

Olmstead Subcabinet Committee Meeting
Notes from June 8, 2015
3:00 p.m. – 4:00 p.m.

I. Call to Order

Action: N/A.

The meeting was called to order at 3:00 p.m. By Chair Mary Tingerthal (Minnesota Housing). Subcabinet members or their designees were asked to introduce themselves.

II. Roll Call to Establish Quorum

Action: N/A.

Subcabinet members present: Mary Tingerthal, Chair, Commissioner, Minnesota Housing Finance Agency (Minnesota Housing); Lucinda Jesson, Commissioner, Department of Human Services (DHS); Kevin Lindsey, Commissioner, Department of Human Rights (MDHR); Steve Dibb, Deputy Commissioner, Department of Education (MDE); Ed Ehlinger, Commissioner, Department of Health (MDH); Colleen Wieck, Executive Director, Governor’s Council on Development Disabilities; Tom Roy, Commissioner, Department of Corrections (DOC); Jeremy Hanson-Willis, Deputy Commissioner, Department of Employment and Economic Development (DEED); Tim Henkel, Deputy Commissioner, Department of Transportation (DOT); Roberta Opheim, Ombudsman for Mental Health and Developmental Disabilities (OMHDD).

Guests present: John Grobee, Community Coalition of Winona; Gerri Sutton, Metropolitan Council; Pamela Hoopes, Bud Rosenfield, and Christina Squiers, Disability Law Center; Deb Kerschner and Anna McLaffert, Department Of Corrections; Suson O’Neil, ICI; Daron Korte, Minnesota Department of Education; Christina Schaffer and Gretchen Ulbee, Minnesota Department of Human Rights; David Sherwood–Gabrielson, Department of Employee and Economic Development; Kristie Billar, Minnesota Department of Transportation; Naomi Rettke, Olmstead Implementation Office; Department of Human Services; Carol Moehenke, Dawn Williams, and Rosalind Micah, members of public; and Chris Bell, American Council of the Blind of Minnesota.

III. Review and Approval of Agenda

**Action: Motion – Jeremy Hanson-Willis. Second – Tom Roy.
Favor - All.**

The June 8, 2015 meeting agenda was approved with the addition of public comments.

IV. Approval of April 13, 2015 Subcabinet Meeting Minutes

**Action: Motion – Lucinda Jesson. Second – Ed Ehlinger.
Favor - All.**

The April 13, 2015 meeting minutes were approved as written.

V. Minnesota Disability Law Center - Amicus Brief Presentation

Action: N/A.

Pamela Hoopes and Bud Rosenfield, Minnesota Disability Law Center, gave a presentation about the content of the Minnesota Disability Law Center's Amicus Brief that was filed in the Jensen case.

Pamela Hoopes provided background on the Disability Law Center (DLC), reporting they are a statewide program of mid-Minnesota Legal Aid, which is designated as the protecting and advocacy agency in Minnesota to protect the interests of individuals with all types of disabilities by providing free legal services. The DLC's mission was set by Congress and, as part of that, the DLC has been deeply involved and interested in all Olmstead related issues.

Ms. Hoopes stated that the American with Disabilities Act (ADA), signed by President George Bush in 1990, emphasized that the intent of Title II (covering government services) was to create opportunities for people with disabilities to become integrated into the greater community. The Department of Justice, which is the federal agency obligated to enforce the ADA, defined an integrated setting as a setting that enables disabled individuals to interact with non-disabled persons to the fullest extent possible, and failure to provide services appropriately that meet this standard may constitute unlawful discrimination under the ADA.

Since the Olmstead decision, formal plans have been developed that seek to address Olmstead issues as well as alternative plans that focus on community integration issues. Despite this activity, a 2013 Senate report indicated that the goals of Olmstead have not been achieved and, nationwide, hundreds of thousands of people with disabilities remain on waiting lists for waivers and those numbers are increasing causing a lack of enforceable benchmark targets.

Bud Rosenfield reported on aspects of the brief that the DLC believes are important for Olmstead enforcement. Areas of concern are: developing a baseline approach to analyzing data, an inability to accurately track choices people make, creating idealistic measurable goals, allowing people with disabilities the ability of informed choice, and creating a robust data system.

Subcabinet members thanked Ms. Hoopes and Mr. Rosenfield for their presentation and feedback.

VI. Chair's Report

Action: N/A.

a. Chair's Report: Actions at Executive Committee Meeting

- Executive Meeting, May 20, 2015: Committee provided direction to agency staff for redrafting the Olmstead Plan.
- Executive Meeting, June 5, 2015: Committee discussed court meeting updates and prepared for the June 8 subcabinet meeting.

b. Director's Report

Ms. Darlene Zangara, OIO Director, reported that the Executive committee consulted with the court last week. Magistrate Judge Becky Thorson has been appointed by the court to assist in mediation between both parties to the Jensen suit. Magistrate Judge Thorson is interested in helping to successfully reframe the plan so that it can be accepted by the court. Staff hope to receive from the court agreement to and clarification of the legal framework used to assess rewritten goals. Additional meetings are scheduled with the court, including final work sessions on July 6, 2015 and July 7, 2015. The court deadline to submit a revised plan is July 10, 2015.

c. Interagency Topic Area Sponsor Updates; Activities and Timeline on Plan Revisions

Mike Tessner, Olmstead Plan Compliance, reported a structure had been adopted within the legal framework and criteria have been identified to analyze each measurable goal.

Jennifer DeCubellis, DHS Assistant Commissioner, reported staff across agencies have been working hard to identify ways to improve informed choice, programs and services, identify disparity programs and baseline measures, and discuss methods for tracking the data.

VII. Other Business

Action: OIO office staff will identify an opportunity for John Goodman to give a presentation to work groups on assistive technology.

a. Staff Updates:

Darlene Zangara, Executive Director, Olmstead Implementation Office (OIO), announced a new staff addition, Tristy Auger, Executive Assistant. She reported the office recently moved to Minnesota Housing. Ms. Zangara shared that six complaint disputes had been reported and have been referred to the appropriate agencies for resolution. Public comments received by the OIO are being shared via email and posted on the website. Bridge video conferencing is also available for those who live in greater Minnesota to share comments. Public comments are shared with interagency leads and sponsors, and analyzed to determine if the information can be applied to their work. OIO staff are also reviewing the public comments and identifying common themes.

b. Staff Introduction – Legal Consultant

Chair Tingerthal, introduced Karen Sullivan Hook, Department of Human Services (DHS) legal staff newly assigned to work as legal consultant to the subcabinet.

c. Public Comment

1. John Goodman, Community Coalition of Winona:

Mr. Goodman represents the Community Coalition in Winona, Minnesota. The Coalition has worked with Department of Human Services staff on a person-centered technology model. The model follows the population of persons with disabilities served by organizations, hospitals, and health care services in the community. Mr. Goodman stated that the model has helped extend independent living services and provide higher levels of independence by eliminating night attendants.

Subcabinet member Wieck identified a connection to assistive technology goals. Chair Tingerthal informed Mr. Goodman that the OIO would identify an opportunity for the Community Coalition to present to the work groups tasked with developing plan elements around assistive technology.

2. Chris Bell, American Council of the Blind in Minnesota:

Mr. Bell represents the American Council of the Blind in Minnesota and serves as a board member on the Board of Directors of the Minnesota Consortium for Citizens with Disabilities. He expressed concern regarding the inaccessibility of the public rights of way, such as sidewalks and curb ramps, in the draft Olmstead Plan. Mr. Bell expressed concern that the ADA transition plan is not referenced in the draft and asked the Department of Transportation to reinstate their Stakeholder Advisory Committee.

Department of Transportation Deputy Commissioner Tim Henkel agreed to take Mr. Bell's comments under advisement as they provide input on the revised Olmsted Plan.

VIII. Adjourn

**Action: Motion – Kevin Lindsay. Second – Roberta Opheim.
Favor - All.**

The Executive Committee meeting was adjourned at 5:00 p.m.

Next Subcabinet Meeting: June 30, July 1, or July 2

Regular Subcabinet Meeting: August 10, 2015, 3:00pm - 5:00 pm, Andersen Building

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