

Olmstead Subcabinet Meeting Minutes

Monday, November 26, 2018 • 3:00 p.m. to 5:00 p.m.

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

1) Call to Order

Commissioner Tingerthal welcomed everyone and provided meeting logistics.

2) Roll Call

Subcabinet members present: Mary Tingerthal, Minnesota Housing; Shawntera Hardy, Department of Employment and Economic Development, joined the meeting at 3:21 p.m. (DEED); Roberta Opheim, Office of Ombudsman for Mental Health and Developmental Disabilities (OMHDD); Tom Roy, Department of Corrections (DOC); Colleen Wieck, Governor’s Council on Developmental Disability (GCDD); Jan Malcolm, Minnesota Department of Health, joined the meeting at 3:05 p.m. (MDH)

Designees present: Chuck Johnson, Department of Human Services (DHS); Tim Henkel, Department of Transportation (DOT); Rowzat Shipchandler, Minnesota Department of Human Rights (MDHR)

Guests Present: Mike Tessneer, Darlene Zangara, Rosalie Vollmar, Zoua Vang, and Sue Hite-Kirk, Olmstead Implementation Office (OIO); Ryan Baumtrog and Anne Smetak (Minnesota Housing); Erin Sullivan Sutton, Alex Bartolic, Adrienne Hannert, Linda Wolford (DHS); Emily Jahr, Tom Delaney, Holly Andersen, Jayne Spain and Robyn Widley (MDE); Maura McNellis-Kubat (OMHDD); Darielle Dannen (DEED); Stephanie Lenartz and Mark Kinde (MDH); Kristie Billiar (DOT); Christina Schaffer (MDHR); Gerri Sutton (Met Council); Joan Willshire, Minnesota Council on Disability (MCD); Susan O’Neill, Institute on Community Integration (ICI); Jane McClure, Access Press; Jesse Bethke Gomez, Metropolitan Center for Independent Living; Bradford Teslow, David Sherwood Gabrielson, Jeff Bangsberg, Diane Drost, Don Amorosi, and Noah McCourt (members of the public)

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

4) Agenda Review

Commissioner Tingerthal 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.

5) Approval of Minutes

a) Subcabinet meeting on October 29, 2018

Commissioner Tingerthal asked if there are any changes needed to the minutes for the October Subcabinet meeting. No edits were requested

Motion: Approve October 29th Subcabinet meeting minutes

Action: Motion – Henkel

Second – Shipchandler

In Favor – All

5) Reports

a) Chair

Commissioner Tingerthal announced

- We received notice from the Court that the next Status Conference will be held in April. More information will be shared once we have a specific date and agenda.
- A Subcabinet meeting is scheduled for January 28th. The Executive Order by Statute continues for at least 90 days after the start of the new administration. Meeting invitations will be sent out to our current member list as a placeholder. The invitations will be updated as needed. A recommendation has been made to issue a new Executive Order continuing the Olmstead Subcabinet. OIO staff will provide a basic orientation packet for new Commissioners.

b) Executive Director

Darlene Zangara announced that OIO has a new Communications Specialist and welcomed Zoua Vang.

c) Legal Office

No report.

d) Compliance Office

Mike Tessner provided a brief overview of the process to amend the Olmstead Plan and timeline for 2019 found on page 15 of the packet.

Questions/Comments

- Colleen Wieck (GCOD) and Commissioner Tingerthal (Minnesota Housing) requested clarification to the document to clarify that the amendments are not officially approved until the March 2019 meeting. In December the amendments to the Plan will be accepted by the Subcabinet and be posted for public comment. In February, the amendments will again be accepted by the Subcabinet and approved to be posted for comment. The amendments are in draft status until the March 2019 approval.
- Colleen Wieck also requested instruction to use plain language whenever possible. Darlene Zangara (OIO) reported on the goal of transitioning public documents to plain language version. Priority documents are: Strategic Review and overview of The Olmstead Plan

6) Action Items

a) Direct Care and Support Services Workforce Workplans

Commissioner Tingerthal reminded the Subcabinet that at the October Subcabinet meeting, DHS and DEED presented workplans based upon the recommendations the Direct Care/Support Workforce working group. As a result of discussion at the meeting, approval of the workplans was tabled to allow the agencies to further review and modify the workplans. Alex Bartolic (DHS) and Darielle Dannen (DEED) walked through the proposed workplans.

Questions/Comments:

Strategy 2: Expand the worker pool to ensure that people with disabilities have the workforce they need to live, learn, work and enjoy life in the most integrated setting

- Commissioner Tingerthal asked if Direct Support Connect follows best practices of other states that have done this successfully. Alex Bartolic (DHS) stated several states were interviewed, with few having a robust directory. (Direct Support Connect as an on-line tool is summarized on pg. 33.)
- Commissioner Tingerthal (Minnesota Housing) asked what date the report in activity 2C is due to the Legislature. Alex Bartolic (DHS) stated that the report is due to go to the Legislature in January. The report to the Subcabinet was scheduled for May to be able to provide follow up from the legislative session. Commissioner Tingerthal asked if the Subcabinet could get the report at the same time as the Legislature. Ms. Bartolic agreed that could be added to the workplans with the follow up provided at the May date.
- For activity 2D, Healthforce Minnesota (Minnesota State) is the responsible party. DHS will provide OIO the contact information for the staff at Minnesota State.

Strategy 4: Increase job satisfaction (including quality of the job)

- Commissioner Roy (DOC) asked if any efforts will be taken to determine why people are not satisfied or leave a job. Ms. Bartolic stated the stakeholder group did not commit to that activity at this time, however as data is received there may be several indicators to be further reviewed.

Strategy 6: Promote service innovation

- Commissioner Tingerthal asked if Department of Administrations, STAR Program, will be a part of this strategy. It was affirmed that they are.

Commissioner Tingerthal asked any members of the public who wanted to provide public comment on this topic to speak to the Subcabinet at this time.

Jeff Bangsberg (member of the public)

Written copy of testimony was not provided. Highlights included:

- Mr. Bangsberg expressed gratitude to DEED and DHS on their lead in recognizing this important work over the last two years. He thanked the Subcabinet for their commitment to the workplan. He also acknowledged Ms. Bartolic and Ms. Dannen for all their efforts. He emphasized the need for data from both agencies, as well as MDH in working with the Legislature. He closed by addressing the Subcabinet and workgroup members present that he found the process really thoughtful, one that doesn't overpromise but hits on the fundamental points. He encouraged advocacy communities to use it as well.

Roberta Opheim (OMHDD) and Commissioner Hardy (DEED) both emphasized the need for a good road map when approaching the Legislature.

Motion: Approve Direct Care and Support Services Workforce workplans

Action: Motion – Hardy Second – Johnson In Favor – All

b) **November 2018 Quarterly Report**

Mike Tessneer reviewed the Executive Summary highlighting the areas where progress is being made and goals were met. Agency staff reported on the following goals that have been targeted for improvement (Not met or not on track) or need further explanation.

Questions/Comments

- Rowzat Shipchandler (MDHR) asked if the Court views some goals as more important than others, and what the Court’s view is for not meeting certain goals. Responses from Mike Tessneer (OIO) and Commissioner Tingerthal were that the Court has not set a directive on goal priorities, but rather consistently asks if the quality of life for people with disabilities is being improved. The measurable goals are to show improvement/progress. If there is none, then something different can be done to meet a goal. Colleen Wieck (GCDD) stated that the goals are categorized as referenced on pg. 39. This is based on the Olmstead Decision and the Department of Justice Guidance. The goals are about movement from segregated to integrated settings and moving people off of waiting lists. Commissioner Tingerthal further stated that Subcabinet processes such as Strategic Review and Plan Amendment also bring to light goals that are not being met.

Positive Supports 3A

- Roberta Opheim (OMHDD) asked if the individuals currently reported on mechanical restraints are the same 13 from the beginning of the reporting process. Erin Sullivan Sutton (DHS) will confirm if it is the same 13 individuals or not.
- Colleen Wieck (GCDD) wanted to know if a technical assistance team was working with Minnesota Security Hospital-St. Peter since the results are not showing progress. Follow up will be provided by Ms. Sullivan Sutton. DHS has reported quarterly on the challenges of appropriate services and ratio of providers for individuals with high-level needs.

Crisis Services 4A

- Roberta Opheim (OMHDD) requested that DHS review licensing rules concerning individuals who go into the hospital. She has heard that facilities are refusing to take individuals back and do a 60-day transition plan.

Education 2

- Tom Delaney (MDE) clarified a needed edit in the **Comment on Performance** (pg. 79). It should say that Minnesota saw an *increase* in the number of students enrolled not a decrease. He also addressed the importance of having the percentage of proportional data as well as numeric data. Both types of data will be provided to the Subcabinet.

Quality of Life Measurement Results

- Colleen Wieck requested that when the Quality of Life Survey Report comes to the Subcabinet, specific time be made available to review the comparisons to the NCI survey that appears in the Quarterly Report. Commissioner Tingerthal agreed.

Motion: Approve the November Quarterly Report

Action: Motion – Hardy

Second – Shipchandler

In Favor - All

c) **Plan amendment public input process /proposed workplans**

Darlene Zangara (OIO) walked through an overview of the Olmstead Plan Amendment Public Input process. She also walked through the workplan to implement the process.

Questions/Comments

- Rowzat Shipchandler (MDHR) suggested intentionally framing the sessions to address what we have control over and what we do not. Her observation from last year is the need to let the general public know what the Executive Branch has control over, what is a Federal issue, and what needs to happen at the State Legislature.
- Colleen Wieck (GCDD) requested as much advance notice as possible with the listening session schedule.
- Commissioner Hardy (DEED) requested thoughtful consideration of locations. She suggested partnering with specific communities already targeted.
- Commissioner Tingerthal commented to agency staff at the meeting, the need for them to attend the listening sessions or assign their staff to attend. This is more critical as listening sessions will immediately follow the transition of commissioners.

Motion: Approve Workplan

Action: Motion – Malcolm Second – Opheim In Favor - All

d) **Workplan Compliance Report for November**

Commissioner Tingerthal reported that 6 workplan activities were reviewed. There were no exceptions to report. The lists of activities reviewed were attached to the Workplan Compliance report.

Motion: Approve November Compliance Report

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

7) Public Comments

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

Don Amorosi (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. Comments included the following:

- Mr. Amorosi described how his son was in need of mental health crisis services on July 12, 2018. Both Hennepin and Carver counties indicated he did not meet criteria. It was suggested to call 911 for any further assistance. On July 13, 911 arrived at the residence of his son. In the home alone, his son was tased and pepper sprayed. Upon his son’s exit from the house, he was shot 10 times, handcuffed and died.
- Mr. Amorosi continues to work with MDH, DHS, Minnetonka High School, and Chanhassen Mayor and City Council; however the crisis units will not even respond to DHS inquiries.
- The following suggestions were made for more oversight and accountability:

- Expand Crisis Service Goal 5 to include measureable goals and outcomes for law enforcement and 911 to increase access to care during a crisis;
- Mental health training for law enforcement to better avoid discrimination against those suffering from mental illness or a crisis;
- Mandated de-escalation training for law enforcement;
- Oversight and accountability for law enforcement and 911; and
- Additional resource funding for crisis units.

Questions/Comments:

- Commissioner Tingerthal and Roberta Opheim (OMHDD) expressed their condolences. Ms. Opheim asked for clarification of which county crisis unit did not respond. Mr. Amorosi stated he was told to call Hennepin County and they referred them to Carver County. It was Carver County that said they couldn't send a unit because his son did not meet criteria. When Mr. Amorosi asked directly what the criteria was, he was told his son needed to be suicidal, homicidal or if he hadn't eaten in several days.

Noah McCourt (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. Comments included the following:

- Mr. McCourt read a letter he received from a parent of a child with autism. Carver County Social Services and Crisis Services were “completely missing in action”. 911 at times was the only service available to them. He experienced trauma and victimization at the hands of law enforcement. After eight months he drafted a letter to the Chief of Police hoping for an opportunity to be an advocate. A meeting with law enforcement, or acknowledgement of the letter, never happened.
- Failures of public policy that are occurring with Crisis Teams need to be addressed

Questions/Comments:

- Commissioner Tingerthal stated public comments will be taken into consideration by means of Plan amendment process.
- Commissioner Hardy thanked Mr. Amorosi and Mr. McCourt for their personal accounts and connections to the work of the Subcabinet. She stated the work is about changing systems that have not always been structured to keep people at the center.

8) Adjournment

Commissioner Hardy (DEED) announced this was her last meeting as she is not seeking reappointment. She expressed her thanks to the Subcabinet and members of her team for their leadership with this work.

Commissioner Roy (DOC) announced this was also his last meeting and expressed thanks to all.

Commissioner Tingerthal adjourned the meeting at 4:55 p.m.

Next Subcabinet Meeting: December 17, 2018 – 3:00 p.m. – 4:30 p.m.

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