

Olmstead Subcabinet Meeting Minutes

Minnesota Housing – State Street Conference Room - First Floor

December 18, 2015 – 10:00 a.m. to 11:30 a.m.

1. Call to Order

Action: N/A

The meeting was called to order at 10:02 a.m. by Chair Mary Tingerthal (Minnesota Housing). The Subcabinet members were introduced by Chair Tingerthal.

2. Roll Call

Action: N/A

Subcabinet members or designees present: Mary Tingerthal, Chair, Olmstead Subcabinet & Commissioner, Minnesota Housing Finance Agency (Minnesota Housing); Gil Acevedo, Assistant Commissioner, Department of Health (MDH); Blake Chaffee, Communications, Analysis, and Research Director, Department of Employment and Economic Development (DEED); Emily Johnson Piper, Commissioner, Department of Human Services (DHS); Deb Kerschner, Corrections Director, Department of Corrections (DOC); Colleen Wieck, Executive Director, Governor’s Council on Developmental Disabilities; Sue Mulvihill, Deputy Commissioner, Department of Transportation (DOT); Steve Dibb, Deputy Commissioner, Department of Education (MDE); Roberta Opheim, Ombudsman for Mental Health and Developmental Disabilities (OMHDD). Kevin Lindsey, Commissioner, Department of Human Rights (MDHR), joined the meeting at 10:34 a.m.

Guests present: Heather Corcoran, League of MN Cities; Alex Bartolic, Erin Sullivan Sutton, Joe Sathe, and Jennifer DeCubellis, Department of Human Services; Mike Tessneer, Rosalie Vollmar, Kristin Jorenby, Tristy Auger, and Darlene Zangara, Olmstead Implementation Office; Megan Ryan and Ryan Baumtrog, Minnesota Housing; Daron Korte, Minnesota Department of Education; Kristie Billiar, Minnesota Department of Transportation; Kim Peck and David Sherwood-Gabrielson, Department of Employment and Economic Development; Stephanie Lenartz, Minnesota Department of Health, Charlie Vander Aarde, Metro Cities; and Cynthia Moore, Minnesota State Independent Living Council.

3. Agenda Review

There were no changes to the agenda.

4. Approval Minutes

a) Subcabinet meeting on November 23, 2015

A blacklined version of the November 23, 2015 Subcabinet meeting minutes was distributed at the meeting and approved as edited.

Motion: Approve the November 23, 2015 minutes as edited.

**Action: Motion – Colleen Wieck. Second – Steve Dibb.
In Favor - All**

5. Reports

a) Chair

Chair Tingerthal noted a Star Tribune article dated December 12, 2015; “Minnesota’s Workshops for People with Disabilities Could Lose Some Subsidies,” as an example to encourage intercommunication among state agencies’ Communications staff.

Chair Tingerthal expressed that all Communications staff must plan ahead to coordinate communications related to Olmstead actions, rules, or adoptions that could trigger community discussions or public comments. Commissioner Tingerthal reported that Megan Ryan, Communications Director for Minnesota Housing, has reached out to several agency Communications staffs to schedule planning sessions about collaborative Olmstead communication strategies.

Commissioner Johnson Piper expressed there is a great opportunity to tell powerful stories about the good work done when agencies communicate as one voice.

In response to a comment from Roberta Opheim, Chair Tingerthal agreed that providing a communications framework with common language and key phrases that accurately reflect the Plan will assist managers and staff. This will allow a quick and consistent way to respond to questions or use in press releases.

Chair Tingerthal reported the following:

- Discussions continue with the Court regarding the framework of reporting. Additional information was submitted regarding the frequency of reporting that incorporated feedback from Colleen Wieck and Roberta Opheim.

- The Executive Committee will review the Frequency of Reporting Plan and recommend action on Wednesday, December 23, 2015, before it is submitted to the Court.
- The Court requested DHS legal staff draft a proposed stipulation summarizing the Monitoring Agreement. Karen Sullivan Hook is working with staff from the Attorney General's office to draft the proposed stipulation which will be presented for review and action to the Executive Committee at a future meeting.

b) Executive Director

Olmstead Implementation Office (OIO) Executive Director Darlene Zangara reported the Quality of Life Request for Proposal (RFP) was issued on December 7, 2015. Eleven requests were received for applications and final proposals are due December 28, 2015. OIO staff will review the submitted proposals to determine if they meet the minimum qualifications. The evaluation team will meet on January 4, 2016 to select the final vendor. The goal is to start the contract on January 8, 2016.

Darlene Zangara briefly reported on Dispute Resolution cases. There were 12 total complaints and eight complaints were officially closed for a 66.66% resolution rate with an average number of 115 days to resolution.

c) Legal Office

No report provided.

d) Compliance Office

OIO Compliance Lead Mike Tessneer reported on the following activities:

- The Compliance Monitoring Plan is being reviewed and expected to be adopted by the Court.
- The first Quarterly Report on measurable goals will be reviewed in February and will replace the bimonthly reporting.
- Staff is focused on implementation of the monthly Workplan review process and status reports.
- The Gap report is expected to be approved by the Executive Committee on December 23, 2015, before it is submitted to the Court.
- In January, compliance staff will be meeting with agency sponsors/leads to identify reports, publications and other communication materials related to the Olmstead Plan. OIO Compliance will review and provide input to agencies on document alignment with the Olmstead Plan.

- OIO Compliance will meet with agency sponsors/leads to review verification processes being used to monitor plan implementation.

6. Action Items

a) Gap Report

Chair Tingerthal explained the Gap Report responds to a specific Court Order that requires a one-time report on the number of people who moved from segregated to integrated settings, the number of people who moved off the waiting list, and any Quality of Life results. Commissioner Tingerthal reported that a simplified report will be presented to the Executive Committee for action on Wednesday, December 23, 2015.

Motion: Refer approval of the Gap Report to the Executive Committee for action on December 23, 2015.

**Action: Motion – Steve Dibb. Second – Sue Mulvihill.
In Favor - All**

b) Workplan Report

Chair Tingerthal referred Subcabinet members to the Workplan Compliance Report in their packet. Commissioner Tingerthal reported the following protocols will be used in monitoring Workplan implementation:

1. Agency sponsors and leads submit workplan status reports to the Compliance Office.
2. Compliance provides agency sponsors and leads a draft Workplan Compliance Report identifying workplans items that will be reported to the Subcabinet as exceptions.
3. Agency sponsors and leads provide further information to Compliance office on each exception including the reason for the exception, the plan to remedy, and a recommendation on subcabinet action.
4. Agency sponsors and leads provide a written and verbal report to the Subcabinet.
5. The Workplan Compliance Report and any actions taken by the Subcabinet to adjust workplans will be recorded in the minutes.
6. Quarterly reports on measurable goals will include a summary report on the status of workplans, including any workplans that need to be adjusted.

In response to a question from Roberta Opheim and comments from Colleen Wieck, and Commissioner Johnson Piper, Commissioner Tingerthal agreed that it was important to recognize forward progress either on a quarterly or annual basis and it was suggested that OIO Compliance work with the agency sponsors and leads to consider ways this reporting can be done.

Mike Tessneer, OIO Compliance, presented the Workplan Compliance Report. For the time period from June 2015 – November 2015 there were 67 items reviewed.

- 41 items (61%) were completed
- 19 items (28%) were on track
- 7 items (10%) were reported as exceptions

Agency sponsors/leads presented on the 7 exceptions identified in the Workplan Compliance Report, which was provided with the meeting materials.

1. Housing

Ryan Baumtrog reported on Housing Workplan item 4A.2, which required development of a Communication Plan for HousingLink. Mr. Baumtrog explained that the October 31, 2015 deadline was missed because when the Housinglink website was tested, specific feature changes were identified to make the site more accessible. The Communications Plan is planned to be launched in January 2016 after the new features have been added.

In response to a question by Commissioner Tingerthal on whether the feedback for HousingLink involved people with disabilities, Mr. Baumtrog stated that it did. Commissioner Tingerthal and Commission Lindsey stated that they were pleased to hear that the delay was because changes were being made based on feedback from people with disabilities and stakeholders.

Mr. Baumtrog recommended that no Subcabinet action was needed and Subcabinet members agreed.

2. Positive Supports

Jennifer DeCubellis reported on Positive Supports workplan item 1A.2. The October 31, 2015 deadline was missed. Ms. DeCubellis explained the original deadline was based on a projected timeline to develop a public website and after seeking stakeholder input and identifying necessary revisions, the timeline was pushed out further and the deadline was changed to January 31, 2016. Ms.

DeCubellis noted that the reported new deadline of December 31, 2016 was in error and that the correct new deadline is January 31, 2016.

Ms. DeCubellis recommended that no Subcabinet action was needed and Subcabinet members agreed.

3. Crisis Services

Jennifer DeCubellis reported on the Crisis Service workplan item 2J.2. The November 30, 2015 deadline was missed. This item is about asking CMS for a waiver. The delay occurred because previous CMS requests were being negotiated and CMS would not accept amendments to the waiver until the other issue was resolved. That issue has now been resolved and the Workplan is on track for submission in early January, 2016. Ms. DeCubellis stated this is a small enough delay that it should not have further impact and recommended no Subcabinet action was necessary at this time.

Subcabinet members agreed that no action was needed.

In response to concerns expressed by Ms. DeCubellis that some deadlines in the Workplans were estimates at the time they were included and may not be met, Chair Tingerthal explained the Subcabinet is responsible for regularly monitoring the Workplans and assessing if reasonable progress has been made to achieve outcomes for people with disabilities. Chair Tingerthal stated that the deadlines allow a mechanism for the Subcabinet to hear outcomes that may have no negative impact on the overall outcome of the goal if the deadline is not met. Chair Tingerthal noted that when agencies identify strategies or a project that will cause a delay in meeting a Workplan deadline, they must notify the Compliance office immediately to bring the topic to the Subcabinet for further discussion or action.

4. Community Engagement

Darlene Zangara reported on the Community Engagement workplan item 2B related to Self-Advocate Training. The November 30, 2015 deadline was missed because more time is needed to recruit volunteers for participation, to build volunteer relationships, and to find state-wide representation. Ms. Zangara noted that "Train the Trainer" trainings are scheduled on the following dates in 2016:

- Thursday, January 28 in Saint Paul
- Monday, February 1 in Duluth

- Thursday, February 4 in Redwood Falls
- Thursday, February 18 in Pequot Lakes
- Friday, February 19 in Moorhead

In response to questions from Roberta Opheim, Darlene Zangara stated volunteers will be trained on general information about Olmstead 101 to help understand the Olmstead Plan, will be encouraged to become involved with publicly funded activities and take on leadership roles, and could be asked to provide informational presentations to organizations that may be interested in learning more about Olmstead.

Subcabinet members agreed that no action was needed on this item.

5. Community Engagement

Darlene Zangara reported on the Community Engagement workplan item 3D related to Peer Support Specialists training. The November 30, 2015 deadline was missed because more time was needed to recruit volunteers for participation, to build relationships, and to find state-wide representation. Darlene Zangara noted there is reluctance among some Peer Support Specialists because of a lack of funding to support the cost associated with the training. This training is being combined with the self-advocacy training on the dates previously mentioned. In addition, these trainings may help identify potential interviewer candidates for the Quality of Life survey.

Subcabinet members agreed that no action was needed on this item.

6. Quality of Life

Darlene Zangara reported on the Quality of Life workplan items 2B and 2C. These deadlines were missed because the first Quality of Life Request for Proposal (RFP) process provided no qualified responses from a vendor. Darlene Zangara reported the second RFP was issued and staff hopes the process will produce a vendor.

Roberta Opheim stated that surveyors selected to administer the Quality of Life tool must be consistent and be provided in-depth training.

Subcabinet members agreed that no action was needed on these items.

racial diversity issues. Alex Bartolic will attend the next Subcabinet meeting to provide further information on these topics.

8. Information

a) 2016 Subcabinet Meeting Schedule and Follow-up

Commissioner Tingerthal reported the 2016 Subcabinet meeting schedule had been finalized and stated the January meeting will be held at the Minnesota Department of Health, and the September meeting would be held on a Wednesday rather than a Monday.

b) Other Announcements

Chair Tingerthal thanked Assistant Commissioner Jennifer DeCubellis for her efforts and large contributions to the Olmstead Plan over the last year and wished her the best in returning to her position at Hennepin County.

Chair Tingerthal noted there is a current initiative from the Governor's office to identify areas in the Plan where the Governor can help accelerate or accomplish goals early. Chair Tingerthal reported that work groups are meeting next week and a more detailed report will be provided at the January Subcabinet meeting.

9. Public Comments

No public comments were made.

10. Adjournment

The meeting was adjourned at 11:37 a.m.

Motion: Adjournment.
Action: Motion – Kevin Lindsey.
In Favor - All