the same medications prescribed to those individuals prior to their confinement or incarceration.

(b) Unless a confined or incarcerated person is subject to a Jarvis order that dictates otherwise, paragraph (a) does not apply when:

(1) a licensed health care professional determines, after consulting with the licensed health care professional who prescribed the medication, that the prescribed medication is not medically appropriate for the person based on the person's medical condition or status;

(2) a licensed health care professional determines a medication that is at least as effective as the current medication the person is prescribed is available to treat the condition and the licensed health care professional who prescribed the current medication approves the change in medications; or

(3) the person provides written notice to the licensed health care professional who is responsible for inmate health care at the correctional facility that the person no longer desires to take the medication.

(c) As used in this subdivision, "licensed health care professional" means a physician licensed under chapter 147, physician assistant licensed under chapter 147A, or advanced practice registered nurse as defined in section 148.171, subdivision 3.

30. The counties and sheriffs named as Plaintiffs herein will be governed by this new Amendment, given the obligations and responsibilities to provide medical care to inmates as described above. Furthermore, pursuant to the Minnesota Rules promulgated by Commissioner Schnell as described above (Minn. R. 2911.6600, subpart 1; Minn. R. 2911.0200, subparts 39 and 40), the individual medical provider plaintiffs who are named herein must provide direction for the delivery of medications to inmates, and therefore, their actions will also be governed by this statute. In addition, Plaintiff ACH, which has contracts with counties as described herein, is subject to contractual requirements regarding the provision of adequate care to inmates that follows applicable laws, and its subcontractors, USA Medical and FBH, as well as their employees have similar obligations.

31. Ultimately, the Amendment to the statute bars Plaintiffs from making changes to the medication regimen for a person in custody unless (a) the detainee agrees in writing that they do not wish to take the medication or (b) the prescribing provider agrees to a change. Subd. 4f(b)(1) and (b)(2). Unfortunately, complying with these provisions will prove to be problematic, if not impossible, for Plaintiffs for numerous reasons, as explained below:

- a. First, inmates or detainees often arrive at jail with medications prescribed by a community provider or report to the jail that they have prescriptions from a community provider. Pursuant to rules governing correctional facilities, inmates' prescription medications must be verified. Minn. Adm. R. 2911.6800 Subp. 2 ("An inmate's own supply of prescription medications brought into the facility shall be verified prior to dispensing."). At jails serviced by ACH, as with most jails, the medication verification process involves having nursing professionals, like those employed by USA Medical, attempt to verify the prescription through pharmacies, providers, or other resources. Despite reasonable, timely, and good faith efforts of those nursing professionals, the lack of response and availability of information from these outside sources can make it difficult or impossible to verify outside prescriptions, especially for inmates who are not local residents. Moreover, detainees are often poor historians and may not recall the name of the provider or clinic who prescribed the medication. The reality is that inmates and detainees are brought to county jails at all hours of the day and night and every day of the

- year, including on weekends and holidays. They frequently arrive during days and at times when community medical providers and pharmacies that provide prescriptions are not open and have no means to be contacted.
- b. If the nursing professionals are able to obtain information about a prescription, they will typically call the medical provider assigned to a specific jail, like the medical professionals named as plaintiffs herein (who are available at all times), to inform them about whether they have been able to verify the validity of the prescription. The medical provider will then give orders to administer, withhold, modify, or substitute the medication as appropriate based upon their professional medical judgment, taking into account all available information about the current condition of the patient.
- c. Under the new Amendment to the law, if in the medical providers' judgment, it would be in the patient's best interests to withhold, modify, or substitute the medication, they must first receive the authorization of either the prescribing provider, or the detainee. As described above, there are numerous logistical problems that can impede a jail medical provider's ability to contact the prescribing providers. Prescribing providers working in the community are often not readily available to consult with providers or staff at the jail. It can be difficult, and sometimes impossible, for jail staff to locate or communicate with community providers when those community providers are not at work. Furthermore, even when community providers are at work in their hospital or clinic, they are attending to other patients and duties and

can be unavailable to respond to calls from the jail in a timely manner. And notably, the Amendment to the statute places no obligation on the prescribing provider to respond or cooperate with the correctional facility, the nursing professionals, or the medical providers.

- d. But even if medical providers assigned to jails can reach prescribing providers, those individuals are often inexperienced and unfamiliar with many of the issues that confront correctional healthcare providers working in jails, such as the concurrent use of street drugs, levels of alcohol consumption, drug diversion and misuse in correctional facilities, “provider shopping” resulting in multiple prescriptions issued by different providers, and other security-related issues. Moreover, prescribing providers may be unaware of the environmental, dietary, and other conditions in a jail that might have great impact or influence on the medications prescribed or the dosage that is appropriate under the new circumstances involved in incarceration.
- e. If the prescribing providers are not available to confer with medical providers like the individual medical professional plaintiffs named herein, the new Amendment affords only one other option to modify the administration of prescribed medication: obtaining written consent from the inmate. But in the experience of these Plaintiffs, inmates often refuse to sign documents and act contrary to their own best health interests and engage in acts of defiance for a variety of reasons.

32. Ultimately, the provisions of the new Amendment do not allow medical providers caring for inmates to exercise their professional judgment regarding the appropriate medication for that patient at the time of incarceration, even when all evidence establishes a different course of treatment is medically necessary. Indeed, the new Amendment contemplates that medication prescribed by an outside provider must continue to be administered even if the medication(s) would result in an overdose, would have harmful interactions, or would otherwise be harmful or fatal to an inmate. As a result, the Plaintiffs herein will be left with the Hobbesian choice of (a) complying with the statute and thereby creating the risk of great harm or death to the patient in violation of professional medical judgment, ethics, and legal obligations to their patients under the 8th and 14th Amendments to the U.S. Constitution, or (b) meeting their professional, ethical, legal, and constitutional responsibilities by providing appropriate medical care and thereby violating state law. Either choice places Plaintiffs at legal peril.

33. If the counties and sheriffs named as Plaintiffs herein choose to comply with the new Amendment, and the resulting consequence is death or harm to inmates, they could be faced with civil liability to patients and family members in the form of claims under 42 U.S.C. Section 1983, for alleged violations of inmates' constitutional rights. ACH, USA Medical, FBF, their employees, and the medical professional plaintiffs named herein face the same risks of liability under Section 1983. Moreover, compliance with the new Amendment could impose additional risks of potential medical malpractice and wrongful death claims, disciplinary action on their

professional licenses under the Minnesota Medical Practice Act, and the Minnesota Nursing Practice Act.

34. If, on the other hand, Plaintiffs choose not to abide by the new law, they could risk penalties imposed by Commissioner Paul Schnell, including potential suspension and disciplinary actions on jail licenses. This would impact the ability of counties to provide mandated care to inmates, and would impede or completely frustrate the contracts for medical care between the counties and ACH, USA Medical, and FBF. This in turn could have adverse effects on the medical provider plaintiffs, who could face loss of employment if their employers' contracts with counties are no longer operative.

35. Having to comply with this new Amendment may cause contractors and individual healthcare providers like ACH, USA Medical, FBH, and the individual medical professionals named herein to abandon correctional facilities, leaving those facilities without access to competent medical services and preventing counties and sheriffs from meeting their constitutional and legal duties to provide proper medical care to inmates. This will in turn expose counties, sheriffs and facility staff to risks of civil liability under state and federal law, including, but not limited to actions brought under 42 USC §1983 for alleged violations of the 8th and 14th Amendments, and attorney fee awards under 42 USC §1988.

COUNT 1 (All Plaintiffs)

Minn. Stat. § 555.02 – Declaratory Judgment and Injunctive Relief – Violation of Federal and State Constitution

36. Plaintiffs reallege and incorporate the allegations in the previous paragraphs of the Complaint as though fully stated herein.

37. Pursuant to Minn. Stat. § 555.02, these Plaintiffs rights, status, and legal relations are affected by the Amendment to Minn. Stat. § 241.021, as described above.

38. As a result, Plaintiffs seek a declaratory judgment that the Amendment to Minn. Stat. § 241.021 violates both the federal and state constitution as follows:

- a. Individuals in custody have a constitutional right to adequate medical care pursuant to the 8th and 14th Amendments to the U.S. Constitution. At a minimum, they have a constitutional right to be free from deliberate indifference to medical needs that would cause actual harm. Correspondingly, Plaintiffs in this action are under an obligation to provide care that complies with the constitutional rights of incarcerated individuals. Yet compliance with the new Amendment would, in many cases, require Plaintiffs to administer medication that they know is likely to harm or even cause the death of the patient, thereby preventing these Plaintiffs from complying with their obligations to provide care that complies with the U.S. Constitution.
- b. Individuals in custody also have rights under the Minnesota Constitution, which further provides that “Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted.” Minnesota Constitution Art. I., Section 5. Correspondingly, Plaintiffs in this action are under an obligation to provide care that complies with the constitutional rights of incarcerated individuals. Yet compliance with the new Amendment would, in many cases, require Plaintiffs to administer medication that they know is likely to harm or even cause the death of the patient receiving it, thereby preventing these Plaintiffs from complying with their obligations to provide care that complies with the Minnesota Constitution.

COUNT 2 (Medical Plaintiffs)**Minn. Stat. § 555.02 – Declaratory Judgment and Injunctive Relief – Violation of Federal and State Constitution**

39. Plaintiffs reallege and incorporate the allegations in the previous paragraphs of the Complaint as though fully stated herein.

40. Pursuant to Minn. Stat. § 555.02, these Plaintiffs rights, status, and legal relations are affected by the Amendment to Minn. Stat. § 241.021, as described above.

41. As a result, Plaintiffs seek a declaratory judgment that the Amendment to Minn. Stat. § 241.021 violates both the federal and state constitution as follows:

- a. Pursuant to the substantive due process clause of the 14th Amendment, the Medical Plaintiffs have constitutional liberty and property interests in pursuing their business and profession free from irrational legislation. Plaintiffs in this action are under an obligation to provide care that complies with their professional obligations and the constitutional rights of incarcerated individuals. Yet compliance with the new Amendment would, in many cases, require Plaintiffs to administer medication that they know is likely to harm or even cause the death of the patient, thereby preventing these Plaintiffs from complying with their obligations to provide care that complies with Minnesota law and the U.S. Constitution. There is no rational basis for the statute as written, as it would require that the Medical Plaintiffs administer medications that would put their patients at risk of harm or death.

COUNT 3**(Plaintiffs Hammerbeck, Provatas, Piha, and Breon)****Minn. Stat. § 555.02 – Declaratory Judgment and Injunctive Relief – Violation of Minnesota Medical Practice Act and Minnesota Nurse Practice Act**

42. Plaintiffs reallege and incorporate the allegations in the previous paragraphs of the Complaint as though fully stated herein.

43. Pursuant to Minn. Stat. § 555.02, these Plaintiffs' rights, status, and legal relations are affected by the Amendment to Minn. Stat. § 241.021, as described above.

44. As a result, Plaintiffs seek a declaratory judgment that the Amendment to Minn. Stat. § 241.021 violates the Minnesota Medical Practice Act and the Minnesota Nurse Practice Act, as follows:

- a. Physicians may be subject to discipline for “(3) conduct that demonstrates a willful or careless disregard for the health, welfare, or safety of a patient; (4) medical practice that is professionally incompetent; and (5) conduct that may create unnecessary danger to any patient's life, health, or safety...” Minn. Stat. § 147.091(g).
- b. Likewise, nursing professionals may be subject to discipline for “(6) [e]ngaging in unprofessional conduct, including, but not limited to, a departure from or failure to conform to... the minimal standards of acceptable and prevailing professional or practical nursing practice, or any nursing practice that may create unnecessary danger to a patient's life, health, or safety; (7) failure of an advanced practice registered nurse to practice with reasonable skill and safety or departure from or failure to conform to standards of acceptable and prevailing advanced practice registered nursing (11) ...demonstrating a willful or careless disregard for the health, welfare, or safety of a patient.”
- c. The new Amendment would require medical providers and nurses to “administer to confined and incarcerated persons the same medications prescribed to those individuals prior to their confinement or incarceration” even if the administration of that medication is likely to harm or even cause death to the patient.
- d. The new Amendment’s obligations are inconsistent with the medical practice and nursing practice statutes’ requirements that providers give professionally competent care that does not constitute a willful or careless disregard for patients, and does not unnecessarily endanger their patients.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request the following relief:

1. A declaratory judgment, pursuant to Minn. Stat. § 555.02 that the Amendment to Minn. Stat. § 241.021 violates the U.S. Constitution and the Minnesota Constitution, together with a permanent injunction precluding Defendant from enforcing the Amendment.

2. A declaratory judgment, pursuant to Minn. Stat. § 555.02, that the Amendment to Minn. Stat. § 241.021 violates Plaintiffs' substantive due process rights, together with a permanent injunction precluding Defendant from enforcing the Amendment.
3. A declaratory judgment, pursuant to Minn. Stat. § 555.02, that the Amendment to Minn. Stat. § 241.021 violates the Minnesota Medical Practice Act, together with a permanent injunction precluding Defendant from enforcing the Amendment.
4. Other temporary, preliminary, and permanent injunctive relief under Rule 65.01 of the Minnesota Rules of Civil Procedure or other applicable laws or rules, enjoining the Commissioner from enforcing the Amendment to Minn. Stat. § 241.021 or taking any action against the Plaintiffs based upon the Amendment, as the Court may deem just and proper
5. Such other relief as the Court may deem just and proper.

ACKNOWLEDGEMENT

The Plaintiffs by their attorneys acknowledge that sanctions may be imposed against them pursuant to Minn. Stat. 549.211.

BASSFORD REMELE
A Professional Association

Date: June 26, 2025

By /s/ Sarah M. Hoffman
Sarah M. Hoffman (#389411)
100 South 5th Street, Suite 1500
Minneapolis, MN 55402-1254
Telephone: (612) 333-3000
Facsimile: (612) 333-8829
shoffman@bassford.com

*Attorneys for Plaintiffs ACH, USA Medical, &
Psychological Staffing, Inc., Freedom Behavioral Health,
Inc., Jamie Hammerbeck, M.D., Tammy Provatas M.D.,
Kathryn Piha, CNP, Kathryn Breon, CNP*

Date: June 26, 2025

By /s/ Richard Hodsdon
Richard Hodsdon
Atty Reg: MN-0045664
2435 White Pine Way,
Stillwater, MN 55082
651-491-5900
Rick_hodsdon@yahoo.com

*Attorney for Plaintiffs Minnesota Sheriff's Association,
Crow Wing County Sheriff Erik Klang, Freeborn County
Sheriff Ryan Shea, Pennington County Sheriff Seth
Vettleson, and Todd County*

BECKER COUNTY ATTORNEY'S OFFICE

Date: June 26, 2025

By /s/ Brian W. McDonald

Brian W. McDonald
Becker County Attorney
913 Lake Avenue
Detroit Lakes, MN 56501
Telephone: (218) 847-6590
Atty. Reg. No. 0387510

*Attorney for Becker County and Becker County Sheriff
Todd Glander*

KIMBERLY J. MAKI
ST. LOUIS COUNTY ATTORNEY

Date: June 26, 2025

By /s/ Nathan N. LaCoursiere

Nathan N. LaCoursiere (#0388349)
Assistant County Attorney
St. Louis County Attorney's Office
St. Louis County Courthouse
100 North Fifth Avenue West, Room 501
Duluth, Minnesota 55802-1298
(218) 726-2323
lacoursieren@stlouiscountymn.gov

Attorneys for St. Louis County