

Olmstead Subcabinet Meeting

February 22, 2016 – 4:00 p.m. to 5:30 p.m.

Minnesota Housing,

400 Sibley Street, State Street Conference Room, Saint Paul, MN 55101

1. Call to Order

Action: N/A

The meeting was called to order at 4:05 p.m. by Commissioner Mary Tingerthal (Minnesota Housing).

2. Roll Call

Action: N/A

Subcabinet members present: Mary Tingerthal, Chair, Olmstead Subcabinet (Minnesota Housing); Jeremy Hanson Willis (Department of Employment and Economic Development); Tom Roy (Department of Corrections); Emily Johnson Piper (Department of Human Services); Colleen Wieck (Governor’s Council on Developmental Disabilities); Roberta Opheim (Ombudsman for Mental Health and Developmental Disabilities); Kevin Lindsey (Department of Human Rights).

Designees present: Daron Korte (Department of Education); Sue Mulvihill (Department of Transportation); Gil Acevedo (Department of Health) arrived at 4:30 p.m.

Guests present: Heather Corcoran (League of MN Cities); Alex Bartolic, Erin Sullivan Sutton, Joe Sathe, Mari Moen, Becky Robinson, Dan Storkamp, and Gary Travis (Department of Human Services); Mike Tessner, Rosalie Vollmar, Tristy Auger, and Darlene Zangara (Olmstead Implementation Office); Ryan Baumtrog (Minnesota Housing); Jayne Spain and Robyn Widley (Minnesota Department of Education); Kristie Billiar (Minnesota Department of Transportation); David Sherwood-Gabrielson (Department of Employment and Economic Development); Anna McLafferty (Department of Corrections), Charlie Vander Aarde (Metro Cities); Christina Schaffer (Minnesota Department of Human Rights); Cynthia Moore and Pam Taylor (Minnesota Statewide Council on Independent Living); and Andrea Bejarano-Robinson (member of the public).

3. Agenda Review

There were no changes to the agenda.

4. Approval of Minutes

a) Subcabinet meeting on January 25, 2016

The January 25, 2016 Subcabinet meeting minutes were distributed at the meeting and approved.

Motion: Approve the January 25, 2016 Subcabinet meeting minutes.
**Action: Motion – Wieck. Second – Opheim.
In Favor - All**

5. Reports

a) Chair

Commissioner Tingerthal reported the Olmstead Executive Committee had met and approved changes to the compliance reporting schedule on February 10, 2016.

b) Executive Director

Executive Director Darlene Zangara reported the following:

- The OIO received two Dispute Resolution cases. Both cases were about waiver services and were referred to DHS for follow-up.
- The OIO received one public comment that will be considered when updating the Olmstead Plan.
- She had attended the Minnesota State Council on Disabilities' legislative forum on February 9, 2016. At the forum, a group of disability policy professionals, legislators, and advocates discussed current issues in the disability community, current services and transportation.
- The Transportation Access training program begins February 23, 2016 in collaboration with the District Council Collaborative. The program includes a series of six training sessions where 12 participants will learn how to become leaders and advocates on transportation issues.

c) Legal Office

Karen Sullivan-Hook reported the following:

- The proposal regarding compliance reporting was filed with the Court on February 12, 2016.
- Mediation with Magistrate Judge Thorson is scheduled for Tuesday, February 23, 2016, to review the Assistive Technology and Preventing Abuse and Neglect measurable goals.

d) Compliance Office

Mike Tessneer reported the following:

- The Compliance office will begin unannounced verifications of work plans and measurable goals and provide a report to the Subcabinet in April 2016.

Commissioner Tingerthal reminded the Subcabinet that the Court asked the OIO Compliance Office to conduct unannounced reviews. There is an expectation that each agency has its own internal verification structure or compliance protocol in place for the goals that are being reported.

6. Action Items

a) Workplan Compliance Report

Mike Tessneer, OIO Compliance, reported on the Workplan Compliance Report. There were 42 items reviewed in January. Seven of those items were found to be exceptions in December and were carried forward and reviewed again in January. One of the seven items was completed during the reporting period. Of the 42 total items:

- 24 items (57%) were completed
- 10 items (24%) were on track
- 8 items (19%) were reported as exceptions

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

• Positive Supports, 1A.2

Alex Bartolic (DHS) reported on the Positive Supports workplan item relating to the development of a public website with resources to assist implementation of Rule 245D and positive practices. The website is delayed as changes are being

made to incorporate suggestions from focus groups and to make it more accessible. The website should be complete by April 1, 2016.

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

- **Crisis Services, 1C**

Alex Bartolic (DHS) reported on Crisis Services 1C workplan item relating to establishing baseline data to determine the length of time it takes to access crisis services and establish annual goals. The January 31, 2016 deadline was missed. Insufficient time was available to validate and analyze the data to assure accurate reporting going forward. The team is now on track to complete the analysis, establish the baseline, and set goals by April 1, 2016.

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

- **Crisis Services, 2D.1**

Alex Bartolic (DHS) reported on Crisis Services 2D.1 workplan item relating to expanding Housing with Supports grants by issuing a request for proposals (RFP), select grantees (including racially and diverse service providers), and award funding. The January 31, 2016 deadline was missed due to insufficient resources. Sufficient resources will be assigned to complete this item with an RFP to be issued by March 31, 2016, and grantees will be selected by May 31, 2016.

Ms. Bartolic recommended that no Subcabinet action was needed.

Commissioner Tingerthal pointed out that this is a four month delay from the original deadline and questioned whether this delay would trigger further delays in other workplan items. Commissioner Tingerthal requested that Ms. Bartolic report back at the next meeting on the status of this item and whether there will be other delays as a result.

In response to a question by Commissioner Lindsey about targeting the RFP to racially and ethnically diverse applicants, Ms. Bartolic stated that the RFP is available for counties, tribes, agencies that are familiar with working with

individuals who are homeless and who may be working with target populations within these groups including culturally diverse areas.

- **Crisis Services, 2J.2**

Alex Bartolic (DHS) reported on Crisis Services 2J.2 workplan item relating to adding access to crisis respite services to Community Alternative Care / Brain Injury (CAC/BI) waivers. The January 30, 2016 (CAC) deadline was missed. CMS has not accepted new waiver amendments due to issues unrelated to this workplan item. The timing of when amendments can be submitted is subject to actions at CMS. The amendments were prepared and had public comment in a timely way. The crisis respite amendment for CAC is planned for submission in April. This is contingent upon CMS action on previously submitted amendments which must be resolved before this service amendment can be submitted. Instead of setting a new deadline, the preference would be to report on a monthly basis the status of this item.

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

- **Community Engagement, 4A.2**

Darlene Zangara (OIO) reported on Community Engagement 4A.2 workplan item relating to implementing pilot training with OIO advisory groups. The January 31, 2016 deadline was missed. The development of the curriculum was delayed. The curriculum is now complete and will be piloted on February 23, 2016. The OIO advisory group membership will be trained by June 2016.

Darlene Zangara recommended that no Subcabinet action was needed and Subcabinet members agreed.

- **Community Engagement, 4B.2**

Darlene Zangara (OIO) reported on Community Engagement 4B.2 workplan item relating to providing training and other support to project staff, advocacy groups and others managing publicly funded projects. The January 31, 2016 deadline was missed. There was a delay in finalizing the curriculum therefore the trainers were not fully trained. Quarterly trainings will begin March 25, 2016.

Darlene Zangara recommended that no Subcabinet action was needed and Subcabinet members agreed.

- **Quality of Life, 2C**

Darlene Zangara (OIO) reported on Quality of Life 2C workplan item relating to executing a contract with a selected vendor and submitting prior approved forms (RFP, Cert), along with a signed contract, to the Department of Administration for approval. The January 8, 2016 deadline was missed. Data security and Institutional Review Board (IRB) issues caused a delay in the contract being executed. The contract should be in place with the selected vendor by March 1, 2016.

Darlene Zangara recommended that no Subcabinet action was needed and Subcabinet members agreed.

- **Quality of Life, 3A.1**

Darlene Zangara (OIO) reported on Quality of Life 3A.1 workplan item relating to the design of survey implementation and an analysis work plan for review by the Quality of Life workgroup and the Subcabinet that includes lessons from the 2014 pilot survey and an abuse reporting plan. The January 15, 2016 deadline was missed and the contract has not been executed. The scope of work will include survey implementation, an analysis work plan, and incorporating recommendations from the pilot. The contract will be executed in two parts: design phase and survey administration. The workplan will be developed by May 1, 2016.

Darlene Zangara recommended that no Subcabinet action was needed and Subcabinet members agreed.

Commissioner Mary Tingertal announced that the Court had issued an order on the Compliance Plan that largely follows what was recommended by the Subcabinet.

Motion: Adopt the Compliance Plan.

Action: Motion – Hanson Willis. Second – Mulvihill.

In Favor - All

b) Quarterly Report on Olmstead Plan Measurable Goals

Mike Tessneer, OIO Compliance, reported on the February 22, 2016 Quarterly Report on Olmstead Plan Measurable Goals for data acquired through January 31, 2016. There were 17 goals reviewed. Of the 17 goals:

- 9 goals (53%) were met
- 5 goals (29%) were not met
- 2 goals (12%) were on track
- 1 goal (6%) was not on track

Agency sponsors/leads presented on the goals, which were provided with the meeting materials in a black-lined version that reflected the recommended changes. The agencies provided a brief summary of each measurable goal and answered the Subcabinet's questions. The complete information on results, analysis of data, timeliness of data and comments on performance is included in the February quarterly report that will be posted on the Olmstead Plan website.

• **Transition Services, 1**

Alex Bartolic (DHS) reported on Transition Services 1 which has three parts.

A. Intermediate Care Facilities for Persons with Developmental Disabilities (ICFs /DD)

The goal is to move 84 people from ICFs/DD to more integrated settings. The baseline for calendar year 2014 is 72 people. The total number of people moved was 71 (this number does not include transfers and deaths). The June 30, 2015 goal of 84 was not met. Some barriers include the availability of affordable and accessible housing and reliable workforce. The expectation is to make up the difference of movement during fiscal year 2017.

Commissioner Lindsey asked if DHS collects family income data for individuals receiving ICF/DD services to determine whether individuals are more or less likely to access ICFs/DD based on their family income. Ms. Bartolic responded that DHS gathers income data on the individual receiving services, but not on the family's income. The current growth in the system is in home and community-based services or other state plan services. There are ongoing outreach efforts with

ethnically and culturally diverse communities to inform individuals and families about the different services available.

In response to questions raised by Deputy Commissioner Hanson Willis regarding the contributing factors that led to the goal not being met, Commissioner Tingerthal suggested changing the word “workforce” to the phrase “direct support workforce” to clarify that a shortage of direct care workers is the contributing factor.

B. Nursing Facilities

The goal is to move 740 people from nursing facilities to more integrated settings. The baseline for calendar year 2014 was 707 people. The total number of people moved was 779. The June 30, 2015 goal of 740 was met.

C. Other segregated settings

The goal is to move 50 people from other segregated settings to more integrated settings. The baseline will be established in August 2016. The number of people moved was 903. The June 30, 2015 goal was met.

- **Transition Services 2**

Dan Storkamp (DHS) reported on Transition Services 2. The goal is to reduce the percent of people awaiting discharge from Anoka Metro Regional Treatment Center to 35%. The baseline goal was 36% or less awaiting discharge. There were 44.9% awaiting discharge this quarter and an average of 42.6% over the period of two quarters. This goal is not on track to meet the June 30, 2016 goal.

- **Transition Services 3**

Dan Storkamp (DHS) reported on Transition Services 3. The goal is to increase the average monthly discharges from the Minnesota Security Hospital to 10 or more people per month. The baseline goal was to move 9 people per month. The average monthly number of discharges was 8.9. The December 31, 2015 goal was not met.

- **Waiting List 1**

Alex Bartolic (DHS) reported on Waiting List 1. The goal is to eliminate the Community Access for Disability Inclusion (CADI) waiting list. The baseline was 1,420 people on the CADI waiting list. At the end of the reporting period there

were 477 people on the CADI waiting list. This goal is on track to meet the October 1, 2016 goal.

- **Person Centered Planning 1**

Alex Bartolic (DHS) wanted to clarify the language in the Results section. Information on the number of audits deemed acceptable compared to the number of audits requiring action will likely not be available while the interim reporting protocols are in place.

Colleen Wieck asked if the wording “at a minimum” could be added at the beginning of the second sentence. Ms. Bartolic agreed to that change.

- **Positive Supports 1**

Alex Bartolic (DHS) reported on Positive Supports 1. The goal is to reduce the number of individuals experiencing restrictive procedures by 54. The baseline goal was 1,076 people. There was a 19.4% reduction or 209 fewer individuals who experienced a restrictive procedure. The June 30, 2015 goal was met.

- **Positive Supports 2**

Alex Bartolic (DHS) reported on Positive Supports 2. The goal is to reduce the number of reports of restrictive procedures by 430 to 8,172 reports. The baseline was 8,602 reports. There was a reduction of 3,478 reports to 5,124. The June 30, 2015 goal was met.

- **Positive Supports 3**

Alex Bartolic (DHS) reported on Positive Supports 2. There are two June 30, 2015 goals: to reduce the number of reports of mechanical restraints to 461 and to reduce the number of individuals approved for mechanical restraints to 31 or less. The baselines were 2,038 reports and 85 approved individuals. The June 30, 2015 goal has two parts. The number of reports was 912, so that goal of 461 was not met. The number of individuals approved for emergency use of mechanical restraint was 21 and the goal was met.

Roberta Opheim asked what impact the changes in Rule 245D had on the use of mechanical restrains during the reporting period. Ms. Bartolic agreed to add clarifying language in the comments on performance section.

- **Person Centered Planning 2**

Alex Bartolic (DHS) reported on Person Centered Planning 2A which has 3 parts.

- A. Increase input into major life decisions**

Alex Bartolic (DHS) reported on Person Centered Planning 2B. The goal is to increase the number of those reporting they have input into major life decisions to more than 45%. The baseline was 40%. The result was 44.3%. The goal was not met.

- B. Increase input in everyday situations**

Alex Bartolic (DHS) reported on Person Centered Planning 2C. The goal is to increase the number of those reporting they have input in everyday decisions to more than 84%. The baseline was 79%. The result was 84.9%. The goal was met.

- C. Increase in charge of their services/supports**

Alex Bartolic (DHS) reported on Person Centered Planning 2. The goal is to increase the number of those reporting they are in charge of their services/supports to more than 80%. The baseline was 65%. The result is not available for 2015, as the question was not included in this year's survey by the national vendor.

- **Housing & Services 1**

Alex Bartolic (DHS) reported on Housing & Services 1. The goal is to increase the number of individuals living in the most integrated housing with a signed lease by 617 to 6,634. The baseline was 6,017. The result was an increase of 903 to 6,920. The June 30, 2015 goal was met.

- **Education 1**

Robyn Widley (MDE) reported on Education 1. The goal is to increase the number of students with disabilities entering an integrated post-secondary setting by 300 to 68,217 of 109,332 students. The baseline was 67,917 of 109,332 students. The result was an increase of 517 to 68,434 of 110,141 students. The December 31, 2015 goal was met.

- **Education 2**

Robyn Widley (MDE) reported on Education 2. The goal is to increase the number of students who have entered into an integrated post-secondary setting

within one year of leaving secondary education from 225 to 475. The baseline was 225 of 962. The result was a decrease of 43 to 182 of 621 students. The October 1, 2015 goal was not met.

- **Transportation 1**

Kristie Billiar (MnDOT) reported on Transportation 1. The goal is to improve 4,200 curb ramps by December 31, 2020.

- Increase compliant curb ramps: The goal is on track.
- Increase Accessible Pedestrian Signals: The goal was met.
- Set goal for un-remediated sidewalks by January 31, 2016: The goal will be presented to the Subcabinet in May 2016.

Motion: Approve the Quarterly Report with changes as discussed.

**Action: Motion – Wieck. Second – Roy.
In Favor – All**

7. Monthly Topic Report

a) Quality of Life Survey

The Quality of Life Survey monthly topic report will be presented at a future Subcabinet meeting.

8. Informational Items

a) Subcabinet Member Designees

Informational item. No discussion or action.

9. Public Comments

- **Andrea Bejarano-Robinson**

Andrea Bejarano-Robinson, member of the public, reported she is a person with disabilities who has concerns regarding the lack of services provided by Personal Care Attendants (PCAs) and the lack of consistent PCAs in the field. Commissioner Tingerthal asked Olmstead Executive Director Darlene Zangara to follow-up with Ms. Bejarano-Robinson, and work with staff from DHS regarding her concerns.

10. Adjournment

The meeting was adjourned at 5:37 p.m.

Motion: Adjournment.

**Action: Motion – Hanson Willis. Second: Lindsey.
In Favor - All**