

STATE OF MINNESOTA OLMSTEAD SUB-CABINET

REPORT TO THE OLMSTEAD SUB-CABINET:

CURRENT STATUS UPDATE AND PLAN MODIFICATION RECOMMENDATIONS

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I. PURPOSE

The Court Monitor's report to the court dated December 31, 2013 recommended to the Court a bi-monthly reporting schedule wherein the Olmstead Sub-Cabinet would report on the status of work being done within the Plan to move toward greater integration for persons with disabilities. The Olmstead Implementation Office has adopted this schedule to report to the Sub-Cabinet on the status of the work being done by agencies to move the Plan forward. It is also being used as a mechanism to recommend other actions to the Sub-Cabinet and other parties including the Court and other stakeholders such as modifications to the Plan.

II. OLMSTEAD PLAN ACTION ITEMS STATUS UPDATE

The Olmstead Implementation Office has created a framework in which to monitor all of the tasks within the Plan, analyze implementation plans for progress as well as potential problems, and to keep the Sub-Cabinet, Court Monitor and parties apprised of such matters.

Each agency represented in the Plan has assigned a lead Olmstead person (appendix A) to coordinate the various action items within the Plan. These agency leads meet with the Olmstead Implementation Office at least bi-monthly to facilitate cross agency discussions and work collaboratively to move the Plan forward. These lead individuals are also responsible for submitting bi-monthly status reports on all action items not previously completed to the Olmstead Implementation Office. These status reports include a summary of the current status as well as benchmarks and completion dates working toward full implementation of each action item.

The following summaries cover the primary subject areas of the plan and the work done thus far to move the plan forward. For further detail see appendix B.

QUALITY ASSURANCE AND ACCOUNTABILITY –

The Sub-Cabinet is the agency responsible for goals in this area of the plan and as the Olmstead Implementation office is the agent of the Sub-Cabinet, the office will be undertaking most action items. The Olmstead Implementation Office is currently staffed with three interim staff through interagency agreements. The Sub-Cabinet and a panel of community stakeholders are currently conducting a search for a permanent Executive Director.

The Olmstead Implementation Office has completed the goal of ensuring that responsible people are assigned to complete actions in the Plan for 2014 and are moving forward to identify those people responsible for 2015 goals in the next month.

The Olmstead Implementation Office has reviewed national and local quality of life tools and also consulted with the Olmstead content expert on measurement. The recommendation is to move forward and develop an annual plan with the Center for Outcome Analysis for the construction of a quality of life assessment tool specific to the Minnesota Olmstead Plan requirements.

OVERARCHING STRATEGIC ACTIONS:

The Olmstead Sub-Cabinet also has primary responsibility for overarching strategic actions including 2015 legislative proposals. Currently each agency is working to prepare legislative proposals for 2015 which are to be submitted to the Sub-Cabinet via the Olmstead Implementation Office prior to February 25, 2014.

HEALTHCARE AND HEALTHY LIVING:

The Minnesota Department of Health has responsibility for development of a plan and timeline to ensure that health messaging is targeted to people with all types of disabilities. The department is currently conducting a needs analysis with internal stakeholders and drafting a project plan to be presented to MDH by March 15, 2014. With a finalized plan submitted to the Olmstead Implementation Office by March 31, 2014.

EMPLOYMENT:

Current action items in this subject area have multiple agencies working together towards their completion. DEED, MDE and DHS leads have been meeting to determine enhancements to existing person centered planning to increase the focus on competitive employment. This action has a scheduled date for implementation of March 1, 2014 but will require additional time to engage multiple stakeholders and manage the complexities of curriculum development over multiple venues. The "Employment Learning Community" had its first meeting on January 17, 2014 and the DHS Disabilities Services Division has hired a staff person to coordinate its Olmstead employment activities.

TRANSPORTATION:

Current action items in this subject area have multiple agencies working together towards their completion. DHS has responsibility for convening community members to determine strategies to improve access and flexibility in transportation. This is a coordinated effort with MnDOT and DHS has also engaged the Minnesota State Council on Disability for this action item. Together they will bring together a stakeholder group from the community to review data previously gathered around transportation needs, particularly transit and best practices. This review will help to prioritize future work towards creating greater flexibility. MnDOT is leading the work to develop a plan to work with transit providers in greater Minnesota and the Metropolitan Council will be reviewing services within the seven county metro area to incorporate goals from the Olmstead Plan. Additionally MCOTA will review a project to develop consistent approaches to transportation costs and creation of maps showing human service transportation providers by February 25, 2014.

SUPPORTS AND SERVICES:

DHS is largely responsible for the current actions identified under support and services. The MN Security Hospital has determined that 52 individuals will be recommended for discharge in 2014. Details on discharge recommendations can be found in Appendix B. The new standards for Home and Community Based Services, MN Statute 245D went into effect on January 1, 2014.

The team tasked with the development of protocols for successful transitions from facilities to the most integrated setting has identified agency leads, stakeholders, meeting schedules, process and how feedback will be provided outside of the meetings. DHS will be requesting an Olmstead Plan modification to establish the staging and timing of individuals leaving the Minnesota Security Hospital. The modification will include specific discharge goals from 2014-2017 and a time frame (90-180 days) to discharge individuals across three distinct commitments. Actions have been taken to provide people with disabilities an alternative to MSHS Cambridge. Two community based homes have been leased in Isanti County. Two additional homes are planned, one in the area of Duluth and one in the Twin Cities. Licenses are expected in February and staff will be assigned and trained March 1, 2014 or sooner. Admissions are projected on or about March 1, 2014. The design phase of the Community First Services and Supports (CFSS) was completed in December 2013. The public development process for this action has demanded more time than initially anticipated. A plan modification will be requested changing the target completion date from April 1, 2014 to October 31, 2014.

Housing

Most Housing related actions are timed for later in 2014 and subsequent years. However, a meeting with counties participating in Individualized Housing Options was held in January to request their assistance in gathering data establishing baselines and targets for expanded use of this evidence based practice; recommendations to be made by March 17, 2014.

III. OLMSTEAD PLAN AREAS PROPOSED FOR MODIFICATION

In the Court Monitor's report to the Court dated December 31, 2013 there were areas that the Court Monitor identified as unclear or in need of modification. Two areas that were noted with impact across all areas of the Plan were the Department of Corrections and the Mental Health community. Additional attention is called to the need for appropriate levels of resources allocated to the Olmstead Implementation Office including staff and "clout to require actions from agencies, and to delve deeply into the adequacy and timeliness of agency actions under the Plan."

The Department of Corrections is reviewing the June 2013 draft Olmstead Plan and will be working to incorporate more specific action items throughout the plan, but specifically in the areas of Housing, Healthcare and Healthy Living and, Supports and Services. Additionally, meetings are being convened with those in the mental health community to work on ways to make their inclusion in the Plan more apparent.

The OIO has discussed areas of concern with the Court Monitor. Following those discussions it has been determined that there are some areas, such as the need for greater clarity around what actions follow the setting of baselines, that can be modified with a general statement being added to the Plan regarding the intent for further action once baselines are established. Other areas that used population indicators should be tied to specific measureable outcomes. Additional concerns

raised in the Court Monitor’s report need either no modification to the plan or small additions to definitions.

Agency requests for items to be modified are still being reviewed and range from requests to change language from a specific program to a more generic agency structure to extensions of deadlines due to federal review processes or other unforeseen circumstances.

IV. OLMSTEAD PLAN PROPOSED MODIFICATION PROCESS

The Olmstead Implementation Office proposes to the Sub-Cabinet and the Court a process for modifying the Plan that follows the format laid out in this report.

Date	Plan Modification
February 5, 2014	Direct Recommended Revision to “Agencies”
Mid-February, 2014	Agencies identify other areas to potentially modify with good cause
February 18, 2014	Report all potential plan modifications to the Olmstead Implementation Office (OIO)
March 10, 2014	Agency staff complete preliminary draft
March 10-17, 2014	ODT and Sub-Cabinet review agency drafts
March 17, 2014	Share draft with consumers/families/public via webpage (allow for feedback)
April 8, 2014	Agency modifies based on input and submits to Olmstead Drafting Team (ODT)
April 15 – May 15, 2014	ODT shares with Disability Councils reps, convenes public listening sessions
June 2, 2014	ODT Final draft
June 9, 2014	Submit to Sub-Cabinet
July 5, 2014	Draft to Court Monitor and Parties
July 15, 2014	Due to Court

Federal District Judge Donovan Frank issued an order dated January 22, 2014, which triggers subsequent modification of the Minnesota’s 2013 Olmstead Plan. The court order clearly defines the required timeframe for modification (appendix C). Due to the limited time available it is imperative that all agencies work within the timeframe outlined above to complete the tasks necessary to modify the Olmstead Plan.

All agencies with goals that include baseline measurements are responsible for providing expanded detail on what actions will be taken, and when, following the completion of data gathering.

Starting February 5, 2014 all agencies were given two priorities in beginning the modification process.

1) Review the matrix of issues indicated by the Court Monitor in his report to the court dated 12/31/2013 along with the proposed actions. This matrix included potential solutions as well as areas that needed greater clarification from the Court Monitor.

2) As work is currently happening to achieve goals within the plan, review of other areas that need modification should also be identified by all agencies. Note that *“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.” – 12/31/13 Report to the Court, Page 8 – footnote 18.* An example of such a need for modification may stem from the need to comply with a federal law that was not in effect at the time the Plan was written. Circumstances such as the agency responsible for a given goal being “too busy” would not qualify as good cause.

Report all potential Plan modifications to the OIO no later than February 18, 2014. All Plan modifications will need to be presented to the Sub-Cabinet at the February 20th meeting.

No later than March 10, 2014 all agencies will need to provide their draft modifications; these drafts will be reviewed by the Olmstead Drafting Team and Sub-Cabinet prior to being posted on the Olmstead Plan website for public comment on or around March 17, 2014. All stakeholder feedback will be forwarded to the appropriate agency by April 1, 2014 for further modification of the draft.

By April 8, 2014 all agency drafts will be finalized based on stakeholder input and forwarded to the Olmstead Drafting Team (ODT) for further community input and writing continuity.

Between April 15 and May 15, 2014 the ODT along with a review panel, created with representatives from all of the Governor appointed disability councils, will hold meetings including public listening sessions to review the new modified draft of the Olmstead Plan. Following these meetings a final draft will be created by the ODT no later than June 2, 2014.

June 9th the final draft of the modified plan will be submitted to the Olmstead Sub-Cabinet. This allows approximately one month for any additional modifications to be made to the plan prior to submission to the Court Monitor and all other applicable parties on July 5, 2014. The final version will then be submitted to the court by the Olmstead Sub-Cabinet on July 15, 2014.

The Olmstead Implementation Office proposes that this format be adopted by the Sub-Cabinet for modification to the plan on a semi-annual basis to address those issues that can be modified within the six month framework. A separate process will be needed to address more time sensitive modifications that may arise.

V. CONCLUSION:

While a great deal of work has been done under the framework and timelines of the Plan, we are just getting started and much remains to be done. We are confident that future reports will reflect substantial, timely progress on the efforts that are now underway. The Plan is a living document that will change and evolve as we continue the work.

The interim staff of the Olmstead Implementation Office is grateful for the spirit of collaboration and cooperation that has characterized Olmstead agency efforts on behalf of Minnesota's Olmstead Plan. We also appreciate the support offered by the larger community to help assure the success of the Plan.

Minnesota is firmly committed to fully engaging Minnesotans with disabilities in the ongoing work of the Plan. A central measure of our success will be the dimensions and scope of involvement from the broader disability community in informing and guiding the work under the Plan. We also look forward to continuing our constructive efforts with the Court and all parties affected by the implementation of Minnesota's 2013 Olmstead Plan.

APPENDIX A:

AGENCY LEADS –

Department of Corrections	Nanette Larson
Department of Employment and Economic Development	Kim Peck
Department of Human Services	Brownell Mack
Department of Transportation	Kristie Billiar
Minnesota Department of Education	Robyn Widley
Minnesota Department of Health	Manny Munson-Regala
Minnesota Department of Human Rights	Christina Schaffer
Minnesota Housing Finance Agency	Tonja Orr

APPENDIX B:

Topic Area	Action #	Deadline	Brief Description of Action	Responsible Agency	Page #	Narrative of Current Status
Quality Assurance and Accountability	3A	November 15, 2013	Ensure that responsible people are assigned to complete actions described in the Olmstead Plan for 2013	Subcabinet	29	Completed prior to staffing of the implementation office.
Quality Assurance and Accountability	3B	December 1, 2013	Design an oversight and monitoring structure	Subcabinet	29	Completed prior to staffing of the implementation office.
Quality Assurance and Accountability	3C	December 1, 2013	Establish and Olmstead implementation office	Subcabinet	29	Interim staff assigned through interagency agreements including full time Executive Director, full time temporary Deputy Director, and part time Dispute Resolution positions. A search committee has been formed and the search is underway.
Supports and Services	2E	December 31, 2013	Assess individuals at Minnesota Security Hospital determine the number of individuals who have been recommended for discharge and who do not oppose being discharged.	Department of Human Services	54	Completed. Projected discharges = 52 including: Forensic Transition Services = 32; Minnesota Security Hospital = 10; Forensic Nursing Home = 1; Competency Restoration Program = 9. Treatment teams were asked to assess individuals and determine the number of individuals who have been recommended for discharge and who do not oppose being discharged.
Supports and Services	3A	January 1, 2014	Implement new standards from Minnesota Statutes §245D	Department of Human Services	55	Completed - New standards went into effect on January 1, 2014.

Quality Assurance and Accountability	3D	January 15, 2014	Ensure that responsible people are assigned to complete actions described in the Olmstead Plan for 2014	Subcabinet	30	Completed – The Olmstead implementation office worked with agency leads to determine primary contacts for all 2014 goals to ensure accountability. The OIO is maintaining a listing of all action item leads.
Supports and Services	2A	January 31, 2014	Create interagency and community team to develop protocols for successful transitions from certain facilities to most integrated setting.	Department of Human Services	53	Completed- A workgroup has been assembled including stakeholders and interagency leads. Future implementation benchmarks include creation of protocols and processes that incorporate person centered planning and philosophy, creation of plan for implementation by February 28, 2014. Implement process/protocols at MSHS – Cambridge, AMRTC, MSH- St. Peter, ICF-DDs and in nursing homes with persons under age 65 by March 15, 2014. Implement quarterly evaluation to assess and identify any needed changes.
Supports and Services	2F	January 31, 2014	Establish a timeline for transition to the most integrated setting for all individuals at the Minnesota Security Hospital who have been recommended for discharge and who do not oppose being discharged.	Department of Human Services	54	

Overarching Strategic Actions	2A	February 25, 2014	Prepare legislative proposals for the 2014 legislative session to reduce barriers to integration.	Subcabinet	26	Legislative proposals will be developed and submitted to the Sub-Cabinet.
Employment	3A	March 1, 2014	Offer enhanced training on person-centered planning to ensure employment first and employment planning strategies are incorporated.	Department s of Employment and Economic Development, Human Services, Education and Human Rights	36	The Department of Human Services is the lead agency for this action. Person – centered training is already being offered. However, the training needs to be evaluated for enhancements to support competitive employment.
Quality Assurance and Accountability	1A	March 31, 2014	Identify quality of life outcome indicators; contract with an independent entity to conduct annual assessment	Subcabinet	28	National and local QOL tools reviewed and consultation held with Olmstead measurement content expert. Recommending Annual Plan be developed with the Center for Outcome Analysis for the construction of a QOL assessment tool specific to the MN Olmstead Plan requirements.
Employment	2A	March 31. 2014	Form employment community of practice (identify approaches that lead to successful employment outcomes, discuss strategies that adopt employment first principles, informed choice, and support of job seekers who choose to work)	Department s of Employment and Economic Development, Human Services and Education	35	The Department of Human Services is the lead agency for this action item. The “Employment Learning Community” had an initial meeting on January 17, 2014. The group expects to finalize membership by February 28, 2014. Additionally they have plans to prioritize further actions by March 31, 2014 and provide recommendation for an interagency employment panel by September 1, 2014.

Housing	5A	March 31, 2014	Baseline and targets established to increase the number of counties providing individualized housing options (thereby increasing the number of persons in individualized housing options)	Department of Human Services	45	Counties currently participating in the Housing Options plan have been informed of the data requested in the Plan. The data gathering process stated February 13, 2014. Summarized findings are to be available and submitted to DHS by March 17, 2014.
Transportation	2A	March 31, 2014	Convene community members on transportation; determine strategies to improve access and flexibility	Department of Human Services and Transportation	48	The Department of Human Services has the lead for this action item. They have convened a group of planning partners and have asked the Minnesota State Council on Disabilities to convene a stakeholder group by March 31, 2014. This group will review material gathered previously around transportation, and transit in particular as that is the mode most frequently raised as having issues for persons with disabilities. The group will also review best practices and prioritize future work under the Olmstead plan to provide flexibility in transportation options.
Transportation	2B	March 31, 2014	Develop plan to work with transit providers to improve access and flexibility	Department of Human Services and Transportation	48	The Department of Transportation has the lead for this action item. The greater Minnesota transit providers will be informed of the Olmstead Plan and asked to incorporate the goals from the Plan into their 2015 service plans. The Metropolitan Council, which provides transit in the seven county metro areas, is also reviewing transit service to see how they can also incorporate Olmstead Plan goals into the services they provide.

Transportation	4A	March 31, 2014	Initiate discussions with MCOTA about MCOTA work plan and Olmstead goal	Department of Human Services and Transportation	50	MCOTA will review project to develop consistent approaches to transportation costs and creation of maps showing human service transportation providers by February 25, 2014. MCOTA will be presented with the draft results of the state transportation inventory March 25, 2014.
Supports and Services	2B	March 31, 2014	New community based services will be available for people with disabilities as an alternative to MSHS-Cambridge	Department of Human Services	54	Two community based homes have been leased in Isanti County. Two additional homes are planned, one in the area of Duluth and one in the Twin Cities. Licenses are expected in February and staff will be assigned and trained March 1, 2014 or sooner. Admissions are projected on or about March 1, 2014.
Healthcare and Healthy Living	2A	March 31, 2014	Develop plan and set timelines to ensure that health messaging is targeted to people with all types of disabilities	Department of Health	65	The Department of Health will be conducting a needs analysis with internal stakeholders beginning March 1, 2014. Ongoing drafting of a project plan includes needs assessment, internal infrastructures, resource constraints and success measures. Draft plan to be presented to MDH by March 15, 2014 with finalized plan submission to OIO by March 31, 2014.

Supports and Services	4A	April 1, 2014	Replace the personal care assistance program with a more flexible personal support service (CFSS), with an emphasis on self-direction	Department of Human Services	57	The design phase of the CFSS program is complete and has been submitted to CMS. A thirty day public comment period was opened in January. Several stakeholders requested changes in the eligibility criteria which are estimated to increase costs. It is likely that legislative appropriations and direction to change eligibility will be sought. The public development process has required more planning time than originally anticipated. DHS is requesting that the timeline be moved from April 1, 2014 to October 31, 2014.
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APPENDIX C:

REPORT TO THE SUB-CABINET AND COURT MATRIX

<u>Date</u>	<u>Reports Due</u>	
February 20, 2014		60 day Report to the Sub-Cabinet and Court
April 14, 2014		60 day Report to Sub-Cabinet and Court including 90 day report to the court due April 22 nd , 2014
June 9, 2014		60 day Report to the Sub-Cabinet and Court
July, 2014	July 5 – Draft revisions of full Olmstead Plan due to Court Monitor	July 15 – Revised Olmstead plan due to Court
August		60 day Report to the Sub-Cabinet and Court