

Minnesota Olmstead Planning Subcabinet

6/9/14 Meeting Notes

Meeting Details

Date: June 9, 2014

Start/End Time: 3:00 p.m. – 5:00 p.m.

Location: Elmer L. Anderson Building – Room 2380, 540 Cedar Street, St Paul

Chair: Lt. Governor Yvonne Prettner Solon

Facilitator: Darlene Zangara, Executive Director - Olmstead Implementation Office

Subcabinet members (or alternates) in attendance: Yvonne Prettner Solon, Lieutenant Governor; Anne Barry, Deputy Commissioner, Department of Human Services (DHS); Roberta Opheim, Ombudsman for Mental Health and Developmental Disabilities (*ex officio*); Colleen Wieck, Executive Director, Governor's Council on Developmental Disabilities (*ex officio*); Kristie Billiar, Department of Transportation; Jeremy Hanson Willis, Deputy Commissioner, Department of Employment and Economic Development (DEED); Mary Tingerthall, Commissioner at Minnesota Housing Finance Agency; Ed Ehlinger, Commissioner, Department of Health (MDH); Jessie Montano, Deputy Commissioner, Department of Education (MDE); Kevin Lindsey, Commissioner, Department of Human Rights (MDHR)

Welcome, introductions, and approval of agenda

The meeting was called to order by Lt. Governor Yvonne Prettner Solon at 3:10 p.m. Subcabinet members introduced themselves. Lt. Governor introduced Darlene Zangara the new Executive Director of the Olmstead Implementation Office. Dr. Zangara spoke briefly about her first month on the job and encouraged people to contact her with any questions or concerns. A new Sub-cabinet member, Jeremy Hanson Willis was introduced. Mr. Hanson Willis is the new Deputy Commissioner from DEED. There were no additions to the agenda.

Review and approval of 4/21/14 Sub-cabinet meeting minutes

A motion was made by Commissioner Tingerthall to approve the minutes. The motion was seconded by Deputy Commissioner Hanson Willis. No additions, corrections or discussion were needed. Motion to approve the minutes passed.

Olmstead Plan Modifications

Mike Tessneer from the Department of Human Services Compliance Office was asked to provide an overview of the Draft modifications. Mr. Tessneer explained the Modification process used by the Olmstead drafting team. Forty six modification requests were submitted to the Court Monitor. Thirty two were either granted outright or with small modifications. Those modification requests that were granted are incorporated into the June 9th draft of the Plan. A document with a summary of proposed modifications was provided to highlight the areas of the plan that were modified.

The Lieutenant Governor asked the Subcabinet to approve the language included in the draft modification that the Court Monitor already approved.

Discussion included:

- Adding in the assistive technology issue and coming up with a way to address that in each of the areas is a good idea.
- The addition of the Department of Corrections goals was a good addition.
- A lot of work was done with the mental health advocacy group to incorporate their feedback.
- One area that needs further work is the day training employment section. The current Plan focuses more on process than outcomes.
- The employment section work begins by defining the baseline. The baseline will determine the benchmarks for accessing employment services, what impact that will have on the day training rehabilitation industry, how it changes the way schools operate, etc.
- The modifications incorporated improved the plan. The Plan now reflects stronger measurement outcomes.

Commissioner Tingerthall made a motion to approve the draft modifications to the Plan. Commissioner Ehlinger seconded the motion. The motion passed.

Pending Modification Requests

There are also six additional items that were submitted to the Court Monitor at a later date that are currently under advisement. Mr. Tessner provided an overview of the six outstanding items.

The pending modifications include:

- Clarification regarding replacing the personal care assistance (PCA) programs with a more flexible personal support service, with Community First Services and Supports (CFSS).
- **A new action** item to set annual goals to increase the number of counties and tribal nations providing Individualized Housing Options. The information gathered in an action item that gathered baseline data.
- New proposed language intended to broaden the person centered concept to include all people with disabilities.
- Edit to action item to extend the deadline from March 31, 2014 to August 31, 2014 to offer enhanced Person Centered Planning training components to assure employment planning strategies and Employment First principles are understood and incorporated into the tools and planning process.
- New language to update the section on public comments on the Olmstead Plan to include feedback received from November, 2013 to the present.
- New language to provide background information on housing issues faced by individuals with disabilities when they are released from prison. New action items to track individuals with disabilities exiting and entering state correctional facilities and their ability to access appropriate services and supports. Identify trends and gaps and set measurable goals.

Sub-cabinet members had questions regarding which agency submitted the new requests and the specific language of the requests. Subcabinet members did not feel comfortable approving the items without seeing the exact language.

The six pending modification requests will be sent out to Sub-cabinet members to review and provide feedback. The Court Monitor's response to the six items will be forwarded on to Sub-cabinet members as soon as it is received. If there isn't consensus on approving the modifications or if significant

discussion is needed, a meeting will be called. This proposed process will be reviewed by legal counsel to determine if they have any concerns. If there is concern then a meeting will be called.

Olmstead Status Report

Darlene Zangara introduced the draft Olmstead Status bimonthly report which is due to the Court on June 22, 2014. Ms. Zangara provided an overview of the information contained about the progress of the dispute resolution process and the status of the Olmstead Implementation Office (OIO).

Mike Tessneer was then asked to go through the rest of the document. Mr. Tessneer reminded the Subcabinet that the report covers the reporting period of March and April 2014. The body of the report focuses on each topic area and provides an update of action items that came due the reporting period. An overview of those items were presented. In addition there is a grid that contains updates of action items for the two months of the reporting period and the four months following. The intention of looking forward is to show that progress is being made towards items coming due in the near future.

The report also includes an Exhibit section that provides documentation of work related to the action items due during the reporting period. Some of the exhibits are included in the draft report; however it wasn't clear from the documentation received whether the action item was fully complete. This is something that the OIO may want to discuss with the agency leads regarding what kind of documentation is needed to verify completion. For example if meeting minutes are submitted, the minutes need to reflect that the critical pieces are being addressed and completed.

Discussion included:

- A proposal was made that with all the multiple meetings going on it would be helpful if meeting minutes indicated the goals or description of the action item they are meeting about.
- Questions came up regarding items in the grid that were completed in the last reporting period. Having the item included without the verification gets confusing.
- Need to review the format of the document and possibly restructure to provide more clarity, less confusion.
- Proposed adoption of some kind of dashboard to show progress on what is done, documents related to each item, etc. The OIO will look at various software to determine what might work best.
- Some action items that are completed will continue to be reported in subsequent reports if it is showing outcomes.
- If a deadline was not met, there should be an explanation as to why it was not met.

Deputy Commissioner Anne Barry made a motion to provisionally approve the status report. Commissioner Lindsey seconded. The motion is to provisionally approve the current report, contingent on the remaining exhibits and restructuring of the status report. Once the new information is incorporated it will be electronically sent out to the Subcabinet for approval. If there is no approval or extensive discussion is needed, a meeting will be called. The motion regarding the provisional approval and process for approval for the new information passed.

Summary of 2014 Legislative Actions

Darlene Zangara provided an update on the Olmstead Implementation Office. The Legislature approved a budget of \$500,000 but further analysis needs to be done to determine the breakdown of the budget. There are several areas Ms. Zangara would like to focus on. They include: Implementation of the Plan in compliance with the Court; properly resourcing the OIO; outreach and communication; accessibility and

contract services. The OIO will be moving to space at Minnesota Housing prior to July 1, 2014. Further discussions are needed to determine the most effective structure and governance for the office. Consideration needs to be given to what legislative proposals will be brought forward for the next session regarding Olmstead.

Discussion included:

- Possible resources for Darlene to consult with.
- Further discussion on possible resource needs for the OIO
- Important to get everybody to start looking at policies and practices with an Olmstead lens. Is a particular practice pushing more towards segregation than integration
- The testimony and public comments have been distributed to all agencies for review

Ending Court Oversight

One of the things we heard from the Court Monitor is about putting together a plan for how we're going to get to a place where there's no longer court oversight. The implementation of the Plan is in its early stages and we're not ready say we should be out from under the court's jurisdiction. But we should consider how to put together a plan so we get from here to there, and how would we measure that success by using the plan itself. And then how would we get to a place where Minnesota could self-regulate where we would know if we're on track or off track.

Discussion included:

- Some ideas were offered on how to start pulling this together.
- Follow up conversations with Colleen Wieck, Anne Barry and Darlene Zangara will take place

Meeting Adjourned

The next meeting is August 11, 2014. This meeting was adjourned at 5:00.