

Olmstead Subcabinet Meeting

Minnesota Housing – State Street Conference Room- First Floor
September 29, 2015 – 3:30 p.m. to 5:30 p.m.

1. Call to Order

Action: N/A

The meeting was called to order at 3:40 p.m. 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; Sue Mulvihill, Assistant Commissioner, Department of Transportation (DOT); Jeremy Hanson-Willis, Deputy Commissioner, Department of Employment and Economic Development (DEED); Steve Dibb, Deputy Commissioner, Department of Education (MDE); and Roberta Opheim, Ombudsman for Mental Health and Developmental Disabilities (OMHDD). Kevin Lindsey, Commissioner, Department of Human Rights joined the meeting at 4:15 p.m. Lucinda Jesson, Commissioner, Department of Human Services, joined the meeting at 4:30 p.m.

Guests present: Rowzat Shipchandler, Minnesota Department of Human Rights; David Sherwood-Gabrielson, Department of Employment and Economic Development; Anna McLafferty, Department of Corrections; Gretchen Ulbee, Mari Moen, Beth Sullivan, Katherine Finlayson, Lori Miller, and Pam Newman, Department of Human Services; Mike Tessneer, Rosalie Vollmar, Tristy Auger, Darlene Zangara, and Kristin Jorenby, Olmstead Implementation Office; George Stone and Josephine Pufpaff (via phone), Corporation for Supportive Housing; Daron Korte, Minnesota Department of Education; Kristie Billiar, Minnesota Department of Transportation; Lou Welch, Minnesota State Council on Disability; Cynthia Moore and Pam Taylor, Minnesota Statewide Independent Living Council; Mark Aarps and Mai Thor, self-advocates; and Mary Roasch and Colleen Imber, Merrick Inc.

3. Review of Agenda

The September 29, 2015 subcabinet meeting agenda was reviewed.

4. Review and Approval of August 3, 2015 Meeting Minutes

Action: Motion – Roberta Opheim. Second – Sue Mulvihill.
In Favor - All

The August 3, 2015 Subcabinet meeting minutes were approved.

5. Reports

a. Chair's Report

Chair Mary Tingerthal proposed monthly subcabinet meetings and reported the meetings will be shortened to one and a half hours and the agendas will focus on measurable goal status reports, topic specific work plans, and a compliance report. Commissioner Dibb stated implementation and monitoring is critical and this is a great plan. Commissioner Mulvihill stated this is a good organized approach. Subcabinet members agreed with the approach. No action needed.

b. Executive Director's Report

Olmstead Implementation Office (OIO) Executive Director Darlene Zangara reported the OIO had received two complaints. The first complaint related to transportation wages, funding, and how to assess the level of satisfaction with outcomes. The second complaint related to crisis services. Ms. Zangara stated both complaints had been referred to DHS, who are working on a response.

Ms. Zangara reported the Quality of Life request for proposal (RFP) has been completed and approved by the Department of Administration. A notice would be posted in the State Register on October 5, 2015.

Next, Ms. Zangara shared the Olmstead Implementation Office (OIO) had been busy providing Olmstead 101 dialogues and informational sessions in the community to help build relationships. OIO staff participated in the voting rights event with the Secretary of State and Disability Services Board; presented at the Rural, Down Syndrome, and Summit conferences; and did some outreach work in the Twin Cities, Brainerd, Carver County, Little Falls, and Bemidji.

Ms. Zangara reported staff worked diligently on work plans.

Ms. Zangara reported on a proposed approach, jointly developed by Ms. Zangara and Colleen Wieck, to providing more in-depth information regarding the topic areas in the Olmstead Plan for the Subcabinet in addition to the regular compliance reports that will be presented. They recommended that monthly subcabinet meetings be tied to specific topics and that the presentation each month include dialogue of the following topics:

1. Provide an environmental scan report of topic area for the month
 - Issues within the communities and system
 - Funding issues
 - Legislative issues
 - Resource issues

2. Identify the audiences affected by the topic area and how we will communicate with
 - Adults with disabilities, families of children with disabilities, providers and lead agencies
 - Address what the communities saying about this topic
 - Address How we will communicate with these communities
3. Address how to involve the community in the topic area
 - Do we lead with the people of disabilities?
4. Identify the primary messages to be communicated

Housing will be the first topic discussed at the October 21, 2015 subcabinet meeting. A tentative schedule was provided for the other workplan topics:

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|------------|--|
| November: | Employment |
| December: | Person Centered Planning |
| January: | Quality of Life |
| February: | Transportation |
| March: | Education/Positive Support |
| April: | Healthcare |
| May: | Transition from Segregation to Integration |
| June: | Wait List |
| July: | Lifelong Learning |
| August: | Community Engagement |
| September: | Assistive Technology |
| October: | Crisis Services |
| November: | Prevention of Abuse and Neglect |
| December: | TBD |

c. Compliance Report

OIO Compliance Officer Mike Tessneer reported on components of the compliance plan, stating the Executive Committee had requested that the responsibilities of the compliance staff be specified. Mr. Tessneer shared the following areas of responsibility:

MEASURABLE GOALS

- Set dates for quarterly reports to the Subcabinet and Court on the progress towards goals (based on the schedule directed by court)
- Determine frequency of reporting of measurable goals (quarterly/annually)
- Quarterly reporting of progress on goals:
 - Analyze progress and identify risk areas

- Work with agency sponsors and leads in preparation for Subcabinet meetings
- Establish dashboard for reporting progress
- Issue annual report summarizing progress and providing recommendations for plan revision

WORKPLANS

- Establish a monthly workplan review process
- On a monthly basis:
 - Analyze workplans and identify risk areas
 - Work with sponsors and leads to resolve risk factors
 - Report to the Subcabinet on identified risk areas and resolutions

VERIFICATIONS

- Each agency is responsible for:
 - Monitoring and verifying the accuracy of the data reported for the measurable goals
 - Monitoring and verifying the implementation of the workplans
- Olmstead Implementation office compliance staff will do verification samples on measurable goals and workplans

CONSTITUENT COMMUNICATIONS

- Compliance staff will monitor communications to ensure
 - Timeliness of response
 - Responses to all appropriate parties on original communication
 - Content conformity to the Olmstead Plan

AGENCY REPORTS

Compliance staff will work with the agencies to develop a list of agency issued reports to ensure the content of the reports conforms to the Olmstead Plan.

Examples may include:

- Legislative reports
- Routine reports to federal agencies
- Modifications to federal programs
- Federal grants and proposals

Roberta Opheim stated the Agency Reports section is a critical piece of the compliance plan. Colleen Wieck stated monitoring and verifying timeliness and completeness, in addition to accuracy, should be inserted under Verifications, and that accuracy and completeness, in addition to timeliness should be inserted under Constituent Communications. Ms. Wieck requested “State and Federal Plans” be added as a bullet under “Agency Reports.”

d. Legal Report

DHS Legal Counsel Karen Sullivan-Hook reported legal updates.

AMICUS BRIEF

The plan was submitted to the Court on August 10, 2015. The Plaintiff's counsel submitted objectives August 19, 2015 and DHS responded to those objectives on August 27. The Court allowed an amicus brief (filed on September 14, 2015) on behalf of Ivan Levy who has some disabilities and works in a segregated setting. The filing expressed concern that, by focusing on integrated employment opportunities, the choice to work in a segregated setting may be taken away, and offered recommendations for modifications to the plan. DHS responded to the filing on September 16, 2015 and there had been no activity since the response was filed.

WORKPLANS

Ms. Sullivan-Hook reported that workplans are due to the Court on October 10, 2015.

OREGON LAWSUIT

Ms. Sullivan-Hook provided information to the Subcabinet about an Oregon-based federal class action lawsuit, *Levy Brown*, filed in 2012 regarding employment services. The Department of Justice intervened in 2013 and on September 8, 2015, a settlement was announced. An executive order was filed that committed to phasing out sheltered workshops and replacing them with employment services directed towards integrated workplaces. In 2015, another executive order was filed requiring that the state no longer fund new placements in sheltered workshops effective July 1, 2015 for three groups of people: transition age youth, working adults receiving services but are not in a sheltered workshop setting, and working age adults who are newly receiving services. Another part of the settlement is to reduce the current number of hours worked in sheltered workshops by working age adults. Support services will not be mandated and will be based on individuals' strengths and tailored to the individual. The settlement also requested maximized integration of competitive employment and includes a number of training provisions. Ms. Sullivan-Hook encouraged subcabinet members to review the settlement.

Roberta Opheim stated it is really important to find a balance between working on the plan and how the federal and state government manage the money for certain services, and communicate comprehensively that Olmstead does not close services but helps people have a choice. Chair Tingerthal responded the big difference between the Oregon settlement and Minnesota's Olmstead Plan is that Minnesota is not ceasing new placements and the letter to the court regarding the amicus brief was clear in explaining the position of choice. There was discussion regarding the amount of correspondence that has been directed

to the Subcabinet. Chair Tingerthal responded that the Subcabinet has received very little direct correspondence and that, when such correspondence is responded to by the Subcabinet directly, the members of the Subcabinet would have the opportunity to review and comment on the draft response.

6. Presentation, Discussion, and Approval of Work Plans

Each presenter reviewed main points from the draft of the workplan dated 9/22/15.

Commissioner Lindsey requested that workplans identify an opportunity for outside input and continued transparency. Mr. Lindsey also requested workplans identify communication methods as they relates to race and ethnicity. Chair Tingerthal requested clarification on reporting dates in the workplans and what these mean and also asked that any typos or editorial comments should be reported to Rosalie Vollmar.

Person Centered Planning – Alex Bartolic, DHS

GOAL ONE:

By June 30, 2020, plans for people using disability home and community based waiver services will meet required protocols. Protocols will be based on the principles of person centered planning and informed choice.

GOAL TWO:

By 2017, increase the percent of individuals with disabilities who report that they exercised informed choice, using each individual's experience regarding their ability: to make or have input into major life decisions and everyday decisions, and to be always in charge of their services and supports, as measured by the National Core Indicators (NCI) survey.

STRATEGIES:

- Broaden the effective use of person-centered planning principles and techniques for people with disabilities
- Evaluate the effectiveness of person-centered planning principles and techniques

Chair Tingerthal asked for a lead-in sentence to be added that gives context to the much larger effort. She also asked that more language be added to the workplan under Strategy 2, Activity C that connects the OIO to the state quality council under the quality of life survey.

Commissioner Lucinda Jesson asked for clarification on providers developing more person-centered practices in home based services. She also asked that language be added to the workplan that reflects the planned efforts.

Roberta Opheim asked for clarification on accountability between the provider and the person being served.

Alex Bartolic responded each of the requests would be addressed in the final workplan.

Transition Services - Alex Bartolic, DHS

GOAL ONE:

By June 30, 2020, the number of people who have moved from segregated settings to more integrated settings will be 7,138.

GOAL TWO:

By June 30, 2019, the percent of people at Anoka Metro Regional Treatment Center (AMRTC) who do not require hospital level of care and are currently awaiting discharge to the most integrated setting will be reduced to 30% (based on daily average).

GOAL THREE:

By December 31, 2019, the average number of individuals leaving Minnesota Security Hospital will increase to 14 individuals per month.

GOAL FOUR:

By June 30, 2018, 50% of people who transition from a segregated setting will engage in a person centered planning process that adheres to transition protocols that meet the principles of person centered planning and informed choice.

STRATEGIES:

- Improve ability to gather information about housing choices
- Implement new transition protocols
- Increase service options for individuals making transitions
- Monitor and audit the effectiveness of transitions

Chair Tingerthal requested clarification on the implementation of pilot protocols before they are approved. Commissioner Lindsey requested clarification about new providers to deliver services or providers who can help individuals move and understand their options and support people with disabilities, and about the outreach efforts of the providers.

Alex Bartolic responded that each of these requests would be addressed in the final workplan.

Housing and Services – Erin Sullivan-Sutton, DHS; and Joel Salzer, Minnesota Housing

GOAL ONE:

By June 30, 2019, the number of people with disabilities who live in the most integrated housing of their choice where they have signed lease and receive financial support to pay for the cost of their housing will increase by 5,547 (from 6,017 to 11,564 or about a 92% increase).

STRATEGIES:

- Create more affordable housing
- Improve the ability to gather information about housing choices
- Implement reform for housing assistance programs
- Improve future models for housing the community

Colleen Wieck requested that numbers in this section be tied back to the numbers in the Olmstead Plan. She also requested that language be added to Strategy 2 to clarify that alternate methods to the website and online services are available.

Employment – Jeremy Hanson Willis, Deputy Commissioner, DEED

GOAL ONE:

By September 30, 2019 the number of new individuals receiving Vocational Rehabilitation Services (VRS) and State Services for the Blind (SSB) who are in competitive, integrated employment will increase by 14,820.

GOAL TWO:

By June 30, 2020, of the 50,157 people receiving services from certain Medicaid funded programs, there will be an increase of 5,015 or 10% in competitive, integrated employment.

GOAL THREE:

By June 30, 2020, the number of students with developmental cognitive disabilities, ages 19-21 that enter into competitive, integrated employment will be 763.

STRATEGIES:

- Implement the Employment First Policy
- Develop an interagency data system to improve measurement of integrated employment
- Reform funding policies to promote competitive, integrated employment
- Develop additional strategies for increasing competitive, integrated employment among people with disabilities
- Implement the Workforce Innovation and Opportunity Act (WIOA) and Section 503
- Implement the Home and Community Based Services (HCBS) rule in a manner that supports competitive, integrated employment

Colleen Wieck requested that the deadline date for amendments be pushed out, the evidence-based practices for strategy four be added back to the workplan, baseline percentages be added to page 25, and that goals are set for section 503 in the workplan.

Commissioner Tingerthal announced the Court just approved the Olmstead Plan, and shared a portion of the court order with the group.

Commissioner Tingerthal congratulated everyone and stated an incredible amount of hard work had been done by all.

Lifelong Learning and Education – Daron Korte, MDE

GOAL ONE:

By December 1, 2019, the number of students with disabilities, receiving instruction in the most integrated setting, will increase by 1,500 (from 67,917 to 69,417).

GOAL TWO:

By October 1, 2020 the number of students who have entered into an integrated postsecondary setting within one year of leaving secondary education will increase by 250 (from 225 to 475)

STRATEGIES:

- Improve and increase the effective use of positive supports in working with students with disabilities
- Continue strategies to effectively support students with low-incidence disabilities
- Improve graduation rates for students with disabilities
- Improve reintegration strategies for students returning back to resident schools
- Increase the number of students with disabilities pursuing post-secondary education

Roberta Opheim asked for the definition of “low incidence.”

Ms. Robyn Widley (MDE) responded that low incidence disabilities are generally students in populations that are less than 10% of a subgroup.

Chair Tingerthal requested a footnote be added to the workplan explaining the definition of “low incidence”. She also requested that in Strategy 5, Activity C.1, the expansion data systems be linked to other data systems activities in the work plans to the extent practicable.

Commissioner Jesson asked about the relationship between Strategy 4 (regarding readiness for work) and getting students ready for post-secondary education and the need to send a clear message that is not conflicting. Daron Korte responded that staff

from MDE is working closely to identify two separate goals with different strategies. Commissioner Jesson suggested strategy five be explicit and indicate it will not be post-secondary education to the exclusion of employment choices and it is the choice of the individual to pursue education or work opportunities.

Deputy Commissioner Dibb commented graduation credentialing is a key to reaching both disability and post-secondary individuals and the strategies should be linked together. He also requested key language about creating opportunities for students who are coming out of correctional facilities or facing other challenges in schools to connect to opportunities and choices.

Daron Korte responded that each of these requests would be addressed in the final workplan.

Waiting List – Alex Bartolic, DHS

GOAL ONE:

By October 1, 2016, the Community Access for Disability Inclusion (CADI) waiver waiting list will be eliminated.

GOAL TWO:

By December 1, 2015, the Developmental Disabilities (DD) waiver waiting list will move at a reasonable pace.

GOAL THREE:

By March 1, 2017, the DD Waiver waiting list will be eliminated for persons leaving an institutional setting and for persons with immediate need as defined by Minn. Stat. § 256B.49, subd. 11a(b) and 256.092, subd. 12(b).

GOAL FOUR:

By December 31, 2018, within available funding limits, waiver funding will be authorized for persons who are assessed and have a defined need on or after December 31, 2015, and have been on the waiting list for more than three years.

GOAL FIVE:

By June 30, 2020, the DD waiver waiting list will be eliminated, within available funding limits, for persons with a defined need

STRATEGIES:

- Reform waiting list protocols to incorporate urgency of need
- Implement initiatives to speed up movement from waiting lists
- Reform management of waiting list management systems

Roberta Opheim requested the data should be clear regarding whether individuals are: segregated out, underserved, eligible for a DEED waiver, or need a specific level of service.

7. Public Comments

George Stone – Corporation for Supportive Housing

Mr. Stone shared that he thought the workplans are informative and will help develop answers to some of his questions. He congratulated the Subcabinet on the approved plan. Mr. Stone pointed out the goals in the plan are aggressive and asked for a status report under transition services about increasing the number of people served. Alex Bartolic, DHS, agreed to follow-up with Mr. Stone regarding this question and written questions he submitted prior to the meeting.

8. Announcements & Upcoming Meetings

- a. October 21, 2015, 4:00 p.m. – 5:30 p.m.
- b. November 23, 2015, 1:00 p.m. – 2:30 p.m.
- c. December 18, 2015, 10:00 a.m. – 11:30 p.m.

9. Adjourn

Subcabinet members agreed to adjourn the meeting and delegate review and approval of the remaining work plans to the Executive Committee at the October 6, 2015 scheduled meeting.

Action: Motion to adjourn and delegate review and approval of remaining workplans to the Executive Committee.

Motion – Steve Dibb. Second – Lindsey.

In Favor: All

The meeting was adjourned at 5:38 p.m.