



Minnesota Olmstead Subcabinet

November 9, 2015

The Honorable Becky R. Thorson
United States Magistrate Judge
District of Minnesota
724 Federal Building
316 North Robert Street
St. Paul, Minnesota 55101

Re: Proposed Compliance Evaluation, Verification and Oversight of the Minnesota Olmstead Plan

Dear Judge Thorson:

Attached are documents that were created following the meeting with the Court on October 26th. The documents include drafts of a letter and attachments providing further clarification on the roles and responsibilities of the Subcabinet for Compliance, Evaluation, Verification and Oversight of Minnesota's Olmstead Plan.

The attachments include the following:

- Draft of the letter describing the monitoring and reporting process
- Proposed OIO Compliance Review and Reporting Schedule for 2015-2016
- Quarterly Reporting Schedule for Olmstead Plan Measurable Goals
- Olmstead Plan Quarterly Report on Measurable Goals Template
- Olmstead Plan Annual Report on Results of Olmstead Plan implementation
- Orders Pertaining to Olmstead Plan Implementation

The Court Order adopting the workplans was received on Friday November 6th. On Monday, November 9th, we sought clarification from Danielle Mair on the Order. She suggested that we take additional time to address our proposal for monitoring the workplans and to submit today the portions of the document that have been completed.

It is our intent to complete the workplan portion of the letter and submit a final, signed letter with the documents by end of day, Thursday November 12, 2015.

Sincerely,

Mary Tingerthal, Chair
Olmstead Subcabinet

CC: Alex Bartolic
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316 North Robert Street
St. Paul, Minnesota 55101

Re: Proposed Compliance Evaluation, Verification and Oversight of the Minnesota Olmstead Plan

Dear Judge Thorson:

Thank you for the opportunity to meet on October 26th and review the proposal put forward by the Minnesota Olmstead Subcabinet for Compliance, Evaluation, Verification and Oversight of Minnesota's Olmstead Plan. Based upon that discussion we have expanded the level of detail in this document and are hopeful that these additions will address the comments and questions that were expressed in the meeting.

The September 29, 2015 Court order approving the Minnesota Olmstead Plan includes the following language:

"3. The Court reserves the right to exercise its continuing jurisdiction with respect to the revised *Olmstead Plan* to ensure that compliance with the Settlement Agreement is verified going forward. This paragraph contemplates that the Court will continue to carry out its oversight responsibility to oversee the State's efforts in following through with the significant commitments it has made." (Page 15 - Court Order)

The purpose of this memo is to set forth the procedures that the Olmstead Implementation Office, under the guidance of the Olmstead Subcabinet, intends to use in carrying out its role of quality assurance and accountability, including compliance evaluation, verification and oversight. We discussed the proposed oversight process and reporting format with the Court at the mediation session on October 26, 2015. We have revised the proposed oversight process and reporting format based on those discussions.

The approved Olmstead Plan contains the following language about reports to the public and to the Court:

"The subcabinet will provide periodic written reports to the public detailing progress on the measurable goals. These reports will also be provided to the Court by the Department of Human Services while the implementation of the Plan remains under the jurisdiction of the Court." (Page 96 - Olmstead Plan)

Oversight Process

The following provides an outline of the evaluation, verification and oversight process that the subcabinet proposes to utilize in monitoring the results achieved toward the measurable goals.

- OIO Compliance staff will publish a schedule for reporting of results achieved toward the measurable goals, based on the dates set forth in the measurable goals. (See Attachment A – Proposed OIO Compliance Review and Reporting schedule for 2015-2016 and Attachment B – Quarterly Reporting Schedule for Olmstead Plan Measurable Goals)
- OIO Compliance staff will establish a report format for agencies to report measurable goal results.
- Based upon this schedule and using the report format, agencies will provide performance data and information on measurable goal results to OIO Compliance staff.
- OIO Compliance staff will:
 - Monitor and verify accuracy, completeness and timeliness of data and information reported;
 - Analyze data for trends and risk areas;
 - Work with agency sponsors/leads to prepare for Subcabinet meetings when results are presented; and
 - Follow up with agency sponsors/leads on corrective actions as directed by the Subcabinet and summarize the remedial actions taken in a subsequent report.
- OIO Compliance staff will prepare quarterly status reports for submission to the Subcabinet. (See Attachment C for a draft of the Olmstead Plan Quarterly Report on Measurable Goals template)
- Any actions taken by the Subcabinet relating to the measurable goals will be documented and attached to the quarterly reports.
- Additionally, OIO Compliance staff will complete a mid-year review of all measurable goals to monitor progress, verify accuracy, completeness and timeliness, and identify risk areas. Such mid-year reviews will take place 6 months prior to the due date for each of the measurable goals. The OIO Compliance staff will report any concerns identified through these reviews to the Subcabinet. Commentary or corrective actions as directed by the Subcabinet will be included in the quarterly report following the action.
- Upon review and acceptance of the quarterly status reports by the Subcabinet, the report will be made available to the public and the Department of Human Services will submit the report to the Court.

Annual Report on Olmstead Plan Implementation

- OIO Compliance staff will prepare an annual report to the Subcabinet summarizing overall annual measurable goal results, analysis of trends and risk areas. The annual report will also include any potential amendments to the Olmstead Plan to be considered by the Subcabinet. The report will be made available to the public and the Department of Human Services will submit the report to the Court. (See Attachment D for a draft of the Olmstead Plan Annual Report template)

Updating and Extending the Olmstead Plan

- As part of the annual review process outlined in the approved Olmstead Plan, the Subcabinet agencies and the OIO will be given the opportunity to propose amendments to the Olmstead Plan that are for good cause. As part of the process for proposing, agencies and the OIO will describe the processes they used for engaging with individuals with disabilities, families and advocates in formulating the amendments. The OIO Compliance staff will prepare a report on the proposed amendments for review by the Subcabinet, including summary of how input from people with

disabilities, families, and advocates was taken into account in formulating the amendments. Based on the recommendations, the Subcabinet will take action to approve a set of proposed amendments to the Olmstead Plan, which 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. Following the comment period, the Subcabinet will consider whether any changes to the proposed amendments are warranted based on public comments. Any subsequent changes to the proposed amendments will be posted for a brief public review period prior to adoption of the amendments to the Plan by the Subcabinet.

Quarterly Reporting on Measurable Goal Results

We recognize that there are several existing Court orders that address reporting issues that will need to be reconciled as the Court and the parties agree on reporting frequency and content for future reporting on the Olmstead Plan. These include:

On January 22, 2014 the Court directed the subcabinet to report progress "on a 60-day report system."

On September 18, 2014, the court ordered:

"Reports to the Court must be accurate, complete, and verifiable. The Court requires the State to report on the following: (1) the number of people who have moved from segregated settings into more integrated settings; (2) the number of people who are no longer on the waiting list; and (3) the quality of life measures. With respect to the first inquiry, any calculation must consider admissions, readmissions, discharges, and transfers—reflecting the dynamic movement of individuals through segregated settings—to determine the net number of people who have moved into more integrated settings. Regarding the second inquiry, the State must evaluate whether the movement is at a reasonable pace. Finally, with respect to the third inquiry, the State must summarize and submit to the Court any available data and highlight any gaps in information."

The Subcabinet proposes a quarterly reporting process on measurable goal results prepared for the Subcabinet, as described above. These reports will be made available to the public and will be submitted to the Court by the Department of Human Services.

Progress on measurable goals will be reported quarterly, with each quarterly report including those goals with due dates during the reporting period. The items addressed in the September 18, 2014 Court order: the number of people who have moved from segregated settings into more integrated settings; the number of people who are no longer on the waiting list; and the quality of life measures, will be reported every quarter and will be included in all quarterly reports. Attachment B sets forth the detailed quarterly reporting schedule for each of the measurable goals.

Quarterly Report Format

We propose that the quarterly report format will group the measurable goals into four categories for the purposes of reporting.

The four categories are:

1. Movement of people with disabilities from segregated to integrated settings
2. Movement of individuals from waiting lists

3. Quality of life measurement results
4. Measurable goals related to increasing capacity of the system and options for integration (for goals with due dates in the quarter)

Information in each category will include:

- Identification of the measurable goal(s)
- Results achieved during reporting period
- Analysis of data for trends and risks
- Commentary on performance, including verification of accuracy, completeness and timeliness

In addition, the Quarterly Report will include documentation of actions taken by the Subcabinet to direct any corrective actions to be taken by the agencies to improve performance under the measurable goals.

Gap Report

On June 18, 2015 the Court temporarily stayed reporting obligations during mediations between the parties. The proposed Gap report will be a one-time report that covers the reporting period during the period of the stay, up to the point when the Court approved the August 10, 2015 Plan (March 2015 – September 2015). The report will include: the number of people who have moved from segregated settings into more integrated settings; the number of people who are no longer on waiting lists; and the quality of life measures, as directed in the September 18, 2014 Court order. The Gap Report is scheduled to be reviewed by the Subcabinet on December 18, 2015 and submitted to the Court by December 31, 2015.

Workplans

[PLACEHOLDER]

Assessment of Court Orders Pertaining to Olmstead Plan Implementation and Reporting

As requested during the October 26 mediation session, we have conducted a review of Court Orders pertaining to Olmstead Plan implementation and reporting. We have prepared a chart showing the each relevant Court Order, the relevant provision(s) of the each Order and how the proposed implementation plan addresses each provision. This chart is included as Attachment E.

Potential Reporting Conflicts between Jensen and Olmstead

A review of the reporting requirements of the Jensen Comprehensive Plan of Action (CPA) and the Olmstead Plan was completed. Only one area of conflict was identified relating to Evaluation Criteria (EC) 79, Olmstead Plan implementation. The Jensen CPA currently proposes semi-annual reporting whereas the Olmstead Subcabinet proposes quarterly reporting. The Olmstead Subcabinet proposes to adopt the quarterly reporting, in place of the Jensen requirement for EC 79. The Jensen CPA reporting stipulation will be modified to propose “according to the Olmstead Plan reporting process” for EC 79 instead of “semi-annual”.

Olmstead Subcabinet’s Role for Monitoring Compliance and Oversight Implementation

In its order of September 29, 2015, the Court acknowledged the responsibility of the Olmstead Subcabinet to monitor compliance and oversee the implementation of the Olmstead Plan:

“Key to the plan’s successful implementation into the future is the central role of the Olmstead Implementation Office (“OIO”) with the dual roles of “(1) quality assurance and accountability,

including compliance evaluation, verification and oversight; and (2) engagement with the community, especially people with disabilities, including on-going management of communications and the Quality of Life survey.” (Id. at 95.)

Based upon the Subcabinet’s role, including responsibility for compliance evaluation, verification and oversight, we are proposing to the Court that there is no need for additional external monitoring.

Sincerely,

Mary Tingerthal, Chair
Olmstead Subcabinet

CC: Alex Bartolic
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Colleen Wieck
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Attachment A -- Proposed OIO Compliance Review and Reporting Schedule for 2015-2016

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Proposed OIO Compliance Review and Reporting Schedule for 2015-2016

Report	Purpose	Reporting Period	Subcabinet Review
Gap Report	<p>In June 18, 2015 the Court temporarily stayed reporting obligations during mediations between the parties.</p> <p>The Gap report will cover the reporting period during the stay, up to the point when the Court approved the August 10, 2015 Plan, and will include: the number of people who have moved from segregated settings into more integrated settings; the number of people who are no longer on the waiting list; and the results of any quality of life measures, as directed in the September 18, 2014 Court order.</p>	March 2015 – September 2015	<p>December 2015</p> <p>Submit to Court by December 31, 2015.</p>
Quarterly Reports on Measurable Goal Results	<p>Progress on measurable goals will be reported quarterly. Each quarterly report would include those goals with due dates during the reporting period. To allow time for verification of accuracy, completeness, and timeliness of results, reports would be completed and submitted to the subcabinet within two months following the end of the reporting period. As directed by the Court, the goals related to the number of people moving from segregated settings into more integrated settings; the number of people who are no longer on the waiting list; and the quality of life measures will be reported on in every quarterly report.</p>	Any dates prior to October 2015 October, November, December 2015	February 2016 Submit to Court by February 29, 2016
		January, February, March 2016	May 2016 Submit to Court by May 31, 2016
		April, May, June 2016	August 2016 Submit to Court by August 31, 2016
		July, August, September 2016	November 2016 Submit to Court by November 30, 2016

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Report	Purpose	Reporting Period	Subcabinet Review
Mid-year review of measurable goals by OIO Compliance staff	OIO Compliance staff will conduct a mid-year review on all measurable goals to check on progress, verify accuracy, completeness and timeliness of data and identify risk areas. OIO Compliance staff will report exceptions to the subcabinet. Commentary or corrective actions as directed by the subcabinet will be included in the subsequent quarterly report.	The six month period prior to each review date	Beginning December 2015 Mid-year reviews will occur six months prior to the annual due date specified in each measurable goal
Annual Report on Olmstead Plan Implementation	Annual summary report on overall annual measurable goal results, analysis of trends and risks and recommendations for potential Plan amendments.	October 2015 – September 2016	December 2016 Submit to Court by December 31, 2016
Process for Plan Amendments	The Olmstead Plan describes an annual amendment process that is intended to maintain the Olmstead Plan as a vital, dynamic document. As part of the annual review process, subcabinet agencies and the OIO will propose amendments to the Olmstead Plan that are necessary to facilitate accomplishment of results under the measurable goals or to add measurable goals, if applicable. In formulating proposed amendments to the Plan, agencies will engage individuals with disabilities, families and advocates. As described in the Olmstead Plan, proposed amendments to the Plan will be posted for a minimum of 30 days of public comment, after which they will be adopted by the subcabinet, taking into account any public comments received.	October 2015 – September 2016	December 2016 – Identify potential Plan amendments (as part of Annual report) 30 day public comment period February 2017 – Plan amendments adopted by Subcabinet Submit to Court by February 28, 2017

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Attachment B -- Quarterly Reporting Schedule for Olmstead Plan Measurable Goals

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Quarterly Reporting Schedule for Olmstead Plan Measurable Goals

Progress on measurable goals will be reported on quarterly. Each quarterly report includes those goals with due dates during the reporting period. To allow time for verification of accuracy, completeness, and timeliness by the agencies and OIO compliance staff, reports will be completed and submitted to the subcabinet within two months following the end of the reporting period. As directed by the Court, the goals related to the number of people moving from segregated settings into more integrated settings; the number of people who are no longer on the waiting list; and the quality of life measures will be reported on in every quarterly report.

In addition, the OIO compliance staff will conduct a mid-year review of all measurable goals to check on progress, verify accuracy, completeness, and timeliness of data and identify risk areas. If the OIO Compliance staff determines that there are areas of concern, they will report these concerns on an exception basis to the Subcabinet Executive Committee. The schedule for mid-year reviews will be set for six months prior to the annual due dates set forth in the measurable goals section of the Olmstead Plan.

All quarterly reports and mid-year reviews begin in 2016 unless otherwise noted

Code and page	Topic Area Overall Goals	Quarterly Report Month				Mid-year Review Begin date
		Feb	May	Aug	Nov	
		Reporting Period				6 month period prior to review
		Oct, Nov, Dec	Jan, Feb, March	Apr, May, June	July, Aug, Sept	
PC 1 pg 35	Person Centered Planning 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.			X		December 2015
PC 2 pg 35	Person Centered Planning Goal Two: By December 31, 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.	X				June 2016
TS 1 pg 39	Transition Services Goal One: By June 30, 2020, the number of people who have moved from segregated settings to more integrated settings will be 7,138.	X	X	X	X	December 2015
TS 2 pg 40	Transition Services 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).	X	X	X	X	December 2015

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Code and page	Topic Area Overall Goals	Quarterly Report Month				Mid-year Review Begin date
		Feb	May	Aug	Nov	
		Reporting Period				6 month period prior to review
		Oct, Nov, Dec	Jan, Feb, March	Apr, May, June	July, Aug, Sept	
TS 3 pg 40	Transition Services Goal Three: By December 31, 2019, the average monthly number of individuals leaving Minnesota Security Hospital will increase to 14 individuals per month.	X	X	X	X	June 2016
TS 4 pg 40	Transition Services 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.			X		December 2015
HS 1 pg 45	Housing & Services 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 a 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).			X		December 2015
EM 1 pg 50	Employment 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.				X	March 2016
EM 2 pg 50	Employment 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.			X 2017		December 2016
EM 3 pg 51	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.			X		December 2015
ED 1 pg 55	Education 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)	X				June 2016
ED 2 pg 55	Education Goal Two: By October 1, 2020 the number of students who have entered into an integrated post-secondary setting within one year of leaving secondary education will increase by 250 (from 225 to 475)	X				April 2016
WT 1 pg 59	Waiting List Goal One: By October 1, 2016, the Community Access for Disability Inclusion (CADI) waiver waiting list will be eliminated.	X	X	X	X	April 2016

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Code and page	Topic Area Overall Goals	Quarterly Report Month				Mid-year Review Begin date
		Feb	May	Aug	Nov	
		Reporting Period				6 month period prior to review
		Oct, Nov, Dec	Jan, Feb, March	Apr, May, June	July, Aug, Sept	
WT 2 pg 59	Waiting List Goal Two: By December 1, 2015, the Developmental Disabilities (DD) waiver waiting list will move at a reasonable pace.	X	X	X	X	NA Completed in 2015
WT 3 pg 60	Waiting List 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. Statutes, sections 256B.49, subdivision 11a(b) and 256B.092, subdivision 12(b).	X	X	X	X	September 2016
WT 4 pg 60	Waiting List 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 1, 2015, and have been on the waiting list for more than three years.	X	X	X	X	June 2018
WT 5 pg 60	Waiting List Goal Five: By June 30, 2020, the DD waiver waiting list will be eliminated, within available funding limits, for persons with a defined need.	X	X	X	X	December 2019
TR 1 pg 65	Transportation Goal One: By December 31, 2020 accessibility improvements will be made to 4,200 curb ramps (increase from base of 19% to 38%) and 250 Accessible Pedestrian Signals (increase from base of 10% to 50%) By January 31, 2016, a target will be established for sidewalk improvements.	X	X 2016 only Side walk goal			June 2016
TR 2 pg 66	Transportation Goal Two: By December 31, 2025, additional rides and service hours will increase the annual number of passenger trips to 18.8 million in Greater Minnesota (approximately 50% increase).	X				June 2016
TR 3 pg 66	Transportation Goal Three: By December 31, 2020, expand transit coverage so that 90% of the public transportation service areas in Minnesota will meet minimum service guidelines for access. [*Baseline for access by December 31, 2016]	X Begin 2017				June 2017
TR 4 pg 66	Transportation Goal Four: By December 31, 2020, transit systems' on time performance will be 90% or greater statewide. [*Baseline and goals for Greater Minnesota developed by December 31, 2016]	X Begin 2017				June 2017

Code and page	Topic Area Overall Goals	Quarterly Report Month				Mid-year Review Begin date
		Feb	May	Aug	Nov	
		Reporting Period				6 month period prior to review
		Oct, Nov, Dec	Jan, Feb, March	Apr, May, June	July, Aug, Sept	
HC 1 pg 71	Health Care Goal One: By December 31, 2018, the number/percent of individuals with disabilities and/or serious mental illness accessing appropriate preventive care, focusing specifically on cervical cancer screening, and follow up care for cardiovascular conditions will increase by 833 people compared to the baseline.	X Begin 2017				June 2016
HC 2 pg 72	Health Care Goal Two: By December 31, 2018, the number of individuals with disabilities and/or serious mental illness accessing dental care will increase by 1,229 children and 1,055 adults over baseline.	X Begin 2017				June 2016
PS 1 pg 76	Positive Supports Goal One: By June 30, 2018 the number of individuals receiving services licensed under Minn. Statute 245D, or within the scope of Minn. Rule, Part 9544, (for example, home and community based services) who experience a restrictive procedure, such as the emergency use of manual restraint when the person poses an imminent risk of physical harm to themselves or others and it is the least restrictive intervention that would achieve safety, will decrease by 5% or 200.			X		December 2015
PS 2 pg 77	Positive Supports Goal Two: By June 30, 2018, the number of Behavior Intervention Reporting Form (BIRF) reports of restrictive procedures for people receiving services licensed under Minn. Statute 245D, or within the scope of Minn. Rule, Part 9544, (for example, home and community based services) will decrease by 1,596.			X		December 2015
PS 3 pg 77	Positive Supports Goal Three: Use of mechanical restraint is prohibited in services licensed under Minn. Statute 245D, or within the scope of Minn. Rule, Part 9544, with limited exceptions to protect the person from imminent risk of serious injury. (Examples of a limited exception include the use of a helmet for protection of self-injurious behavior and safety clips for safe vehicle transport). By December 31, 2019 the emergency use of mechanical restraints will be reduced to ≤ 93 reports and ≤ 7 individuals. [*Annual goals are due in June]			X		December 2015
PS 4 pg 78	Positive Supports Goal Four: By June 30, 2017, the number of students receiving special education services who experience an emergency use of restrictive procedures at school will decrease by 316.			X		December 2015

Code and page	Topic Area Overall Goals	Quarterly Report Month				Mid-year Review Begin date
		Feb	May	Aug	Nov	
		Reporting Period				6 month period prior to review
		Oct, Nov, Dec	Jan, Feb, March	Apr, May, June	July, Aug, Sept	
PS 5 pg 78	Positive Supports Goal Five: By June 30, 2017, the number of incidents of emergency use of restrictive procedures occurring in schools will decrease by 2,251.			X		December 2015
CR 1 pg 83	Crisis Services Goal One: By June 30, 2018, the percent of children who receive children's mental health crisis services and remain in their community will increase to 85% or more.			X		December 2015
CR 2 pg 83	Crisis Services Goal Two: By June 30, 2018, the percent of adults who receive adult mental health crises services and remain in their community (e.g., home or other setting) will increase to 89% or more.			X		December 2015
CR 3 pg 83	Crisis Services Goal Three: By June 30, 2017, the number and percent of people who discontinue waiver services after a crisis will decrease to 45% or less. (Leaving the waiver after a crisis indicates that they left community services, and are likely in a more segregated setting.)			X		December 2015
CR 4 pg 83	Crisis Services Goal Four: By June 30, 2018, people in community hospital settings due to a crisis, will have appropriate community services within 30 days of no longer requiring hospital level of care, and will have a stable, permanent home within 5 months after leaving the hospital. [*Baseline and goals developed by February 28, 2016 – Annual goal in June]		X 2016 only Base line	X		December 2016
CR 5 pg 84	Crisis Services Goal Five: By June 20, 2020, 90% of people experiencing a crisis will have access to clinically appropriate short term crisis services, and when necessary, placement within ten days. [*Baseline and goals developed by January 31, 2016 – Annual goal in June]		X 2016 only Base line	X		December 2016
CE 1 pg 89	Community Engagement Goal One: By June 30, 2019, the number of individuals involved in their community in ways that are meaningful to them will increase to 1,992.			X		December 2015

Attachment C – Olmstead Plan Quarterly Report on Measurable Goals Template

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Proposed Template

Minnesota Olmstead Subcabinet

Olmstead Plan Quarterly Report on Measurable Goals



REPORTING PERIOD

October 1, 2015 – December 31, 2015

Date of Report _____

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I. PURPOSE OF REPORT

The quarterly report to the court and the public provide the status of work being done by state agencies to implement the Plan. Each quarterly report includes the status of progress on measurable goals with due dates during the reporting period. As directed by the Court, the goals related to the number of people moving from segregated settings into more integrated settings; the number of people who are no longer on the waiting list; and the quality of life measures will be reported on in every quarterly report. This report covers the time period of October 1, 2015 through December 31, 2015 any date prior to that period.

II. MOVEMENT FROM SEGREGATED TO INTEGRATED SETTINGS

TRANSITION SERVICES GOAL ONE: By June 30, 2020, the number of people who have moved from segregated settings to more integrated settings¹ will be 7,138.

INTERMEDIATE CARE FACILITIES FOR PERSONS WITH DEVELOPMENTAL DISABILITIES (ICF/DD)

2015-2016 goals for the number of people who have moved from ICFs/DD to a more integrated setting

Baseline: Calendar year 2014 = 72

- By June 30, 2015 the number will be 84
- By June 30, 2016 the number will be 84

RESULTS:

Only those individuals moving from a segregated setting to an integrated setting will be used to measure progress on the goal. Additional information shows the dynamic movement in and out of the program and includes those moving to an integrated setting.

Month	Moved to integrated setting	Admissions	Readmits	Transfers	Deaths	Census
Totals						

GRAPH:

ANALYSIS OF DATA:

COMMENT ON PERFORMANCE:

¹This goal measures the number of people exiting institutional and other segregated settings. Some of these individuals may be accessing integrated housing options being reported under Housing Goal One.

NURSING FACILITIES

2015-2016 goals for the number of people who have moved from Nursing Facilities (for persons with a disability under 65 in facility longer than 90 days) to a more integrated setting

Baseline: Calendar Year 2014 = 707

- By June 30, 2015 the number will be 740
- By June 30, 2016 the number will be 740

RESULTS:

Only those individuals moving from a segregated setting to an integrated setting will be used to measure progress on the goal. Additional information shows the dynamic movement in and out of the program and includes those moving to an integrated setting.

Month	Moved to integrated setting	Admissions	Readmits	Transfers	Deaths	Census
Totals						

GRAPH:**ANALYSIS OF DATA:****COMMENT ON PERFORMANCE:****SEGREGATED HOUSING**

2015-2016 goals for the number of people who have moved from other segregated housing to a more integrated setting will be:

Baseline: Calendar Year 2014 = not available

- By June 30, 2015 the number will be 50
- By June 30, 2016 the number will be 250

RESULTS: Only those individuals moving from a segregated setting to an integrated setting will be used to measure progress on the goal. Additional information shows the dynamic movement in and out of the program and includes those moving to an integrated setting.

Month	Moved to integrated setting	Admissions	Readmits	Transfers	Deaths	Census
Totals						

GRAPH:**ANALYSIS OF DATA:****COMMENT ON PERFORMANCE:**

TRANSITION SERVICES 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 setting² will be reduced to 30% (based on daily average).

2016 goal for the percent of people at AMRTC awaiting discharge:

Baseline: During State Fiscal Year 2015, a change in utilization of AMRTC caused an increase in the percent of the target population to 36%

- By June 30, 2016 the number will be 50

RESULTS: Only those individuals moving from a segregated setting to an integrated setting will be used to measure progress on the goal. Additional information shows the dynamic movement in and out of the program and includes those moving to an integrated setting.

Month	Moved to integrated setting	% Awaiting discharge	Deaths	Admissions	Readmits	Avg. Daily census	Transfers
Totals							

GRAPH:**ANALYSIS OF DATA:****COMMENT ON PERFORMANCE:**

TRANSITION SERVICES GOAL THREE: By December 31, 2019, the average monthly number of individuals leaving Minnesota Security Hospital will increase to 14 individuals per month.

2015-2016 goals for the average monthly number of discharges:

Baseline: In Calendar Year 2014 average monthly number of individuals leaving Minnesota Security Hospital was 9 individuals per month.

- By December 31, 2015 the average monthly number of discharges will increase to ≥ 10
- By December 31, 2016 the average monthly number of discharges will increase to ≥ 11

² As measured by monthly percentage of total bed days that are non-acute. Information about the percent of patients not needing hospital level of care is available upon request.

RESULTS: Only those individuals moving from a segregated setting to an integrated setting will be used to measure progress on the goal. Additional information shows the dynamic movement in and out of the program and includes those moving to an integrated setting.

Month	Moved to integrated setting	D/C in progress	< 180 days	> 180 days	Readmit	Deaths	Trans-fers	Admits	Avg Daily census
Totals									

GRAPH:

ANALYSIS OF DATA:

COMMENT ON PERFORMANCE:

III. MOVEMENT OF INDIVIDUALS FROM WAITING LISTS

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

Baseline: As of May 30, 2015, the CADI waiver waiting list was 1,420 individuals.

RESULTS:

GRAPH:

ANALYSIS OF DATA:

COMMENT ON PERFORMANCE:

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

WAITING LIST 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. Statutes, sections 256B.49, subdivision 11a(b) and 256B.092, subdivision 12(b).

WAITING LIST 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 1, 2015, and have been on the waiting list for more than three years.

WAITING LIST GOAL FIVE: By June 30, 2020, the DD waiver waiting list will be eliminated, within available funding limits, for persons with a defined need.

Baseline: In April 2015, there were 3,586 individuals on the DD waiver waiting list.

RESULTS: Number of individuals on the DD waiver waiting list by urgency category and their movement from the waiting list

GRAPH:

ANALYSIS OF DATA:

COMMENT ON PERFORMANCE:

Additional reporting will include the number of individuals who, based on urgency of need, went on waived services without ever being on a waiting list.

IV. QUALITY OF LIFE MEASUREMENT RESULTS

This section will include the results of any and all quality of life assessments. Initially this will include National Core Indicators (NCI) survey results as they become available.

V. INCREASING SYSTEM CAPACITY AND OPTIONS FOR INTEGRATION

This section reports on the progress of measurable goals related to increasing capacity of the system and options for integration.

TOPIC AREA MEASURABLE GOAL:

Baseline:

RESULTS:

GRAPH:

ANALYSIS OF DATA:

COMMENT ON PERFORMANCE:

VI. ADDENDUM

This section will include meeting minutes identifying actions taken by the subcabinet directing any corrective actions to improve performance under the measurable goals.

Attachment D – Annual Report on Results of Olmstead Plan Implementation

November 9, 2015

November 9, 2015

Proposed Template

Minnesota Olmstead Subcabinet

Annual Report on Results of Olmstead Plan Implementation



REPORTING PERIOD

October 1, 2015 – September 30, 2015

Date of Report _____

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I. PURPOSE OF REPORT

The annual report to the subcabinet summarizes overall annual measurable goal results, analysis of trends and risk areas. The annual report will also include any proposed amendments to the Olmstead Plan.

II. Overall Measurable Goal Results

III. Analysis of Trends and Risk Areas

IV. Potential Amendments to the Plan

Attachment E – Orders Pertaining to Olmstead Plan Implementation

Orders Pertaining to Olmstead Plan Implementation and Reporting

The chart below includes Court Orders pertaining to Olmstead Plan implementation and reporting, the relevant provision(s) of each Order and how the proposed implementation plan addresses each provision.

Court Order of April 25, 2013 (Doc. 212), p. 6.	
o Role of Court Monitor	
Order Provisions	Current Proposed Implementation Plan
<p>...the Court appointed David Ferleger as the Court's independent consultant and monitor.</p> <p>2. Monitor's Investigation and Reports The Monitor will independently investigate, verify, and report on compliance with the Settlement Agreement and the policies set forth therein on a quarterly basis. Those quarterly reports shall inform the Court and the parties whether the Monitor believes, based upon his investigation, without relying on the conclusion of the DHS, that Defendants are in substantial compliance with the Settlement Agreement and the policies set forth therein. The Court expects the reports to set forth the factual basis for any recommendations and conclusions.</p> <p>Further, the reports shall set forth whether the DHS is operating consistent with the best practices pursuant to the Settlement Agreement.</p>	<p><u>Olmstead Implementation Office (OIO)</u> <u>Compliance staff</u> will:</p> <ul style="list-style-type: none"> • prepare quarterly status reports on progress toward goals for submission to the subcabinet; • monitor and verify accuracy, completeness, and timeliness of data and information reported by Subcabinet agencies on progress toward measurable goals; • analyze data for trends and risks; • follow-up with agency sponsors/leads to prepare for subcabinet meetings when results are presented; • follow up with agency sponsors/leads on corrective actions as directed by the subcabinet; • prepare an annual report <p><u>Subcabinet</u> will require corrective action where deficiencies exist in progress toward measurable goals.</p> <p><u>Department of Human Services</u> will file quarterly status reports with the court, including a record of any commentary or corrective actions directed by the subcabinet.</p>

Court Order of August 28, 2013 (Doc. 224), pp. 5-6 o Timetable of tasks and deadlines o Requests for modification to Plan	
Order Provisions	Current Proposed Implementation Plan
<p>5. With regard to implementation of the <i>Olmstead</i> Plan, which is due from the State and the DHS by November 1, 2013 for the Court's review and approval, the State and the DHS shall submit a proposed Implementation Plan within the <i>Olmstead</i> Plan. The <i>Olmstead</i> Plan shall also include a separate chronological timetable of tasks and deadlines to facilitate tracking and reporting and for regular updates to the Court setting forth the status and progress in implementation. Updates to the <i>Olmstead</i> Implementation Plan shall include activities undertaken pursuant to the Plan, documentation of such activities, and any requests for modification of the Plan's deadlines or other elements.</p> <p>6. Any requests for modification of due dates under the above provisions of this Order and Memorandum, or for modification of the Plans' deadlines or other elements, shall be in writing, for good cause shown, and shall, in the first instance, be addressed and resolved by the Court Monitor, subject to review by the Court on written application by any party.</p>	<ul style="list-style-type: none"> Agencies have prepared workplans for implementing the strategies to achieve measurable goals established in the <i>Olmstead</i> Plan. <ul style="list-style-type: none"> workplans identify the goal addressed, the key activities, the expected outcomes, concrete deadlines, and specify the agencies responsible. workplans are not part of the <i>Olmstead</i> Plan, and are intended to be changed when not producing desired results. OIO compliance staff will monitor progress on the workplans OIO staff will conduct spot check verifications of reported activities undertaken pursuant to the workplans OIO compliance staff will report to the subcabinet on provisions in the workplans that are not proceeding according to deadline or as planned as part of the quarterly reports. Workplan reports and any corrective action required will be noted in subcabinet meeting minutes and posted on the <i>Olmstead</i> Plan website The quarterly subcabinet reports will not report on every activity required under the workplans, but only on exceptions where activities are not complete Modifications to the <i>Olmstead</i> Plan will be in the form of Plan amendments; amendments will be proposed via the annual report; the subcabinet will consider amendments and adopt amendments according to the process described in the <i>Olmstead</i> Plan. The current proposed implementation plan does not contemplate requesting Plan modifications from the Court Monitor.

Court Order of January 22, 2014 (Doc. 265), pp 3-4 o Reporting requirements (timing and content)	
Order Provisions	Current Proposed Implementation Plan
<p>4. The State of Minnesota shall file its first update, including any amendment to the Olmstead Plan and a factual progress report that shall not exceed 20 pages, within 90 days of the date of this Order.</p> <p>The Court expects the parties to address the progress toward moving individuals from segregated to integrated settings; the number of people who have moved from waiting lists; and the results of any and all quality of life assessments. The Court needs to be in a better position to evaluate whether the Settlement Agreement is indeed improving the lives of individuals with disabilities, as promised and contemplated by the Settlement Agreement itself.</p> <p>As the Court ordered on August 28, 2013, updates to the Olmstead Implementation Plan shall include activities undertaken pursuant to the Plan, documentation of such activities, and any requests for modification of the Plan's deadlines or other elements.</p> <p>6. This Court respectfully directs that the Olmstead Subcabinet use all of its combined resources and talents to implement the Olmstead Plan. Further, the Court respectfully directs that the Olmstead Subcabinet cooperate, communicate, and work with the Court Monitor. The Court expects the Olmstead Subcabinet to discuss ongoing implementation with the Court Monitor, as well as the Executive Director of the Governor's Council on Developmental Disabilities and the Ombudsman for Mental Health and Developmental Disabilities, on a 60-day report system, with feedback and communication between all parties, so that true progress can be realized in the lives of the individuals with disabilities intended to benefit from the Settlement Agreement and so their lives can truly be significantly improved.</p>	<ul style="list-style-type: none"> • The quarterly reports and the annual report will be filed with the court. • Reports will not exceed 20 pages. • Quarterly reports will report on (1) the net number of people moving from segregated to integrated settings, considering admissions, transfers, discharges, and readmissions; (2) the number of people who are no longer on the waiting list (evaluating whether the movement is at a reasonable pace); and (3) the quality of life measures (summarizing and submitting to the Court any available data and highlighting gaps in information). • OIO compliance staff will report to the subcabinet on provisions in the workplans that are not proceeding according to deadline or as planned as part of the quarterly reports. Workplan reports and any corrective action required will be noted in subcabinet meeting minutes and posted on the Olmstead Plan website • The workplan reports to the subcabinet will not report on every activity required under the workplans, but only on exceptions where activities are not complete. • The current proposed implementation plan does not contemplate working with the Court Monitor.

Court Order of September 3, 2014 (Doc. 340), pp. 11 – 14	
o Role of Court Monitor	
Order Provisions	Current Proposed Implementation Plan
<p>2. The Court Monitor shall make findings of compliance concerning the Defendants' activities under ... the <i>Olmstead</i> Plan.... In addition, the Court Monitor shall make recommendations that will facilitate the goals and objectives of the Court's Orders, including recommendations for contempt, sanctions, fines or additional relief. The Court Monitor may continue to issue reports on compliance and other issues in this case in his discretion; in light of the requirements in this Order, quarterly compliance reports by the Court Monitor are no longer required. ...The Court Monitor shall also continue to issue reports on compliance and other issues in this case at his discretion.</p> <p>3. The Court Monitor has the authority necessary to facilitate and assist Defendants to achieve substantial compliance with Defendants' obligations under the Court's Orders.</p> <p>4. The Court Monitor shall:</p> <ol style="list-style-type: none"> Oversee the timely implementation of all procedures and activities related to all outstanding obligations under the Court's Orders. Oversee the activities of the Defendants in order to ensure and affirm that the service system provides services and support that comply with the Court's Orders. Oversee the activities of the Defendants, including their oversight and monitoring, in order to ensure that their supervision and regulation of counties, contractors, providers, and agents results in substantial compliance with the Court's Orders. Oversee the activities of the Defendants related to their communications with other state agencies necessary to achieve substantial compliance with the existing Court's Orders. Review existing data collection mechanisms, information management, performance standards, provider review, and quality improvement systems, and, if necessary, identify specific improvements to achieve substantial compliance with the Court's Orders. Supervise compliance activities by the Defendants with respect to the Court's Orders. Facilitate efforts of the Defendants to achieve substantial compliance with the Court's Orders at the earliest feasible time. Evaluate the adequacy of current activities and the implementation of remedial strategies to facilitate substantial compliance with the existing Court's Orders. 	<p>The current proposed implementation plan does not contemplate working with the Court Monitor.</p> <p>The Subcabinet working with the OIO Compliance staff has the responsibility for compliance evaluation, verification and oversight of Plan implementation.</p>

Court Order of September 3, 2014 (Doc. 340), pp. 11 – 14**o Role of Court Monitor**

- i. Propose to the Court actions that could be taken to more rapidly achieve substantial compliance, including the need for any additional Court Orders. In developing these actions, to the extent the Court Monitor deems appropriate, he may:
 - (1) Develop specific outcome measures or standards of compliance for those areas in which such outcome measures or standards would assist in the determination of substantial compliance;
 - (2) Encourage and allow the Defendants in the first instance to propose timelines, outcome measures, or standards of compliance, should they desire to do so; and
 - (3) Include, when he deems appropriate, timetables for implementation, descriptions of measures necessary to bring the Defendants into substantial compliance or to overcome obstacles to substantial compliance.

5. The Court Monitor may make formal, written recommendations if the Court Monitor: (a) determines that any action necessary to achieve substantial compliance with an outstanding obligation under the Court's Orders is not being implemented or is inadequately implemented; (b) finds that Defendants are violating any provision of the Court's Orders; or (c) acts on a party's submission or a *sua sponte* consideration of a dispute. Such recommendations shall include consideration of the appropriateness of contempt, sanctions, fines, or additional relief. Such recommendations may also include timetables for implementation and descriptions of measures necessary to bring the Defendants into substantial compliance or to overcome obstacles to substantial compliance.

6. The Court Monitor shall serve for as long as necessary for Defendants to achieve substantial compliance. However, it is expected that Defendants will substantially comply with the Court's Orders by December 4, 2016. Pursuant to the Settlement Agreement§ XVIII. B and § XVIII.E, and the Court's August 28, 2013 Order, the Court's jurisdiction is extended to December 4, 2016, and the Court expressly reserves the authority and jurisdiction to order an additional extension of jurisdiction, depending upon the status of the Defendants' compliance and absent stipulation of the parties.

Court Order of September 18, 2014 (Doc. 344), pp. 6-8	
○ Reporting Requirements	
Current Proposed Implementation Plan	Current Proposed Implementation Plan
<p>II. Accurate Reporting</p> <p>Second, and relatedly, the State must ensure accurate progress reporting. Reports to the Court must be accurate, complete, and verifiable. The Court requires the State to report on the following: (1) the number of people who have moved from segregated settings into more integrated settings; (2) the number of people who are no longer on the waiting list; and (3) the quality of life measures. With respect to the first inquiry, any calculation must consider admissions, readmissions, discharges, and transfers—reflecting the dynamic movement of individuals through segregated settings—to determine the net number of people who have moved into more integrated settings. Regarding the second inquiry, the State must evaluate whether the movement is at a reasonable pace. Finally, with respect to the third inquiry, the State must summarize and submit to the Court any available data and highlight any gaps in information.</p>	<ul style="list-style-type: none"> • OIO compliance staff will conduct spot checks on accuracy, completeness and timeliness of information and will require agencies to verify all information submitted to the OIO regarding progress on the workplans and progress towards the measurable goals. • Quarterly and annual reports will be complete, accurate, and verifiable. • Quarterly reports will report on (1) the net number of people moving from segregated to integrated settings, considering admissions, transfers, discharges, and readmissions; (2) the number of people who are no longer on the waiting list (evaluating whether the movement is at a reasonable pace); and (3) the quality of life measures (summarizing and submitting to the Court any available data and highlighting gaps in information).