



Minnesota Department of **Human Services**

November 26, 2014

David Ferleger, Esq.
Independent Consultant and Court Monitor
Archways Professional Building
413 Johnson Street, Suite 203
Jenkintown, PA 19046

By Email

Re: Response to Court Monitor's November 6, 2014 Report [Doc. 356, Filed November 13, 2014]
"Comments and Expectations: DHS Diversion from Institutionalization" Civil No.: 09-1775
(DWF/FLN)

Dear Mr. Ferleger,

The Minnesota Department of Human Services ("Department") submits this response to the Court Monitor's *"Concluding Comments and Expectations"* in his Report dated November 6, 2014, and filed November 13, 2014, [Doc. 356] entitled *"Comments and Expectations: DHS Diversion from Institutionalization"*.

Court Monitor Comments & Expectations

1. *The Diversion Reports do not include any trigger for special attention to situations which are taking "too long," do not include target dates, and do not document attention to the requirements for creation of what is needed (where no option presently exists) or for referring problematic situations to upper levels of DHS management to resolve.*

Response:

The Department accepts the Court Monitor's comment and expectation.

The Department will discuss as part of its diversion meetings, and document in its diversion reports, the following:

- Triggers for special attention to situations that are taking too long
- Target dates
- New option identification and creation, if needed, and,
- Referrals to upper management for resolution, if needed.

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2. *There is a need to increase the speed involved in finding permanent homes for people. One does not appear on the Diversion Report unless there is some crisis in a community home or elsewhere, and no resolution is quickly apparent.*

Response

The Department accepts the Court Monitor's comment and expectation. One of our priorities is to increase speed in finding permanent homes for people. We have started a Six Sigma Lean process to refine the collection and coordination of information and decisions department-wide. Pending the completion of this process, we have established an interim process to coordinate and monitor situations that come to us (See Attachment 1).

Additionally, we are actively seeking long-term housing options in the Duluth and south/west metro areas and working with the Department of Administration's Real Estate Office to expedite rental agreements.

As identifying available four-bedroom homes in these areas has been a challenge, we are now looking at options, such as apartments and smaller rental homes, which may be more easily rented directly from the owner and which could better align with person centered plans.

3. *Improvement in working relationships with all County Case Management is crucial. Where necessary, DHS can and should fulfill its obligations under the Court's orders and authority under state law to secure whatever action by the County and providers is necessary.*

Response:

The Department accepts the Court Monitor's comment and expectation. We have examined the challenges facing Minnesota's case management system in several reports from the Department to the legislature¹ that included recommendations for reforming case management. Staff from multiple divisions that represent different types of case management are working collaboratively in this effort to reduce gaps, duplication, and variation of rules, standards and reimbursement - many county case management services are not funded.

Also, our Disability Services Division is working with lead agencies on the roles and responsibilities of counties, as well as that of case managers to:

- Design future case management as a service that is offered with a choice of case manager, and implementation strategies
- Provide recourse for additional assistance, such as through Housing Access Services, or relocation service coordination
- Provide technical assistance when needed.

Additionally, efforts are underway to provide counties and providers with appropriate training including training related to their roles and responsibilities connected to the *Jensen* Settlement Agreement and Home and Community Based Waiver Service requirements amongst other topics.

¹ MN Case Management Reform February 2013 DHS-6691 (PDF);
Case management reform for persons with disabilities in Minnesota March 2011 DHS-6353 (PDF)

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4. *Expansion of MLB and other mobile resources, and other nonresidential options, would possibly resolve many situations presented in the Diversion Reports and obviate the need for new residences.*

Response:

The Department accepts the Court Monitor's comment and expectation.

We are collaborating with our external partners to enhance mobile and other supports and are working collaboratively to build community capacity.

5. *Where DHS determines that a new residential setting is needed, all housing stock options should be considered. There is a notable absence of discussion of options other than homes, which involve the time consuming processes. Also, finding ways to streamline home modifications, licensing and leasing issues for example would also make a big improvement to timelines.*

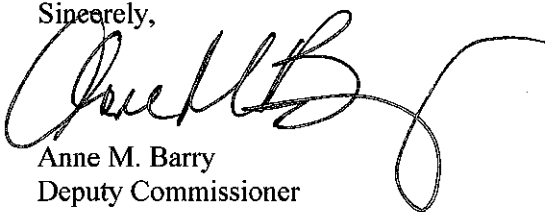
Response

The Department accepts the Court Monitor's comment and expectation.

As noted in response numbers 2 and 3 above, we will consider an array of housing options. We will also consider ways to streamline the leasing, licensing, and home modification process.

I hope the information is helpful, and that we will have an opportunity to further discuss this response and any other items of interest.

Sincerely,



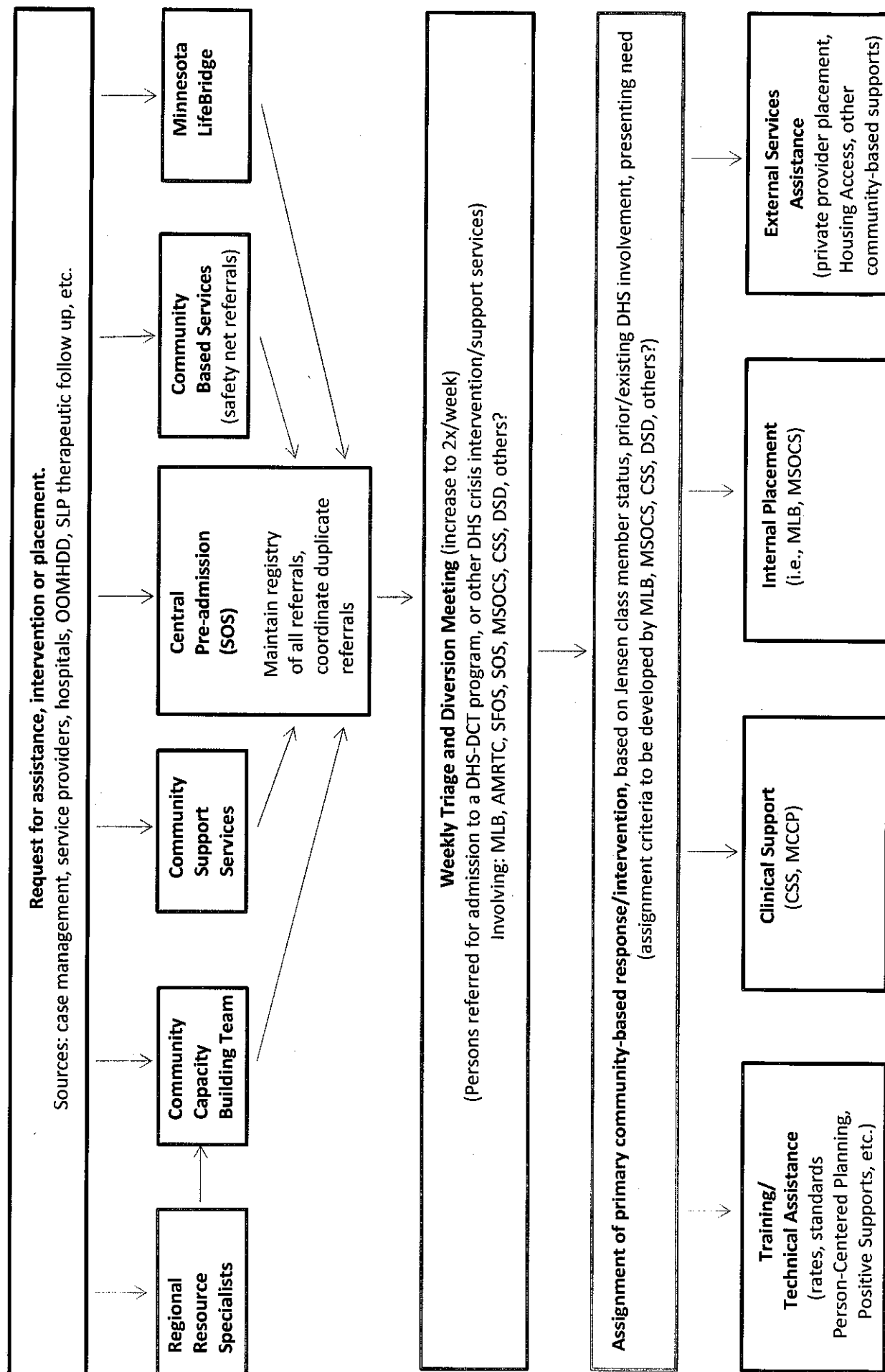
Anne M. Barry
Deputy Commissioner
Direct Care and Treatment

Enc.

Cc: The Honorable Judge Donovan W. Frank
Shamus O'Meara, Attorney for Plaintiffs
Colleen Wieck, Executive Director for the Governor's Council on Developmental Disabilities
Roberta Opheim, Ombudsman for Mental Health and Developmental Disabilities
Scott Ikeda, Assistant Attorney General
Gregory Gray, Chief Compliance Officer
Amy Akbay, DHS Chief General Counsel

ATTACHMENT 1

Interim Model



11/10/14