

**Olmstead Subcabinet Executive Committee Meeting Minutes**  
December 23, 2015 -8:00 a.m. to 9:00 a.m.  
Minnesota Housing - 400 Sibley Street, State Street Conference Room

**1) Call to Order**

**Action: N/A.**

The executive committee meeting was called to order at 8:06 a.m. by Commissioner Mary Tingerthal (Minnesota Housing).

**2) Roll Call to Establish Quorum**

**Action: N/A.**

**Committee members present: Mary Tingerthal (Minnesota Housing),** Kim Peck on behalf of Blake Chaffee (Department of Employment and Economic Development); Emily Johnson Piper (Department of Human Services (DHS)).

**Subcabinet members present:** Colleen Wieck, Governor's Council on Developmental Disabilities. Roberta Opheim, (Ombudsman for Mental Health and Developmental Disabilities) joined the meeting at 8:20 a.m.

**Guests present:** Mike Tessneer, Darlene Zangara, Rosalie Vollmar (Olmstead Implementation Office (OIO)); Alex Bartolic, Collin Stemper (Department of Human Services (DHS))

**3) Agenda Review**

**Action: N/A.**

**4) Action Item**

**Action: Referred to Executive Committee for Approval**

**Motion – Johnson Piper. Second – Peck**

**In Favor - All**

**a) Gap Report**

Commissioner Tingerthal reminded everyone that during mediation with the Court the bimonthly reporting requirement from a previous court order was stayed. The August 10, 2015 Plan was approved on September 29, 2015. The Gap Report covers the time frame between the last bimonthly report and the date the August 10, 2015 Plan was approved (March – September 2015). The Gap Report is due to the Court on December 31, 2015.

Chair Tingerthal stated the purpose of the meeting was to review the draft Gap Report. The first draft of the report was lengthy and had a lot of numbers and information that caused confusion, and the decision was made to rework the report for clarity. Therefore, at its December 18, 2015 meeting, the Subcabinet delegated approval of the Gap report to the Executive Committee. A meeting was held with Commissioner Tingerthal, Colleen Wieck, OIO and DHS staff to reformat the report and simplify the information to include only the information the Court is requesting. The rest of the information provided context but was confusing to most readers. There were still some challenges with the waiting list section of the report because DHS was asked to provide different information than they had provided in previous reports.

Commissioner Tingerthal recommended postponing adoption of the Gap Report, pending verification of the waiting list information that was submitted on December 22, 2015. She stated the first section of the report would be reviewed at the meeting, but final approval would occur at a later time.

Mike Tessneer, OIO Compliance, introduced the Gap Report. He pointed out that there have been structural changes to the report. The previously submitted bimonthly reports contained a volume of information which grew over time. The current format of the Gap Report will report the net impact on individuals, as requested by the Court. He stated the Gap Report is similar in format to the proposed structure of the quarterly reports. At this point he briefly pointed out the sections of the report:

- Section 1 – Purpose of Report (explaining the timeframe of the reporting period)
- Section 2 – Movement from Segregated to Integrated Settings which includes the numbers for ICFs/DD, Nursing Facilities, Minnesota Security Hospital and Anoka.
- Section 3 – Movement of Individuals from Waiting Lists

Mike Tessneer reviewed the tables within Section 3 and pointed out the information that will be included. The data on waiting lists is being reviewed and verified and will be inserted into the tables.

Commissioner Piper asked a question about the impact that individuals at the Anoka-Metro Regional Treatment Center (Anoka) under Rule 20 had on not reaching the 25% goal. Commissioner Piper suggested the reported numbers include how many people are at Anoka on Rule 20, and if the goal would have been met if the individuals at Anoka for competency restoration were not included in the goal.

Roberta Opheim commented that it is important to just work on the number of people who are stable and can leave because those are the people who are stuck in the institution beyond their need to be there. She stated there are many people on Rule 20 who could be treated in their communities and not need to be at Anoka.

In response to Commissioner Piper and Roberta Opheim's comments, Alex Bartolic (DHS) pointed out that the workplan for this goal includes tracking the number of individuals at Anoka under Rule 20, and indicated that DHS will be considering different solutions so people don't get stuck.

Colleen Wieck requested a sentence be added for the Anoka goal about whether the goal was met. She also asked whether there was a goal related to this topic in the August 10, 2015 Plan.

Mike Tessneer clarified that the new goal adjusted for the occurrence of people under Rule 20 and raised the percentage of people still targeted in the reduction. The goal accommodates the issue but it doesn't separate the numbers.

Commissioner Tingerthal summarized the issue, stating there will need to be movement beyond where we are right now in order to achieve the goal in the new Plan. Part of the discussion during mediation was that people who do not need to be at Anoka should be moved out, regardless of why they are at Anoka. We need to build on programs around competency restoration and we need to report on the different numbers so we understand it.

Alex Bartolic walked through Section 2 of the report.

- The first goal covers two groups of people - individuals leaving ICFs/DD and those leaving nursing facilities who are under 65 and in a nursing facility for more than 90 days. This goal was met and new goals for each of these are included in the August 10, 2015 Plan.
- The next goal related to AMRTC, was already discussed. That goal was not met and there is a new goal in the August 10, 2015 Plan.
- The next goal related to Minnesota Security Hospital was met. A new goal is included in the August 10, 2015 Plan.

Alex Bartolic and Collin Stemper (DHS) reviewed the information on the waiver waiting lists to be included in Section 3. Each table of the report was explained. Comments and questions from attendees included:

- the word transposed as used in the footnote does not seem to be the correct term
- clarification is needed on what is meant by leaving the waiting list for other reasons
- what happens if someone is on CADI wait list but really wants DD waiver services
- is there an explanation for monthly fluctuations
- a total column added to the end of the tables would be helpful
- the multiple footnotes are confusing

Mike Tessneer stated the comments and questions would be addressed in the next version of the Gap Report.

Commissioner Tingerthal requested other comments on the Gap Report. Colleen Wieck asked that the initials on the cover page be updated to BRT to reflect the new magistrate assigned.

Commissioner Tingerthal stated a motion was needed from the executive committee to authorize electronic review and voting by the executive committee members with copies provided to all members of the subcabinet prior to the submission of this report. An alternative would be to meet the following week.

Commissioner Piper made a motion to review and approve the Gap Report electronically and, if needed, to call another meeting. Kim Peck seconded the motion. Motion was approved.

**5) Adjournment** - The meeting was adjourned at 9:07 a.m.