

Olmstead Subcabinet Meeting

Monday, April 25, 2016 • 1:30 p.m. to 3:00 p.m.

Minnesota Housing Finance Agency – State Street Conference Room

400 Sibley Street, St. Paul, MN 55101

Agenda

- 1) Call to Order**
- 2) Roll Call**
- 3) Agenda Review**
- 4) Approval of Minutes**
 - a) Subcabinet Meeting of March 28, 2016 **3**
- 5) Reports**
 - a) Chair
 - b) Executive Director
 - c) Legal Office
 - d) Compliance Office
- 6) Action Items**
 - a) Workplan Compliance Report (DHS, OIO) **11**
 - b) Adjustments to Workplan Activities **13**
 - Person Centered Planning 2A.1- 2A.3 (DHS)
 - Person Centered Planning 2C.2 (DHS)
- 7) Information Items**
 - a) Workplan items requiring report to Subcabinet:
 - Community Engagement 1D, report on informing the community on collaborative work on Olmstead (OIO)
 - Quality of Life 3A.1, survey implementation workplan on Quality of Life Update regarding first benchmark progress (OIO)
 - Transportation 4A.4, follow-up on regional coordinating council membership (DOT)
 - Crisis Services 2D.1, follow-up on recruitment of ethnically and racially diverse providers (DHS)
 - Crisis Services 2J.1-2J.2, report on status of crisis services being added to waiver (DHS)

8) Monthly Topic Report

15

- a) Positive Supports with Minnesota Department of Education – Robyn Widley (MDE) and Erin Sullivan Sutton (DHS)

9) Public Comments

10) Adjournment

Next Subcabinet Meeting: May 23, 2016 – 4:00 p.m. to 5:30 p.m.

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Olmstead Subcabinet Meeting

March 28, 2016 – 9:30 a.m. to 11:00 a.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 9:38 a.m. by Deputy Commissioner Jeremy Hanson Willis (Department of Employment and Economic Development).

2. Roll Call

Action: N/A

Subcabinet members present: Colleen Wieck (Governor's Council on Developmental Disabilities); Steve Dibb (Department of Education); Kevin Lindsey (Department of Human Rights); Jeremy Hanson Willis (Department of Employment and Economic Development).

Designees present: Gil Acevedo (Department of Health); Tim Henkel (Department of Transportation); Deb Kerschner (Department of Corrections); Chuck Johnson (Department of Human Services).

Guests present: Heather Corcoran (League of MN Cities); Alex Bartolic, Erin Sullivan Sutton, Joe Sathe, Carol LaBine, and Adrienne Hannert (Department of Human Services); Mike Tessneer, Rosalie Vollmar, Tristy Auger, and Darlene Zangara (Olmstead Implementation Office); Ryan Baumtrog and Megan Ryan (Minnesota Housing); Daron Korte, Robyn Widley and Jayne Spain (Minnesota Department of Education); Kristie Billiar (Minnesota Department of Transportation); David Sherwood-Gabrielson (Department of Employment and Economic Development); Charlie Vander Aarde (Metro Cities); Anna McLafferty (Department of Corrections); Christina Schaffer (Minnesota Department of Human Rights); Elizabeth Dressel (Governor's Office); Susan O'Neil (Institute on Community Integration (ICI)); Pamela Taylor (Minnesota Statewide Independent Living Council (MNSILC)); Daren Nyquist (The Improve Group); and Sheryl Grassie (Minnesota Consortium for Citizens with Disabilities).

3. Agenda Review

There were no changes to the agenda.

4. Approval of Minutes

a) Subcabinet Meeting of February 22, 2016

The February 22, 2016 Subcabinet meeting minutes were provided to the Subcabinet with the meeting materials. The meeting minutes were approved as written.

Motion: Approve the February 22, 2016 Subcabinet meeting minutes.

**Action: Motion – Wieck. Second – Acevedo.
In Favor - All**

5. Reports

a) Chair

Deputy Commissioner Hanson Willis reported the following:

- As a follow up to the February 23, 2016 mediation with the Court, agency staff met on March 18, 2016, to further discuss and develop Assistive Technology goals and strategies. Several action items were discussed and will be further examined. Assignments were made and the team will reconvene on April 8, 2016. An update will be provided to the Subcabinet at the next meeting.
- A similar follow up meeting is scheduled with agency staff on April 4, 2016 to further discuss and develop Preventing Abuse and Neglect goals and strategies.

b) Executive Director

Executive Director Darlene Zangara reported the following:

- The OIO participated in several community engagement activities including: Leading in Transportation Access, Olmstead 101 overview presentations with State Councils, and meeting with the Governor's budget team.
- The OIO contracted with The Improve Group to conduct the Quality of Life Survey.

c) Legal Office

Karen Sullivan-Hook reported the following:

- An Order for reporting on the Olmstead Plan was issued on February 22, 2016. Clarification is being sought regarding the timing of reporting on the annual goals.
- The first Quarterly Report was filed on February 29, 2016. No response has been received regarding the submission.
- The first biannual court status conference has been scheduled for June 6, 2016.

d) Compliance Office

Mike Tessneer reported the following:

- The Compliance office will begin monthly unannounced agency verifications of work plans and measurable goals in April. Any exceptions or issues identified will be reported to the Subcabinet.
- A communication was sent to agencies advising agencies against the generation and distribution of new documents or data between the issuance of the Subcabinet Quarterly reports for items that are related to the measurable goals. The quarterly report should be used as the authoritative source for data rather than generating new reports. If a situation occurs where there is a need for a new report, the OIO Compliance Office should be made aware and given the opportunity to review the report before it is issued.

6. Action Items**a) Workplan Compliance Report**

Deputy Commissioner Hanson Willis reported on the Workplan Compliance Report.

There were 34 items reviewed in February. Of the 34 total items:

- 19 items (56%) were completed
- 10 items (29%) were on track
- 5 items (15%) 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.

- **Education, 4A**

Anna McLafferty (DOC) reported on the Education 4A workplan item to continue collaboration between MDE and DOC at the Minnesota Correctional Facility in Red Wing. The February 1, 2016 deadline was not met due to

unanticipated delays. The new deadline for implementation is July 1, 2016. Based on the five month delay, the project timeline was collapsed. Subsequent activity deadlines will be adjusted as follows:

- 4B.1 Design survey 3/1/16 (no change)
- 4B.2 Conduct survey 5/1/16 to 10/1/16
- 4B.3 Update protocol 7/1/16 to 12/1/16
- 4C Establish baseline/targets 2/1/17 to 4/1/17
- 4D Disseminate information 6/30/17 (no change)
- 4E Recommendations to Subcabinet 6/30/16 to 6/30/17

Anna McLafferty recommended that no Subcabinet action was needed and Subcabinet members agreed.

- **Transportation, 4A.4**

Kristie Billiar (MnDOT) reported on Transportation 4A.4 workplan item relating to the development of regional coordinating councils to help better coordinate the existing transit services provided in Greater Minnesota. The primary reason for the project delay was the increased efforts to strengthen partnerships with DHS and county-level directors. The first Regional Transit Coordinating Council pilot will begin in January 2017. There is still hope that it may be sooner and staff will update the Subcabinet with any new developments.

In response to a question by Commissioner Lindsey, on whether the Councils would include individuals or just representatives of governmental entities, Kristi Billiar explained that final decisions have not been made on the Council membership. She agreed to provide a follow-up report on this question at the next meeting.

Kristi Billiar recommended that no Subcabinet action was needed and Subcabinet members agreed.

- **Quality of Life Survey, 3C**

Darlene Zangara (OIO) reported on Quality of Life Survey 3C workplan item to recruit and train people with disabilities to help administer the survey. The February 15, 2016 deadline was missed due to the delay in finding a qualified vendor during the first request for proposal process. The OIO now

has a contract signed with The Improve Group to complete efforts around this workplan item by May 16, 2016.

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

- **Quality of Life Survey, 3D**

Darlene Zangara (OIO) reported on Quality of Life Survey 3D workplan item to identify 12,000 individuals for potential sample group from participating state agencies. The February 1, 2016 deadline was missed due to the delay in finding a qualified vendor during the first request for proposal process. The OIO has a contract signed with The Improve Group to complete efforts around this workplan item by April 16, 2016. The Contract's first deliverable is the Survey Sampling Strategy which includes: identifying settings and locations; sample size; identifying the types of support needed; and defining sampling and recruitment strategy. The second deliverable is the Survey Administration Design Plan due on May 16, 2016.

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

- **Quality of Life Survey, 3E.1**

Darlene Zangara (OIO) reported on Quality of Life Survey 3E.1 workplan item to identify and secure survey locations, logistics, and respondent accommodations. The February 28, 2016 deadline was missed due to the delay in finding a qualified vendor during the first request for proposal process. The OIO has a contract signed with The Improve Group to lead the Quality of Life Survey and the efforts around this workplan item by May 16, 2016.

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

Motion: Approve the Workplan Compliance Report.

Action: Motion – Lindsey. Second – Dibb.

In Favor - All

b) Olmstead Subcabinet Report Schedule for 2016

Mike Tessneer reviewed the Olmstead Subcabinet Report Schedule for 2016. Mr. Tessneer proposed moving the dates identified by an asterisk in the report schedule in order to distribute reports more evenly during the months of June and July.

Motion: Approve the revised Reporting Schedule.

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

7. Information Items

a) Workplan items requiring report to Subcabinet

- **Crisis Services 2D.1. Housing with Supports (Request for Proposal)**

Carol LaBine (DHS) reported grantees will be chosen by May 3, 2016 with contracts in place by July 1, 2016. There was a question at the previous meeting on whether the delay in this activity will lead to delays in future workplan items. She stated that there are no further delays expected. The training was built into the requirement of the RFP and are occurring in already scheduled stakeholder meetings.

Commissioner Lindsey raised questions regarding the number of new and total grantees and the diversity of the potential grantees. Carol LaBine explained that the goal is to have 12-14 grantees total and stated she would not have information about the number of new grantees until after the RFP closed on April 15. Regarding the diversity of the grantees, she stated that outreach was done to reach a diverse pool, but she did not have specific answers at this time to Commissioner Lindsey's question regarding the ability of new grantees to obtain a contract with DHS. Carol LaBine agreed to report back to the Subcabinet regarding the number of new grantees and the diversity of the populations that would be served..

- **Crisis Services 2J.2., Respite Services to Certain HCBS Waivers**

Alex Bartolic (DHS) reported on the status of submitting CMS amendments to the home and community based waiver grant plans for crisis respite. The amendments have been completed, public comments have been received, and staff anticipates the submission will occur in April when the Centers for Medicare and Medicaid Services will have completed work on the previous applications. .

- **Community Engagement 1.B.2., Survey of Governor’s Appointed Council**
Darlene Zangara (OIO) reported on the survey conducted of the Governor appointed and non-Governor appointed Disabilities Councils, Task Forces, and other groups and reviewed the final report and a list of recommendations from the study.

b) Revised schedule of monthly topic reports

A revised schedule was provided. There was no discussion on this item.

8. Monthly Topic Report

a) Quality of Life Survey – Darlene Zangara

Darlene Zangara (OIO) and Daren Nyquist (The Improve Group) gave a presentation on the Quality of Life Survey. The PowerPoint presentation is posted on the Minnesota’s Olmstead Plan website.

In response to questions from Commissioner Steve Dibb (MDE), Megan Ryan (Minnesota Housing) explained that she is meeting with Daren Nyquist to develop a list of things needed from agencies for a communication plan.

In response to questions from Assistant Commissioner Chuck Johnson, Daren Nyquist acknowledged the timelines are aggressive. However, because The Improve Group administered the pilot project, he felt there is a good understanding of the potential barriers that could arise.

In response to questions by Deputy Commissioner Hanson Willis, Darlene Zangara explained the sampling group will include people in segregated settings and possibly other volunteers from the community.

In response to questions by several Subcabinet members, Darlene Zangara explained the sample size for the Survey Administration and how it will be facilitated. She will provide the Subcabinet with additional detailed information regarding the number of survey participants once the Administration Design Plan has been finalized.

9. Public Comments

There were no public comments.

10. Adjournment

The meeting was adjourned at 10:49 a.m.

Motion: Adjournment.

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

Workplan Compliance Report for April 2016

Total number of workplan activities reviewed	30	
• Number of activities completed	13	43%
• Number of activities on track	15	50%
• Number of activities reporting exceptions	2	7%

Exception Reporting

Workplan Activity, Deadline and Description	Status Reported	Description of Exception	Sponsor/Lead Exception Report (Reason, Plan, Action needed)
<p>Health Care 2A.4</p> <p>Deadline: 3/1/2016</p> <p>Add behavioral health home services to DHS’s Health Care Provider Manual and develop companion policy guide.</p>	<p>Delayed - Needed federal approval before moving forward with the following Behavioral Health Home (BHH) items. Federal approval was given in late March.</p> <ul style="list-style-type: none"> • A4 - Update Health Care Provider Manual by March 1, 2016 June 1, 2016 • A5 - Complete consumer materials by April 1, 2016 June 1, 2016 • A6 - Release training by May 1, 2016 July 1, 2016 • A7 - Complete system changes by June 1, 2016 July 1, 2016 • A8 - Begin Behavioral health homes services by July 1, 2016 (remains the same) 	<p>Deadline missed</p>	<p>DHS – Erin Sullivan Sutton</p> <p>Reason for exception: Federal approval was needed before moving forward with the following Behavioral Health Home (BHH) items. Approval was not granted until late March.</p> <p>Plan to remedy: Updates will be made to the Health Care Provider Manual and companion policy guides by June 1, 2016.</p> <p>Because of the delay in 2A.4, subsequent workplan activity deadlines will be adjusted as follows:</p> <ul style="list-style-type: none"> • 2A.5 - Complete consumer materials – move from 4/1/16 to 6/1/16 • 2A.6 - Release training – move from 5/1/16 to 7/1/16 • 2A.7 - Complete system changes – move from 6/1/16 to 7/1/2016 • 2A.8 - Begin Behavioral health home services – stays at 7/1/16 <p>Subcabinet action needed: No Subcabinet action is recommended at this time.</p>

Workplan Activity, Deadline and Description	Status Reported	Description of Exception	Sponsor/Lead Exception Report (Reason, Plan, Action needed)
<p>Community Engagement 3A.1</p> <p>Survey 300 Certified Peer Support Specialists that have completed the Peer Support Specialists Certification program to establish a baseline for how many have current employment in the field and what barriers may be preventing employment.</p> <p>Deadline: 3/30/2016</p>	<p>NOT COMPLETE</p> <p>Meeting was established to finalize goals/strategies.</p> <p>1) DHS agreed to make adjustments to the survey for peer specialists with input from Darlene Zangara</p> <p>2) DHS and Darlene Zangara will make outreach efforts to Certified Peer Specialists over the next few months- April, May & June 2016.</p> <p>3) DHS will facilitate the planning for three listening session with peer support specialists and those interested in learning more about peer specialist work. The locations will be one metro, and two in non-metro areas.</p> <p>4) DHS will advertise the listening sessions on the Northland website and two other sites.</p> <p>5) Darlene Zangara will make necessary adjustments to the work plan with input from DHS.</p> <p>New date needs to be established for October 31, 2016.</p>		<p>Reason for exception:</p> <p>Two previous surveys had limited responses and were deemed to be of little value. It was determined that a third survey alone would not likely provide the necessary information on how Peer Support Specialist are being used.</p> <p>Plan to remedy:</p> <p>After discussion between the OIO and DHS an alternative strategy was agreed to.</p> <ul style="list-style-type: none"> • Adjustments are being made to the survey for peer specialists. Outreach efforts to Certified Peer Specialists will take place during April, May, and June to solicit interest in the revised survey and hopefully improve participation. • In addition three listening sessions with peer support specialists and those interested in learning more about peer specialist work will be planned (1 metro, 2 non-metro sessions). The listening sessions will be advertised on related websites. The survey and listening sessions will be completed by October 31, 2016. <p>Because of the delay in 3A.1, subsequent workplan activity deadlines will be adjusted as follows:</p> <ul style="list-style-type: none"> • 3A.2 – Analyze results and report recommendations to the Subcabinet – move from 6/30/16 to 10/31/16 • 3C.2 – Analyze results report recommendations to the Subcabinet – move from 6/30/16 to 11/30/2016 <p>Subcabinet action needed:</p> <p>No Subcabinet action is recommended at this time.</p>

April 25, 2016 - Adjustments to Workplan Activities

Workplan activity, deadline and description	Sponsor, Adjustment needed, Reason for adjustment
<p>Person Centered 2A.1 – 2A.3</p> <p>Use the National Core Indicator survey until the Quality of Life survey is available in 2016. NCI surveys will be conducted annually including, interviews, analysis and posted results.</p> <ul style="list-style-type: none"> • PC 2A.1 – Complete NCI interviews – 4/30/2016 • PC 2A.2 – Analyze survey data – 8/31/2016 • PC 2A.3 – Post NCI national results – 12/31/2016 	<p>DHS – Erin Sullivan Sutton</p> <ul style="list-style-type: none"> • PC 2A.1 – Complete NCI interviews – 4/30/2016 6/30/2016 <ul style="list-style-type: none"> ○ Time to gather the NCI-Aging and Disability data took longer than originally projected. ○ 2,400 interviews with representative samples by region and by race are being attempted (this will be the first year doing so) ○ Contractor has hired more Hmong speaking interviewers to assist with this. ○ Aging and Disability interviews to be completed by 6/30. ○ The NCI survey of adults with developmental disabilities interviews were completed on the planned schedule (4/30) • PC 2A.2 – Analyze survey data – 8/31/2016 12/31/2016 <ul style="list-style-type: none"> ○ Delay in completing interviews will cause a delay in analyzing the survey data. • PC 2A.3 – Post NCI Minnesota national results – 12/31/2016 <ul style="list-style-type: none"> ○ A national organization cleans, analyzes and posts the data from individual states. DHS is dependent on this organization’s schedule. ○ The number and types of surveys has expanded as well as the number of states participating. This has slowed the process.
<p>Person Centered 2C.2</p> <p>DHS (as fiscal agent) will execute contracts with regional quality councils to carry out responsibilities across the state</p> <ul style="list-style-type: none"> • Execute contracts – 5/31/2016 	<p>DHS – Erin Sullivan Sutton</p> <ul style="list-style-type: none"> • Execute contracts – 5/31/2016 7/31/2016 <ul style="list-style-type: none"> ○ RFP responses are due 5/2/16. ○ Reviewers are in place and scheduled. ○ Original time estimate did not account for the time it would take selected respondents to move the contracts through their processes. <ul style="list-style-type: none"> ○ e.g. County applies and is awarded contract on behalf of a region: contracts will have to go through DHS process as well as a County Board approval process. County boards typically only meet once a month.

Transitioning from Restrictive Procedures to Positive Supports



What are Positive Supports?

- Strategies and Practices that are:
 - Person-centered and respectful
 - Evidence-based
 - Prevention-focused
 - Adapted and improved over time
 - Often implemented together
 - Used across the life span

The Minnesota Statewide Plan for Implementing Positive Supports

- Organizational framework for implementing positive supports statewide
- Interagency collaboration, initially between DHS and MDE
 - Additional agencies being added
- Focus on training and technical assistance
- Working smarter, together
 - Coordinating efforts
 - Speaking the same language

Achievements of the Statewide Plan

- Developing regional training models
- Coordinating training efforts among agencies and divisions
- Developing practice standards for person-centered planning and supports
- Supporting evidence-based, data-driven decision making
- Creating an interagency inventory of policies on restrictive practices and positive supports

Continued Implementation Efforts

- Partnering with DEED and DOC
- Building an infrastructure to expand statewide training capacity
- Expanding use of regional training models
- Marketing and communication related to positive supports

What are Restrictive Procedures?

- Physical holding/Manual restraint
- Seclusion
- Mechanical restraint
- Chemical restraint
- Time out
- Punishment

Increasing Positive Supports, Reducing Restrictive Procedures

- Chapter 245D, for home and community-based services: January 2014
- Chapter 125A amendment, prone restraint no longer used in schools: August 2015
- Positive Supports Rule, for all DHS-licensed providers serving people with developmental disabilities: August 2015

MDE Activities

- Provided targeted technical assistance training related to restrictive procedures to 3 traditional districts, and two level 4 programs at two different special education cooperatives.
- Used funds from a state appropriation to:
 - Fund six grants to districts to develop new models to assist in training and consultation services to reduce use of RP
 - Develop three online modules with positive support evidence-based practices

DHS Activities

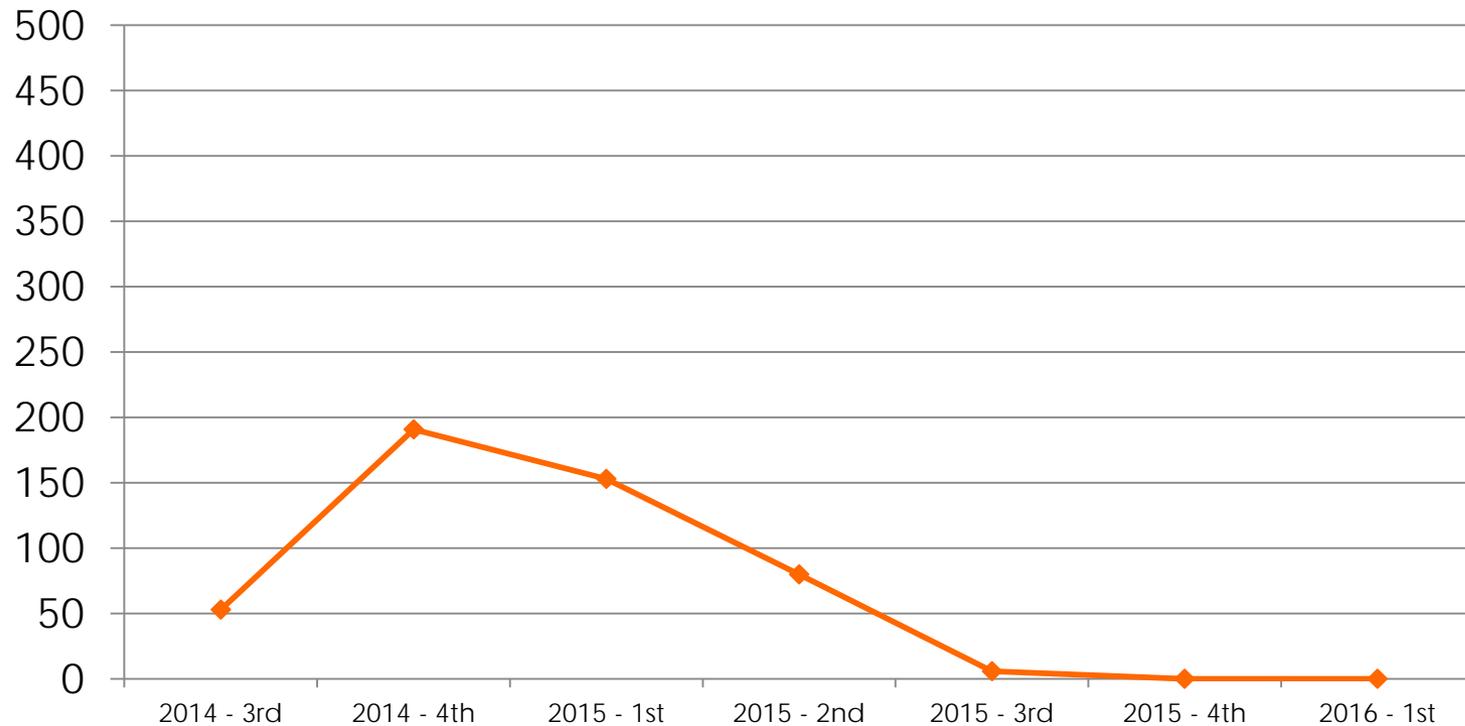
- Statewide Plan for Implementing Positive Supports
- Training and technical assistance
 - Positive Supports Community of Practice
 - Support Planning Professionals Learning Community
 - College of Direct Supports
- Developing resources
 - Positive Supports Manual
 - Positive Supports Minnesota website

Data Collection

- MDE
 - Annual report by districts on number of physical holds and seclusion
 - Prone restraint incident reports, until August 2015
- DHS
 - Behavior Intervention Report Form, detailing use of restrictive procedures and alternative interventions (e.g., 911 calls, PRN psychotropic medication, hospitalization)

MDE: Prone Restraint

of reports received/fiscal quarter



DHS: Restrictive Procedures

of reports received/fiscal quarter

