Minnesota Olmstead Planning Subcabinet – Meeting Notes

Meeting Details

Date: March 12, 2013
Start/End Time: 3:00 – 4:30
Location: Anderson Building Room 2380
Chair: Lt. Governor Yvonne Prettner Solon
Facilitator: Judy Plante, Management Analysis & Development (MAD), Minnesota Management and Budget

Subcabinet members in attendance: Cynthia Bauerly, Deputy Commissioner, Department of Employment and Economic Development (DEED); Dr. Edward Ehlinger, Commissioner, Department of Health (MDH); Lucinda Jesson, Commissioner, Department of Human Services (DHS); Kevin Lindsey, Commissioner, Department of Human Rights (MDHR); Sue Mulvihill, Division Director, Department of Transportation (MnDOT); Roberta Opheim, Ombudsman for Mental Health and Developmental Disabilities (*ex officio*); Colleen Wieck, Executive Director, Governor's Council on Developmental Disabilities (*ex officio*); Thomas Roy, Commissioner, Department of Corrections (DOC); Mary Tingerthal, Commissioner, Minnesota Housing Finance Agency (MHFA)

Others in attendance: Sue Banken, DHS; Chad Bowe, DEED; Lee Buckley, DOC; Gregory Gray, DHS; Jay Hancock, DEED; Micah Hiner, Governor & Lt. Governor's Office; Janice Jones, MDH; Luke Kuhl, Lt. Governor's Office; Jane Lawrence, DHS; Ed Lecher, DEED; Maureen Marrin, OMHDD; Tonja Orr, MHFA; Kimberly Peck, DEED; Mimi Schafer, DEED; Jill Schewe, Care Providers of MN; Richard Strong, DEED; Nan Stubenvoll, DHS; Mike Tessneer, DHS; Rosalie Vollmar, DHS

Welcome and Introductions

Lt. Governor Prettner Solon asked the subcabinet members to introduce themselves.

Members were asked to provide any comments on the minutes from the previous meeting. Colleen Wieck noted that the word "handicapped" was used in a discussion of accessibility. The minutes will be revised.

Members were asked if there were any new issues for discussion. Roberta Opheim said that she is disturbed that the accessible parking behind the State Capitol has been moved to a different parking lot, much farther away. Lt. Governor Prettner Solon indicated that she will raise this issue.

Discussion of draft vision statement

Judy Plante thanked members for providing comments on the draft vision statement that was circulated via email after the last meeting, and she described changes that were made. Members were asked to review the revised draft and offer any additional comments; no one commented.

Commissioner Roy moved that the vision statement be adopted. Commissioner Jesson seconded. Lt. Governor Prettner Solon called a voice vote. No one was opposed.

Action/decision: vision statement adopted

Presentation by Department of Human Services

Gregory Gray, Mike Tessneer, and Rosalie Vollmar from DHS presented information about DHS's Olmstead assessment efforts. Instead of providing a comprehensive overview of all of these efforts, DHS elected to focus on a single service area to highlight the steps that are necessary in developing an Olmstead plan.

Information from DHS presentation:

- DHS has reviewed information from other states and tried to customize the approach to fit Minnesota's needs. States have different approaches, but the commonality is to develop a roadmap to get from Point A to Point B within established timelines.
- DHS has used a 4 step assessment process:
  1. Look at areas where DHS most often provides funding and services to people with disabilities, where DHS interfaces with people with disabilities. (The 4 main areas are: where people live, where people work, community supports and services, and community engagement).
  2. Analyze DHS service delivery in the areas identified.
  3. Determine the impediments in DHS's current delivery methods that prevent DHS from reaching the outcomes expressed in Olmstead.
  4. Decide on changes needed to the delivery system to meet the requirements of Olmstead and the timeline to complete those changes.
- DHS used housing as an example of this process, showing the various DHS services that relate to housing. Some of the impediments identified include: housing is often tied to a provider, there are waiting lists for some services, there is no single entry point for service, and funding sources lack flexibility.
- DHS has subcommittees working on all of the service areas, identifying impediments and developing ideas and plans to address them.
- DHS has an assessment tool that it used as a starting point. The tool may not be useful to all agencies. Instead, DHS has suggested some questions that agencies can ask themselves. These steps should put the core groups on a path to an Olmstead plan:
  - In what areas does the agency interface with persons with disabilities?
  - Do the agency's policies, practices or methods of funding ensure that persons with disabilities have choice?

    - Do the agency's policies, practices, or methods of funding avoid forcing people with disabilities, regardless of age, into institutions or places with institutional characteristics in order to get essential care or services?
- All agency plans will likely interrelate and tie in with DHS in some way. As one hypothetical example: A person lives in Greater Minnesota, and is able to live in their own apartment with some support services, but they may lack access to transportation or housing assistance. That person may end up in a less integrated setting (like 24 hour supervision) because the only way to access transportation or housing assistance is through a specific provider or service. This example highlights several issues:
    - Statutes and programs don't allow flexibility. People are affected by constraints in housing, transportation, and human services programs and funding.
    - Human services supports aren't enough if a person or community lacks other core services.
    - People end up in more costly services that are less integrated because of lack of flexibility and services.

Additional subcabinet discussion and responses regarding DHS presentation:

- Some of the restrictions in the current system are left over from the previous institutional model of services, where a wide variety of services were provided under one roof. Minnesota moved from that model years ago, launching deinstitutionalization efforts (assisted by the federal government pushing more services into the community).
- Under Olmstead, the main principle is that people are put first. There are examples of this approach in recovery models and in services for people with developmental disabilities. The goal is for people to own their decisions and control their lives, with government services supporting those decisions, not controlling them.
- DHS has some control over portions of an Olmstead compliant approach, and has made some progress through initiatives like MnCHOICES and Reform 2020. Other things are outside of DHS control; DHS will advocate for necessary changes with Congress or the Minnesota Legislature.
- More flexibility in funding and services will be necessary. One way of thinking about this is an à la cart approach to services.
- The way that waiver services and other funding systems are set up is limiting, and the system is sometimes more expensive than it would have to be if people had more choices.
- Olmstead does not necessarily require that a person get their first choice, and it's not clear about the maximum or minimum amount of choice required.
- The way services are wrapped around a person can displace the natural supports they may have in the community, and that degrades quality of life—with a natural support, a person has relationships.
- A key point is that if a person isn't able to receive integrated services on the first attempt (because of a waiting list, for example) there has to be a review process, a way for people to move away from the more institutional setting in the future.
- For housing systems, the federal government has changed over time: from public housing to project-based, to tax credits, to vouchers. There is an existing built environment that's not going

anywhere. Changes are and have been happening in housing (for example, moving to a limited number of subsidized units in a larger complex), but the existing inventory and finance tools are challenges. Also, in some cases, it may make sense to have more of a project-based housing option.

- Minnesota can learn from our past: we invested in state institutions and then moved away from that model. Investing in something that may have a short life-span would be unwise.
- When looking at changes, it would be useful to be able to run scenarios so people can see how something will impact them. As an example: it may appear that there is a wide array of available services in a system (like companion services), but if there are no providers in a geographic area, that's not helpful.
- One option is to move away from specific waiver services and have a menu of services. Some services are common regardless of the type of medical condition at issue (chore services, for example), higher level services require more expertise and specialization.
- At this stage, Minnesota is trying to develop a road map, a plan, and agencies are being asked to assess where their services interface with people with disabilities. Some detailed decisions will have to come later. Plans will be at a high level—it's important now to set goals, to point in the right direction, and to set concrete timelines for future work.

Presentation by DEED

Kimberly Peck, Mimi Schafer, and Richard Strong from DEED provided a presentation on DEED's Olmstead work.

Information from DEED presentation:

- DEED administers over 50 programs, touching virtually every element of the population.
- DEED administers a number of programs specifically for people with disabilities, including State Services for the Blind, Vocational Rehabilitation Services, Disability Determination Services, and the Statewide Workers Compensation System.
- Much of these programs receive funding through the federal Rehabilitation Act (as amended), which focuses on inclusion, independence, and informed choices. DEED has been working to incorporate these principles in its programs for many years.
- One example of how these principles are put in practice is the work of rehab counselors, who assist people with disabilities in obtaining employment. Counselors provide information and referrals and help people identify what is important—the person makes the decision about what to do, not the counselor.
- Funding sources and payment requirements are different for different programs (depending on federal and state decisions and regulations). Some core services are available to eligible people regardless of income, and some services have a sliding fee.
- Eligibility categories are used to determine who receives services; there are 4 categories currently. There are priority levels for services, established in legislation and rules. The intent is to use funding to serve people with the most significant disabilities first. One category of potential eligibility (those with a disability but no functional limitations to gaining and keeping employment) has not and would not likely receive services.

- Once a person is eligible for vocational rehabilitation services, DEED works with the person to develop an employment plan and to obtain successful employment (defined as being in a community, integrated setting, with competitive wages).
- DEED has many services to help people achieve employment outcomes, but there are some limitations. If a person doesn't have access to transportation to get to work, or if they need ongoing support to keep their job, DEED won't be able to offer continued assistance. A person has to be able to benefit from vocational rehabilitation services to receive these services.
- There are an estimated 150,000 people who are potentially eligible for services under all the vocational rehabilitation eligibility categories. DEED currently serves about 20,000 people.
- DEED also has independent living and extended employment services—these can help people who may not be eligible for specific vocational rehabilitation services.
- State Services for the Blind uses federal and state funding and many volunteers to provide audio and braille options for books, literacy materials, and other communication services.
- Some of the greatest barriers to inclusion for people with disabilities are cultural and attitudinal perspectives (devalued population, low expectations, satisfaction with the status quo). Minnesota must work to break down these barriers.

Additional subcabinet discussion and responses regarding DEED presentation:

- The US Department of Justice has taken issue with Oregon's vocational rehabilitation program, contending that Oregon was relying too much on segregated sheltered workshops instead of assisting people with disabilities to move into more integrated employment settings.
- The United States Department of Labor has proposed rules that would establish a 7% employment goal for people with disabilities for federal contractors. This goal will be beneficial to vocational rehabilitation programs and can help break down some of the attitudinal barriers that exist.
- Some individuals and groups argue that the State of Minnesota is not doing enough to employ people with disabilities in the state workforce and should do a better job of modeling good practice in this area.
- A person receiving services through DEED has the option of disclosing information about their disability to their employer (or potential employer). There are benefits and risks to disclosure, and it is up to each individual to decide.
- Transportation barriers are identified by every state that has developed an Olmstead Plan. MnDOT currently works with counties to provide transportation alternatives; challenges include limitations on trunk highway dollars and participation of partners (cities and counties). Olmstead planning can be a way to address these barriers in Minnesota.
- A successful Olmstead plan will depend on flexibility with regard to regulations and funding direction.

Closing conversation

Judy Plante explained that MAD is providing project management support for the subcabinet. Subcabinet members and core group members should send information to both Judy Plante and Beth Bibus (also with MAD). MAD will be collecting and organizing information from the core agencies.

Timeline updates

- Summer listening sessions will be set as soon as possible. (Commissioners Jesson and Roy noted that there are opportunities to combine already scheduled travel with these stakeholder meetings.)
- The May meeting date will be finalized soon. The May meeting is critical, so the hope is to schedule it after the legislative session ends.
- There may be a second subcabinet meeting in October to review and approve the final draft plan.
- The Olmstead plan document itself must be submitted by **November 1, 2013.**

Core group update

- The core group met on February 28 to discuss expectations and to cover basics of activities.
- Each agency should be working on their assessments now.
- Each agency should also be working to gather preliminary feedback from their stakeholders.
- The core group will be meeting on April 5 and April 30 to discuss assessments and plans.
- At the April 5 meeting, the group will discuss a possible template to compile information for the draft plan.

Updates from last meeting

- MHFA received the baseline information requested.
- DHS expects to hear some official response soon regarding the potential SAMHSA grant for technical assistance.

Next meeting

The next meeting of the subcabinet will be on **Tuesday, April 9, 2013 from 3:00 - 5:00 p.m**. (note extended time). The meeting will be held in the Anderson Building, Room 2380.

At the next meeting, the remaining agencies (DOC, MDE, MDH, MDHR, MHFA, MnDOT) will present information on their agency assessments to-date. Each agency will have no more than 15 minutes to present.

Notes submitted by: Beth Bibus, Management Analysis & Development, Minnesota Management and Budget