

Minnesota Olmstead Planning Subcabinet – 6/11/13 Meeting Notes (DRAFT)

Meeting Details

Date: June 11, 2013

Start/End Time: 3:00 – 4:30 p.m.

Location: Anderson Building Room 2380

Chair: Lt. Governor Yvonne Prettner Solon

Facilitator: Judy Plante, Management Analysis & Development (MAD), Minnesota Management and Budget

Subcabinet members (or alternates) in attendance: Cynthia Bauerly, Deputy Commissioner, Department of Employment and Economic Development (DEED); Ellen Benavides, Assistant Commissioner, Department of Health (MDH); Lucinda Jesson, Commissioner, Department of Human Services (DHS); Kevin Lindsey, Commissioner, Department of Human Rights (MDHR); Sue Mulvihill, Division Director, Department of Transportation (MnDOT); Roberta Opheim, Ombudsman for Mental Health and Developmental Disabilities (*ex officio*); Thomas Roy, Commissioner, Department of Corrections (DOC); Colleen Wieck, Executive Director, Governor's Council on Developmental Disabilities (*ex officio*); Robyn Widley, Supervisor, Interagency Partnerships Team, Department of Education (MDE).

Others in attendance: Abdihakim Abdi, MSCOD; Scott Beutel, MDHR; Kristie Billiar, MnDOT; Chad Bowe, DEED; Kelly Christenson, MnDOT; Denise Davis, Bethere, Inc.; Carolyn Dehn, nonprofit; Christine Dufour, MDHR; Janice Jones, MDH; Mary Kay Kennedy, ACT; Steve Larson, The Arc MN; Nanette Larson, DOC; Rebecca Melang, CSH; Bob Niemiec, MnTAT; Tim Nolan, Ramsey County Citizens Advisory Council; Derek Nord, University of Minnesota; Maridy Nordlum, DHS; Tonja Orr, MHFA; Mimi Schafer, DEED; Jill Schewe, Care Providers of MN; Richard Strong, DEED; Gerri Sutton, Met Council; Mike Tessneer, DHS; Rosalie Vollmar, DHS; Joan Willshire, MSCOD

Welcome, introductions, and approval of notes

Lt. Governor Prettner Solon welcomed the subcabinet and the audience to the meeting. Subcabinet members and alternates introduced themselves.

Lt. Governor Prettner Solon asked the subcabinet if there were any necessary changes to notes from the April or May meetings—none were identified.

Updates

Judy Plante informed the subcabinet about recently released information that is relevant to Minnesota's Olmstead planning:

1. The US Department of Housing and Urban Development (HUD) issued a policy guidance informing state and local housing providers about *Olmstead* and about how they can support state and local efforts to increase integration. The HUD guidance is available [here](#).

2. DHS's Disability Services Division recently released a legislative report: Initial Needs Determination Report for Disability Waiver Residential and Support Services. The report contains information from residential and service providers who receive funding through the state's waiver programs, and it includes topics relevant to Olmstead planning. The report is available [here](#).

Draft plan review

Lt. Governor Prettner Solon began the discussion by noting that she reviewed the draft plan, and she is impressed with the work and effort that all the agencies have put in to this draft plan.

Judy Plante reminded the subcabinet of the process for reviewing this document:

- The subcabinet asked for a preliminary draft that could be released to the public for feedback.
- There will be gaps and inadequacies in the draft—we won't be able to fix those today.
- The goals identified on page 4 should be thought of as an extension of the subcabinet's vision.
- Today, the subcabinet is asked to identify any deal-breakers—things that must be changed before the draft can be released for public comment.
- After the subcabinet has considered those deal-breaker issues, the rest of the time at the meeting can be spent getting the subcabinet's overall impressions of the plan or any other feedback members would like to share.

Discussion of goal statements

Judy Plante asked the subcabinet to review the information on page 4 of the draft plan (and written on posters in the meeting room): there is an overall goal and several sub-goals. Members who are familiar with the Results Based Accountability approach will recognize that the overall goal represents a population outcome.

Subcabinet members discussed the draft goals and changed wording in some places. Their discussions and revisions are summarized below.

Overall goal:

The subcabinet began discussion by considering whether the word "choice" should appear in the overall goal. Members agreed to review all of the goals and then return to this issue. After the discussion, members agreed that the concept of choice is covered in the sub-goals.

Approved goal: Minnesota will be a place where **people with disabilities are living, learning, working, and enjoying life in the most integrated setting.**

Supports and services:

The subcabinet had no initial comments on the goal statement. In later discussions, the subcabinet agreed with a suggestion that there should be a sub-goal in this area regarding family supports.

Approved goal: People with disabilities of all ages will experience meaningful, inclusive, and integrated lives in their communities, supported by an array of services and supports appropriate to their needs and that they choose. [Note: The subcabinet intends to add a sub-goal in this area regarding family supports.]

Housing:

Subcabinet discussion of the draft goal statement included:

- Is this statement unrealistic? Everyone has constraints about where they live and with whom they live. Should there be language in the statement to temper expectations? Are we setting ourselves up for some type of litigation on this issue?
- Caveats like emphasizing *access* to choice have been used as *barriers* to choice and integration: people with disabilities may be given two bad options (ex: live in a facility where everyone has mental illness or be homeless), but the entity says this is access to choice. This doesn't meet the intent of *Olmstead*.
- The intent of the goal statement is that a person has options—rural or urban area, in their own home, in a group setting, or in some other format. It has to be interpreted from a reasonable person standard.
- These are all aspirational goals—and they should be. We don't want to put a lot of caveats in these statements—we don't want to limit these.
- We'll have opportunities to introduce realism in other parts of the document where we talk about what we are doing.
- It's not likely that a goals statement will create a cause of action—the standard will be what's required under the *Olmstead* decision.
- One of the benefits in developing an *Olmstead* Plan is that it offers a possible legal defense. The first question is: do you have a plan? If you have a plan, are you implementing it? If we can say yes, and we're making reasonable progress, courts will recognize that.
- It's important to note that people with and without disabilities in correctional settings do not have a choice where they live.

Approved goal: People with disabilities will choose where they live, with whom, and in what type of housing.

Transportation:

The subcabinet had no comments on the draft goal statement.

Approved goal: People with disabilities will have access to reliable, cost-effective transportation choices that support the essential elements of life such as employment, housing, education, and social connections.

Employment:

Subcabinet discussion of the draft goal statement included:

- Choice is an important concept in this goal.
- Competitive employment means people working for market wages.
- There may be people who chose to work in a sheltered workshop—but there has to be choice.

Approved goal: People with disabilities will have choices for competitive, meaningful, and sustained employment in the most integrated setting.

Community engagement:

The text of the goal was modified to parallel the other statements. There was no other discussion.

Approved goal: People with disabilities will have the opportunity to fully engage in their community and connect with others in ways that are meaningful and aligned with their personal choices and desires.

New goal statements:

During discussion, subcabinet members noted that the subjects of education and health are not specifically called out in any goal statement. These subjects can be read in to the overall goal and in the other goal statements. The subcabinet agreed in principle to add goals on these two topic areas, with language to be crafted at a later date:

- Lifelong Learning and Education
- Healthcare and Healthy Living

Approval of draft plan for release to public

Judy Plante asked the subcabinet to consider whether there are any deal-breakers—any problems with the plan that mean we simply cannot release the plan to the public. She emphasized that agreeing to release the document does not mean that the subcabinet members agree with every item. The goal is to get the draft out to the public so we can begin the conversation with Minnesotans.

Subcabinet discussion included:

- This is not a deal-breaker at this stage, but there will need to be more measurable goals beyond the aspirational goals adopted here. To be an effective plan, there have to be measurable goals that can be documented and sustained over time.
- It will be important to make sure people understand that these high-minded goals won't be reached in the first few years, but that more concrete and measurable goals and timelines will demonstrate that the state is moving towards these broader goals.
- In future versions of the plan, to make the plan acceptable to the court monitor and others, there must be more detailed goals and plans to achieve the goals
- It would help if people could give feedback on which of these goals and topic areas are most important so we can prioritize our implementation of the plan.
- There will be opportunities to gather this type of feedback on priorities over the summer, including at listening sessions, via the website's comments section, and through an online survey that may be developed.
- The phrase "least restrictive" that appears in some places in the document should be replaced with "most integrated."
- It would be helpful if there were a summary document of some kind to give people an overview of the plan.

Action/decision:

All members agreed that the plan could be released to the public as soon as possible, with the changes agreed to during the meeting.

Subcabinet members' responses to draft plan

Judy Plante asked members to provide any other comments or feedback on the draft plan. Discussion and comments included:

- From an education perspective, some of the cross-agency work in this process will help accomplish existing agency priorities and goals.
- Working across agencies on developing the plan has been very beneficial.
- Plan structure: right now we have nine separate Olmstead plans—there should be one state plan.
- When the recommendations or goal statements are extracted, we have approximately 50 statements—this reveals gaps in coverage by age, by life area, and by type of disability.

- The plan should focus on where Minnesota is vulnerable under *Olmstead* and set priorities and goals accordingly. Examples: waiting lists, institutions, DT&H and community rehab programs, 4 person adult corporate foster care homes, nursing homes, ICFs.
- Focus on end results: The Olmstead Plan needs to be a plan for people, not for a bureaucracy. Currently, of the approximately 50 recommendations or goal statements, 14 are written in a way that discusses the direct impact on people, but most are about policies or procedures or adding staff.
- There's little connection between the data discussed in the plan and the recommendations or goals statements, and there's little connection between what people have expressed about what they need and the plan's recommendations or goals statements. There are surveys and studies we can use to establish these connections—this can be added in the next iteration of the plan.
- Best practices keep evolving. We have to recognize that the plan needs to keep changing.
- There should be a section on demographics. Examples: the aging of the bubble of children with autism, Alzheimer's among baby boomers. We need to make sure there's a demographic context to the plan and show the state is preparing for these shifts.
- The state needs to keep tabs on federal issues that affect Olmstead efforts, and identify where federal laws have to change. Examples: social security definition of disability, subminimum wages.
- Ultimately, the plan has to meet the tests of an Olmstead Plan. It has to meet all of the criteria, including being fact-based, comprehensive, measurable, results-focused, and connected to the experiences of people with disabilities.
- A challenge to the cross agency work will come when this is implemented. We've got the verbalization of cooperation and planning, but it becomes difficult during budget times when agency priorities may conflict with Olmstead priorities.
- From a corrections perspective, it's good to see that other agencies see that transitions (such as from prison to community) require community support and involvement.
- We need commitment in the legislative process and when we develop agency budgets.
- We need to make sure the governor's office and the legislature are informed of the importance of Olmstead—budgets and policies should be measured against Olmstead.
- In general, it's challenging to talk about goals and measures—establishing measureable goals requires people coming together to look at things with a similar approach. This has to happen to make the Olmstead plan work.
- The draft plan gives us a good starting place—and that's through a lot of hard work from agency staff. The cross-agency work that's here is exciting. We needed to get all of this information in one place.
- Prioritization will be important—when you consider legal vulnerabilities, this is really just where the law points us to priorities for action. We shouldn't be looking at issues as vulnerabilities but as things we need to address first. Areas with the biggest impact on people should be addressed in the first 1-2 years, not 4-5 years later.
- Having a demographics section will also help us focus efforts. Example: with an aging workforce, we need to make sure everyone can participate in the workforce.
- Ongoing legislative and budget coordination is possible. An example is the children's cabinet where DHS, MDE, MDH agreed on priorities. We don't need a huge process to do this—we just have to agree to do it and do it.
- It's been helpful for staff to look at how we interact with people and how our work impacts people with disabilities. The planning process will help hold us accountable.

- From a health perspective, this process fits in with our health disparities work.
- We must establish priorities so we can apply resources. The plan has a lot of big ideas and great work, and it's a good place to start, but we have to establish priorities, we need to decide how we measure results, and we need to do what we say we'll do. A risk management approach might be useful.
- We also need to engage people with disabilities in this process to hear what their priorities are.
- From a transportation perspective, this will help with our transition plan. We have a lot of long-term plans, and we have plans for everything. We need to listen to the right people when we do our planning process.
- Cross agency work has been really helpful—a great start.
- The listening sessions will be a way to get people's thoughts on priorities, and also make sure people have reasonable expectations.
- It is important not to just write a plan that describes what is currently being done. This can't be a plan that is guaranteed to succeed because it's already being done—there has to be a focus on what works to make a difference in people's lives. The plan may not be easy to implement.
- The current plan shows that agencies are planning and doing a lot of things, but scale is lacking.
- There are gaps identified in parts of the plan—is there more information on that?
- DHS has done some analysis of gaps in service, but much of this was focused on geography. It lacked perspectives of consumers.
- Regional and geographic perspective is important: the state's central government is in the metropolitan area. There are 80 other counties besides the seven in the metro—we have to keep our minds open to spread services further.
- It would be helpful to know where people with disabilities reside in Minnesota—like a county map in the plan.
- While we're hearing feedback from the public, we can continue our work on developing the plan and refining measurements.
- Performance goals have to be tied to strategies. Example: in employment, we need to know what programs are actually leading to people getting and keeping jobs.
- Data collection is an ongoing effort in general—we will keep thinking about this and making changes as needed.
- The focus must be on data that shows whether what we are doing is making a difference.
- We can't just look at data that makes our programs look good—we need to see weaknesses too, and areas of improvement.
- We should look broadly and not assume we are collecting the data we need.
- National data resources such as the American Community Survey, Boston, University of Minnesota, and Boulder have useful information. The data shows where Minnesota ranks in different areas. These sources use different definitions of disability, and it's important to keep that in mind.
- Over the summer, the core working groups will reconvene and focus on data collection, refining the plan and goals, and reviewing themes from public comments.
- The process will be messy because we will be continuing to work while receiving comments on the draft plan.
- Another issue for cross-agency work: preventing abuse, neglect, and exploitation. The numbers in this area are not going in the right direction.

Overview of summer activities

Judy Plante reviewed the upcoming schedule:

- The draft plan will be posted on web as soon as possible.
- MAD will use agency summaries for the DEED program as basis for a more digestible version of the plan—the document will be created as soon as possible. If possible, MAD will integrate the content to give a more unified overview.
- There will be subject matter experts to assist agencies in developing the plan—the final version will probably look very different than the draft now.
- There will be many opportunities for public input in the next few months:
 - The DEED forum on June 19—the expectation is that all agencies will have a representative there to speak to the plan and to listen.
 - A survey tool may be developed to gather input about people’s priorities.
 - Online comments will be gathered and forwarded to agency contact people. Contacts should review information as it comes—looking for themes and necessary changes to the plan. By the end of August there will be some aggregated information to be shared with the subcabinet and core groups.
 - Listening sessions are set, and plans for the sessions are being finalized—the framework of the sessions will have to be flexible to allow adjustments to the meeting space and the size of the audience.
- MAD is drafting information that agencies can use to talk about the plan.
- MAD will be convening working group meetings, but these should not be the only meetings that core groups are holding. The ongoing assumption is that there is continued work across the agencies.
- Goal: by the end of August, we should have a good idea of the themes from the public comments, we will have been working with the experts to develop the plan and have ideas of how to put it together, and we should have a better sense of data collection and measures.
- Before the September 10 meeting, there will be a new plan draft for the subcabinet to review and consider.

Closing comments

- Roberta Opheim reminded members of the subcabinet that the final level of input on the plan will be from the court monitoring the *Jensen* agreement.
- Lt. Governor Prettner Solon reminded all subcabinet members that it is important that they or their designee attend the listening sessions throughout the state.
- Lt. Governor Prettner Solon invited the audience to provide any additional comments.
- Tim Nolan (Ramsey County Citizens Advisory Council, Chemical Health Committee) announced that tpt will be airing a documentary entitled *Heroin at Home*. There will be a related town hall forum on June 18.