

Olmstead Subcabinet Meeting

April 25, 2016 – 1:30 p.m. to 3:00 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 1:31 p.m. by Chair Mary Tingerthal (Minnesota Housing).

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); Roberta Opheim (Ombudsman for Mental Health and Developmental Disabilities); Tom Roy (Department of Corrections); Ed Ehlinger (Department of Health); Mary Tingerthal (Minnesota Housing); Jeremy Hanson Willis (Department of Employment and Economic Development) arrived at 1:34 p.m.

Designees present: Chuck Johnson (Department of Human Services)

Guests present: Gil Acevedo (Department of Health); Alex Bartolic, Erin Sullivan Sutton, Alice Nichols, Joe Sathe, Mari Moen, Jason Flint, Adrienne Hannert, Alice Nichols, Karen Sullivan Hook, Jennifer Blanchard, Beth Sullivan, and Greg Gray (Department of Human Services); Mike Tessneer, Rosalie Vollmar, Tristy Auger, and Darlene Zangara (Olmstead Implementation Office); Ryan Baumtrog, Tom O’Hern, Anne Smetak (Minnesota Housing); Robyn Widley, Jayne Spain, Eric Kloos, and Sara Winter (Minnesota Department of Education); Kristie Billiar (Minnesota Department of Transportation); David Sherwood-Gabrielson (Department of Employment and Economic Development); Charlie Vander Aarde (Metro Cities); Deb Kerschner, Patty Popp (Department of Corrections); Christina Schaffer (Minnesota Department of Human Rights); Elizabeth Dressel (Governor’s Office); and Becky Stewart (The Improve Group) and Commissioner Tom Baden, Ellena Schoop (MN.IT)

3. Agenda Review

There were no changes to the agenda.

4. Approval of Minutes

a) Subcabinet Meeting of March 28, 2016

The March 28, 2016 Subcabinet meeting minutes were provided to the Subcabinet with the meeting materials. The meeting minutes were approved as written.

Motion: Approve the March 28, 2016 Subcabinet meeting minutes.

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

5. Reports

a) Chair

Commissioner Tingerthal (Minnesota Housing) reported the following:

- As a reminder to all, the August 10, 2015 Plan had two topic areas, Assistive Technology and Prevention of Abuse and Neglect, that were under development. The commitment in the Plan was that measurable goals would be established in those two areas in 2016. On April 12, 2016, the Court issued an order requiring DHS to submit a revised Olmstead Plan by June 1, 2016, incorporating the goals in those two areas. Mediation with Magistrate Judge Thorson is scheduled on May 6, 2016. A status conference with the Court is scheduled on June 6, 2016.
- The May 23, 2016 Subcabinet meeting agenda will include several items including: approval of the Assistive Technology and Prevention of Abuse & Neglect goals, review of the Second Quarterly Report, and preparation for the June 6th status conference with Judge Frank.
- The May 23, 2016 Subcabinet meeting is also the last day of the legislative session. When asked if there was a need to change the date of the Subcabinet meeting, Subcabinet members agreed to keep the Subcabinet meeting as scheduled.
- DHS will end the Interagency Agreement that provides legal counsel to the Subcabinet. Karen Sullivan–Hook (DHS) will no longer serve as legal counsel. Tom O’Hern and Anne Smetak (Minnesota Housing) will assume the role of legal counsel to the Subcabinet with the effective date to be determined.

b) Executive Director

Executive Director Darlene Zangara (OIO) reported the following:

- There were three dispute resolution cases in February and all are currently resolved. There were three dispute resolution cases in March; two of these cases were referred and are pending resolution.

- The OIO hosted visitors from the International Leadership Program. Darlene Zangara and Colleen Wieck provided presentations on the history of disabilities in Minnesota and the Olmstead Plan.
- The Governor's new Chief Inclusion Officer is James Burroughs.
- The OIO is engaged with the Governor's Accelerating Olmstead work. The governor's office is currently working with the communications representatives from each state agency to develop plans on how to effectively communicate and disseminate information that will support the Olmstead Plan.

c) Legal Office

Karen Sullivan Hook (DHS) stated that she had no additions to what Chair Tingerthal had already provided. As this is the last meeting for Ms. Sullivan Hook as legal counsel to the Subcabinet, Chair Tingerthal expressed gratitude for all the work that she has done in supporting the Subcabinet.

d) Compliance Office

Mike Tessneer (OIO) reported the following:

- The Compliance office will have completed two agency verifications of work plans and measurable goals by the end of April (DHS and MDE).
- The mid-year review of annual measurable goals will begin in May 2016.
- May quarterly report data is due to the compliance office on April 27, 2016.
- Based on the upcoming mediation and Court deadlines, a draft timeline was proposed which included the following:
 - April 25, 2016, Assistive Technology workgroup meeting.
 - April 27, 2016, Prevention of Abuse & Neglect workgroup meeting.
 - April 29, 2016 Notify public of upcoming public comment period.
 - May 6, 2016, mediation meeting with Judge Thorson.
 - May 16, 2016, draft measurable goals sent to Subcabinet and posted on website for public comments. Email sent to notify public.
 - May 19, 2016, deadline to receive public comments.
 - May 23, 2016, Subcabinet approves draft measurable goals and reviews public comments.
 - May 26, 2019, Tentative Executive Committee meeting (if further review and approval of Plan revisions are needed).

Commissioner Roy asked whether staff knew the number of hits on the website and if there is an active email list for those interested in the website. Rosalie Vollmar (OIO) reported that staff can identify the number of hits received on the Olmstead

website and there is an email list available to be used to solicit input.

Commissioner Tingerthal reported that communicating the expected timeline for public comments ahead of time, staff hope to reduce concerns about the short time frame. State agency communications teams will work together to disseminate the plan for public comment.

Mike Tessneer reminded the Subcabinet that there is a workplan for cross-agency coordination of data strategies. A workgroup has been meeting on this. A project lead from MN.IT will work with MDE, DEED, and DHS to complete a workplan and help design the data governance structure used to expand beyond single agencies and provide support around key data elements.

Commissioner Baden (MN.IT) explained he would like MN.IT staff to be informed during the process to assure that staff is meeting the needs and objectives that the Subcabinet would like achieved.

6. Action Items

a) Workplan Compliance Report

Mike Tessneer (OIO Compliance) reported on the Workplan Compliance Report.

There were 30 items reviewed in March. Of the 30 total items:

- 13 items (43%) were completed
- 15 items (50%) were on track
- 2 items (7%) 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.

○ Healthcare, 2A.4

Jennifer Blanchard (DHS) reported on the Healthcare 2A.4 workplan item to add behavioral health home services to DHS's Health Care Provider Manual and develop a companion policy guide. The deadline was missed because federal approval was needed before moving forward with the Behavioral Health Home (BHH) items and approval was not granted until late March. Updates will be made to the Health Care Provider Manual and companion policy guides by June 1, 2016.

Because of the delay in 2A.4, subsequent workplan activity deadlines will be adjusted as follows:

- 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 7/1/16
- 2A.8 – Begin Behavioral health home services – stays at 7/1/16

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

- **Community Engagement, 3A.1**

Darlene Zangara (OIO) reported on Community Engagement, 3A.1 workplan item to survey 300 Certified Peer Support Specialist 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. The March 30, 2016 deadline was missed. Adjustments are being made to the survey for peer specialists and outreach efforts will take place in April, May and June, including three listening sessions (1 metro, 2 non-metro sessions). The sessions will be advertised on websites. The new deadline for completion will be October 31, 2016.

In response to comments made by Roberta Opheim (OMHDD), Darlene Zangara stated that there are 385 certified peer specialists and the goal is to survey this group. Staff hope to gather additional information to help identify gaps by hosting listening sessions.

Commissioner Lindsey (MDHR) asked whether one of the gaps that might exist for individuals trying to get gainfully employed is understanding their legal rights. He encouraged this to be included in the workplan and offered assistance. Darlene Zangara agreed to follow-up with Commissioner Lindsey.

Assistant Commissioner Hanson Willis (DEED) raised questions about the reason for the delay and if the remedy is a good solution. Darlene Zangara (OIO) explained the delay was because the last two surveys were not successful and the recommended listening session will help identify information to fill the gap and get better results.

Colleen Wieck (Governor's Council on Developmental Disabilities) pointed out that this workplan activity has subsequent later activities that need to be reviewed. If this item is delayed, the later activities will most likely be affected.

Chair Tingerthal recommended that Darlene Zangara review the subsequent workplan activities and report back to the Subcabinet any adjustments needed to the workplan.

Motion: Approve the Workplan Compliance Report.
Action: Motion – Lindsey. Second – Hanson Willis.
In Favor - All

b) Adjustments to Workplan Activities

• **Person Centered Planning 2A.1 – 2A.3**

Alex Bartolic (DHS), reported that adjustments are needed to the deadlines for Person Centered Planning, 2A.1-2A.3, workplan activities.

- PC 2A.1 – Because the National Core indicators (NCI) interviews took longer than expected the completion date will be moved from April 30, 2016 to June 30, 2016.
- PC 2A.2 – The delay in the surveys will result in delay in the analysis so the completion date will be moved from August 31, 2016 to December 31, 2016.
- PC 2A.3 – The national organization is responsible for posting the data and it is taking longer than expected to get the national results. The Minnesota results will be available by the deadline of December 31, 2016, but the national results will not be.

In response to comments made by Roberta Opheim (OMHDD), Alex Bartolic agreed to report back to the Subcabinet with detailed information on comparison data between Minnesota to other states. Roberta Opheim also pointed out a concern that NCI interviews do not include people with mental illness.

• **Person Centered Planning 2C.2**

Alex Bartolic (DHS), reported on Person Centered Planning 2C.2, setting up contracts with Regional Quality Councils to identify what is happening with services in a the local community. A request for proposal was sent to all counties and it is expected that three regions will be funded. The original timeline did not account for the time it would take selected respondents to move the contracts through their processes. For example, a county would need to meet with their county board for any contract approval and many counties meet once a month thus causing the delay. The deadline of May 31, 2016 needs to be moved to July 31, 2016.

Motion: Approve the adjusted dates to workplan activities.
Action: Motion – Lindsey. Second – Hanson Willis.
In Favor - All

7. Information Items

a) Workplan items requiring reports to Subcabinet

- **Community Engagement 1D, report on informing the community on collaborative work on Olmstead**

Darlene Zangara (OIO) reported on informing the community on collaborative work on Olmstead. A quarterly review is due in April 2016. OIO staff is working with Governor Appointed Councils providing presentations to all of the councils and working to align goals. Staff presented to over 600 individuals with disabilities, consumers, and stakeholders from January 1, 2016 to March 31, 2016.

- **Quality of life 3A.1, survey implementation workplan on Quality of Life Update regarding first benchmark progress**

Becky Stewart (The Improve Group) reported on the attainment of the first benchmark of the Quality of Life survey scope of work. With the input of the Quality of Life workgroup, the insights were taken under advisement. In addition to Sampling Strategy, the Administration planning for survey implementation is near completion. The first part of the planning process was to think about what kind of sampling strategy would work for the survey. The simple random sample strategy will be tested as the administration strategy is developed. The second part of the planning process (second benchmark) is researching data sharing agreements in order to access individual-level data and research review by DHS Institutional Review Board (IRB).

- **Transportation 4A.4, follow-up on regional coordinating council membership**

Kristie Billiar (DOT) reported on regional coordinating council membership and explained that transit users will participate on boards and advocacy groups, as well as individuals who provide support services at the county level and who participate on Governor Appointed Councils. A detailed list of the final membership will be provided to the Subcabinet in January 2017. Roberta Opheim (ODMHDD) asked if outreach had been completed and Kristie Billiar said that outreach would occur in June and July, 2016.

- **Crisis Services 2D.1, follow-up on recruitment of ethnically and racially diverse providers**

Alice Nichols (DHS) reported on recruitment of ethnically and racially diverse providers and how to recruit responders from diverse communities. DHS staff from the Office of Indian Policy and Community & Partners Relations will help support and assist in these efforts. Presently, two tribes have applied for funding.

- **Crisis Services 2J.1-2J.2, report on status of crisis services being added to waiver**
Alex Bartolic (DHS) reported on the status of crisis services being added to waivers. DHS has a service called crisis respite that provides in-home support as well as out-of-home crisis support to help stabilize clients and keep them home. The amendments are ready but DHS is not able to submit them to Centers for Medicare and Medicaid Services (CMS) while other actions are pending. She also reported that in the meantime, the waivers have expired and renewals are underway.

8. Monthly Topic Report

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

Robyn Widley (MDE), Sara Winter (MDE), Eric Kloos (MDE), Alex Bartolic (DHS), and Jason Flint (DHS) gave a presentation on Positive Supports. The PowerPoint presentation is available on the Minnesota’s Olmstead Plan website.

In response to a question by Commissioner Tingerthal, Alex Bartolic (DHS) stated that approximately 4,000 people have been trained on positive supports. Sara Winter (MDE) stated that 160 school personnel have received targeted technical assistance.

In response to questions from Roberta Opheim (Ombudsman’s Office), Alex Bartolic (DHS) explained the difference between the words “prohibited” and “restricted”.

In response to questions from Commissioner Tingerthal (Minnesota Housing), Commissioner Dibb (MDE), and Commissioner Lindsey (MDHR), Sara Winter (MDE) explained that as of August 2015, prone restraint is no longer allowed for use in schools. MDE issued grants to six school districts to provide technical assistance on elimination of prone restraints. The grants were open to eight districts that were using prone restraints. Six of those districts applied for and received the grants.

In response to questions from Commissioner Lindsey (MDHR), Sara Winter (MDE) stated that they did see an increase of special education complaints filed by parents, but they did not see an increase of reports under the Maltreatment of Minors Act.

The reports also contain summary data by district. Commissioner Lindsey inquired if they could break out data by type of disability and race to explore if other restrictive procedures increased when prone restraint was no longer allowed.

In response to a question by Deputy Commissioner Dibb (MDE), Eric Kloos (MDE) reported that training in Positive Behavioral Intervention Supports (PBIS) have been ongoing since 2015. At this point, 543 or 27% of the schools have been trained.

9. Public Comments

There were no public comments.

10. Adjournment

The meeting was adjourned at 3:08 p.m.

Motion: Adjournment.

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