

Olmstead Subcabinet Meeting Minutes

Monday, December 17, 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

Commissioner Tingerthal called the meeting to order, welcomed everyone, and provided meeting logistics.

2) Roll Call

Subcabinet members present: Emily Piper, Department of Human Services (DHS); Colleen Wieck, Governor’s Council on Developmental Disability (GCDD); Roberta Opheim, Office of Ombudsman for Mental Health and Developmental Disabilities (OMHDD); Kevin Lindsey, Minnesota Department of Human Rights (MDHR) joined at 3:40 p.m.

Designees present: Jeremy Hanson Willis, Department of Employment and Economic Development (DEED); 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, Diane Doolittle, Rosalie Vollmar and Sue Hite-Kirk, Olmstead Implementation Office (OIO); Ryan Baumtrog, Anne Smetak and Megan Ryan (Minnesota Housing); Erin Sullivan Sutton, Carol LaBine and Adrienne Hannert (DHS); Tom Delaney (MDE); Darielle Dannen (DEED) Stephanie Lenartz and Mark Kinde (MDH); Kristie Billiar (DOT); Christen Donley (DOC); Audel Shokohzadeh (MDHR); Gerri Sutton (Met Council); Joan Willshire (Minnesota Council on Disability); Mary Kay Kennedy (Advocating Change Together); Daren Nyquist, Kylie Nicholas and Ashley Boat (Improve Group); Beth Fondell (Institute on Community Integration – University of Minnesota); Bradford Teslow and David Sherwood Gabrielson (members of the public)

Guests Present via telephone: Christina Schaffer (MDHR), Marshall Smith (DHS) and Kim Pettman (member 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 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.

4) Approval of Minutes

a) Subcabinet meeting on November 26, 2018

Commissioner Tingerthal asked if there were any changes needed to the minutes for the November Subcabinet meeting. Colleen Wieck (GCDD) stated that she submitted some clarifications and corrections to OIO.

Motion: Approve November 26th Subcabinet meeting minutes with Colleen Wieck's edits
Actin: Motion – Wieck Second – Henkel In Favor - All

5) Reports

a) Chair

Commissioner Tingerthal reported on planning for the transition to the new administration. OIO staff will work with the Subcabinet Commissioners executive assistants so they are aware of the process to appoint designees and designee alternates. The Executive Order 15-03 continues to be in effect for 90 days after the new administration takes office. Subcabinet meetings will continue as they have been scheduled unless the new Commissioners request otherwise.

b) Executive Director

1) Public input session schedule

Darlene Zangara (OIO) reviewed the document in the packet with the dates and locations of the upcoming listening sessions.

Commissioner Tingerthal stressed that it is important for agency senior staff to attend these sessions, particularly in Greater Minnesota. Agency staff should coordinate with OIO to let them know which sessions they are attending. Roberta Opheim (OMHDD) stated that once the location addresses are determined, the information will be posted to the OMHDD website. Zoua Vang (OIO Communications Specialist) will work with other agency Communication Specialists to help promote these sessions as much as possible on websites and in various newsletters and eNews.

c) Legal Office

No report.

d) Compliance Office

No report.

6) Action Items

a) Quality of Life Follow-Up Survey

This report was included as a Supplemental Handout. Darlene Zangara (OIO) and Daren Nyquist, (The Improve Group) presented the report. There was a short PowerPoint presentation; handouts were available for guests. Kylie Nicholas and Ashley Boat (Improve Group) were also available for questions.

Questions/Comments

Commissioner Piper (DHS) expressed concern about the barrier to completion being the length of time it takes to complete the survey at 45 minutes. She questioned if that had to remain static or if compensating that time would compromise the integrity of the longitudinal nature of the study. Daren Nyquist and Kylie Nicholas indicated that 505 out of 515 made it through the survey in 45 minutes. Shortening the survey time would not be worth it for the

methodological problems it would add. All responses are counted and perspectives measured even if only half the survey is completed.

Commissioner Piper asked if further analysis will be done around the reported quality of life for those individuals under public vs private guardianship. Mr. Nyquist confirmed that subgroup analysis can be done but cautioned that this type of analysis may indicate relationship, not cause. At this point, areas of further research are being noted. Roberta Opheim (OMHDD) asked for clarification on public and private guardianship. Ms. Nicholas stated that the guardianship status comes from screening data or the person's individual data.

Commissioner Piper (DHS) asked if they are looking at integrated vs segregated day treatment services. Mr. Nyquist explained the data represents center-based employment services and not integrated settings. Further subgroup analysis will look at service settings and the relationship between the different service settings as individuals often receive multiple types of services from day to day.

Ms. Opheim requested clarification about the number of people surveyed for the second follow-up survey. Mr. Nyquist explained that the baseline survey included 2,005 individuals. A sampling of 500 from that cohort were surveyed in the follow up survey. The next survey will include a sample of 500 from the original group of 2,005. These could be different individuals from the first follow up survey or there could be some of the same individuals. Someone could potentially be participating in as many surveys as are conducted. With the baseline size being large, it does provide a realistic representation of people receiving services in those potentially segregated settings, and can be generalized. He further explained that they started with 2,005 so that they would be able to randomly select 500 individuals in each subsequent survey. That allows for attrition or for individuals who do not want to complete the survey in subsequent years. Ms. Opheim requested data on how many declined taking the survey because a guardian said no. The Improve Group will provide follow up to the Subcabinet with this data. If members have interest in other data or analysis, they were encouraged to contact Darlene Zangara so these items can be included in the final analysis report at the January meeting.

Motion: Accept the Report

Action: Motion – Kerschner

Second – Henkel

In Favor - All

b) 2018 Annual Report on Olmstead Plan Implementation

Mike Tessner (OIO) provided an overview of the Annual Report by reviewing the Executive Summary. Agency staff were available for questions on any of the goals. The Annual Report with the Addendum (proposed amendments) will be submitted to the Court by December 28, 2018.

Questions/ Comments

Colleen Wieck (GCDD) requested the amendments be separate from this motion to approve the Annual Report. Commissioner Tingerthal concurred and reminded the members that approval is for the report only.

Motion: Approve the Annual Report

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

c) Olmstead Plan Draft proposed amendments

Mike Tessner (OIO) introduced the proposed amendments and explained the next steps. The agencies presented their proposed amendments and the reason for the change. The proposed amendments will be included as an addendum to the Annual Report and posted for public comments.

Questions/ Comments

Lifelong Learning and Education Goal Three – Tom Delaney/Daren Korte (MDE)

Roberta Opheim (OMHDD) and Deb Kerschner (DOC) expressed concerns about outcomes from school district training do not really show if more students are being provided assistive technology. Daron Korte (MDE) stated district expenditures on assistive technology could be tracked. The intent of the goal is to have school districts identify through the IEP when a student needs assistive technology, and when it is provided. Commissioner Tingerthal suggested MDE establish a draft benchmark measure regarding actual student use of assistive technology for discussion by the Subcabinet. Commissioner Lindsey (MDHR) asked for more information on expanded effectiveness of assistive technology with the 31 identified school districts. Tom Delaney (MDE) explained that 13-15 school district IEP teams are trained annually. These teams go back to their districts and work on implementing the framework, with special educators, for consideration of assistive technology. MDE will start identifying specific school districts within their workplan to establish a baseline with the 31 school districts.

Transportation Goal Five – Kristie Billiar (DOT)

Colleen Wieck (GCDD) requested the addition of definitions of market areas one, two and three be added. That language will be provided by Met Council and DOT and included in the draft amendments to be posted for public comment.

Positive Supports Goal Three – Erin Sullivan Sutton (DHS)

Ms. Sullivan Sutton clarified that the number of individuals approved for mechanical restraints would not be included in the goal going forward. However, this information will continue to be reported to the Subcabinet. Commissioner Piper (DHS) affirmed wanting to get this number as close to zero as possible. Commissioner Tingerthal and Roberta Opheim (OMHDD) expressed concern about not extending goals beyond 2019. Although the Court's role may change in 2019, Olmstead Plan progress should continue.

Positive Supports Goal Four/Five – Tom Delaney (MDE)

Roberta Opheim (OMHDD) pointed out that school districts with the highest rates of seclusion and physical holds are segregated schools. Mr. Delaney committed to bringing these kinds of details back to the Subcabinet to make sure MDE is heading in the right direction with this activity.

Crisis Services Goal Three – Erin Sullivan Sutton (DHS)

Because this goal is being recommended for deletion, Ms. Sullivan Sutton agreed that DHS will maintain a workplan item that would call for an annual report to the Subcabinet on the work with this group.

Preventing Abuse and Neglect Goal Two – Mark Kinde (MDH)

Roberta Opheim (OMHDD) asked if hospital coding identifies people with disabilities. Mr. Kinde stated that hospitals report abuse and neglect across the spectrum, as well as working with the new coding structures to identify people with disabilities.

Motion: Accept the proposed amendments. Approve including the proposed amendments in the Addendum to the Annual Report and posting them for public comment.

Action: Motion – Lindsey Second – Korte In Favor - All

d) Workplan Compliance Report for December

Commissioner Tingerthal reported that 11 workplan activities were reviewed. There were several workplan activities that required a report to the Subcabinet this month. Because of the full agenda this month, those reports have been moved to the January meeting.

Commissioner Tingerthal suggested approval of the three exceptions as they are just being delayed by three months in order to utilize the new evaluation tool that been developed by MDHR.

Motion: Approve Workplan Compliance Report and adjustment to workplan activity

Action: Motion – Henkel Second – Wieck In Favor - All

e) Revised Subcabinet Procedures

Anne Smetak (Minnesota Housing) presented the proposed revisions to the Subcabinet Procedures. The revisions are intended to bring the Procedures in line with the proposed language of the Executive Order. Revisions were indicated with track changes.

Questions/ Comments

Roberta Opheim (OMHDD) requested that under Article II, Item A. Commissioner Members, members 9 and 10 also have the opportunity to send a designee or designee alternate. Commissioner Tingerthal suggested throughout Article II, Item B. Commissioner Designees, that the word Commissioner will be replaced with Member.

Motion: Approve the revised Subcabinet procedures

Action: Motion – Henkel Second – Lindsey In Favor - All

7) Informational Items and Reports

a) Workplan activities requiring report to Subcabinet

- 1) Transition Services 3D.2 – Findings and recommendations regarding timely discharge from AMRTC and MSH (DHS)

Commissioner Tingerthal suggested holding this agenda item until the January Subcabinet meeting.

b) Informational Items

- 1) Update on work with state contractors on inclusion of people with disabilities (MDHR)
Commissioner Lindsey (MDHR) provided an update on the work being done by MDHR and DEED with state contractors regarding inclusion of people with disabilities.

- 2) Civic Engagement and Olmstead (MDHR)
Commissioner Lindsey (MDHR) provided an update on their efforts around Civic Engagement. Two handouts were available for guests.

8) Public Comments

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

Kim Pettman (member of the public)

Written copy of testimony was not provided. Highlights included the following suggestions:

- Add the Department of Administration and Minnesota Management and Budget (MMB) as members of the Subcabinet in the new Executive Order;
- Determine a way to measure how many individuals are going from integrated to segregated settings;
- Continue to monitor the Olmstead Plan;
- Focus on disability percentages as a way of meeting equity goals by the new administration; and
- Change procedures for dial-in attendance at Subcabinet meetings.

Questions/Comments:

Commissioner Tingerthal stated Ms. Pettman's comments will be conveyed to the transition team. The OIO staff will address dial-in procedures.

Mary Kay Kennedy (Advocating Change Together (ACT))

Written copy of testimony was not provided. Highlights included:

- ACT Olmstead Academy is in their fourth year;
- Class of 2018 has now closed; it was one of the most diverse so far;
- Launch for Class 5 (2019) is on January 21; the Subcabinet is invited; and
- If anyone is interested in being a mentor or dinner host, contact Mary Kay.

Questions/Comments:

Commissioner Tingerthal acknowledged that several graduates of the Olmstead Academy are now members of our OIO Community Engagement Workgroup. Many others appear before the Subcabinet to provide public comment. She thanked Mary Kay for ACT's great work.

9) **Adjournment**

Commissioner Tingerthal announced this is her last meeting as she is not seeking reappointment. She thanked the members of the Subcabinet for their commitment at the table and in the courtroom negotiating goals. She recognized the work of all agencies and their staff in getting the work done. She stated The Olmstead Plan represents ground-breaking work that's been shaped by hundreds of voices statewide. Every year the Subcabinet looks at how to make it better based on inclusion and choice. In this way agencies can better determine if they are making a difference. Commissioner Tingerthal expressed her hope that the Subcabinet will persevere. There has been much systemic, meaningful and transformational change because of agency commitment to people with disabilities being able to live, learn, work and enjoy life in the communities of their choice.

Commissioner Piper commended Commissioner Tingerthal for her leadership over the last eight years. Minnesota is a national model for agency work led by the Commissioner, as well as agency services to people with disabilities across the state. She expressed gratitude for Commissioner Tingerthal's steadfast leadership, dedication and commitment.

Commissioner Tingerthal adjourned the meeting at 4:33 p.m.

Next Subcabinet Meeting: January 28, 2019 – 3:00 p.m. – 4:30 p.m.

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