

## Olmstead Subcabinet Meeting Minutes

Monday, October 29, 2018 • 3:00 p.m. to 4:30 p.m.

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

### 1) Call to Order

**Action: NA**

Commissioner Hardy chaired the meeting in place of Commissioner Tingerthal. She called the meeting to order, welcomed everyone, and provided meeting logistics.

### 2) Roll Call

**Action: N/A**

**Subcabinet members present:** Shawntera Hardy, Department of Employment and Economic Development (DEED); Emily Piper, Department of Human Services (DHS); and Roberta Opheim, Office of Ombudsman for Mental Health and Developmental Disabilities (OMHDD)

**Subcabinet members on the phone:** Mary Tingerthal, Minnesota Housing

**Designees present:** Gil Acevedo, Minnesota Department of Health (MDH); Tim Henkel, Department of Transportation (DOT); Deb Kerschner, Department of Corrections (DOC); Daron Korte, Minnesota Department of Education (MDE); and Rowzat Shipchandler, Minnesota Department of Human Rights (MDHR)

**Guests Present:** Mike Tessneer, Darlene Zangara and Diane Doolittle, Olmstead Implementation Office (OIO); Ryan Baumtrog and Anne Smetak (Minnesota Housing); Erin Sullivan Sutton, Alex Bartolic, Adrienne Hannert, Crystal Fairchild and Samantha Holte (DHS); Emily Jahr, Tom Delaney and Holly Anderson (MDE); Maura McNellis-Kubat (OMHDD); Darielle Dannen (DEED); Larry Eisentadt and Oriane Casale (DEED) Stephanie Lenartz and Mark Kinde (MDH); Kristie Billiar (DOT); Christina Schaffer (MDHR); Gerri Sutton (Met Council); Christen Donley (DOC); Valerie DeFor (Minnesota State); Vickie Gerrits, Accra; Jesse Bethke Gomez, Metropolitan Center for Independent Living; Mary Kay Kennedy, Advocating Change Together; Tammie Campbell, Statewide Independent Living Council; Kody Olson, Minnesota Council on Disability; Bradford Teslow, David Sherwood Gabrielson, Diane Crist and Jeff Bangsberg (members of the public)

**Guests Present via telephone:** Kim Pettman and Rebecca St. Martin (members of the public)

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

### 3) Agenda Review

Commissioner Hardy asked if there were any changes needed to the agenda. None were noted. 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 September 24, 2018

Commissioner Hardy asked if there were any changes needed to the minutes for the September Subcabinet meeting. No edits were requested.

**Motion: Approve September 24<sup>th</sup> Subcabinet meeting minutes**

**Action: Motion – Henkel    Second – Korte    In Favor – All**

#### 5) Reports

##### a) Chair

On behalf of the Subcabinet, Commissioner Hardy recognized Assistant Commissioner Gil Acevedo for his service to the Department of Health and the Minnesota Olmstead Plan. This will be his last Subcabinet meeting as he is ending his service at MDH.

##### b) Executive Director

Darlene Zangara (OIO) reported that the Community Engagement Workgroup has completed a series of working meetings. She will be reporting on the outcomes at the December Subcabinet meeting. The Workgroup focused on soliciting public input for the 2019 Olmstead Plan amendment process. Key elements include soliciting public comment in two phases. One will occur in January 2019 and another from mid-February through early March 2019. Public comments may be provided through email, phone, in-person and video listening sessions. Details will be presented at the November Subcabinet meeting.

##### c) Legal Office

There was no report from the Legal Office.

##### d) Compliance Office

Mike Tessneer reported that based upon input by the Subcabinet at the September meeting the Compliance Office has received additional information to be included in the 2018 Strategic Review. The final draft will be sent to the agencies for a final review. Upon completion of the final review it will be posted for reference during the 2019 Olmstead Plan Amendment process beginning in December.

#### 6) Action Items

##### a) Direct Care and Support Services workforce Workplans

The review of this workplan was presented by Darielle Dannen (DEED) and Alex Bartolic (DHS). They provided a review of the key elements of the Direct Care and Support Services workforce Workplans.

Workplan activities were described related to these key strategies:

- Increase worker wages and/or benefits
- Expand the worker pool
- Improve the workforce by enhancing training for direct care and support professionals
- Increase job satisfaction (including quality of the job)

- Raise public awareness by promoting direct care and support careers
- Promote service innovation
- Enhance data collection

### **Questions/Comments**

- Commissioner Piper (DHS) clarified that agencies are only accountable for workplan items consistent with their authorities. For example, DHS is not the workforce agency and although they may collaborate with DEED, they cannot be responsible for tasks for which DEED has authority. The role of DHS is to ensure that people who are eligible for Medicaid have access to the needed direct care staff.
- Commissioner Piper stated that the connection between investing resources in the direct care workforce and increasing actual staff/workforce to provide the service is missing in the workplans.
- Commissioner Piper questioned if there is a way to quantitatively measure the impact that better compensation would have on the quality of life for people with disabilities.
- Deb Kerschner (DOC) and Roberta Opheim (OMHDD) asked how the data analysis would measure the result of increased compensation.
- Commissioner Hardy observed that the workplan’s connection to people with disabilities is missing and needs to be addressed in the workplan.
- Commissioner Hardy expressed that if more resources are needed to address the workforce shortage that needs to be clarified (such as a need for legislative action).

Based on this discussion, Commissioner Piper moved that the report be tabled until the November 26, 2018 Subcabinet meeting. This will allow sufficient time for DEED and DHS to address the identified issues.

**Motion: Table the Direct Care and Support Services workforce Workplans, ask the agency staff to rework the workplans based on the discussion, and present the workplan with changes at the November Subcabinet for approval.**

**Action: Motion – Piper      Second – Tingerthal      In Favor – All**

### **b) Olmstead Plan 2018-2019 Workplans**

Mike Tessneer (OIO) introduced the proposed Olmstead Workplan document and described the process used. The annual review and refresh of the Olmstead Plan workplans has been taking place over the last month. The result of the review is included in the packet beginning on page 27. All 2017-2018 workplan activities are included in this document. The last column was added to indicate the status of each activity, and an explanation of each status is included in the document. Once the Subcabinet approves the proposed workplans, a clean version of the document will be posted on the website for reference.

Agency staff presented the draft workplans, highlighting new and revised activities.

## **Questions/Comments**

### **Person-Centered Planning Workplans**

- Roberta Opheim (OMHDD) asked MDE if person-centered planning elements are applied to students of all ages. MDE responded that it applies to students in kindergarten through twelfth grade. (PC 1B.8c)
- Deb Kerschner (DOC) asked if the person-centered planning was integrated into the Individualized Education Program (IEP) process. MDE affirmed that it was. (PC 1B.8c)
- Deb Kerschner asked if the person-centered practices tool kit is available as she had searched the web site and was not able to locate it. DHS responded that the manual/tool kit is available and can be accessed through the Disability Hub. DHS is currently reviewing the website analytics to understand when people are not able to find what they are looking for and to make necessary changes. (PC 1B.6b)
- Deb Kerschner encouraged all agencies to work on using plain language that the public can understand. (PC 1B.6b)
- Roberta Opheim (OMHDD) asked where the bulletins were that announced information on person-centered planning. The agency noted that bulletins are posted for a specified time until they are incorporated into the manual. The manual is posted and includes the critical information originally put out in the bulletin.
- Roberta Opheim offered a general statement related to training of mental and behavioral health staff training in person-centered practices. She encouraged agencies to provide training with an evaluation component to determine if the recipients mastered the course work. (PC 1B.14)
- Commissioner Tingerthal (Minnesota Housing) offered a general comment pertaining to workplan items focused on staff training. It may be helpful to keep some of these efforts in the workplans over the coming year to keep the Subcabinet informed on training progress on critical elements in the Plan. DHS reported that much of their training on person-centered practices has been consolidated into system training and will be reported to the Subcabinet annually.
- Deb Kerschner (DOC) asked about the continuation of the auditing of individual service plans to ensure they meet person-centered protocols. DHS explained that the item to design and initiate the process has been completed, however the audits and agency feedback continues and is reported in the Quarterly Reports to the Subcabinet. (PC 2B.2)

### **Transition Services Workplans**

- DHS proposed a change to what was in the packet. The intention was that activity TS 2A.7 was being replaced by the new activity TS 2A.7 to report on implementation of the federal home and community based rule implementation by June 30, 2019. The Subcabinet accepted this modification. (TS 2A.7)

### **Community Engagement Workplans**

- Darlene Zangara (OIO) proposed a new edit to the deadline in the handout for activity CE 5D.1E. The current deadline is November 30, 2018 but she is proposing to move the deadline to December 31, 2018. (CE 5D.1E)

### **Preventing Abuse and Neglect Workplans**

- Roberta Opheim (OMHDD) observed that in the Prevention of Abuse and Neglect topic area, agencies are addressing public awareness in two ways. MDH is working on the issue of developing a plain language version of the patient bill of rights. This will result in educating providers, individuals with disabilities and their families and supporters, and lead agencies. DHS will complete an analysis of the MAARC data on abuse and neglect and use this to disseminate alerts on critical areas to key stakeholders. DHS has agreed to do a presentation on this activity at a future Subcabinet meeting.

**Motion: The Subcabinet approves the agency workplans as presented.**

**Action: Motion – Tingerthal Second – Piper In Favor - All**

### **c) Workplan Compliance Report for October**

Mike Tessneer (OIO) reported that seven workplan items were reviewed this month and there were no exceptions to report. The list of activities reviewed were included in the workplan compliance report in the meeting packet.

**Motion: Subcabinet accepts the October Workplan Compliance Report**

**Action: Motion – Piper Second – Rowzat In Favor - All**

## **7) Informational Items and Reports**

### **a) Quality of Life Survey 5C – Monthly report on implementation**

Darlene Zangara (OIO) provided a brief update on progress in completing the Quality of Life Survey. She reported that the contractor has reached the 75% completion level and expects to complete the final 25% by the end of November as projected.

The remainder of the reports on the agenda were not presented due to time constraints, but were included in the packet.

## **8) Public Comments**

Roberta Opheim (OMHDD) asked about the process to follow up on the public comment from last month's meeting raising concern about people with disabilities need for improved access to the criminal justice system and recommending expanding the Olmstead Plan to include this as a topic area and adjusting Subcabinet membership. Mike Tessneer responded that the intention was to include these recommendations in the annual Plan amendment process. It was noted that, as part of the transition process, the Olmstead Executive Order has been submitted for consideration to be continued in the next administration. Commissioners Piper and Tingerthal

both voiced support for this important issue to be considered by the new Olmstead Subcabinet.

Commissioner Hardy asked those who signed up for public comment to address the Subcabinet.

**Bradford Teslow** (member of the public)

Public Comment Form was provided and will be filed appropriately with the official meeting records. Copies were not provided to Subcabinet members. Highlights included the following:

- Consider including public safety representatives in the Subcabinet to address people with disabilities access to the justice system
- Utilize the SAMHSA guidance on trauma informed care in application of services for people with disabilities
- Increase opportunities for people with disabilities to shape changes in policy from beginning of the process through the end
- The January 2018 bulletin on investigating sex trafficking should consider people with disabilities who fall victim.
- Housing should be included in chemical health treatment and supports
- Include a requirement for MN Housing initiatives to include training in trauma informed care

**Kim Pettman** (member of the public)

Written copy of testimony was not provided. Highlights included:

- Accessibility should be included across the Olmstead Plan
- Some schools in central MN have need for improved accessibility
- Accessibility is needed in housing and health care
- A 2016 state law requires state agencies to be in accessible buildings including public meeting space.
- The Direct care workforce summit in 2016 should have emphasized the need for greater public awareness
- There needs to be greater awareness beyond the MAARC data. It should include people with disabilities, health care, transit, and other marginalized groups with a disability.
- Consider adding Admin as a member of the Subcabinet to improve how state contracts are written to address accessibility
- Increase the number of agencies sending staff to the national ADA symposium

**Rebecca St. Martin** (member of the public)

Written copy of testimony was not provided. Highlights included:

- Consider a re-branding process for the direct support staff workforce. This could improve the public understanding of this profession
- People should understand that direct care workers jobs are very different based on who they are supporting. Direct care staff could be “certified” in different types of care.

- Change the way we reference the direct care staff from staff to caregiver or partner
- Compensation needs to match the value of their work.

**Jeff Bangsberg** (member of the public)

Public Comment Form was provided partially completed and will be filed appropriately with the official meeting records. Copies were not provided to Subcabinet members. Highlights included:

- Expressed a concern that the Subcabinet action to table the proposed Direct Care and Support Services Workforce workplan until November was a disappointing delay. The delay risks slowing down the needed progress on this important issue
- We are currently in a crisis due to lack of direct care staff across the state
- It is not clear what quantifiable data is needed and how this will be helpful
- If this data is necessary, the advisory work group will work with DEED to get this data to help define what a higher wage would do to bring more people into the workforce

Commissioner Piper restated that the workplan was tabled until the agencies could address the issues raised earlier in the meeting. The revised workplan is to be presented at the November Subcabinet.

**9) Adjournment**

Commissioner Tingerthal moved for adjournment. Assistant Commissioner Acevedo seconded. The meeting was adjourned at 4:35 p.m.

**Next Subcabinet Meeting:** November 26, 2018 – 3:00 p.m. – 5:00 p.m.

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