

Olmstead Subcabinet Meeting

Minnesota Housing – State Street Conference Room- First Floor
October 21, 2015 – 4:00 p.m. to 5:30 p.m.

1. Call to Order

Action: N/A

The meeting was called to order at 4:05 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); Lucinda Jesson, Commissioner, Department of Human Services (DHS); Colleen Wieck, Executive Director, Governor’s Council on Developmental Disabilities; Tim Henkel, Assistant Commissioner, Department of Transportation (DOT); Jeremy Hanson Willis, Deputy Commissioner, Department of Employment and Economic Development (DEED); Ed Ehlinger, Commissioner, Department of Health (MDH); Deb Kerschner, Department of Corrections (DOC); Roberta Opheim, Ombudsman for Mental Health and Developmental Disabilities (OMHDD); and Rowzat Shipchandler, Deputy Commissioner, Department of Human Rights (MDHR).

Guests present: Gil Acevedo, Department of Health; David Sherwood-Gabrielson, Department of Employment and Economic Development; Anna McLafferty, Department of Corrections; Beth Sullivan, Lori Lippert, and Jennifer DeCubellis, Department of Human Services; Mike Tessneer, Rosalie Vollmar, Tristy Auger, and Darlene Zangara, Olmstead Implementation Office; Daron Korte and Jayne Spain, Minnesota Department of Education; Kristie Billiar, Minnesota Department of Transportation; Mark Aarps and Rick Heller, self-advocates; and Allison Jones, Governor’s Office.

3. Review of Agenda

There were no changes to the agenda.

4. Review and Approval of September 29, 2015 Meeting Minutes

Action: Motion – Lucinda Jesson. Second – Jeremy Hanson Willis.
In Favor - All

The September 29, 2015 Subcabinet meeting minutes were approved as written.

5. Reports

a. Chair's Report

Chair Mary Tingerthal reported the October 10, 2015 deadline had been met for submission of the workplans to the Court. Magistrate Judge Thorson scheduled a session on Monday, October 26, 2015 to review the workplans, monitoring plan, and compliance plan. A memorandum would be sent to the Court and the parties in advance of the outlines the proposed compliance procedures. Staff members plan to engage the court about aligning outstanding court orders (specifically those related to reporting) with the current proposals for reporting to the Court.

b. Executive Director's Report

Olmstead Implementation Office (OIO) Executive Director Darlene Zangara reported the OIO had received one new complaint that has been referred to the Department of Human Rights. Following discussion, the subcabinet members clarified that the OIO office would typically only receive notice of the follow-up resolution rather than a copy of the response due to data privacy considerations. Two previous complaints reported on at the September Subcabinet meeting had been resolved. A total of seven dispute cases had been closed within 120 days of their receipt.

Ms. Zangara reported the Quality of Life request for proposals (RFP) was posted in the State Register on October 5, 2015 and that the application deadline was October 26, 2015.

Next, Ms. Zangara shared the Olmstead Implementation Office (OIO) had been invited to attend several conferences and workshops throughout the months of October and November.

c. Legal Report

No legal report was given.

d. Compliance Report

OIO Compliance Officer Mike Tessneer reported on components of the action items below.

6. Action Items

- a) Approval of Interim Procedures

Staff presented the following proposed procedures for compliance activities and reporting.

- **Compliance Plan**

Minnesota's Olmstead Plan requires that the Olmstead Implementation Office (OIO) Compliance director oversee the implementation and compliance activities undertaken by State agencies in the implementation of the Plan.

OIO Compliance staff will work with senior staff from each agency to develop protocols for periodic evaluation, verification and oversight of activities that are directly related to the implementation of the Plan.

Compliance activities include:

1. Monitor progress on measurable goals
 - Agencies will submit performance data on measurable goals
 - Analyze progress on goals, trends, and identify risk areas
 - Prepare Quarterly Report on progress on measurable goals and submit to subcabinet
 - Prepare and issue annual report on measurable goals
2. Monitor progress on workplans
 - Agencies will submit monthly status reports on workplan implementation
 - Analyze progress on workplans and identify risk areas
 - Report to subcabinet monthly on implementation progress, identified risk areas, and resolutions
 - Issue annual report to summarize progress and provide recommendations
3. Verify accuracy, timeliness and completeness of data and progress on workplans
 - Work with agencies to develop an internal process to
 - Monitor and verify the accuracy of data reported for measurable goals
 - Monitor and verify the implementation of workplans
 - Verify samples of measurable goals data and workplans
 - Report outcomes of verifications to Subcabinet monthly for workplan and quarterly for measurable goals
4. Monitor constituent communication
 - Monitor to ensure:
 - timeliness of response

- that responses were provided to all appropriate parties on original letter
- that content conforms to Olmstead Plan
- Report to subcabinet on status of constituent communication

5. Monitor agency reports

- Work with the agencies to develop a list of agency issued reports related to the Olmstead Plan that will be monitored. Review 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
- Report to subcabinet on status of agency reports

Staff is working diligently with the court to have all individual concerns channeled through the OIO office to assure messages from agencies are in compliance with the language and content of the Olmstead Plan. A timeline for measurable goal reporting will be provided at the next subcabinet meeting.

- **Measurable Goals**

The Olmstead Plan utilizes measurable goals as indicators of progress towards achieving the integration mandate of the Americans with Disabilities Act. The subcabinet will provide periodic written reports to the public detailing progress on measurable goals as a way to hold public entities accountable.

The measurable goal report process includes:

1. Status reports to be issued quarterly with a summary report issued annually.
2. OIO Compliance will publish a schedule for reporting measurable goals.
3. Based upon this schedule, agencies will provide performance data on measurable goals to OIO Compliance.
4. OIO Compliance will:
 - a. Monitor and verify accuracy of data reported
 - b. Establish dashboard for reporting progress
 - c. Analyze data for trends and risk areas
 - d. Work with sponsors/leads to prepare for subcabinet meetings

5. OIO Compliance will prepare quarterly report to subcabinet on trends, identified risk areas and recommendations.
6. The Subcabinet will review and provide comments about corrective actions or commentary at the quarterly and annual reporting periods.
7. Agency sponsors will report to subcabinet on any necessary remedial actions.
8. Quarterly Reports will be submitted to the Court.
9. OIO Compliance will prepare an annual report to summarize annual progress and provide recommendations for plan amendments and submit to the Subcabinet.
10. Any proposed amendments will be posted for review by the public and the court, and will allow for a specific public comment period of at least 30 days.
11. Annual Report, including any proposed amendments will be submitted to the Court.

OIO staff proposed a quarterly reporting process that addresses the status of measurable goals only and proposed an annual summary report.

- **Workplan Status Reports**

In order to achieve the measurable goals, the OIO and State agencies developed specific strategies and workplans. The OIO compliance staff and the subcabinet will use the workplans throughout the year to review the progress of the work and to direct any adjustments to the work if progress is not timely, or if changes to the workplans are needed.

1. Workplan status reports will be issued monthly with a summary report issued annually.
2. OIO Compliance will publish a schedule for reporting on workplan progress.
3. Based upon this schedule, agencies will report the status of workplan items to OIO Compliance.
4. The status of workplan items will be reported as:

- On Schedule or Completed
 - Delayed (requires explanation)
 - Stopped (requires explanation)
 - Proposed revision needed to the workplan (requires explanation)
5. OIO Compliance will review agency status reports to:
 - Monitor and verify implementation of workplans
 - Analyze status of workplans
 - Identify successes
 - Identify risk areas
 - Work with sponsors/leads to resolve risk factors
 6. OIO Compliance will report to subcabinet on identified risk areas and recommendations.
 7. Agency sponsors will report to subcabinet on plan of action for any amended, delayed, or stopped workplan items.
 8. OIO Compliance will prepare an annual report to summarize progress and provide an analysis and recommendations for any changes to the workplans. The report will be submitted to the Subcabinet.
 9. Based on the annual report, the subcabinet will review the need for any revisions needed to the workplan for the following year.
 10. Annual report will be made available to the public.
- **Proposed Timeline for New Reporting Structure**

Workplan Reporting

- Monthly workplan status reporting will begin in December
- December status report will cover the preceding month (November)

Measurable Goal Reporting

- Quarterly measurable goal status reports will begin in January
- There is certain reporting that is required by court orders which were suspended by the court during the time that the revised Olmstead Plan and workplans were being developed. It is anticipated that the court will require a report on the measures contained in the court orders for the period of

March, 2015 through September, 2015. It is anticipated that this “gap” report will be presented to the subcabinet and the court in February of 2016.

- The January report will summarize measurable goal performance for September, October, November

Members of the subcabinet discussed the proposed compliance and reporting procedures. Colleen Wieck recommended that the proposed quarterly reporting scheduled be aligned to follow the Jensen reporting timeline process.

Commissioner Tingerthal recommended that the workplan reporting be done on an exception basis – that is, staff will report only on those items that are incomplete or late rather than on all items. She clarified that the workplan reporting would not be part of the reporting to the court. Members of the subcabinet suggested several minor changes to the proposed procedures.

Action: Accept (with minor changes) the compliance plan, measurable goal report process, workplan report process, and proposed timeline for reporting procedures.

**Motion – Jeremy Hanson Willis. Second – Lucinda Jesson.
In Favor - All**

7. Monthly Topic Reports

a. Housing and Services

Erin Sullivan Sutton and Ryan Baumtrog provided a PowerPoint presentation on the Housing and Services topic area.

The vision for this topic area is that people with disabilities will choose where they live, with whom, and in what type of housing. The goal is to increase by 92% (from 6,017 to 11,564) the number of people with disabilities who live in the most integrated housing of their choice, where they have a signed lease and receive financial support to pay for the cost of their housing.

The Bridges rental assistance program and the beginning of reform of the Group Residential Housing program have proven to be successful strategies and there is now better access to information on housing through HousingLink. Community engagement efforts continue with partnerships in counties and tribes, interagency planning and collaboration, and the Office to Prevent and End Homelessness.

Some opportunities include:

- More choices for people to live where they want and with whom
- Increased supports funded through Medical Assistance
- Developing opportunities for integration in all communities
- Supporting pathways out of poverty for people receiving housing assistance
- Aligning efforts with the State's Plan to Prevent and End Homelessness

Current challenges include the housing market, housing instability, and barriers to legislative proposals.

8. Public Comments

Rick Heller – Self Advocate

Mr. Heller expressed concern regarding his request about the accessibility of data and information presented at the June meeting.

Commissioner Tingerthal reported OIO staff has not yet made a specific reply. However, she reported that in modifying the documents on the Olmstead website and in rewriting the Olmstead Plan, the accessibility standard concerns he expressed have been met.

9. Adjourn

Action: Motion to adjourn.

**Motion – Ehlinger. Second – Shipchandler.
In Favor: All**

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