

Olmstead Subcabinet Meeting

June 27, 2016 – 9:30 a.m. to 11:00 a.m.

Minnesota Housing, 400 Sibley Street, State Street Conference Room

1. Call to Order

Action: N/A

The meeting was called to order at 9:33 a.m. by Commissioner Mary Tingerthal (Minnesota Housing).

2. Roll Call

Action: N/A

Subcabinet members present: Mary Tingerthal, Chair, Olmstead Subcabinet (Minnesota Housing); 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) arrived at 9:36 a.m.

Designees present: Blake Chaffee (Department of Employment and Economic Development); Daron Korte (Minnesota Department of Education); Sue Mulvihill (Department of Transportation); Gil Acevedo (Department of Health).

Guests present: Donovan Chandler, Sue Hall, Kari Benson, Gretchen Ulbee, Rick Figueroa, Carol LaBine, Kim Anderson, Alex Bartolic, Erin Sullivan Sutton, Adrienne Hannert (Department of Human Services); Mike Tessneer, Rosalie Vollmar, Tristy Auger, and Darlene Zangara (Olmstead Implementation Office); Anne Smetak and Ryan Baumtrog (Minnesota Housing); Kristie Billiar (Department of Transportation); David Sherwood-Gabrielson (Department of Employment and Economic Development); Ellena Shoop, Commissioner Tom Baden, and Matthew Porett (MN.IT); Stan Shanedling, Sue Ewy, Barb Lundeen, Bonnie LaPlante, Christina Nelson, Stephanie Lenartz (Department of Health); Jolene Rebertus and Anna McLafferty (Department of Corrections); Elizabeth Dressel (Governor's Office); Charlie Vander Aarde (Metro Cities); Christina Schaffer (Minnesota Department of Human Rights); Daren Nyquist (Improve Group); Mary Kay Kennedy (Advocating Change Together); Robyn Widley and Jayne Spain (Minnesota Department of Education); Cynthia Moore and Pam Taylor (Minnesota Statewide Independent Living Council); Ellison Yahmer (member of the public).

3. Agenda Review

There were no changes to the agenda.

4. Approval of Minutes

a) Subcabinet meeting on May 23, 2016

The May 23, 2016 Subcabinet meeting minutes were approved with a correction of Matthew Porett's name and the addition of Commissioner Tom Baden (MN.IT), under guests present at the meeting.

Motion: Approve the May 23, 2016 Subcabinet meeting minutes.

Action: Motion – Wieck. Second – Mulvihill.

In Favor - All

5. Reports

a) Chair

Commissioner Tingerthal reported the following:

- The Court has approved the June 2016 Update of the Olmstead Plan and the reporting procedure. Anne Smetak will provide more details in her report.
- The June 2016 Plan included a goal to develop an interdepartmental plan around public information for the Prevention of Abuse and Neglect by September 30, 2016. Rosalie Vollmar (OIO - Compliance) will lead the group that will develop the plan. Colleen Wieck (Governor's Council on Developmental Disabilities) has agreed to have the Star of the North Fellow assist this summer, with research on the topic of prevention of abuse and neglect. Recruitment of other members to participate in this group will begin this week.
- The July Subcabinet meeting will include a proposal for the annual amendment process of the Olmstead Plan that will occur at the end of the year.
- A DHS news release was issued on June 16, 2016 about the public awareness campaign promoting the new Minnesota Adult Abuse Reporting Center.

Commissioner Johnson Piper further commented that the Adult Abuse Recording Center has had great success but needs to continue to grow. There used to be 129 phone numbers across the state for people to call to report suspected abuse and neglect. Now there is only one phone number and it is toll-free. There are an average of 1,000 reports a week and projected costs of the center have increased but this shows progress in the right direction.

b) Executive Director

Executive Director Darlene Zangara reported the following:

- There were eight dispute resolution cases in April and May. Four of the cases have been resolved, three cases are pending. The cases were directed to DHS, DEED, and MDE. There was one case requesting information to navigate the complaint independently.

c) Legal Office

Anne Smetak reported the following:

- The status conference with Judge Frank and Magistrate Judge Thorson was held on June 6, 2016. It is the first of what is expected to be bi-annual status conferences in June and December. The status conference included a report on the quarterly reports for February and May 2016 as well as the proposed updated Olmstead Plan, which included new goals on Assistive Technology and Preventing Abuse and Neglect. The Court will not be issuing a responsive order to the quarterly reports as a matter of course. The Court asked for an overview of the verification process that the Olmstead Subcabinet uses to verify the accuracy and completeness of data included in the reporting.
- The Status Conference also included discussion of two administrative issues that had been previously identified.
 - The first issue was in regards to the February 22, 2016 Court order that discussed how the Subcabinet should report on the annual goals. The Court expected that the measurable goals would be reported in the quarterly report immediately following the annual goal measurement date. The issue is that the OIO and Subcabinet will not necessarily have data in a valid and reliable form in order to be available to report in the quarterly report immediately following the annual goal date. Commissioner Tingerthal proposed that this issue could be resolved by changing the language to reflect that the data would be reported in the quarterly report immediately following both the annual goal measurement date and a determination that the data is reliable and valid.
 - The second issue was in regards to the timing of the adoption of future goals. Commissioner Tingerthal proposed to the Court that future goals will be adopted on a provisional basis by the Subcabinet, agencies will begin to report on the provisional goals, and the provisional goals will be

considered for incorporation into the plan during the formal annual amendment process.

- At the conclusion of the status conference, the Court asked participants to submit a letter regarding the proposals that had been discussed. A letter from the Subcabinet was sent to the Court on June 16, 2016 summarizing the proposals on reporting and adoption of future goals. The letter also asked the Court for clarification that the February 22, 2016 order on reporting superseded a 2014 order that contemplated reporting on a 60-day schedule.
- On June 21, 2016 the Court issued an order that:
 1. Confirmed the Court will not routinely issue orders in response to filed quarterly reports.
 2. Approved the Subcabinet's proposal for timing of reporting on annual goals.
 3. Approved the Subcabinet's proposal for adopting new goals on a provisional basis.
 4. Clarified that the 2014 requirement for 60-day reporting is no longer in effect and was superseded by the February 22, 2016 order.
 5. Approved the June 1, 2016 update to the Olmstead Plan, which incorporated new goals on Prevention of Abuse and Neglect and Assistive Technology.

d) Compliance Office

Mike Tessneer reported the following:

- Agency workplans for Prevention of Abuse and Neglect and Assistive Technology goals must be submitted to the Court by August 1, 2016. OIO Compliance notified the responsible agencies on June 9, 2016 and provided the timeline for agency responses leading up to the submission to the Court.
- The Compliance office will initiate verification reviews in July, with the affected agencies being notified the week of July 4.

6. Action Items

a) Proposed baselines and annual goals

- **Crisis Services 4 (DHS)**

Erin Sullivan Sutton (DHS) reported on Crisis Services goal 4. The goal is that by June 30, 2018, people in community hospital settings due to a crisis will have appropriate community services within 30 days of no longer requiring hospital level of care and, within 5 months after leaving the hospital, and they will have a

stable, permanent home. By February 2016, a baseline and annual goals will be established.

The proposed measure represents the percent of people on Medical Assistance (MA) who received community services within 30 days after discharge following a crisis-related hospitalization. In addition, five months after that discharge date, what percent of people were housed, not housed or in a treatment facility. Separate goals are proposed for each of two data points:

Proposed Goal A: Increase the percent of people who receive appropriate community services within 30 days after discharge from the hospital.

- By June 30, 2017, the percent of people who receive appropriate community services within 30 days from a hospital discharge will increase by 1% compared to the previous fiscal year.
- By June 30, 2018, the percent of people who receive appropriate community services within 30 days from a hospital discharge will increase by 1% compared to the previous fiscal year.

Proposed Goal B: Increase the percent of people who are housed 5 months after discharge from the hospital.

- By June 30, 2017, the percent of people who are housed 5 months after discharge from the hospital will increase by 1% compared to the previous fiscal year.
- By June 30, 2018, the percent of people who are housed 5 months after discharge from the hospital will increase by 1% compared to the previous fiscal year.

In response to comments from Roberta Opheim regarding people who are discharged and are vulnerable or homeless, Commissioner Johnson Piper reported that DHS is working to build partnerships with the Hospital Association to collect more data from health systems across the state and one of the areas that will be explored is collecting broader data around mental health patient bed stays.

Chair Tingerthal suggested that this effort be pursued as a related issue to the set goal and incorporated into the Workplan. Commissioner Johnson Piper noted that the OIO will pursue discussions with MDH and DHS about efforts to

foster and encourage additional data collection around extended hospital stays for people who are ready to be discharged.

Colleen Wieck asked if the rationale could be reviewed and edited before it gets incorporated into the Plan because of its length and duplication with other rationale. Commissioner Tingertal agreed that this would be done before incorporation into the Plan.

In response to comments from Commissioner Lindsey, rather than an increase of 1% each year, the language in the proposed goals will be changed to say an increase to 89% in the first year and an increase to 90% in the second year. In response to a question from Commissioner Lindsey, it was agreed that under the definitions for settings considered as not housed, the words “state and local” should be inserted in front of correctional facilities.

- **Crisis Services 5 (DHS)**

Erin Sullivan Sutton (DHS) reported on Crisis Services goal 5. The goal is that by January 31, 2016, a baseline will be established for the length of time it takes from referral for crisis intervention and develop strategies and annual goals to increase access to crisis services, including specific measures of timeliness.

The proposed baseline is that between September 1, 2015 and January 31, 2016, the average length of a crisis episode was 81.3 days.

The proposed interim goal:

- By June 30, 2017, decrease the average length of a crisis episode to 79 days.
- By June 30, 2018, decrease the average length of a crisis episode to 77 days.
- By June 30, 2019, develop and propose a measure that reflects the broader community crisis services and establish a baseline.

Roberta Opheim added that this goal is concerning because it will allow minimal movement for people in crisis.

In response to a comment from Commissioner Lindsey, Alex Bartolic (DHS) reported that data collection has been challenging due to systems collecting unrelated information for performance measures, identifying what needs to be collected, creating the system to collect the data, and identifying agency funding.

In response to comments from Commissioner Lindsey and Commissioner Johnson Piper, Chair Tingerthal suggested that the Workplan for this goal should include efforts to engage with the private sector about types of data they should collect and report. In addition, the workplans should address challenges in the workforce.

Motion: **Approve the proposed baselines and annual goals with changes as discussed.**

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

b) June 2016 Workplan Compliance Report

Mike Tessner, OIO Compliance, reported on the Workplan Compliance Report. There were 25 items reviewed in June. Of the 25 total items:

- 19 items (76%) were completed
- 5 items (20%) were on track
- 1 items (4%) was reported as an exception

• **Positive Supports 1C.1**

Alex Bartolic (DHS) reported that this activity is to expand and maintain an inventory of policies related to restrictive practices and positive supports. In order to allow for any changes that the legislative session may bring, the decision was made to wait until after the 2016 legislative session to incorporate DOC, MDH, and DEED policies into the inventory. The new deadline for completion is September 2, 2016. No Subcabinet action is necessary at this time.

Commissioner Lindsey noted that advance notice of any scheduled meetings regarding this goal would be appreciated.

Roberta Opheim noted that a roadmap that included the definitions across departments for restrictive procedures and positive supports would be useful.

Motion: **Approve the exception report as discussed.**

Action: **Motion – Lindsey. Second – Acevedo.
In Favor – All**

c) Adjustments to Workplan Activities

- **Crisis Services 2C.2 and 2C.3 (DHS)**
- **Employment 3A.2 (DHS)**

Chair Tingerthal stated that, in the interest of time, the Adjustments to Workplan Activities in the report are straightforward and requested a motion to approve the reports as written.

Motion: Approve the proposed adjustments to Workplan activities as written.

**Action: Motion – Lindsey. Second – Mulvihill.
In Favor – All**

d) Quality of Life Survey Administration Plan (OIO)

Darlene Zangara (OIO) provided a PowerPoint presentation which included an overview of the Quality of Life Survey Administration Plan.

Commissioner Tingerthal reported that a Request for Proposal (RFP) will be issued for the second phase of the Quality of Life Survey because the dollar amount is significantly higher than anticipated. She also reported that the second phase of the survey will consist of 2,000 interviews instead of the originally planned 3,000 interviews. Dr. Jim Conroy has assured the Executive Committee that reducing the number of interviews to 2,000 will not affect the validity and reliability of the survey.

Commissioner Tingerthal also noted that DHS guidelines require that the Internal Review Board (IRB) approve the survey. As a follow-up, Colleen Wieck stated she had reviewed the IRB questions and is confident any issues can be handled.

In response to comments by Commissioner Johnson Piper, Commissioner Tingerthal reported that the length of the survey was discussed at the Executive Committee meeting. As a result, the survey questions will be reordered so the most important items come first. The criteria for what is considered a completed survey has been set at completion of 75% of the first module. The change to the order of the survey and setting of the completion rate will increase the likelihood of completing the number of surveys necessary to establish the baseline. In addition, Colleen Wieck reported that, in the pilot study, the average amount of time to complete the survey

was 41.8 minutes. Getting in touch with the person and scheduling the interview was the most time consuming part of the survey process.

In response to comments by Roberta Opheim, Commissioner Tingerthal replied that a number of attempts will be made to reach out to those persons who stop receiving Medical Assistance or who are placed in jail over the course of the survey period.

In response to comments by Roberta Opheim, Darlene Zangara reported each interviewer will be well trained on the nature of the questions asked in the survey and will be required to attend 40 hours of training for the interview process.

Motion: Approve the Quality of Life Survey Administration Plan.
Action: Motion – Johnson Piper. Second – Opheim.
In Favor – All

7. Informational Items

a) Workplan items requiring report to Subcabinet

1. **Community Engagement 1A.1**, report status of Councils/Olmstead overview (OIO)
 - Darlene Zangara reported that OIO staff met with 21 of the 23 Governor appointed Councils/Boards and provided a tailored Olmstead 101 presentation to introduce goals and strategies. Meetings with the two remaining groups will be completed by September 2016.
2. **Crisis Services 1A.1**, report status of crisis services reform implementation (DHS)
 - A written report was provided.
3. **Crisis Services 2J.2**, report status of crisis respite being added to waiver (DHS)
 - Alex Bartolic (DHS) reported CMS has approved the addition of crisis respite to the services available to people receiving Brain Injury (BI) and Community Access for Disability (CADI) waiver services.
4. **Crisis Services 3B.4**, report status of FACT implementation (DOC/DHS)
 - A written report was provided.
5. **Positive Supports 1C.7**, report status of implementation of Statewide Plan (DHS)
 - A written report was provided.

6. **Waiting List 1F and 2C.2**, report progress on waiting list (DHS)
 - A written report was provided.

b) Follow-Up from Previous Meetings

1. ICFs/DD and Nursing Facilities – number breakdown of metro vs greater Minnesota (DHS)
 - Alex Bartolic (DHS) reported statistical information on the percentage of metro cases versus Greater Minnesota cases and agreed to provide a written report for the next Subcabinet meeting.
2. Transition to Community grants and movement from Minnesota Security Hospital and Anoka Metro Regional Treatment Center (DHS)
 - Carol LaBine (DHS) reported on the Transitions to the Community initiative in July 2016 and agreed to provide a written report for the next Subcabinet meeting.

8. Monthly Topic Report – Health Care and Healthy Living

There was no time for this agenda item to be discussed.

9. Public Comments

There were no public comments.

10. Adjournment

The meeting was adjourned at 11:08 a.m.

Motion: Adjournment.

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

Second: Johnson Piper.