

Olmstead Subcabinet Meeting Minutes

Friday, June 22, 2018 • 10:30 a.m. to 12:00 p.m.

Minnesota Housing – Lake Superior Conference Room, 400 Wabasha Street North, Suite 400, St Paul

1) Call to Order

Action: N/A

Commissioner Tingerthal welcomed everyone and provided meeting logistics.

2) Roll Call

Action: N/A

Subcabinet members present: Mary Tingerthal, Minnesota Housing; Shawntera Hardy, Department of Employment and Economic Development (DEED); Colleen Wieck, Governor's Council on Developmental Disabilities (GCDD); Roberta Opheim, Office of Ombudsman for Mental Health and Developmental Disabilities (OMHDD) joined the meeting at 10:45 and Emily Piper, Department of Human Services (DHS) joined the meeting at 11:44

Designees present: Claire Wilson (DHS); Daron Korte, Minnesota Department of Education (MDE); Gil Acevedo, Minnesota Department of Health (MDH); Deb Kerschner, Department of Corrections (DOC) and Rowzat Shipchandler, Minnesota Department of Human Rights (MDHR)

Guests present: Mike Tessneer, Rosalie Vollmar, Darlene Zangara, Sue Hite-Kirk and Shannon Eckman, Olmstead Implementation Office (OIO); Ryan Baumtrog (Minnesota Housing); Erin Sullivan Sutton, Carol LaBine, Charles Young, Ryan Merz and Rick Figueroa (DHS); Tom Delaney (MDE); Maura McNellis-Kubat (OMHDD); Tom Delamey and Emily Jahr (MDE); Kody Olson and Joan Willshire Minnesota Council on Disability; Darielle Dannen (DEED); Kim Moccia (ADM); Stephanie Lenartz, Wendy Berghorst and Nicole Stockert (MDH); Jolene Robertus (DOC); and Jessica Cambronne (member of the public)

Guests present via telephone: Jessica Cambronne (member of the public) on phone until she arrived in person.

Sign Language and CART providers: Mary Catherine (Minnesota Housing); ASL Interpreting Services, Inc.; Paradigm Captioning and Reporting Services, Inc.

3) Agenda Review

Commissioner Tingerthal asked if there were any changes needed to the agenda. She reminded any attendees interested in providing public comment to sign up in the back of the room.

4) Approval of Minutes

a) Subcabinet meeting on May 21, 2018

Commissioner Tingerthal asked if there are any changes needed to the minutes. No edits were needed.

Motion: Approve May 21, 2018 Subcabinet meeting minutes

Action: Motion – Hardy Second – Kerschner In Favor - All

5) Reports

a) Chair

1) Follow up on legislative session

Commissioner Tingerthal asked the Commissioners or designees to provide a brief verbal update on any legislative proposals that were approved that relate to the priorities in the Olmstead plan. This is a follow up to the March Subcabinet meeting that included an overview of legislative proposals from each agency.

Assistant Commissioner Korte (MDE) reported the following:

- MDE had several mental health proposals relating to school safety and discipline. Unfortunately, they were part of the larger Omnibus Bill that was vetoed.
- Through the Bonding Bill, MDE had \$25 million approved for school safety grants, and a \$5 million grant to the Southwest/West Central Service Center to create a rehab center in Cosmos, Minnesota.

Assistant Commissioner Acevedo (MDH) reported the following:

- MDH had several proposals impacting vulnerable adults and the structure for assisted living framework. Nothing was passed. MDH is moving forward and internally working on these issues.

Assistant Commissioner Shipchandler (MDHR) reported the following:

- MDHR was able to stave off a budget cut of 30 percent.
- MDHR was involved in a conversation about misrepresentation of an animal as a service animal; which is now a misdemeanor.
- The Department also had a proposal to explicitly add “interactive process” into the Minnesota Human Rights Act, similar to the ADA. This did not pass, but MDHR is hopeful an appeals court case will have a decision about this.

Commissioner Hardy (DEED) reported the following:

- Much of the focus was on maintaining existing funding, specifically in the WorkForce training area. The Omnibus Bill was vetoed and no additional funding was awarded.
- The broadband program, if not funded next session, will end. This is a critical resource for connecting with individuals with disabilities.

Assistant Commissioner Wilson (DHS) reported the following:

- DHS had proposals for additional funding for mental health grants, personal care assistants, and reports of abuse and neglect, etc. All were tied to the larger Budget Bill and did not make it through the process.
- DHS received close to \$30 million in the bonding bill to establish regional crisis housing centers to deal with mental health crises.

Deb Kerschner (DOC) reported the following:

- The primary request was for electronic health records system. This was not approved, but the DOC will continue to request it.

Commissioner Tingerthal (Minnesota Housing) reported the following:

- Through the Bonding Bill, Minnesota Housing received \$80 million in housing infrastructure bonds. These were heavily used in the last five years to provide permanent supportive housing of various types, to include units for people with disabilities. From the \$80 million, \$30 million will be for housing for people with behavioral health needs. Minnesota Housing will be working with DHS, counties and providers to define what that means. Senator Senjem from the Rochester area suggested crisis housing centers be located in the same communities as permanent supportive housing. Minnesota Housing and DHS will work together to make sure programming is in place and crisis housing centers are well connected to sources for permanent supportive housing.
- Minnesota Housing also received \$10 million in funds to renovate public housing throughout the state. This would be for basic repairs such as elevators, plumbing, roofs, and health and safety items. Low income people with disabilities often live in public housing.

News items - Commissioner Tingerthal reported that there have been several items in the news recently that relate to Olmstead. They include:

- DEED – Star Tribune article on June 10, 2018 related to employment.
- DHS – A press release on grants promoting community inclusion, employment, and housing choices for people with disabilities.
- DHS/ADM – An upcoming press release on the launch of Minnesota’s Guide to Assistive Technology website on June 26, 2018.
- DHS - Star Tribune article on June 12, 2018 related to efforts to block 7% cuts to disability service providers.

b) Executive Director

- Darlene Zangara provided an update on the Community Engagement Workgroup. An orientation meeting will be held on June 26, 2018. Monthly meetings are scheduled and the dates of the meetings are posted on the Olmstead Plan website.
- Today is the 19th anniversary of the Olmstead Decision. A series of Facebook posts have been posted on the history of Olmstead.

c) Legal Office

No report.

d) Compliance Office

1) Olmstead Plan 2018 Strategic Review Process

Mike Tessneer (OIO) described the process that will be followed to complete the Olmstead Plan 2018 Strategic Review. Commissioner Tingerthal added that the agencies should expect to be contacted by the Olmstead Compliance staff. She explained that strategic review of the Plan was contemplated since the initial adoption of the Olmstead Plan. The Court felt there were some long deadlines for some of the goals. The purpose of the review is to look back and see if the results we are getting are the same as what we were hoping

for when the plan was initially drafted. Any questions about the Strategic Review should be directed to the OIO Compliance staff.

6) Action Items

a) Prevention of Abuse and Neglect Recommendations

Assistant Commissioner Korte (MDE) reminded the Subcabinet that the Comprehensive Plan for the Prevention of Abuse and Neglect for People with Disabilities report was presented at the January 29, 2018 meeting. The report included several recommendations. At that meeting, the Subcabinet asked DHS, MDH, and OMHDD to review the recommendations and determine if there were activities already underway that align with the recommendations. The report included in the packet summarizes the results of the agency reviews. If the Subcabinet agrees with the agency recommendations, a meeting will be convened of a group of interested individuals including members of the Specialty Committee, to inform them of the plan moving forward. Then perhaps sometime in the future we could consider reconstituting some form of that group, perhaps with a new charter or something else, to look at things in the report that don't fall within the jurisdiction of the agencies or things that we need to work on through our community partners.

The agencies then presented the activities related to the recommendations.

- Nicole Stockert (MDH) reported on MDH targeted recommended activities. The activity relates to creating an accessible plain language version of the resident Bill of Rights for Supervised Living Facilities (SLFs). When the activity is complete there will be a plain-language guide for the supervised facility, Bill of Rights in both printed and audio versions, instructional booklets for individuals and instructors and situational videos with accompanying instructional guide to support training sessions. This project is being done using focus groups to consult with people with disabilities.

Questions/ Comments

Robert Opheim (OMHDD) asked if the plain language Bill of Rights is unique to only SLFs. Nicole Stockert (MDH) confirmed that this is focused specifically on the Bill of Rights for residents in SLFs.

- Erin Sullivan-Sutton (DHS) reported on DHS targeted recommended activities. DHS has a number of ongoing workplan activities in prevention of abuse and neglect, person-centered practices, and positive support topic areas. One of the targeted activities relates to training individuals with disabilities in self-advocacy through a 12 month program of classroom training and field work. This helps individuals know their rights, have expectations about how they should be treated and know what to do if they are violated.

DHS is also implementing Goal 3 in the Preventing Abuse and Neglect topic area. That goal tracks repeated episodes of reported abuse and neglect through the Minnesota Adult Abuse Reporting Center (MAARC). The data will be used to identify prevention strategies to reduce occurrences of abuse and neglect.

DHS also has a number of activities related to engaging with people with disabilities, family members and guardians to provide information, tools and resources to help them understand their options, their rights, and plan for their future through person-centered practices.

This includes strategies to focus on outreach to ethnically and racially diverse audiences and DHS has a number of trainings that are offered directly through the College of Direct Supports with the person-centered curriculum.

Questions/ Comments

Roberta Opheim (OMHDD) asked if MAARC gets data from the counties. Erin Sullivan Sutton (DHS) stated that county data is being reported through MAARC.

- Tom Delaney (MDE) reported on MDE targeted recommended activities. MDE will be building on existing goals, strategies, and work plans for development and implementation of person-centered practices focused on equality, leadership and self-advocacy efforts for people with disabilities.

MDE participates in the Minnesota System of Interagency Coordination (MNSIC) with other state agencies. One of the projects through MNSIC is to develop and scale up person-centered practices within school districts, specifically in the Individualized Education Program process. The goal is to maintain the protections for parents and students that are in the due process requirements of special education, but, at the same time, incorporate the benefit of person-centered planning for the educational plans.

Another effort by MDE is through the School Safety and Technical Assistance Center, which provides the resources and training to school districts, specifically related to the Safe and Supportive Schools Act. Resources and training provided focus on the prevention of bullying for all students, including bullying of students with disabilities.

MDE is also implementing Goal 4 in the Preventing Abuse and Neglect topic area. This goal tracks the number of schools with three or more investigations of alleged maltreatment of a student with a disability. MDE's student maltreatment team specifically focuses on the prevention of abuse and neglect, using specific reports from

school districts. The statewide positive behavioral intervention and supports (PBIS) is being used in response to school districts with repeated reports of maltreatment. At the same time, PBIS training is being provided across the state with as many school districts as the annual training cohorts allow.

- Maura McNellis-Kubat (OMHDD) reported on OMHDD targeted recommended activities. OMHDD receives approximately 850 annual reports of deaths of people with disabilities. The reports are evaluated to determine what led to the death and the care preceding the death. The reviews look for patterns and trends and ways that the system may need to be improved. In addition based on the information gathered, a list is developed of things that people can do to reduce the risk of harm to people with disabilities. From the findings, medical alerts can be issued and monitored.

Roberta Opheim (OMHDD) added that in addition to death reports, they also receive about 1,500 serious injury reports annually. Those are reviewed to determine if proper care was given or if the risk needs to be reassessed. And one of the things OMHDD will be looking at is how they can get better data out of the system to see if they can pinpoint some of these things rather than just how many did they received.

Assistant Commissioner Korte (MDE) wrapped up the report by thanking all who had worked on this report, the recommendations and follow-up.

Questions/Comments:

Colleen Wieck (GCDD) asked if the group is going to continue to meet to address 1) public education campaign, and 2) data analysis. Will the data analysis be shared and will we start looking at trends? For example, the opioid crisis and the number of deaths due to that.

Assistant Commissioner Korte stated that he sits on the Statewide Opioid Oversight Project that DHS administers. There is crossover conversation about public education campaign and he will bring that to the group.

In regards to next steps for recommendations that are not specifically already being addressed by agencies, his thoughts are that the Subcabinet might provide some traction for those items.

Colleen Wieck (GCDD) pointed out that there is an upcoming report to the Subcabinet regarding the public education update. Hopefully there will be enough time allowed at that time for more discussion.

b) March 2018 Olmstead Plan – Workplan Revisions

In the interest of time, Commissioner Tingerthal explained the process followed by the agencies to review the March 2018 Plan to determine if any workplan activity changes were needed. Agencies determined that no changes were needed. There were no questions and no action was needed.

c) Workplan Compliance Report for June

Commissioner Tingerthal also reported that of the 15 workplan activities reviewed this month 15 were completed and none are being reported as an exception. The list of activities reviewed are attached to the Workplan Compliance report. There were no questions.

Motion: Approve June Compliance Report

Action: Motion – Korte

Second – Opheim

In Favor - All

7) Informational Items and Reports

a) Workplan activity reports to be presented to Subcabinet

1) Employment 6A.2a – Status of recommendations to implement home and community-based services rule to support competitive integrated employment

Ryan Merz (DHS) presented the report to the Subcabinet.

Questions/Comments:

Robert Opheim (OMHDD) asked if there would be sufficient capacity of day training and habilitation centers for individuals who do not choose competitive integrated employment. Ryan Merz stated work with stakeholders would be important to determine the needed capacity. The goal is to make day training and habilitation centers geared towards community inclusion and prevocational services. Roberta Opheim asked if DHS Licensing will regulate, monitor and assess whether or not people are getting services required under the waiver status. Ryan was not able to address this and will take it back to DHS.

Commissioner Tingerthal asked if he would report back the answer to the Olmstead Office for inclusion in the materials for the next meeting.

2) Education 2A – Annual report on number of students with Developmental Cognitive Disability and Autism Spectrum Disorders in most integrated setting

Tom Delaney (MDE) presented the report to the Subcabinet

Questions/Comments:

Colleen Wieck (GCDD) stated she watches this data closely and was wondering which types of schools are included in the data. Tom Delaney (MDE) stated the data includes charter

schools, intermediate school districts and regular school districts. If they don't fall into those categories, they would not be counted.

Roberta Opheim (OMHDD) suggested checking on unlicensed settings called Children's Therapeutic Services and Supports (CTSS) who are required to report data to the home school district. It is important to know that kids that are going into these facilities, licensed or not, are getting the required education component and issues reported back. Tom Delaney indicated he would follow up on that.

3) **Education 3A.1, 3A.2, 3A.3 – Annual report on 4-year and 6-year graduation rates of American Indian and Black students with disabilities**

Tom Delaney (MDE) presented the report.

Questions/Comments:

Commissioner Hardy (DEED) stated that it is always good to see graduation rates increasing. She wanted to make sure, however, that we're checking in and evaluating strategies and being thoughtful about social determinants.

4) **Education 4F – Annual report on students with disabilities exiting MCF – Red Wing utilizing a reintegration protocol**

Deb Kerschner (DOC) presented the report.

Questions/Comments:

Commissioner Tingerthal commented that a few years ago this was a problematic area but, the report reflects that DOC is committed to making connections with education.

Roberta Opheim (OMHDD) asked Assistant Commissioner Korte if they are seeing resistance from the home school districts to reintegrate these students back into the school. Assistant Commissioner Korte stated there is a good relationship with Minneapolis and St. Paul public school districts. They are pushed to give students a chance in mainstream settings 3 and 2.

5) **Positive Supports 1C.8 – Annual report on implementation of Statewide Plan for Building Effective Systems for Implementing Positive Practices and Supports**

Charles Young (DHS) presented the report.

Questions/Comments:

Colleen Wieck (GCDD) asked if DHS staff serve on the external program review committee and if reports on who uses mechanical restraints could be received. This tends to be the

security hospital in St. Peter, and the numbers have not decreased. She is wondering which DHS unit will provide the training to St. Peter.

Charles Young stated the Disability Services Division continues to offer technical assistance to St. Peter, as well as monitor their use of restrictive interventions. St. Peter is very proactive. A bill was signed into law that provide an exemption for child care providers from the positive supports rule. This means that both family child care and child care centers will no longer be required to go to the same training as other DHS licensed facilities.

6) Crisis Services 3B.5 – Annual report on implementation of Forensic Assertive Community Treatment teams

Carol LaBine (DHS) and Jolene Robertus (DOC) presented the report.

Questions/Comments:

Commissioner Tingerthal asked if Minnesota is part of the control group, will they get access to all the research findings. Jolene Robertus (DOC) confirmed that they would.

7) Quality of Life Survey 5C – Monthly report on survey implementation

Darlene Zangara (OIO) presented the report. There were no questions.

8) Public Comments

Commissioner Tingerthal asked those who signed up for public comment speak to the Subcabinet.

Jessica Cambronne (member of the public)

Jessica provided a printed copy of her comments to Subcabinet members and these will be filed appropriately. Highlights included:

- Lack of awareness and education about trauma in the human service industries.
- Compassion fatigue (also known as Secondary Traumatic Stress Disorder) may be a factor in at least some of the workforce shortage.
- Training loophole for personal care assistants (PCAs) employed under a certain program are trained by families.
- Outcomes suggested:
 - Training on the causes, types and symptoms of trauma.
 - Training on supporting persons in crisis when professional support from a mental health professional is not available.
 - Research on compassion fatigue and Secondary Traumatic Stress Disorder as it relates to both paid and unpaid caregivers and other social service personnel.
 - Training on the topic of compassion fatigue and Secondary Traumatic Stress Disorder.

- Training on trauma inflicted on a witness to abuse.
- Review of current law and licensure policies to ensure all care providers are trained in mandatory reporting.

Questions/Comments:

Commissioner Piper (DHS) asked Jessica her thoughts on when it would be practical for a person to receive training and if it would be one-time training or revisited. Jessica stated that as a PCA she is required to complete annual training on many topics. She suggested that an overview on abuse and neglect would be appropriate on an annual basis. Awareness, support and cross-training and on compassion fatigue would be huge.

9) Adjournment

Commissioner Tingerthal adjourned the meeting at 12:05 p.m.

Next Subcabinet Meeting: July 23, 2018 – 3:00 p.m. – 4:30 p.m.

Minnesota Housing – Lake Superior Conference Room, 400 Wabasha Street North, Suite 400, St Paul