

Olmstead Subcabinet Meeting

Minnesota Housing – State Street Conference Room- First Floor

August 3, 2015 – 3:00 p.m. to 6:00 p.m.

1. Call to Order

Action: N/A

The meeting was called to order at 3:00 pm by Chair Mary Tingerthal (Minnesota Housing). The Subcabinet members were introduced by Ms. Tingerthal.

2. Roll Call to Establish Quorum

Action: N/A

Subcabinet members present: Mary Tingerthal, Chair, Olmstead Subcabinet & Commissioner, Minnesota Housing Finance Agency (Minnesota Housing); Colleen Wieck, Executive Director, Governor's Council on Developmental Disabilities; Ed Ehlinger, Commissioner, Department of Health (MDH); Sue Mulvihill, Assistant Commissioner, Department of Transportation (DOT); Jennifer DeCubellis, Assistant Commissioner, Department of Human Services (DHS); Jeremy Hanson-Willis, Deputy Commissioner, Department of Employment and Economic Development (DEED); Steve Dibb, Deputy Commissioner, Department of Education (MDE); Deb Kerschner, Director of Planning, Department of Corrections (DOC); and Roberta Opheim, Ombudsman for Mental Health and Developmental Disabilities (OMHDD).

3. Review and Approval of Agenda

Commissioner Tingerthal announced that approval of the July 2 meeting meetings was being removed from the agenda because the minutes were not available for review. No action was taken to approve the agenda.

4. Review and Approval of Minutes

This item was removed from the agenda because no meeting minutes were available from the Special Subcabinet Meeting July 2, 2015 for approval.

5. Reports

a. Chair's Report

Chair Mary Tingerthal, provided background of the process that has been underway for last three months.

Chair Tingerthal stated the Court had made a decision on May 6, 2015 not to accept the Olmstead Plan revisions submitted on March 20, 2015. In June, the

court appointed Magistrate Judge Thorson to provide mediation support for the Olmstead Plan. The mediation involved numerous state agency members including DHS, DEED, and MDE, as well as the Jensen case plaintiff's attorney, the Attorney General's Office, attorneys, consultants, Colleen Wieck and Roberta Opheim. Staff completed three lengthy in-person mediation sessions with Judge Thorson where each topic area and plan section was discussed at great length. Chair Tingerthal stated that the goals have been written to the standards outlined by the Department of Justice and tremendous attention has been paid to baselines, proper indicators for measurements, realistic and measurable goals and annual goals. Chair Tingerthal shared that the statewide Olmstead Dashboard would include 33 measurable goals. The goals would each have two to five strategies and work plans would be developed for these strategies over the next 60 days.

b. Executive Director's Report

Olmstead Implementation Office (OIO) Executive Director Darlene Zangara reported that public comments continue to be received via email and phone. All comments have been compiled into a report that will be shared with subcabinet agencies. In the period of June 2013 through August 3, 2015, the Olmstead Implementation Office has received 453 comments. The comments received from April 2014 to August 2015 relate to the following topic areas:

- Employment – 85 comments
- Housing – 74 comments
- Person Centered Planning – 45 comments
- Transportation – 31 comments
- Assistive Technology – 8 comments
- Health – 5 comments
- Positive Supports/Crisis Services – 3 comments
- Preventing Abuse, Neglect and Exploitation – 2 comments
- Waiver Waiting Lists – 2 comments
- Education – 1 comment

Ms. Zangara reported a new complaint was submitted related to housing availability and access. The complaint is currently with multiple agencies including MHFA, DHS and local agencies who are working to find a resolution. OIO staff is also working through the Request for Proposal process to solicit services for the Quality of Life Tool. Staff continues to receive requests for Olmstead 101 sessions and the number of requests is expected to increase. The Olmstead office will staff a booth at the State Fair hosted by one of our partners, the Minnesota State Council on Disabilities (MSCOD), and has also partnered with organizations to submit two grant proposals related to leadership development for persons with disabilities particularly around the topic of transportation.

6. Presentation and Discussion of the New Olmstead Plan

Each presenter reviewed main points from the draft of the Olmstead Plan dated 7/31/15.

Person Centered Planning – Jennifer DeCubellis, Assistant Commissioner, DHS

Roberta Opheim asked for clarification on the 30% increase of people served or plans of the survey and inquired if it was statistically significant enough to have a natural representation of the population. She also asked if staff is too attentive to a specific subset of a population to obtain a good proxy for Quality of Life survey.

Ms. DeCubellis responded that there are contractors that do oversight of person-centered plans and facilitate audits and a statistically significant sample would be captured. However, it will not be conducted quickly. Staff needs to have good data regarding waivers. Part of the commitment to the court was to make sure these were outcomes for individuals and there is measurable baseline data that shows improvement. For most of these goals, an annual assessment will determine progress.

Transition Services - Jennifer DeCubellis

Roberta Opheim asked if the numbers reflected are an actual reduction in the number of people in ICF, nursing homes under 65, or is this just one in, one out numbers. She also asked if the current rate of people in the hospital who no longer need hospital-level of care can be reduced by only 6% in five years, stating it is a significant problem and the goal is too low. Ms. Opheim also inquired if there is a list of transition protocols now being piloted.

Ms. DeCubellis responded that creating capacity and new housing strategies is a big piece of making sure individuals have proper support and this requires time. The state is open to bringing progress reports to the subcabinet throughout the year and will have better data in six months. The transition protocols are being piloted but are small, and currently use best practices and standards from other communities.

Roberta Opheim asked if there is a protocol sheet to measure.

Ms. DeCubellis reported a protocol packet is included in the tools, training, and guidance.

Colleen Wieck commented that on September 18, 2014, the court order told staff to accurately report on a bimonthly basis and first area of reporting is the net number of people who move. She noted staff may have to discuss further with the Court whether net reporting will be needed on all goals.

Housing and Services – Jennifer DeCubellis

Colleen Wieck thanked Ms. DeCubellis for including the information about unintended consequences in the final bullet on page 37.

Roberta Opheim shared that populations she works with have a revolving door between jail and the mental health system, and people are creating criminal records that are making it very difficult. Ms. Opheim stated there needs to be a way to break down those barriers. Ms. Opheim stated there is also a need to ensure that people with vouchers have choice in where they live and have mobility.

Employment – Jeremy Hanson Willis, Deputy Commissioner (DEED)

Ms. Wieck stated it was announced last week that Section 503 calls for a 7% goal for federal contractors to hire people with disabilities and has resulted in 440,000 people with disabilities being employed.

Christina Schaffer, MDHR, reported staff is not aware of what entity is monitoring these numbers. Information has been gathered but results of the information are unknown at this time.

Ms. Wieck stated that a note about Section 503 could be added on page 45.

Ms. Schaffer, MDHR, reported work is being done to collaboratively find a way to distribute, educate and engage players more thoroughly to get additional numbers and more people employed in the area.

Lifelong Learning and Education – Steve Dibb, Assistant Commissioner (MDE)

Chair Tingerthal requested that a percentage be provided for the number of students along with a number.

Mr. Dibb commented the number of students targeted to receive training in 2015 and 2016 is 247,000 students and that is 30% of all students. Last year 800,000 students enrolled in Minnesota schools. The October 1, 2014 number is the official number used for determining funding amounts.

Jennifer DeCubellis, Assistant Commissioner (DHS)

Colleen Wieck asked for clarification or a footnote for “C waivers.”

Transportation – Sue Mulvihill, Assistant Commissioner (DOT)

No questions were asked regarding this topic area.

Healthcare and Healthy Living – Ed Ehlinger, Commissioner (MDH)

Roberta Opheim asked for clarification on the number of people receiving cervical cancer screening and the number of people with a cardiovascular condition.

Jennifer DeCubellis reported the numbers are based on subset populations and the data is coming from state funded public programs.

Positive Supports – Jennifer DeCubellis, Assistant Commissioner (DHS)

Chair Tingerthal commented definitions for seclusion are currently being worked on and will be included in the final draft to make sure individual staff; paraprofessionals as well as teachers; understand what a restrictive procedure is and the new strategies regarding seclusion.

Colleen Wieck asked staff to check the Jensen settlement agreement for the definition of “emergency” and add a footnote to the plan.

Crisis Services - Jennifer DeCubellis, Assistant Commissioner (DHS)

Roberta Opheim commented on goal number 1, specifically about children who receive mental health services and asked to address two concerns. Children should remain in their school and not a segregated school run by that district, or an intermediate school district. If this occurs, children may remain in their own home and community, and still be completely segregated in the school setting. Roberta also requested clarification on the type of developmental disabilities in segregated settings.

Mary Tingerthal commented on goal 5 stating it does not technically meet the guidelines of a measurable goal. Staff is aware of this and has spoken to the court. A baseline has not been identified at this time.

Community Engagement – Darlene Zangara, Executive Director (OIO)

Colleen Wieck and Kristin Jorenby commented the Partners in Policy-Making program has had national recognition and helped inform and create leaders within disability community nationally. The program has trained 27,000 individuals internationally and nationally.

Other Comments regarding the Plan – Mary Tingerthal, Chair

Chair Tingerthal reported that, with the new Executive Order and the funding of the Olmstead Implementation Office, staff is in a much better position now to provide monitoring, quality assurance, verification, and appropriate work plans. The Olmstead office now has a physical presence and in a reasonable position to provide effective oversight by the subcabinet and the office. Staff will focus on communications and the importance of the Olmstead office’s role with state agencies, and their staff regarding communications. The key communications about programs will include Olmstead principles and putting in place a more structured way of tracking communications that come either to the agencies or to the Olmstead Implementation Office. Chair Tingerthal stated that a small section of the plan addresses data and each topic areas has a minimum of one strategy related to data. Considering all of the data issues together will allow coordination of data needs. Staff will also be discussing strategies in combining

forces to develop legislative and funding strategies. The draft plan now includes a proposed new process for amending the plan.

7. Public Comments

John Goodman – Coalition for Person-Centered Care

Mr. Goodman shared that local funds are not available for the development of person-centered planning tools in many different communities and suggested that a competitive grant program be created and managed by DHS that would allow additional vendors, communities and technology to meet waiver needs. Mr. Goodman stated that his organization would like to provide resources, new strategies and new capabilities to deliver person-centered care and hoped that, as part of the assistive technology plan, funds would be set aside for this purpose and to create community engagement.

Rick Hammergren – Public Policy Director for Opportunity Partners

Mr. Hammergren stated the plan looks quite generative and stated his organization was impressed with the level of detail, specificity and ongoing plan to monitor outcome. Mr. Hammergren expressed dismay regarding the short timeline for public comments and his concerned about the chronic problem of low wages for direct support professionals, stating that the high turnover and overregulation is problematic. Mr. Hammergren added that goals cannot be met without the necessary caliber of staff to implement the highly customized person-centered planning that would facilitate movement towards greater independent and inclusion. The second concern shared by Mr. Hammergren was related to the Employment First Policy and he was concerned about what is being done with the rest of the population; people who have autism, and concurring cognitive disability, dual diagnosis, or mental illness. Mr. Hammergren stated he thought a better job needs to be done in the coordinating of services for young people in transition. Finally, Mr. Hammergren stated the need to continue to reinforce transparency and provide an array of choices to ensure accountability for stakeholder engagement as well as robust funding for OIO and the State Quality Council.

Mark Hughes

Mr. Hughes stated that transportation is something that needs to be looked out for in the disabled community. Mr. Hughes shared his experience in using Metro Mobility and suggested the service can be more efficient. Mr. Hughes also stated there is a need for additional service and more drivers and buses.

Chris Bell, Member of the American Council of the Blind in Minnesota

Mr. Bell stated that choice is empowering and is critical for people with disabilities, and cautioned that his comments are not against choice, but he wanted to highlight that a person who wants to stay in a segregated facility should be allowed to stay there. Mr. Bell also stated that segregation ultimately harms people with disabilities because it fosters, or supports, or even creates myths, fears and stereotypes about people with disabilities. Mr. Bell stated he thought the only way address those myths, fears and

stereotypes, which are a major barrier for people with disabilities, is to make sure people with disabilities are integrated into all aspects of this society as much as possible. Mr. Bell also suggested the Department of Transportation should take some of the more serious and intersections that don't have curb ramps or are in poor condition and make those as part of the plan for correction.

Sue Watlov Phillips, Executive Director of MICAH

Ms. Watlov Phillips thanked the group for the tremendous work with the plan, stating she thought is a plan that begins to move us where we have needed to be for the last 25 years, and provides opportunities for people with disabilities. Ms. Watlov Phillips shared that she is a person with both visible and not visible disabilities. Ms. Watlov Phillips stated that people with disabilities need to be major decision makers and expressed disappointment that there are not several people on the subcabinet helping with the directions that this plan is going. Ms. Watlov Phillips also commented on the importance of person-centered planning and the need to focus on the employment of people with disabilities. She complimented the Department of Health's equity report. Ms. Watlov Phillips spoke about disparities in housing, education and access to services. Ms. Watlov Phillips spoke at length about fair housing and stated there is a significant issue in both rental and homeownership in the state, including the Section 811 program, and stated there is a need to look at all housing programs and there is a need to set projected goals when setting baseline data. Regarding the data, Ms. Watlov Phillips stated that populations will grow and diversity will grow as well and expressed her hope that the data will be able to distinguish persons by age, race, type of disability, and location in the state. Next, Ms. Watlov Phillips stated that there is no real discussion of homelessness in the Plan and stated that it is known that shelters have become the asylums of the last four decades of failed housing policy on the federal level. Ms. Watlov Phillips stated there are a lot of good supportive housing programs, but people become stuck because that subsidy does not move with the person. Regarding the training of persons with disabilities, Ms. Watlov Phillips stated that there is a need to look at personal care attendant (PCA) programs and independent living skills programs, stating that the skills programs have some good goals and accountability requiring people to become more independent, but PCA programs do not have those attributes. Ms. Watlov Phillips also stated that programs need to have landlord tenant information and that school systems need to teach budgeting, housekeeping and basic maintenance and that the need for these items should be incorporated in the plan. Ms. Watlov Phillips stated she agreed with previous speakers who expressed the need to have people with disabilities at the planning and implementation tables, adding that they should be involved as decision-makers, not stories.

Rick Heller

Mr. Heller stated it is about participation engagement and shared information about laws in Minnesota pertaining to rehabilitation, compliance and web accessibility. Mr. Heller stated that there are requirement for state agencies, including plain language and the reading of them for the content and materials for the public engagement. Mr. Heller also commented regarding language within the Olmstead Plan and stated his concern that individuals have not responded to requests he has made. Mr. Heller also stated that meetings are not posted online and closed captioning at meetings does not comply with ADA. Mr. Heller stated that the ADA is about opportunity and appropriate access and inquired how the subcabinet is asking for engagement and equal opportunity.

Upcoming Meetings

The next Executive Committee Meeting is scheduled for Thursday, August 6, 2015 at 10:30 am to 12:00 pm., Minnesota Housing, State Street Conference Room.

8. Adjourn

Action: Motion to adjourn.

Approve: Hanson-Willis Second: Mulvihill Favor: All

The meeting was adjourned at 6:00 p.m.