

Olmstead Subcabinet Meeting

July 25, 2016 – 1:30 p.m. to 3:00 p.m.

Minnesota Housing, 400 Sibley Street, State Street Conference Room

1. Call to Order

Action: N/A

The meeting was called to order at 1:35 p.m. by Commissioner Mary Tingerthal (Minnesota Housing).

2. Roll Call

Action: N/A

Subcabinet members present: Mary Tingerthal, Chair, Olmstead Subcabinet (Minnesota Housing); Colleen Wieck (Governor's Council on Developmental Disabilities).

Designees present: Chuck Johnson (Department of Human Services); Steve Dibb (Minnesota Department of Education); Deb Kerschner (Department of Corrections); Gil Acevedo (Department of Health); Jeremy Hanson Willis (Department of Employment and Economic Development) arrived at 1:42 p.m.

Guests present: Kari Benson, Bill Burleson, Gretchen Ulbee, Alex Bartolic, Erin Sullivan Sutton, Adrienne Hannert (Department of Human Services); Mike Tessner, Rosalie Vollmar, Tristy Auger, and Darlene Zangara (Olmstead Implementation Office); Anne Smetak, Tom O'Hern, and Ryan Baumtrog (Minnesota Housing); Kristie Billiar (Department of Transportation); Kim Peck, Claire Courtney, David Sherwood-Gabrielson, Carol Pankow (Department of Employment and Economic Development); Ellena Shoop (MN.IT); Stan Shanedling, Christina Nelson, Nicole Stockert, Mary Cahill (Department of Health); Anna McLafferty (Department of Corrections); Elizabeth Dressel (Governor's Office); Christina Schaffer (Minnesota Department of Human Rights); Daron Korte, Robyn Widley, Joan Breslin-Larson, Jennifer Alexander, Carolyn Cherry, and Marikay Litzau (Minnesota Department of Education); Melody Johnson (Governor's Council on Developmental Disabilities).

Guests present via telephone: Sue Ewy (Minnesota Department of Health).

3. Agenda Review

Chair Tingerthal stated the Health Care and Healthy Living topic report will be moved on the agenda to immediately follow the Action Items.

4. Approval of Minutes

a) Subcabinet meeting on June 27, 2016

The June 27, 2016 Subcabinet meeting minutes were approved.

Motion: Approve the June 27, 2016 Subcabinet meeting minutes.

Action: Motion – Wieck. Second – Dibb.

In Favor – All

5. Reports

a) Chair

Commissioner Tingerthal reported the following:

- A public comment period is underway regarding the development of a comprehensive abuse and neglect prevention plan. Phase one began on July 19, 2016 through August 14, 2016 during which public comments will be accepted on what should be included in the plan. In the second phase, a draft plan will be posted to the website September 2, 2016 and public comments will be accepted on the draft plan through September 11, 2016. The Subcabinet will be asked to adopt the plan at the September 28, 2016 Subcabinet meeting. There may need to be an Executive Committee meeting regarding the plan in early September. Under the Olmstead plan measurable goals, the comprehensive plan on abuse and neglect should be approved by September 30, 2016.
- Deputy Commissioner Steve Dibb (MDE) will retire at the end of July. The Subcabinet thanked him for his participation and contributions to the Olmstead Plan implementation and the Subcabinet.

b) Executive Director

There are no updates or reports.

c) Legal Office

There are no updates or reports.

d) Compliance Office

Mike Tessneer reported the following:

- The process to annually review and adjust workplans will begin with meetings between OIO Compliance and agency sponsors and leads in August. At that time, OIO Compliance will walk through the process and timeline for completion. Revised workplans are due to the Court on September 30, 2016.

- Agencies will be reporting today on the workplans associated with Preventing Abuse and Neglect and Assistive Technologies.

6. Action Items

a) Proposed Workplans

PREVENTING ABUSE AND NEGLECT

GOAL 1

Kari Benson (DHS) reviewed the proposed workplan for Preventing Abuse and Neglect Goal 1. The goal is that by September 30, 2016, the Olmstead Subcabinet will approve a comprehensive abuse and neglect prevention plan, designed to educate people with disabilities and their families and guardians, all mandated reporters, and the general public on how to identify, report and prevent abuse of people with disabilities.

Strategy 1 is to develop an educational campaign for mandated reporters and professional caregivers. The following workplan activities are being proposed:

- A. Launch MN Adult Abuse Reporting Center (MAARC) public awareness campaign. Begin dissemination of postcard, first kiosk card and magnet (print material is targeted to the public, not mandated reporters).
- B. Conduct statewide videoconference for health care and human services professionals, including mandated reporters, regarding the MAARC and the public awareness campaign. Disseminate information via professional licensing board listservs.
- C. Review current and planned components of DHS public awareness campaign to promote reporting to the MN Adult Abuse Reporting Center.
- D. Review DHS workplan activities in the Person Centered Planning Goal related to developing materials for people with disabilities, and a guide for case manager and assessors to use with people when they see them to help them understand their rights and ask questions to learn more if there are indicators of potential abuse/maltreatment.
- E. Ongoing communication and dissemination with key stakeholders including MN Elder Justice Center stakeholder group and HDS PA and Licensing/MDH/Call Center stakeholder group.
- F. Release additional components of the MAARC public awareness campaign at the State Fair and statewide through other venues. Additional materials include: radio spots, social media posts and brochure.

- G. Release final component of existing MAARC public awareness campaign: 2 minute video (online and DVDs)
- H. Develop recommendations for the Subcabinet on the feasibility and estimated cost of additional public awareness and education activities to implement a major “Stop Abuse” campaign, including additional elements related to teaching people with disabilities their rights and how to identify if they are being abused.
- I. Develop and submit proposed comprehensive abuse and neglect prevention plan to the Subcabinet for approval.

Ms. Benson (DHS) noted that OIO Compliance suggested changes to the language to ensure that people with disabilities, families and advocates are added to the groups receiving ongoing communication and dissemination. DHS agrees with the proposed changes.

Strategy 2 was included in the Subcabinet packet. There was no discussion or comments on the workplans under this strategy.

Strategy 2 is to develop a public awareness campaign. The following workplan activities are being proposed:

- A. Agencies will solicit public input on the development of educational campaign on the prevention of abuse and neglect of people with disabilities. Input will be solicited from mandated reporters, professional caregivers, people with disabilities, families, and advocates.
- B. Define key objectives of the educational campaign.
- C. Identify the target audiences for the educational campaign.
- D. Develop the key messages for the educational campaign.
- E. Design the optimal channels of communication to be used.
- F. Implement the campaign.

GOAL 2

Deputy Commissioner, Gil Acevedo (MDH) reviewed the proposed workplan for Preventing Abuse and Neglect Goal 2. The goal is that by January 31, 2020, the number of emergency room (ER) visits and hospitalizations of vulnerable individuals due to abuse and neglect will decrease by 50% compared to the baseline.

Strategy 1 is to use data to identify victims and target prevention. The following workplan activities are being proposed:

- A. Analyze the data from the Minnesota Hospital Association (MHA) to determine the number of individuals who have been treated at a hospital due to abuse or

neglect. Individuals who meet the definition of a vulnerable individual will then be identified based on if their source of admission was from either a licensed facility or a home health agency.

- B. Once the baseline is established, the data will then be analyzed to determine any existing patterns and geographic areas which reflect higher incidences of abuse or neglect for vulnerable individuals.
- C. Conduct a public education campaign targeted at providers who serve individuals with disabilities. Targeted prevention efforts will also be conducted in areas with higher rates of hospitalization and ER visits due to abuse and neglect of vulnerable individuals.

Strategy 2 is to monitor and improve accountability of providers. The following workplan activities are being proposed:

- A. Report quarterly to the Olmstead Subcabinet the number of citations issued to Intermediate Care Facilities for Individuals with Intellectual Disabilities that document failure to report abuse, neglect and other maltreatment.
- B. Submit quarterly to the Olmstead Subcabinet the number of citations issued to Supervised Living Facilities that document failure to comply with the development of an individualized abuse prevention plan, as required Minnesota Statute 626.557 subd.14 (b).
- C. Analyze data from increased reporting to identify areas where targeted prevention strategies can be applied to reduce the occurrence of maltreatment to vulnerable individuals.

Strategy 3 is to refine the measurable goal. The following workplan activities are being proposed:

- A. Reassessing MHA data annually to determine the efficacy of the educational efforts.
- B. After reassessment of the MHA data and the effects of the educational campaign, the measurable goal will be reviewed on an annual basis.

Colleen Wieck (Governor's Council on Developmental Disabilities) noted that the US Department of Health and Human Services, Office of the Inspector General, has completed a study in Connecticut and Massachusetts that is similar to what is being proposed in Strategy 1. She agreed to keep the Subcabinet updated on this issue.

GOAL 3

Alex Bartolic, (DHS) reviewed the proposed workplan for Preventing Abuse and Neglect Goal 3. The goal is that by December 31, 2021, the number of vulnerable adults who experience more than one episode of the same type of abuse or neglect within six months will be reduced by 20% compared to the baseline.

Strategy 1 is to develop remediation strategies for providers and professional caregivers. The following workplan activities are being proposed:

- A. Collect data for initial maltreatment reports and complete validation testing of the MAARC data system.
- B. Data reports developed and tested on initial and repeat maltreatment and demographic data of suspected victim and perpetrator. Data for repeat maltreatment reports by person will be collected for the 6-month timeframe (January 1 – June 30, 2017).
- C. Data and reports will be validated. Baseline will be established.
- D. Develop and test lead investigative agency remediation strategy reports.
- E. Review and compile data on remediation strategies by lead investigative agency to identify strategies that may be effective at preventing repeat maltreatment of the same type.
- F. Conduct training sessions with lead investigative agencies to share remediation strategies effective at preventing repeat maltreatment.
- G. Complete an inventory of existing communication methods used to inform service providers. Develop communication plan to disseminate alerts.
- H. Analyze repeat maltreatment data to identify patterns/trends of abuse and neglect.
- I. Disseminate communication alerts to providers and other key local stakeholders.

In response to a question from Commissioner Tingerthal (Minnesota Housing), Ms. Bartolic (DHS) reported that remediation, training, and support are a high priority in situations of repeat abuse.

In response to a comment from Colleen Wieck (Governor's Council on Developmental Disabilities) about prevention messaging, DHS staff will work with the Ombudsman's Office to determine the best way to work together on communications and prevention messaging.

In response to questions from Deputy Commissioner Jeremy Hanson Willis (DEED), Ms. Bartolic stated that DHS has not yet established baseline data since the launch of the Minnesota Adult Abuse Reporting Center (MAARC). In aggregate numbers

there has been a 60% increase in reporting volume since the launch of the MAARC. Ms. Bartolic stated that prior to the launch of the MAARC system, there were approximately 150 individuals who experienced maltreatment of the same type within a 6-month period. It is unknown how that will compare to the data now since the launch of the MAARC.

Strategy 2 is to engage quality councils by providing statewide and regional data on maltreatment reporting. Ms. Bartolic requested that these workplan activities be reworked for further modification and clarity. A new director of the State Quality Council was just hired and the regional councils are in the process of hiring new staff. Ms. Bartolic would like to have an opportunity for the new director of the State Quality Council to be involved in developing meaningful workplan items for this strategy.

Commissioner Tingerthal (Minnesota Housing) suggested that the workplan could contain a single item with a reasonable date by which a more detailed workplan could be presented.

Strategy 3 is to refine measurable goals. Kari Benson (DHS) reviewed the proposed workplan activity, which is to refine measurable goals on an annual basis to determine if the targets need to be revised.

GOAL 4

Jennifer Alexander (MDE) reviewed the proposed workplan for Preventing Abuse and Neglect, Goal 4. The goal is that by July 31, 2020, the number of identified schools that have had three or more investigations of alleged maltreatment of a student with a disability within the three preceding years will decrease by 50% compared to baseline. The number of students with a disability who are identified as alleged victims of maltreatment within those schools will also decrease by 50% by July 31, 2020.

Strategy 1 is to develop and utilize school tracking database. The following workplan activities are being proposed:

- A. Collaborate with Mn.IT and computer programmer to create a report that calculates the number of maltreatment investigations involving a student with a disability within an individual school. Ensure program data is properly transitioned from current maltreatment program database system to new maltreatment web-focused database system.

- B. Train program staff on database entry requirements to ensure all necessary information for specified goal is collected and stored in system.
- C. Generate specific report and analyze necessary data from FY14-FY16 to establish baseline.

Strategy 2 is to continue to expand training for school personnel. The following workplan activities are being proposed:

- A. Draft and send a letter to all identified schools to notify them of multiple investigations within their schools and to inform them of the current school years' PBIS training application process and deadlines.
- B. Target schools identified from baseline data that have yet to submit applications for 2017-2019 PBIS cohort training and send a follow up letter encouraging participation in the trainings.
- C. Provide ongoing targeted technical assistance and an annual training for school administrators on student maltreatment, mandated reporter requirements, PBIS, Restrictive Procedures, and discipline.
- D. Report to the Subcabinet:
 - Number of schools identified as having 3 or more investigations of alleged maltreatment of students with a disability as established in the baseline data.
 - Number of identified schools participating/not participating in MDE approved PBIS cohort training; and corresponding number of maltreatment investigations.
 - Number of student's named as alleged victims in a maltreatment investigation within schools identified in baseline data.
 - Number of students named as alleged victims of maltreatment during and post PBIS training.

Strategy 3 is to improve school accountability for training. The following workplan activities are being proposed:

- A. Develop web-based system that requires school district personnel to submit verification to MDE indicating that all school employees have been trained on child maltreatment mandated reporter requirements.
- B. Test and implement web-based verification system.
- C. Develop and update web-based mandated reporter requirement training and student maltreatment information materials on program website.
- D. Notify school administrators of verification requirement and alternative training options via program website and superintendent mailings.

E. Annually report to the Olmstead Subcabinet:

- Number of districts who fulfilled verification requirement procedures and confirmed mandated reporter training to all district employees.
- Number of districts who did not fulfill verification requirements and did not confirm mandated reporter training to all district employees.

In response to questions from Deputy Commissioner Steve Dibb (MDE), Ms. Alexander (MDE) stated the definition of “mandated reporter” is from the Department of Human Services and can be clarified on communications within the school district. Essentially mandated reporters include all individuals that are in the education system.

In response to questions from Deputy Commissioner Jeremy Hanson Willis (DEED), Ms. Alexander (MDE) explained that specific data regarding the number of schools involved is not available at this time. She believes it is likely less than 100 schools, but MDE will know more once the baseline is established.

In response to a question from Deputy Commissioner Jeremy Hanson Willis (DEED), Assistant Commissioner Daron Korte (MDE) explained the 50% reduction goal was based on the estimate of 100 schools affected and knowing that PBIS training is valuable but voluntary. Once MDE obtains the baseline and begins to see where things are moving, it will reevaluate to see if that percentage can be moved upward.

Colleen Wieck (Governor’s Council on Developmental Disabilities) asked if there was any legislation that requires a mandated report regarding the number of investigations and number of students. Assistant Commissioner Korte responded that there was no such legislation.

PERSON-CENTERED PLANNING

Strategy 1 is to broaden the effective use of person-centered planning principles and techniques for people with disabilities. Alex Bartolic (DHS) reviewed the proposed workplan additions to the existing workplan for Person-Centered Planning.

The following workplan activities are being proposed:

- A. Develop materials and training to guide professionals who inform people with disabilities about their rights and their individual abuse prevention plans to increase understanding of rights and the effectiveness of planning.

- B. Develop inventory of existing requirements, materials, tools and training.
- C. Create process map/prompts for recommended practices to identify opportunities for conversations about risk and choice.
- D. Produce trainings for professionals on individual rights, abuse prevention planning, and skill building.

Motion: Approve the Preventing Abuse and Neglect Workplans with changes as noted.

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

ASSISTIVE TECHNOLOGY

PERSON-CENTERED PLANNING

Alex Bartolic (DHS) reviewed the proposed workplan additions to the existing workplan for Person-Centered Planning.

Strategy 2 is to evaluate the effectiveness of person-centered planning principles and techniques for people with disabilities. The following workplan activities are being proposed:

- A. Through the MnChoices assessment tool, assess whether assistive technology will be considered as part of an individual’s support plan, and at reassessments, monitor access to an effective use of technology.
- B. Incorporate assistive technology related questions into MnCHOICES assessment tool.
- C. Analyze one full year of assistive technology data from MnCHOICES assessments.
- D. Review analysis and make recommendations to DHS leadership.
- E. DHS will work with System of Technology to Achieve Results (STAR) Program and the State Quality Council and its regional councils on strategies to increase awareness of, and monitor effective use of assistive technology as a means to increase quality of life and outcomes for people with disabilities.
- F. DHS staff will coordinate with STAR program staff to arrange technical assistance/informational presentations to Person Centered Quality Review work groups or the State Quality Councils.
- G. State Quality Council Work group will develop questions related to assistive Technology to utilize in their quality review process.

Strategy 3 is to incorporate assistive technology assessment into person centered planning processes. The following workplan activities are being proposed:

- A. Person centered planning processes will be enhanced through a common process across Department of Human Services, Education, Employment and Economic Development and Administration. This process will increase awareness of Assistive Technology, related services, resources and funding sources.
- B. Department of Admin's STAR Program will convene an Assistive Technology workgroup of representatives from DHS, MDE, DEED and Department of Admin.
- C. Develop common process for planning for use of technology.
- D. Evaluate process and make recommendations for revisions to processes.

Commissioner Tingerthal (Minnesota Housing) requested that language be added to the workplan incorporating the STAR process and the ability to consult with people who have disabilities.

TRANSITION SERVICES

Alex Bartolic (DHS) reviewed the proposed workplan additions to the existing workplan for Transition Services.

Strategy 3 is to increase service options for individuals making transitions. The following workplan activities are being proposed:

- A. Provide technical assistance and education about assistive technology to lead agencies and providers and provide examples of innovative uses of assistive technology to support people in make successful transitions to the most integrated settings.
- B. Develop an assistive technology track at the DHS Statewide Age and Disability Odyssey conference.
- C. Measure use of Technology For Home (Tech4Home) assessment and education services including type of activity, number people of impacted and client satisfaction.
- D. Assess the effectiveness of the services and make recommendations for improvements as needed.

EMPLOYMENT

Carol Pankow (DEED) reviewed the proposed workplan additions to the existing Employment workplan.

Strategy 4 is to develop additional strategies for increasing competitive, integrated employment among people with disabilities. The following workplan activities are being proposed:

- A. Cross Agency AT Workgroup will develop methods for collecting, sharing, and education on current assistive technology (AT) trends and outline in a communication plan.
- B. Develop and provide a presentation to the Diversity and Inclusion Council about how AT allows access to state resources and can support employment for current and prospective state workers with disabilities.

In response to comments from Colleen Wieck (Governor’s Council on Developmental Disabilities) and Deputy Commissioner Jeremy Hanson Willis (DEED), regarding the All Hands on Deck Report and the audit of accessibility in State workforce centers, Ms. Pankow agreed to add an additional activity to the workplan regarding accessibility.

LIFELONG LEARNING AND EDUCATION

Joan Breslin Larson (MDE) reviewed the proposed workplan additions to the existing Lifelong Learning and Education workplan.

Strategy 6 is to expand effectiveness of Assistive Technology Teams Project. The following workplan activities are being proposed:

- A. MDE will recruit Assistive Technology (AT) Teams from districts.
- B. MDE will provide professional development to each participating AT team, with a specific curriculum delivered to Years 1, 2, and 3 AT teams. There will be a minimum of quarterly activities each school year.
- C. MDE will develop documentation protocols for teams to use in documenting outcomes of consideration in the IEP team process.
- D. AT teams will complete Quality Indicators in Assistive Technology (QIAT) matrices (self-assessment) to determine current status of consideration of AT in their setting.
- E. Each participating AT team will report to MDE the number of Individualized Education Programs (IEPs) on which team members served, during which active consideration of AT resulted in improved access to AT for the student.
- F. MDE will evaluate, monitor and adjust professional development and technical assistance to support teams in outcomes related to active consideration of assistive technology.

Motion: Approve the Assistive Technology Workplans with changes as noted.

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

b) July 2016 Workplan Compliance Report

A written report from Mike Tessner, OIO Compliance, contained in the Subcabinet packet, reported on the Workplan Compliance Report. There were 53 items reviewed in July. Of the 53 total items:

- 47 items (89%) were completed
- 4 items (7%) were on track
- 2 items (4%) was reported as an exception

c) Adjustments to Workplan Activities

- Housing and Services 4A.4 (DHS)
- Quality of Life 3E.2 (OIO)

Commissioner Tingerthal stated that the Compliance Report and Adjustments to Workplan Activities in the report are straightforward. In the interest of time she requested a motion to approve the reports as written.

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

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

7. Monthly Topic Report – Health Care and Healthy Living

Deputy Commissioner Gil Acevedo (MDH) and Gretchen Ulbee (DHS) gave a presentation on Health Care and Healthy Living. The PowerPoint presentation handout is available in the Subcabinet packet on the Minnesota’s Olmstead Plan website.

In response to a question from Commissioner Tingerthal (Minnesota Housing), Gretchen Ulbee (DHS) stated that goals are considered for the number of people on Medicaid who would be eligible for services in a Behavioral Health Home.

In response to a question from Commissioner Tingerthal (Minnesota Housing), Deputy Commissioner Gil Acevedo (MDH) explained that approximately half of persons with disabilities are on managed care plans where there are contractual requirements with the health plans to coordinate with Behavioral Health Homes to provide necessary data. It is more difficult to obtain data when there is no managed care plan and county providers work closely with the client to obtain necessary data.

In response to a question from Commissioner Tingerthal (Minnesota Housing), Deputy Commissioner Gil Acevedo (MDH) explained the information does not identify or pull out individuals specifically with disabilities. But MDH believes that if it increases education and awareness of cardiovascular disease and/or cervical cancer, it will improve health outcomes for those individuals.

In response to a comment from Colleen Wieck (Governor's Council on Developmental Disabilities), Mary Manning (MDH) stated work is being done to address accessibility standards in Behavioral Health Homes for people with disabilities and disparities.

Commissioner Tingerthal (Minnesota Housing) requested that content be included in the next revised workplan to highlight whether there are specific actions necessary to ensure physical accessibility for health care facilities.

8. Informational Items

a) Workplan items requiring report to Subcabinet

1. **Community Engagement 1D**, Report activities promoting Olmstead Plan (OIO)
2. **Crisis Services 2J.2**, report status of crisis respite being added to waiver (DHS)
3. **Education 1A and Positive Supports 1B**, Report number of schools using Positive Behavioral Interventions and Supports (PBIS) (MDE)
4. **Education 2A**, Report number of students with Developmental Cognitive Disorders (DCD) and Autism Spectrum Disorders (ASD) in the most integrated setting (MDE)
5. **Education 3A.2**, Report graduation rates for American Indian and Black students with disabilities (MDE)
6. **Employment 5A.4 and 5A.5**, Report impact of Workforce Innovation and Opportunity Act (WIOA) and Order of Selection Process (DEED)
7. **Health Care 4A**, Report National Core Indicator (NCI) survey results related to health status and access to services (DHS)

b) Follow-Up from Previous Meetings

1. ICFs/DD and Nursing Facilities – number breakdown of metro vs greater Minnesota (DHS)
2. Transition to Community grants and movement from Minnesota Security Hospital and Anoka Metro Regional Treatment Center (DHS)

Commissioner Tingerthal (Minnesota Housing) noted that the Subcabinet was provided with written materials on the above informational items and asked if any member of the Subcabinet had questions or concerns on those items.

Colleen Wieck (Governor's Council on Developmental Disabilities) asked if MDE, in item 2A, could report separately on Developmental Cognitive Disabilities and Autism Spectrum Disorder in future reports. MDE agreed that could be done.

9. Public Comments

There were no public comments.

10. Adjournment

The meeting was adjourned at 3:11 p.m.

Motion: Adjournment.

Action: Motion – Dibb.

In Favor - All

Second: Acevedo.