

Minnesota Olmstead Planning Subcabinet – 9/10/13 Meeting Notes

Meeting Details

Date: September 10, 2013

Start/End Time: 3:00 – 4:30 p.m.

Location: DHS 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) [Lynnette Geschwind, Affirmative Action Manager, was alternate for part of the meeting]; Roberta Opheim, Ombudsman for Mental Health and Developmental Disabilities (*ex officio*); Tonja Orr, Assistant Commissioner for Policy and Community Development, Minnesota Housing Finance Agency; Thomas Roy, Commissioner, Department of Corrections (DOC); Colleen Wieck, Executive Director, Governor's Council on Developmental Disabilities (*ex officio*); Jessie Montano, Department of Education (MDE).

Others in attendance (based on sign-in sheets): Alex Bartolic, DHS; Kristie Billiar, MnDOT; Chad Bowe, DEED; Sara Dunlap, MnDOT; Ann Fagerhaug; Anne Henry, MN Disability Law Center; Evan Henspeter, Lifeworks; Janice Jones, MDH; Bonnie Kirscher; Toni Kirscher; Maureen Marrin, OMHDD; Alicia Munson, Opportunity Partners; Rebecca Melang, CSH; Steve Nelson; Mike Tessneer, DHS; Rosalie Vollmar, DHS; Robyn Widley, MDE; Joan Wilshire, 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. The Lieutenant Governor asked members if any changes were needed in notes from the summer listening sessions (July 9, August 2, August 13, August 19). No changes were identified.

Overview of process

Judy Plante discussed the stakeholder and plan revision process to-date:

- After the publication of the draft plan in June 2013, the subcabinet held listening sessions across the state to gather feedback from stakeholders. People could also comment in writing.

- On August 20th, a large group of agency leaders and staff met to digest all of the stakeholder information we've received, and they looked at recommendations from national experts.
- Writing teams met to come up with key indicators and strategic actions for each of the goal areas, and then the teams developed draft sections on each topic.
- There is much good information there, but the drafts were not ready to be included in the plan the subcabinet is considering today.
- Teams will continue to receive expert advice and will refine the drafts for inclusion in the October version of the draft plan.
- In general, things are on track, there's lots of good stuff, the plan is coming together.

The subcabinet reviewed a handout describing the stakeholder input process and showing the number of people who participated.

There was no additional subcabinet discussion.

Review of September draft of Olmstead Plan

Judy Plante explained that some of the text in the draft plan is from the June version, such as information about the *Olmstead* decision and background information. The lead drafting team added information about accomplishments, strengths, and weaknesses related to *Olmstead*. There is also a review of themes from stakeholders.

New material for discussion today:

- Goals for Healthcare & Healthy Living and Lifelong Learning & Education
- Four overarching strategic actions
- Quality assurance & oversight and monitoring

Discussion of new goals

In June, the subcabinet agreed that there should be topic areas in the plan related to Healthcare and Healthy and Living Lifelong Learning and Education. Draft goals were shared with the subcabinet in July, but the subcabinet has not had the opportunity to discuss them. The draft goals are:

Healthcare and Healthy Living: People with disabilities, regardless of their age, type of disability, or place of residence, will have access to a coordinated system of health services that meets individual needs, supports good health, prevents secondary conditions, and ensures the opportunity for a satisfying and meaningful life.

Lifelong Learning and Education: People with disabilities will experience an inclusive education system at all levels and lifelong learning opportunities that enable the full development of individual talents, interests, creativity, and mental and physical abilities.

Subcabinet discussion included:

- Fragmented, uncoordinated care is a challenge for all, but particularly in the fee for service system, which serves a number of people with disabilities. We don't always have care coordination.

- The healthcare goal is connected to broad discussions 3-4 years ago about better healthcare access.
- Work is being done to develop health care homes: a nurse or care coordinator may know conditions and help people connect with providers. This work is building on existing delivery systems, working to integrate these.
- People with disabilities have unique challenges to access healthcare; we need to make sure that disability doesn't interfere with next level of care.
- An example of a problem in this area: research shows that people with severe and persistent mental illness live less long than others a—they are not getting treated for other conditions.

Action/decision: The subcabinet adopted both goals.

Overarching strategic actions

The September draft plan includes four new overarching strategies for the Olmstead Plan (on page 15 of the draft). The strategies are based on what we have heard from stakeholders and what the writing teams have been discussing.

Judy Plante explained the rationale behind each of the four strategies:

- Beginning with the individual is a foundational idea—choices should be driven by the individual, not by the service system.
- The subcabinet agencies have been looking at systemic issues and barriers for the past several months. In drafting the plan, writing teams have identified the need to continue this work at a state level. There must be high-level review and planning to make the legislative and fiscal changes that will be necessary. Meanwhile, agencies will be making the changes they can right away.
- People with disabilities have to be included in planning and implementation, serving in leadership, advisory, and decision-making roles. This strategy is based on stakeholder feedback. We've also heard that it's not enough to just have someone on a committee—they may need support to be able to succeed in that role.
- To make the Olmstead Plan work, there must be a state-level way to measure and track quality of life outcomes and measure performance related to the plan. We need to establish baselines and do this work on an ongoing basis.

All of these strategies will take time to fully implement, but writing teams are identifying immediate concrete actions that support these strategies and the subcabinet's goals.

Subcabinet discussion included:

- The statewide approach is a good idea—we don't want silos.
- The leadership piece is also good—that's so important to ongoing success of plan.
- The language should be revised to make it clear that we are being aggressive but realistic in reviewing these laws, policies, and procedures.
- Should this be a plan to look at all *known* policies, laws, etc.?

- The timeline on initial action on strategy #2 should be changed to December 1, and it should be clear that we are identifying administrative actions right away (matching language in #3).
- The subcabinet needs to have additional conversations about how to engage other agencies.
- Language should be changed to reflect that the subcabinet will engage *other* agencies (not necessarily *all* agencies).
- Some examples of agencies that should be engaged: Commerce, MnSCU, Secretary of State, MMB. There are many agencies with parts to play.
- The Olmstead Plan has to have a multi-agency approach, so that there's increasing knowledge of barriers and ways to address them.
- It could make sense to set a schedule to review different aspects—there should be a methodology.
- There are examples of cross-agency plans that the state requires (ADA, business continuation)—someone has to remind agencies to update these plans.
- Federal law will need to be assessed—some federal laws (like the definition of disability for SSDI) are not in line with *Olmstead*.
- Regarding people in leadership positions: support may include financial support or paid positions—it can't just be volunteer service.
- Volunteer service is also important, and support (like transportation) may be needed.
- There may be a need to add definitions of support in the plan or to add language about “paid and unpaid” positions.
- Leadership development is not just about government, it's also about society in general. The community engagement section of the plan will likely have more information about this concept.
- Funding of these strategies (and for the quality assurance and monitoring process) must be addressed. When we're talking about new services or structures in the short term, everything we're talking about has to come out of existing budgets.
- DHS will have a significant part in paying for this, but it's not only DHS. There must be a shared understanding and commitment among the subcabinet agencies.
- It will be a shared effort, but it will be challenging—all of the funds we have available are being put to good use.
- A statewide contingency fund for Olmstead would be useful—resources an agency could tap to provide an accommodation, for example.
- We need to start where we are: direct existing funding to be more person-directed.
- Other analysis of funding will be necessary.

Action/decision: The subcabinet adopted these strategies in principle. Additional writing and financial analysis will be necessary before the strategies are finalized.

Quality Assurance and Accountability section

Judy Plante explained that this section was drafted to begin answering an ongoing question: what happens after November 1 (the plan implementation start date)? The timelines are aggressive on these actions, but it is important to move forward as soon as possible:

- Development of measurements for assessing quality of life will be crucial. There are models available that Minnesota can use, and we need to get going on this soon so we can establish a baseline and determine if our efforts are making a difference.
- A grievance or problem resolution process is necessary. The draft here is not intended to collide with other processes. The point is that people can raise issues related to *Olmstead* (not a particular program or department) and they can get some help and resolution.
- There must be an ongoing structure to make sure the plan is implemented. The model presented here is to have an Olmstead office that reports to the subcabinet.

Subcabinet discussion included:

- Estimates will be needed on these initiatives: quality of life measures, grievance process, Olmstead office, quality improvement.
- The subcabinet already has a role in plan implementation—that role is described in the Executive Order. The question is how to do this going forward.
- The children's subcabinet might provide a model.
- We will need more thinking about the structure of the grievance process—how is it related to other models in the state? We need to make sure not to duplicate or just add bureaucracy.
- It may be wise to separate the implementation function from the grievance process function.
- Consider possible additional liability when establishing or implementing this new grievance process.
- The implementation group has to have knowledgeable leadership to help build the office, to make sure agencies provide the right information, to keep things going, and to review activities at a high level.
- Olmstead issues are connected to broader human rights, but there are specific, significant liabilities if we violate *Olmstead*.
- Clarification will be needed about the level of oversight needed, and about the connection of existing federal, state, and local laws.
- We could look at a customer service model for resolving grievances—we should care about people not getting service as expected.
- High level of leadership will be needed—these new processes shouldn't be connected to just one subcabinet agency.
- It's also important not to have the responsibility too diffused.
- Funding will be a challenge in establishing new structures.
- We do have knowledge and talents in the state to do this—we have mediation, we have investigation, we have social sciences.
- A hybrid office of social workers and lawyers, at a high level (like the Governor's Office) may be the best solution.

- We should wait to make a decision on structure until we have an idea how much things will cost.
- Clarification is also needed on the goals of the grievance process—is this to come to an agreement about services? What is an entitlement and what is not? More work is needed on this process. It shouldn't be an adversarial process.
- There are many different ways to get to resolution of a complaint and resolve a dispute. The model to avoid is to simply replicate the courthouse—that's too late and too expensive.
- The grievance process section is a placeholder for more discussion--the subcabinet will have to make decisions about this.
- Once we have a process established, we'll have to provide training to agency staff to direct people appropriately.
- A one-door/one-call approach to Olmstead issues and complaints may make sense—there can be triage initially.
- We all have complaint offices—we need to bring in that information to flesh this process out.
- The Interagency Council on Homelessness is another example of cross-agency work.

Action/decision: The subcabinet adopted this new section of the plan in principle. Additional writing and financial analysis will be necessary before this part of the plan is finalized.

Closing comments

The Lieutenant Governor thanked the members for a productive conversation, and she asked the writing teams to continue their work.

Next meeting

The next meeting of the subcabinet will be on **Tuesday, October 8, 2013 from 3:00 - 5:00 p.m.** The meeting will be held in the Anderson Building, Room 2380.

The subcabinet has also set a tentative meeting for Tuesday, October 22, 2013 from 9:30 -10:30 a.m.in Room 123 of the State Capitol. This meeting will be held if necessary to approve final revisions to the plan.

Notes submitted by: Beth Bibus, Management Analysis & Development, Minnesota Management & Budget