

## **Olmstead Subcabinet Meeting**

January 25, 2016 – 1:30 p.m. to 3:00 p.m.

Minnesota Department of Health,

625 Robert Street North, Conference Room B3144, Saint Paul, MN 55155

### **1. Call to Order**

**Action:** N/A

The meeting was called to order at 1:38 p.m. by Commissioner Mary Tingerthal (Minnesota Housing).

### **2. Roll Call**

**Action:** N/A

**Subcabinet members present:** Mary Tingerthal, Chair, Olmstead Subcabinet (Minnesota Housing); Ed Ehlinger (Department of Health); Emily Johnson Piper (Department of Human Services); Colleen Wieck (Governor's Council on Developmental Disabilities); Steve Dibb (Department of Education); Roberta Opheim (Ombudsman for Mental Health and Developmental Disabilities) joined at 1:43 p.m. and Kevin Lindsey (Department of Human Rights) joined at 1:47 p.m.

**Designees present:** Kimberly Peck (Department of Employment and Economic Development) and Tim Henkel (Department of Transportation).

**Guests present:** Heather Corcoran (League of MN Cities); Alex Bartolic, Erin Sullivan Sutton, Joe Sathe, Alice Nichols, Rebeca Metz, and Dawn Bacon (Department of Human Services); Mike Tessneer, Rosalie Vollmar, Kristin Jorenby, Tristy Auger, and Darlene Zangara (Olmstead Implementation Office); Ryan Baumtrog (Minnesota Housing); Daron Korte, Robyn Widley and Jayne Spain (Minnesota Department of Education); Kristie Billiar (Minnesota Department of Transportation); David Sherwood-Gabrielson (Department of Employment and Economic Development); Stephanie Lenartz (Minnesota Department of Health); Charlie Vander Aarde (Metro Cities); Christina Schaffer (Minnesota Department of Human Rights); Dan Rietz (TSE Inc.); Joan Willshire (Minnesota State Council on Disabilities); Sheryl Grassie (Minnesota Consortium for Citizens with Disabilities); and John Wayne Barker (Merrick, Inc.).

### **3. Agenda Review**

There were no changes to the agenda.

### **4. Approval of Minutes**

#### **a) Subcabinet meeting on December 18, 2015**

The December 18, 2015 Subcabinet meeting minutes were distributed at the meeting and approved.

**Motion: Approve the December 18, 2015 Subcabinet meeting minutes.**

**Action: Motion – Wieck. Second – Johnson Piper.  
In Favor - All**

### **5. Reports**

#### **a) Chair**

Commissioner Tingerthal reported the following:

- Discussions continue with the Court regarding the oversight plan that will be submitted along with a stipulation agreement that is being negotiated with Plaintiffs' Counsel.
- Preparations are underway for a mediation session with the Court on February 23, 2016 to discuss the development of the Assistive Technology and Preventing Abuse & Neglect measurable goals.
- There was an article in the Star Tribune on January 10, 2016 that commented favorably on the data in the Gap Report which showed a reduction in the number of people on waiting lists. The article was written by Chris Serres and was titled "For Hundreds of Minnesotans, the Wait for Disability Services is Over."

#### **b) Executive Director**

Executive Director Darlene Zangara reported the following:

- The OIO received two Dispute Resolution cases. The first case was resolved by providing educational resources about Olmstead for county and independent living service providers. The second case regarded management of waiver services and was resolved by DHS.

- The 22 Governor appointed groups completed the survey as scheduled. OIO had a 100% response rate from 9 Governor appointed groups and an overall response rate of 86% for the 22 groups. A full report and analysis of the survey results will be provided at the February Subcabinet meeting.
- The OIO is currently in contract negotiations for the Quality of Life Survey.
- OIO Assistant Director Kristin Jorenby has accepted the position of Director of Disability Services at Metropolitan State University. Her last day at the OIO office is January 28, 2016.

**c) Legal Office**

Karen Sullivan-Hook reported the following:

- The Olmstead Subcabinet Executive Committee approved the Gap Report on January 4, 2016 and it was filed with the Court on January 5, 2016.
- The stipulation agreement regarding compliance reporting will be filed with the Court soon.

**d) Compliance Office**

Mike Tessneer reported that the first Quarterly Report on Measurable Goals will be provided to Subcabinet members for review and approval at the February meeting.

**6. Action Items**

**a) Workplan Exception Report**

Mike Tessneer, OIO Compliance, reported on the Workplan Compliance Report. There were 49 items reviewed in January. Seven of those items were found to be exceptions in December and were carried forward and reviewed again in January. One of the seven items was completed during the reporting period. Of the 49 total items:

- 18 items (37%) were completed
- 25 items (51%) were on track
- 6 items (12%) were reported as exceptions

Agency sponsors/leads presented on the following six exceptions identified in the Workplan Compliance Report, which was provided with the meeting materials.

**1. Person-Centered Planning**

Alex Bartolic (DHS) reported on the Person-Centered Planning workplan item 1B.1 relating to Person Centered Practices Bulletins. The December 31, 2015

deadline was missed. Based on user feedback, the person centered planning information and transition protocols were combined. This change meant that the first bulletin needed to be revised. The first bulletin has been routed for approval and is expected to be issued by January 30, 2016. Two additional bulletins will be issued in February 2016. Ms. Bartolic recommended that no Subcabinet action was needed and Subcabinet members agreed.

## **2. Waiting List**

Alex Bartolic (DHS) reported on the Waiting List workplan item 1G relating to submitting an annual Waiting List Funding Report to the Legislature. The December 1, 2015 deadline was missed because the new urgency structure used to help manage the waiting list was not implemented until December 1, 2015. The report was delayed so that information on how the implementation of the newly adopted urgency categorization system and reasonable pace standards can be included. The report will be available to DHS staff in March 2016. The first report to include data on urgency factors will be provided to the Subcabinet in June 2016.

Roberta Opheim asked a follow-up question on whether the first data report will include the number of people that have been placed due to the urgency factor. Ms. Bartolic responded that the June report will include data for December 2015 through March 2016. That will allow time for the information to be complete and properly analyzed. Each subsequent report will cover the previous quarter.

Ms. Bartolic recommended that no Subcabinet action was needed and Subcabinet members agreed.

## **3. Transportation**

Kristie Billiar (MnDOT) reported on the Transportation workplan item 3A.1 which relates to examining the ridership data gathered by transit providers on fixed route public transit versus demand response public transit. The December 31, 2015 deadline was missed. Data sets have been identified but further work is needed with partners to identify the definition of “disability” that will be used throughout the process. This should be resolved by March 1, 2016.

Ms. Billiar recommended that no Subcabinet action was needed and Subcabinet members agreed.

#### **4. Community Engagement, 1A**

Darlene Zangara (OIO) reported on the Community Engagement workplan item 1A regarding coordination with Governor appointed councils, groups, etc. to align Olmstead goals with their goals. The December 31, 2015 deadline was missed because there was difficulty securing appointments with some of the groups that do not meet on a regular basis. OIO staff met with 10 of the 22 groups and will schedule appointments with the remaining groups by June 30, 2016.

In response to questions from Roberta Opheim, Darlene Zangara stated the OIO will provide basic Olmstead awareness and education to the groups and identify how OIO can provide assistance to align their initiatives with the Olmstead goals.

Darlene Zangara recommended that no Subcabinet action was needed and Subcabinet members agreed.

#### **5. Community Engagement, 4A.1. and 4B.1**

Darlene Zangara (OIO) reported on the Community Engagement workplan item 4A.1 regarding design of training programs for people with disabilities who want to participate in a variety of publicly funded projects. The December 31, 2015 deadline was missed because the curricula are being developed with external partners and more time is needed. The curricula are expected to be completed prior to the first training session on February 23, 2016.

Commissioner Tingerthal asked for clarification on how this training differs from the trainings with self-advocates and peer support specialists. Darlene Zangara responded that this particular training piece relates to the transportation project with the Headwaters Foundation grant.

In response to a question from Roberta Opheim about who the external partners are and whether compliance will review the curriculum to assure it matches the Olmstead Plan, Kristin Jorenby (OIO) reported the external partner is the District Councils Collaborative of St Paul/ Minneapolis (DCC)

Darlene Zangara recommended that no Subcabinet action was needed and Subcabinet members agreed.

## **6. Community Engagement, 4B.1**

Kristin Jorenby (OIO) reported on Community Engagement workplan items 4B.1 which is regarding design of trainings for counties, agencies, and members of the public who are involved in publicly-funded projects. The December 31, 2015 deadline was missed because the curricula are being developed with external partners and more time is needed. The curricula are expected to be completed prior to the first training session on February 23, 2016.

Ms. Jorenby recommended that no Subcabinet action was needed and Subcabinet members agreed.

### **Waiting List Work Items**

Mike Tessneer (OIO) reported that, in response to a request at last month's meeting, Compliance would like to identify some of the big accomplishments that took place in the workplans during the month. During the month of December, DHS made great strides on the waiver waiting list work items with four major workplan items being completed. These workplans included:

- Implementing the new urgency categorization system
- Initiating data collection
- Training lead agencies on data systems and offering technical assistance
- Routine reporting to lead agencies.

The timely completion of these major workplan items set the stage to begin reporting on the waiting list measurable goals this summer.

**Motion: Approve the Workplan Exception Reports.**

**Action: Motion – Ehlinger. Second – Henkel.  
In Favor - All**

### **b) Proposed Changes to the Subcabinet Procedures**

Commissioner Tingerthal stated at the December 18, 2015 Subcabinet meeting, Subcabinet members asked to delay the discussion regarding proposed changes to the Subcabinet procedures to the January meeting.

Commissioner Tingerthal explained there are two additional changes to the proposed procedures that were distributed to Subcabinet members. The changes include the following:

- Correction to the footnote on page 3 to read “Executive Order 15-03, January 28, 2015.”
- Page 4 of the proposed procedures, letter H: the word “appoint” should be changed to “assign.”

Commissioner Tingerthal referred Subcabinet members to a rationale document, “Summary of Changes to the Subcabinet Procedures,” that was provided at the meeting to help explain the proposed changes. The rationale document included a chart that listed: current language, proposed amended language, and description/rationale for each change. The following proposed changes were recommended:

- **ARTICLE II, MEMBERSHP, SECTION B, COMMISSIONER DESIGNEES:**  
Added language: A designee alternate may also be named using the same procedures used for naming a designee. The Chair has discretion to approve or reject a request for a designee alternate.

The Commissioner’s designee or designee alternate shall exercise the rights and responsibilities of the Commissioner when the Commissioner is not present.

The Olmstead Implementation Office (OIO) shall maintain a list of all Commissioner Designees and designee alternates.

- **ARTICLE III, DUTIES OF THE CHAIR, SECTION H:**  
Current language: Appoint chairpersons and other members of committees, in consultation with other Subcabinet members;  
  
Revised language: Appoint chairpersons and other members of committees, in consultation with other Subcabinet members; and to appoint another commissioner member of the Subcabinet to chair a meeting of the Subcabinet or the Executive Committee in the absence of the Chair.
- **ARTICLE IV, OPEN MEETINGS:**  
Current language: All Subcabinet, committee, and workgroup meetings shall be open to the public and conducted in accordance with Minnesota Statutes, Chapter 13D.

Revised language: All Subcabinet, committee, and workgroup meetings shall be open to the public and to the extent possible and practicable, conducted in accordance with Minnesota Statutes, Chapter 13D.

- **ARTICLE V, COMMITTEES, SECTION A, EXECUTIVE COMMITTEE:**

Current language: The Subcabinet shall establish an executive committee comprised of three Commissioner Members, which shall include the Subcabinet chair and the Commissioner of Human Services, or his or her designee. All three members shall have a vote. A majority of executive committee members or their designees shall constitute a quorum.

Revised language: The Subcabinet shall establish an executive committee comprised of three Commissioner Members, which shall include the Subcabinet chair and the Commissioner of Human Services, or his or her designee or designee alternate. All three members shall have a vote. A majority of executive committee members or their designees or designee alternates shall constitute a quorum.

- **ARTICLE VI, SUBCABINET MEETINGS, SECTION A, SCHEDULE:**

Current language: The Subcabinet shall regularly scheduled meetings on a bi-monthly basis. The Subcabinet may hold additional meetings as directed by the Chair.

Revised language: The Subcabinet shall hold no fewer than six regularly scheduled meetings annually. The Subcabinet may hold additional meetings as directed by the Chair.

- **ARTICLE VI, SECTION C, QUORUM (ADDED LANGUAGE):**

Current language: A majority of the Subcabinet members or their designees shall constitute a quorum necessary to conduct Subcabinet business.

Revised language: A majority of the Subcabinet members or their designees or designee alternates shall constitute a quorum necessary to conduct Subcabinet business.

- **ARTICLE VI, SECTION D, VOTES (DELETED LANGUAGE):**

Current language: Voting will be conducted by voice vote. A roll call vote may be taken on any issue at the request of one or more of Subcabinet members



present. In accordance with Minnesota Statutes, section 13D.021, a roll call is required if any member participates by telephone or electronic means. Commissioners' designees shall have a vote if the Commissioner is not present. In accordance with Minnesota Statutes, section 13D.02, subdivision 4, votes on an action taken in the meeting shall be recorded in a journal kept for that purpose. The journal must be open to the public during all normal business hours where records of the Subcabinet are kept.

Revised language: Voting will be conducted by voice vote. A roll call vote may be taken on any issue at the request of one or more of Subcabinet members present. Commissioners' designees or designee alternate shall have a vote if the Commissioner is not present. Votes on an action taken in the meeting shall be recorded in a journal kept for that purpose. The journal must be open to the public during all normal business hours where records of the Subcabinet are kept.

- **ARTICLE VI, SECTION F, NOTICE:**

Current language: A schedule of regular meetings shall be kept on file in the OIO office and shall be posted on the Olmstead website. Notice of special meetings shall be given according to the requirements of Minn. Stat. §13D.

Revised language: A schedule of regular meetings shall be kept on file in the OIO office and shall be posted on the Olmstead website. Notice of special meetings shall be given according to the requirements of Minnesota Statutes, Chapter 13D, to the extent possible and practicable.

- **ARTICLE VII, SUBCABINET DUTIES SECTION B, SPECIFIC DUTIES:**

Current section title: SPECIFIC DUTIES

Revised section title: SPECIFIC DUTIES AS SET FORTH IN EXECUTIVE ORDER.

- **ARTICLE VIII, OLMSTEAD IMPLEMENTATION OFFICE, SECTION A, REPORTING:**

Current language: The Executive Director of the OIO shall report to the subcabinet chair.

Revised language: The Executive Director of the OIO shall report to the subcabinet chair. The OIO Director of Compliance shall report to the subcabinet chair.

○ **ARTICLE VIII, OLMSTEAD IMPLEMENTATION OFFICE, SECTION B, DUTIES:**

Current language: The duties of the OIO are:

1. To carry out the responsibilities assigned to the subcabinet, as directed by the chair of the subcabinet;
2. To carry out all action items assigned to either the subcabinet or to the OIO in the Olmstead Plan;
3. To prepare, reproduce, and distribute subcabinet meeting materials and to otherwise provide staff support for subcabinet meetings, as directed by the subcabinet chair;
4. To keep and publish minutes of subcabinet and executive committee meetings. The minutes shall provide a record of all matters presented to the subcabinet, including all reports and materials presented, and all motions, actions, and votes taken. The draft minutes shall be published on the Olmstead website within seven calendar days of the meeting.
5. To develop communication tools to explain Minnesota's Olmstead Plan, including a fully-accessible overview of the plan itself;
6. To monitor the quality of life and process measures of the Olmstead Plan;
7. To update the subcabinet on implementation;
8. To draft an annual report to be issued by the subcabinet;
9. To maintain social media and web site presence to keep the public aware of progress on the plan;
10. To monitor audit and performance reports from all public agencies on issues relevant to the Olmstead Plan;
11. To develop and implement the Olmstead Quality Improvement Plan; and
12. To collaborate across all relevant departments.

Revised language: The duties of the OIO are as described in the Olmstead Plan in the section titled Plan Management and Oversight.

○ **ARTICLE IX, COMPLIANCE**

Revised language: This section deleted.

In response to a question from Commissioner Kevin Lindsey, Commissioner Tingerthal explained that names of designees and designee alternates should be sent to both the Subcabinet Chair and the OIO office.

<b>Motion:</b>	<b>Adopt the proposed Subcabinet Procedures as edited.</b>
<b>Action:</b>	<b>Motion – Ehlinger.                      Second – Henkel.</b>

## **In Favor - All**

### **c) DHS Person Centered Planning and Transition Protocols**

Alex Bartolic (DHS) reported on DHS Person Centered Planning and Transition Protocols and explained that the protocols are not complete because staff is working to integrate the protocols and person-centered planning goals.

Commissioner Tingerthal expressed concern about engaging Roberta Opheim and Colleen Wieck, in a timely manner, throughout the process, to assure the protocols address the Olmstead Plan and the Jensen Settlement.

In response to comments from Roberta Opheim and Colleen Wieck, Commissioner Kevin Lindsey made a motion to refer approval of the DHS Person Centered Planning and Transition Protocols to the Executive Committee on February 10, 2016, to allow time for Roberta Opheim and Colleen Wieck to thoroughly participate in the process.

<b>Motion:</b>	<b>Defer approval of the DHS Person Centered Planning and Transitional Protocols to the Executive Committee on February 10, 2016.</b>
<b>Action:</b>	<b>Motion – Kevin Lindsey.      Second – Steve Dibb.</b>
	<b>In Favor – All</b>

## **7. Monthly Topic Report**

### **a) Employment**

Kimberly Peck (DEED), Alex Bartolic (DHS), and Robyn Widley (MDE) gave a presentation on Employment goals. The power point presentation is posted on the Minnesota's Olmstead Plan website.

In response to questions from Commissioner Kevin Lindsey, Kim Peck explained the definition of "significant disabilities" is individuals that have three or more functional limitations to finding employment. Kim Peck will provide the Subcabinet members with additional information about the number of employers that have been engaged throughout the process.

In response to a comment by Commissioner Tingerthal, Kim Peck stated that DEED must follow expectations of the previous legislature to increase the number of people with disabilities whom they assist.

## **8. Information Items**

### **a) Person-Centered Planning - Follow-Up Discussion**

Commissioner Tingerthal reported this agenda item will be rescheduled to the February 2016 Subcabinet meeting.

### **b) MDE Update on Data System Exploration**

Robyn Widley (MDE) stated a data access request was submitted to obtain summary data and conduct research on students with disabilities who graduate from high school and enter into an integrated post-secondary education. A detailed summary report will be provided to the Subcabinet in May 2016.

## **9. Public Comments**

### **John Wayne Barker (Merrick, Inc.)**

John Wayne Barker, who had requested an opportunity to address the Subcabinet, agreed to instead send written comments about the Employment Workplan to Mike Tessneer, OIO Compliance, for a response.

## **10. Adjournment**

Commissioner Tingerthal reported the next Subcabinet meeting is scheduled on February 22, 2016 and thanked Commissioner Ehlinger for hosting today's meeting.

The meeting was adjourned at 3:07 p.m.

**Motion: Adjournment.**

**Action: Motion – Lindsey.  
In Favor - All**

**Second: Ehlinger.**