

Olmstead Subcabinet Meeting Notes

Monday, August 26, 2019, 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 Ho welcomed everyone and provided meeting logistics.

2) Introductions

Subcabinet members present: Jennifer Leimaile Ho, Minnesota Housing; Paul Schnell, Department of Corrections (DOC); Colleen Wieck, Governor's Council on Developmental Disabilities (GCDD); Mary Catherine Ricker, Minnesota Department of Education (MDE); Roberta Opheim, Ombudsman Office for Mental Health and Developmental Disabilities (OMHDD); Pam Wheelock, Department of Human Services (DHS) Larry Herke, Minnesota Department of Veterans Affairs (MDVA); Nora Slawik, Metropolitan Council; and John Harrington, Department of Public Safety (DPS) joined at 3:21 p.m.

Commissioner Wheelock (DHS) announced the new permanently appointed commissioner starts on September 3, 2019. She also expressed gratitude to Deputy Commissioner Claire Wilson whose last day at DHS is August 30, 2019.

Designees present: Tim Henkel, Department of Transportation (DOT); Carol Pankow, Department of Employment and Economic Development (DEED); Mary Manning, Minnesota Department of Health (MDH)

Guests present: Mike Tessneer, Darlene Zangara, Diane Doolittle, Rosalie Vollmar and Sue Hite-Kirk, Olmstead Implementation Office (OIO); Rachel Robinson and Anne Smetak (Minnesota Housing); Erin Sullivan Sutton, Adrienne Hannert and Rick Figueroa (DHS); Daron Korte, Tom Delaney and Emily Jahr (MDE); Ann Schulte and Mark Kinde (MDH); Kate Erickson (DOC); Maura McNellis-Kubat, (OMHDD); Gerri Sutton, (Met Council); Beth Fondell, Institute on Community Integration; Valerie DeFor, HealthForce Minnesota; Carol Russell and Brian Herder, Russell Herder; Bradford Teslow and Noah McCourt (members of the public).

Guests attending by phone: Christina Schaffer (MDHR); Rebecca St. Martin and Sheri Meyers, members of the public

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

3) Agenda Review

Commissioner Ho asked if there were any changes needed to the agenda. She asked OIO staff if anybody had signed up for public comment and reminded any attendees to do so on the sign in sheet at the back of the room.

Three main items to be accomplished:

- Compliance work – reviewing the Quarterly Report and other compliance materials.
- Begin the process of reassessing how the Subcabinet operates moving forward, with the proposed creation of a revitalized Executive Committee.
- Presentation and discussion regarding a Prevention of Abuse Campaign.

Commissioner Ho asked for the Subcabinet's patience and flexibility regarding restructuring the Subcabinet meetings.

4) Approval of Minutes

a) Subcabinet meeting on July 22, 2019

Commissioner Ho asked if there were any changes needed to the minutes for the July Subcabinet meeting.

Darlene Zangara (OIO) proposed a slight change to Mr. Teslow's public comment by adding substance abuse facilities.

Motion: Approve July 22nd Subcabinet meeting minutes as updated

Action: Motion – Schnell

Second: Slawik

In Favor: All

5) Reports

a) Chair

There was no report.

b) Executive Director

Darlene Zangara gave an update on the Community Engagement Workgroup and asked for help to get the word out and encourage people with disabilities that they know to apply.

c) Legal Office

There was no report.

d) Compliance Office

There was no report.

6) Action Items

a) Revised Subcabinet Procedures

Anne Smetak (Minnesota Housing) presented the proposed revisions to the Subcabinet Procedures. The revisions bring the Procedures in line with the Executive Order, including the increased membership of the Subcabinet and increased duties. This also reflects the proposed expansion of the Executive Committee from three members to five members. Revisions to the Subcabinet Procedures were indicated with track changes.

Questions/Comments

Commissioner Ho provided additional information about the creation of the Executive Committee under the previous administration. That Executive Committee included DHS,

DEED and Minnesota Housing. Funding for the Olmstead Implementation Office (OIO) comes through DEED making their participation important. In addition, the role of DHS is central to much of the Olmstead work.

With the expansion of Subcabinet members, it makes sense to expand the Executive Committee membership. Commissioners Wheelock (DHS), Ricker (MDE), Grove (DEED), and Schnell (DOC) agreed to be on the Executive Committee. Colleen Wieck (GCDD) and Roberta Opheim (OMHDD) will be invited to attend.

The Executive Committee will be charged with handling some of the Subcabinet business. The Executive Committee will need to determine structure and consultation roles. The number of Subcabinet meetings may be scaled back and the agenda elevated to focus on critical interagency work.

Motion: Approve the revised Subcabinet procedures

Action: Motion – Wieck

Second – Herke

In Favor - All

b) Appointment of Executive Committee

Commissioner Ho discussed the composition of the Executive Committee and their role. The following Subcabinet members indicated their willingness to serve as members of the Executive Committee along with Commissioner Ho:

- Incoming Commissioner Jodi Harpstead (DHS) who begins work on September 3, 2019.
- Commissioner Ricker (MDE)
- Commissioner Grove (DEED)
- Commissioner Schnell (DOC)

Commissioner Ho stated that the next step is for the Executive Committee to determine a date in September to meet and discuss recommendations regarding structure of Subcabinet meetings and how best to move the work of the Subcabinet forward.

Motion: Approve the membership of the Executive Committee

Action: Motion – Ricker

Second – Slawik

In Favor - All

c) August 2019 Quarterly Report

Mike Tessner (OIO) reviewed the Executive summary (pg. 29 of 108) to highlight the goal areas where progress is being made. Agency staff from DHS, MDE and OIO reported on the goals below that are targeted for improvement or need further explanation.

Erin Sullivan Sutton (DHS) presented on:

- Transition Services 2 (pg. 36 of 108) – Not met
- Transition Services 3 (pg. 39 of 108) – Not on track
- Transition Services 4 (pg. 42 of 108) – In process

- Positive Supports 3 (pg. 54 of 108) – Not on track
- Crisis Services 2 (pg. 61 of 108) – Not on track

Questions/Comments

Commissioner Ho observed that some goals have greatly surpass annual goals while others are hard to reach. She asked if the goals that are hard to reach is due to complexity of the goal setting or complexity of the work, and wondered how the Subcabinet can be more useful and helpful in goal attainment. Mr. Tessneer (OIO) stated guidance from the Department of Justice was utilized in the establishment of measurable goals. The goals start with baselines, have realistic timeframes, and have measurable progress that is reliable, accurate, timely and achievable. The overall purpose of measuring results is to be accountable to the public

Roberta Opheim (OMHDD) asked for a breakdown of the transition goals to better identify individuals with transition plans that didn't meet the goals. Ms. Sullivan Sutton stated this currently is not reflected in the transition goals. She will check with DHS's Disability Services Division and Licensing for that breakdown and report back.

Commissioner Wheelock (DHS) expressed gratitude to DHS staff for their good work on monitoring the progress on all the issues. She also appreciated calling attention to the frequency of permissible uses and uses not permissible requiring remediation.

Commissioner Schnell (DOC) thanked Ms. Sullivan Sutton for her report and asked that at some point there needed to be a conversation regarding people under mental health commitment to the DHS commissioner and a criminal commitment to the DOC commissioner. Ms. Sullivan Sutton said she would pass this information to the appropriate leadership in DHS for follow-up.

Tom Delaney (MDE) presented on:

- Employment 3 (pg. 56 of 108) – Not met
- Education 3B (pg. 58 of 108) – Not met/ data discrepancy
- Preventing Abuse and Neglect 4 (pg. 65 of 108) – Not met

Questions/Comments:

Ms. Opheim asked about students moving on to postsecondary education and how they are accounted for. Mr. Delaney stated that MDE currently does post outcome surveys, which is a sample across the state to take a look at the proportion of students who are moving on to education versus employment, or both. It is hoped that DHS, DEED and MDE can use data and look at this more accurately.

Assistant Commissioner Pankow (DEED) asked if the departure of Jane Spain (MDE) factored into the numbers a bit. Mr. Delaney responded that MDE works hard to make sure any kind of activity involves a team of people who are ready to keep activities moving forward.

Darlene Zangara (OIO) presented on

- Community Engagement 1 (pg. 64 of 108) – Not met

Questions/Comments

Sheri Meyers, (member of the public) asked if when asking people to participate, OIO also takes into account that people with disabilities are not being heard. Commissioner Ho thanked Ms. Meyers for her comment and acknowledged that one of the challenges for the Subcabinet is how to engage effectively with the public.

Commissioner Ho reminded the Subcabinet of the upcoming annual plan amendment process. While it is important to acknowledge all the good work being done, there needs to be some thought about a review process that analyzes which goals are achieved, which goals are not achieved, and which goals seem to be stuck.

Motion: Approve the August Quarterly Report

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

d) Workplan Compliance Report for August 2019 (OIO)

Mike Tessner (OIO) reported that seven workplan activities were reviewed. There are no exceptions to report. The list of activities reviewed was attached to the Workplan Compliance report.

Questions/Comments: None

Motion: Approve August Compliance Report

Action: Motion – Wheelock Second – Herke In Favor - All

e) Proposed Adjustment to Workplan Activity

1) Crisis Services 2K – Crisis respite bed utilization (DHS)

Adrienne Hannert (DHS) requested an adjustment to a workplan activity. She provided the reason for the proposed adjustment and the adjusted workplan activity and deadline.

Questions/Comments: None

Action: Approve Adjustment Request

Motion: Motion – Schnell Second – Wheelock In Favor – All

7) Informational Items and Reports

a) Presentation on Abuse and Neglect Awareness Campaign (OMHDD)

Commissioner Ho introduced this topic and asked Roberta Opheim (OMHDD) to introduce the presentation. Presenters were Carol Russell and Brian Herder (Russell Herder), and Maura McNellis-Kubat (OMHDD).

- The previous Olmstead Subcabinet created an Olmstead Subcabinet Specialty Committee on Prevention of Abuse and Neglect.

- The Specialty Committee was chartered to create recommendations for a comprehensive plan for the prevention of abuse and neglect to people with disabilities.
- The Specialty Committee met during 2017 and received input through multiple community listening sessions in the Twin Cities and Greater Minnesota.
- In January 2018, the Specialty Committee presented to the Subcabinet a “Comprehensive Plan for Prevention of Abuse and Neglect of People with Disabilities.”
- The report included several recommendations for implementation. One of the recommendations was to develop a public awareness campaign. Today’s presentation relates to that recommendation.

The Russell Herder agency displayed a prototype of the prevention campaign website, which will include video clips, statistics, resource materials, and feature the project partners. A wide-range of printed materials, including posters, will be available for distribution across the state. The basic message is “Treat People Like People”. A video was previewed by the Subcabinet.

Ms. McNellis-Kubat indicated the purpose of the steering committee is to monitor implementation, as well as make recommendations to modify campaign and advertising materials as needed. Decisions would need to be made soon as the current contract for the project ends in early September. Ms. McNellis-Kubat clarified that 2018 data will be obtained to update their resources. She stated that \$350,000 is needed for the first year. Potentially that amount may double in order meet the needs of various racial, ethnic and cultural communities across the state.

Questions/Comments

Assistant Commissioner Pankow (DEED) congratulated them on a campaign well done. She offered to help get the message out through their podcast platform, Facebook and Twitter.

Commissioner Wheelock (DHS) acknowledged that DHS has a clear role in helping to further the campaign given the number of either individual functions DHS performs, collaborations they work with, or providers they have contact with. She suggested the Executive Committee begin discussions on how to launch this project.

Commissioner Ricker (MDE) expressed gratitude for the campaign and stated she is looking forward to helping out however she can. She asked when the request was sent to state agencies as she has not yet seen it. Ms. Opheim responded that a formal written request will be going out to agencies shortly. Commissioner Ricker further commented on how students learn from adults. If students see teachers and school leaders and professionals embracing “Treat People Like People” it will signal to them that they and their families will be treated like people.

Commissioner Schnell (DOC) expressed appreciation for the message of the campaign. He further stated that the Department of Public Safety, along with the Department of Corrections, is all in, with both making contributions.

Mary Manning (MDH) met with the campaign team recently resulting in further discussions with MDH staff. The focus was on resources and actionable steps such as training to caregivers.

Ms. Opheim acknowledged Colleen Wieck's great support with this campaign.

Commissioner Ho appreciated the affirmative message of the campaign and all the tremendous work that has been done. She stated abuse and neglect are more acute where there is intersectionality of race, disability and language. She would like to determine what it would take to launch a campaign that anticipates these populations up front. She is hopeful to have a shared budget so the campaign works for all Minnesotans in a way that reflects equity and inclusivity. There will be further outreach about funding the campaign. Subcabinet members agreed this will be taken up by the Executive Committee.

Sheri Meyers (member of the public) – granted permission to speak by Commissioner Ho
Ms. Meyers referenced the 2018 Legislative Auditor's report and the 2018 DHS report both indicating abuse and neglect of vulnerable adults as a problem. She questioned what difference a campaign would make if DHS does not investigate reports of abuse and neglect. Commissioner Ho thanked Sheri for her comments and further responded by saying the campaign is targeted at prevention.

b) Workplan activity reports to be presented to Subcabinet

Agency staff present the following informational reports.

- 1) **Direct Care Workforce 2D** – Direct support service corps
- 2) **Direct Care Workforce 3A.1/3A.2** – Training gaps/barriers/recommendations

Valerie DeFor (HealthForce Minnesota) presented these two related reports.

Questions/Comments: None

- 3) **Education 3F** – Annual report on TRIO Student Support Services (MDE)

In the interest of time and allowing for public comment, this item will be presented at the next meeting.

c) Workplan activity reports to be reviewed by Subcabinet

These reports were not presented to the Subcabinet. Agency staff were available to answer any questions from the Subcabinet.

- 1) **Person-Centered Planning 1H/1I** – Annual report on trainings and tools (DHS)
- 2) **Community Engagement 1A.8** – Annual report on informational sessions (OIO)

8) Public Comments

Commissioner Ho acknowledged time remaining for public comment and asked the Subcabinet members to stay longer if possible. She asked those who signed up for public comment to speak to the Subcabinet.

Brad Teslow, member of the public – withdrew his request to speak.

Rebecca St. Martin, member of the public (on the phone)

The Public Comment Intake form was offered. An outline of Ms. St. Martin's comments was not received. Highlights of her comments included:

- Ms. Martin's plan for her Community Access for Disability Inclusion (CADI) Waiver included requirements to receive virtual assistance rather than direct assistance.
- Her case manager loved the innovation and approved the plan; however, the fiscal management service flagged it and DHS denied the assistance.
- Upon further inquiry, Ms. St. Martin discovered the barrier is due to how DHS has defined direct care support in its agreement with the Center for Medicare and Medicaid Services (CMS), which states direct service must be face to face. Ms. St. Martin stated that the DHS denial is not in line with the Olmstead vision or the Consumer directed community supports (CDCS) promise of flexibility for service design. She further stated that her current CDCS budget does not meet her service needs. DHS provided no timelines for further addressing this issue.
- Ms. St. Martin asked for updated language to be submitted to CMS and for support to address the barriers that keep this issue from being a priority.

Questions/Comments

Commissioner Wheelock (DSH) acknowledged the issue being brought up and will follow up on Ms. St. Martin's concerns. The OIO office will provide DHS with Ms. St. Martin's contact information.

Noah McCourt, member of the public

The Public Comment Intake form was offered at the meeting. An outline of Mr. McCourt's comments was received. Highlights of his comments included:

- Section 14(c) of the Fair Labor Standards Act was originally meant to give employers an incentive to hire workers with disabilities.
- Several states have moved to ban subminimum wages and are promoting solutions for integrated employment options for people with disabilities.
- Minnesota has historically ranked among the top states for the usage of both sheltered workshops and subminimum wage certificates.
- If a person with a disability expresses a desire to work in the community, the sheltered workshop provider, and the Department of Employment and Economic Development (DEED) are to be informed and then have a team meeting to review the person's preferences. Mr. McCourt asked why DEED keeps no records of team meetings, nor data on the number of people going from subminimum wage to earning competitive wage. He further asked how DEED could begin to collect this data.

Assistant Commission Pankow (DEED) stated the Vocational Rehabilitation Services (VRS) staff does a lot of outreach, meetings and tracking with reports to the Rehabilitation Services Administration (RSA). She further indicated she believed the data is publicly available and that she will follow up with Mr. McCourt.

Sheri Meyers, member of the public (on the phone)

The Public Comment Intake form was offered at the meeting. An outline of Ms. Meyers comments was not received. Highlights of her comments included:

- Ms. Meyers provided public comment at the July Subcabinet and requested follow up. She did speak with Darlene Zangara (OIO) but was not satisfied with the response.
- Ms. Meyers stated she has been raped, sexually assaulted, neglected, beaten, abused and threatened with murder all of her life.
- She stated DHS ignored her reports of abuse and neglect, alters reports and does not investigate or follow ADA laws. Carver County forces people with disabilities into county housing to avoid providing other services. Law enforcement does not take victims of sexual assault and violence seriously and has threatened her with murder.
- Over the last five years she has contacted countless agencies including the BCA, the Attorney General's Office, as well as the Governor's Office, lawmakers, state and federal agencies and the new DHS Commissioner's office. She continues to claim that no one is listening.

Questions/Comments

Commissioner Ho thanked Ms. Meyers for her courage in sharing her experiences. She assured Ms. Meyers that the Subcabinet members heard her.

9) Adjournment

Commissioner Ho informed the Subcabinet that she will not be able to attend the Subcabinet September meeting. The Executive Committee will determine who will chair that meeting.

The meeting was adjourned at 5:16 p.m.

Next Subcabinet Meeting: September 23, 2019 – 3:00 to 4:30 p.m.

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