

## **Olmstead Subcabinet Meeting Minutes**

October 24, 2016 – 1:30 p.m. to 3:00 p.m.

Minnesota Housing, 400 Sibley Street, State Street Conference Room, Saint Paul, MN 55101

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

**Action:** N/A

The meeting was called to order at 1:33 p.m. by Commissioner Shawntera Hardy (Department of Employment and Economic Development (DEED)). Commissioner Hardy chaired the meeting in Commissioner Tingerthal's absence.

### **2. Roll Call**

**Action:** N/A

**Subcabinet members present:** Shawntera Hardy (DEED); Colleen Wieck (Governor's Council on Developmental Disabilities (GCDD)); Roberta Opheim (Ombudsman for Mental Health and Developmental Disabilities (OMHDD)); Emily Johnson Piper (Department of Human Services (DHS)); Ed Ehlinger (Department of Health (MDH)); Tom Roy (Department of Corrections (DOC)); Kevin Lindsey (Department of Human Rights (MDHR)) arrived at 2:06 p.m.

**Designees present:** Ryan Baumtrog (Minnesota Housing); Daron Korte (Department of Education (MDE)); Gil Acevedo (Department of Health (MDH)); Tim Henkel (Department of Transportation (DOT)).

**Guests present:** Carol LaBine, Erin Sullivan Sutton, Claire Wilson, and Karen Sullivan Hook (DHS); Mike Tessneer, Rosalie Vollmar, Tristy Auger, and Darlene Zangara (Olmstead Implementation Office (OIO)); Anne Smetak (Minnesota Housing); Robyn Widley and Jayne Spain (MDE); David Sherwood-Gabrielson (DEED); Jon Eichten and Ellena Schoop (MN.IT); Stephanie Lenartz (MDH); Christina Schaffer (MDHR); Melody Johnson (GCDD); Janet Clarke (Community Education Network on Disabilities); Carol Swenson (District Councils Collaborative); Rick Cardenas (Akcess Associates); Joan Willshire and George Shardlow (Minnesota State Council on Disability); Susan O'Neill (Institute on Community Integration); Christina Kollman (Minnesota Brain Injury Alliance); Charlie Vander Aarde (Metro Cities); Lori Dusan and Kara Carlson (members of the public).

### **3. Agenda Review**

Commissioner Hardy reviewed the agenda. There were no recommended changes.

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

##### **a) Subcabinet meeting on September 28, 2016**

Roberta Opheim (OMHDD) requested a small change to page 14 of the September 28, 2016 meeting minutes. She asked that the paragraph stating the reason for her abstention be moved so it appears after the Subcabinet vote on proposed adjustments to the workplans.

The September 28, 2016 Subcabinet meeting minutes were approved with the change as discussed.

**Motion: Approve the September 28, 2016 Subcabinet meeting minutes with change as discussed.**

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

#### **5. Reports**

##### **a) Chair**

There were no updates to report.

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

Executive Director Darlene Zangara (OIO) reported the following:

- The Improve Group was selected as the vendor for the Quality of Life survey. Monthly updates on the survey will be provided to the Subcabinet.

##### **c) Legal Office**

There were no updates to report.

##### **d) Compliance Office**

Mike Tessneer (OIO Compliance) reported the following:

- OIO Compliance began verification reviews with DHS in October. Compliance will complete more state agency verification reviews in November and December. There will be a verification review report at the November Subcabinet meeting.

#### **6. Action Items**

##### **a) Workplan Compliance Report**

Mike Tessneer (OIO Compliance), reported on the Workplan Compliance Report for October. There were 16 workplan activities reviewed in October.

Of the 16 reviewed activities:

- 10 items (63%) were completed
- 5 items (31%) were on track
- 1 item (6%) was reported as an exception

- **Transportation 1A.1**

Kristie Billiar (DOT) reported that workplan activity Transportation 1A.1 is delayed and is being reported as an exception. The data collection is behind schedule due to a lack of staffing. The data collection for the 2015 construction season is 70% complete and will be completed in the first week of November 2016. Data verification will be completed by November 30, 2016.

**Motion: Approve the Workplan Compliance Report.**

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

**b) Proposed Adjustment to Workplan Activities**

- **Quality of Life 3E.2 (OIO)**

Darlene Zangara (OIO) reported on the proposed adjustments to the workplan activity Quality of Life 3E.2. The Quality of Life workgroup had previously agreed to reduce the number of surveys from 3,000 to 2,000. The proposed adjustment will provide that 2,000 surveys will be completed by June 30, 2017. The change in the sample size does not undermine the validity of the results.

In response to a question from Commissioner Ehlinger (MDH), Darlene Zangara (OIO) stated that the original number of 3,000 was based on a calculation of the entire population of Minnesota and the number of people with disabilities. The workgroup decided that reducing the sample size to 2,000 would help reduce costs and time and would not impact the validity or reliability of the data.

**Motion: Approve the adjustment to the Quality of Life Workplan activity as presented.**

**Action: Motion – Roy. Second – Henkel. In Favor – All**

**c) Proposed Plan Amendment Process**

Mike Tessneer (OIO Compliance) reported on the proposed Process to Amend the Olmstead Plan. The amendment process will utilize the following criteria:

- The amendment process will focus on quantifiable measures of the 39 measurable goals and associated strategies in the June 2016 Olmstead Plan.

- People with disabilities, families, and the public will have multiple opportunities to comment throughout the amendment process.
- Amendments will be for good cause and based on the public comments and lessons learned during the first year implementing the Plan. Proposed amendments to the goals and/or strategies will improve progress.

The following public comment periods are planned:

- October 25, 2016 through November 14, 2016 to solicit feedback on potential amendments to the 39 existing measurable goals.
- December 20, 2016 through January 19, 2017 to solicit feedback on draft amendments being proposed to the Subcabinet.
- January 31, 2017 through February 7, 2017 to solicit feedback on final draft of proposed amendments.

OIO will be posting information on the first public comment period on the internet and through an e-mail notice to OIO's email list. That notice will also refer interested individuals to the previous quarterly reports, which give an indication of progress.

The Executive Committee will review the first draft of proposed amendments on December 12, 2016. The Subcabinet will review the draft proposed amendments on December 19, 2016. By December 30, 2016, DHS will submit the Annual Report to the Court, which includes proposed amendments. The Subcabinet will review and approve proposed amendments to the Plan on January 30, 2017, and approve the final plan amendments on February 22, 2017. There is an additional Subcabinet meeting planned for February 27, 2017 in case it becomes necessary. The amended Plan will be submitted to the Court by DHS on February 28, 2017.

Commissioner Hardy (DEED) commented that the plan amendment process is an opportunity to listen and consider the input of people with disabilities. She encouraged the agencies to use the initial round of comments as an opportunity to hone in and be thoughtful about strategies and tactics that were not included in the Plan. By the time the process is to the final comment period, the agencies should just be fine tuning the proposed amendments.

In response to comments by Roberta Opheim (OMHDD), Darlene Zangara (OIO) noted that it is expected that there will be three listening sessions held during the first public comment period. OIO will inform Subcabinet members of the details for each of three

listening sessions, and take into consideration accessibility and parking needs in the planning process.

In response to comments by Colleen Wieck (GCDD), Mike Tessneer (OIO Compliance) confirmed the draft amendments to the Plan will be included in the Annual Report that will be submitted to the Court. He acknowledged the point that the Subcabinet may want to revisit the timing and order of amendments to the Plan and workplans in the future. He agreed that it is an area to assess and review after the amendment process concludes.

In response to a question by Roberta Opheim (OMHDD), Mike Tessneer (OIO Compliance) stated that the workplans that were approved by the Subcabinet last month relate to the current measurable goals. If adjustments are made to the measurable goals through the amendment process it is anticipated that adjustments to strategies and workplans may be needed.

In response to a question by Roberta Opheim (OMHDD), Anne Smetak (Minnesota Housing) stated the Subcabinet committed to include the proposed Plan amendments in the annual report in a February 2016 letter to the Court. The Court subsequently adopted that recommendation in an Order. The annual report language will make clear that the included amendments are in draft form and will be submitted in final form to the Court in February 2017.

**Motion: Approve the Proposed Plan Amendment Process.**

**Action: Motion – Korte. Second – Lindsey. In Favor – All**

#### **d) Abuse and Neglect Prevention Plan Specialty Committee Charter**

Mike Tessneer (OIO Compliance) reported that the Abuse and Neglect Prevention Plan approved by the Subcabinet on September 28, 2016 called for the establishment of a Specialty Committee. The proposed Abuse and Neglect Prevention Plan Specialty Committee Charter was included in the Subcabinet packet.

The charter makes clear which of the recommendations in the Prevention Plan will be the responsibility of the Specialty Committee and which will be the responsibility of state agencies.

The Specialty Committee will be responsible for the following areas:

- Establish a comprehensive public awareness campaign targeted on the prevention of abuse and neglect to educate people with disabilities and their families, which will include the bulleted items in the charter.
- Begin discussion with the state agencies regarding establishing a multidisciplinary approach to address violence committed against people with disabilities.
- Provide recommendations to the Subcabinet for baselines and annual measurable goals and cost projections for key elements of the Plan.

The OIO and state agencies will be responsible for the remaining recommendations included in the approved Prevention Plan.

Mr. Tessneer noted that the Subcabinet Chair approves the membership of specialty committees. The charter is before the Subcabinet for approval of the scope and desired outcomes of the Specialty Committee. The Specialty Committee will be expected to provide an annual report to the Subcabinet, and the Subcabinet will have the authority to modify or approve the charter going forward.

In response to a question by Colleen Wieck (GCDD), Commissioner Hardy (DEED) stated that the charter will be updated to indicate both the date of Subcabinet approval and the date of the charter is expected to come back before the Subcabinet for an annual review.

In response to a question by Commissioner Kevin Lindsey (MDHR), Mike Tessneer (OIO Compliance) stated some information is being gathered regarding abuse and neglect of people with disabilities from different agencies. Additional language will be added to the charter about utilizing existing data available from law enforcement related to violence against people with disabilities.

**Motion: Approve the Abuse and Neglect Prevention Plan Specialty Committee Charter with changes as discussed.**

**Action: Motion – Lindsey. Second – Henkel. In Favor – All**

#### **e) Community Engagement Advisory Workgroup Charter**

Darlene Zangara (OIO) reported on the Community Engagement Workgroup Charter. The charter was included in the Subcabinet packet. A few changes were made to the charter and a blackline version was distributed at the meeting.

The Community Engagement Workgroup will include nine to eleven representatives from the disability communities with the majority being individuals with disabilities.

Other members will likely be family members and allies of people with disabilities. OIO will issue a solicitation of letters of interest in participating in the workgroup on Minnesota's Olmstead Plan website and through an announcement to the email list. The solicitation will ask interested individuals to identify their relevant experience. OIO will present recommendations of workgroup membership at the December 19, 2016 Subcabinet meeting.

The Community Engagement Workgroup will provide support and guidance to the Olmstead Subcabinet and OIO regarding the Olmstead Plan utilizing the values of person-centered philosophy and community engagement. The workgroup will strategically focus on:

- Strengthening community engagement between members of Disability communities and the OIO and state agencies on matters impacting the implementation of the Olmstead Plan.
- Supporting the implementation of a communication plan for diverse communities with disabilities.
- Supporting the public input processes for Amending and Extending the Olmstead Plan.

In response to a question by Colleen Wieck (GCDD), Darlene Zangara (OIO) agreed to clarify in the charter that the Workgroup will develop recommendations to the Subcabinet on adopting guidelines for soliciting and utilizing public comment and public input from people with disabilities.

**Motion: Approve the Olmsted Subcabinet Workgroup charter and language changes as discussed.**

**Action: Motion – Lindsey. Second – Henkel. In Favor – All**

## **7. Informational Items**

### **a) 2017 Subcabinet Meeting Schedule**

Mike Tessneer (OIO Compliance) reported that the 2017 Subcabinet Meeting schedule has been set and is included in the meeting materials. Meeting invitations will be sent out and the meetings will be posted on the website.

### **b) Workplan activities requiring report to Subcabinet:**

#### **1. Community Engagement 1D (OIO) – Quarterly report on community contacts**

Darlene Zangara (OIO) reported on workplan activity Community Engagement 1D, which provides that OIO will inform community members, including people with

disabilities, families, providers, state agencies and others regarding the collaborative work and activities that promote the Olmstead Plan's goals and strategies. From July 1, 2016 to September 30, 2016, OIO has engaged with 679 individuals through presentations, the State Fair booth, and discussions. The individuals represent families, non-profit organizations, Governor-appointed councils, self-advocates, and people with disabilities.

In response to a question from Roberta Opheim (OMHDD), Darlene Zangara (OIO) reported that OIO also provides information on public input opportunities and on volunteer opportunities, including those with Governor-appointed councils.

## **2. Community Engagement 3B.2 (DHS) – Recommendations for changes to reimbursement rates for Certified Peer Support Specialists**

Carol LaBine (DHS) reported on workplan activity Community Engagement 3B.2, which provides that DHS will make recommendations to the Subcabinet for changes to reimbursement rates for Certified Peer Support Specialists (CPSS). Ms. LaBine reported the rates for CPSS were reviewed and adjusted in 2015 and no further adjustments to the rates are recommended for 2016. The legislature recently requested completion of a rate study in 2017. Further recommendations can be made at that time.

Roberta Opheim (OMHDD) questioned why there are not CPSS in hospitals, including St. Peter and Anoka. She noted that there are a significant number of individuals with disabilities who are trained as CPSS and who do not have opportunities for employment. Carol LaBine (DHS) stated there are no specific strategies to increase peer specialists at hospitals (including Anoka and St. Peter). There are some barriers, including background checks and various logistical and fiscal concerns.

Commissioner Johnson Piper (DHS) noted that DHS relies on funding appropriations to hire staff and they do not have an appropriation to hire CPSS at St. Peter, Anoka, or other facilities.

## **8. External Partners Presentation**

### **a) Leading Transportation Access – Rick Cardenas and Carol Swenson**

Carol Swenson (District Councils Collaborative) and Rick Cardenas (Akses Associates) gave a presentation on their work with the Leading in Transportation Access (LTA) for Accessibility Standards in Saint Paul. The pilot training helped build empowerment within the disability community to affect change, specifically on transportation issues.



**9. Public Comment**

There were no public comments.

**10. Adjournment**

The meeting was adjourned at 2:45 p.m.

**Motion: Adjournment.**

**Action: Motion – Hardy. Second – Wieck. In Favor – All**

