

Minnesota Olmstead Planning Subcabinet –8/2/13 Meeting & Listening Session Notes

Meeting Details

Date: August 2, 2013

Start/End Time: 9:00—11:00 a.m.

Location: Hjemkomst Center, 202 1st Avenue N., Moorhead, Minnesota

Chair: Lt. Governor Yvonne Prettner Solon

Facilitator: Judy Plante, Management Analysis & Development (MAD), Minnesota Management and Budget

Subcabinet members (or alternates) in attendance:

Anne Barry, Deputy Commissioner, Department of Human Services; Scott Buetel, Legislative and Public Affairs Liaison, Department of Human Rights (MDHR); Lynette Geschwind, ADA Coordinator, Department of Transportation (DOT); Mark Kinde, Manager, Minnesota Department of Health, Roberta Opheim, State Ombudsman for Mental Health and Developmental Disabilities (*ex officio*); Mimi Schafer, Rehabilitation Counselor, Department of Employment and Economic Development; Mary Tingerthal, Commissioner, Minnesota Housing Finance Agency (MHFA); Robyn Widley, Minnesota Department of Education (MDE); Colleen Wieck, Executive Director, Governor's Council on Developmental Disabilities (*ex officio*).

Others in attendance:

Nate Aalgaard, Freedom Resource Center; Nicole Atherton ; Donna Atherton, Arc West Central; Sen. Tyler Axness, North Dakota Senate; Ronald Blake, Connections of Moorhead; Charity Brault, Occupational Development Center, Inc.; Steve Brink, Trans Em; Janelle Cheney, DOC; Kelly Christenson, MnDOT; Loren Coleman, DHS; Kristin DePree, CCSS; Juel Donner, Mahnomen County Development Achievement Center; Terry Donovan, DEED; Sara Dunlap, MnDOT; Denise Dyer, CCSS; Corey Ernst, Clay County Public Health; Judi Frye, LDS Area Agency on Ageing; Cindy Gratzek, Occupational Development Center, Inc.; Sharon Grugel; Shannon Henrickson, Marshall County Group Homes, Inc.; Paul Heyl, DHS; Tom Holtgrewe; Susan Humphers-Ginter, Minnesota Board on Aging.; Whitney Klindworth, Clay County Public Health; Marcia Koefod, DHS; Gloria LaFriniere, White Earth Vocational Rehabilitation; Jane Lawrenz, DHS; Rebecca Melang, Corporation for Supportive Housing; Jill Meyer, Clay County Social Services; Anne Nelson; Jana Peterson, Minnesota Disability Law Center and Minnesota Legal Aid; Laura Sayles, DHS; Marcia Schuut, DHS; Deb Sjostrom, Otter Tail County human Services; Steve Skauge, Productive Alternatives, Inc.; William Smith, Access of the Red River Valley; Carolyn Starnard, Minnesota Organization on Fetal Alcohol Syndrome & Clay County Collaborative; Michael Steinheisser, Todd County Health and Human Services; Becky Tripp, Wilkin County Family Services, BCOW AMHI; Rosalie Vollmar, DHS; Alison Wolbeck, State Advisory Council on Mental Health; Lynette Weber, CCRI; Laurie Young, Clay County Social Services;

Welcome, introductions, and opening remarks

Lt. Governor Prettner Solon, chair of the Olmstead Plan Subcabinet, opened the meeting with several remarks:

- In 1976, Minnesota's U.S. Senator, Hubert Humphrey said, "The moral test of a government is how it treats those who are in the dawn of life, the children, those who are in the twilight of life, the aged, and those who are in the shadows of life, the sick, the needy, and the handicapped."
- Minnesota has long been a leader in services for people with disabilities and continues to look for opportunities to help people live as independently as possible and have choices about their lives.
- The draft Olmstead Plan carries on the work of past advocates and charts a course that ensures Minnesotans with disabilities have the opportunity to learn, work, and enjoy life in the most integrated setting desired.
- We recognize that these services support freedom of choice and participation in community life. We are aiming for a plan that assures the state's programs, services and activities are provided in the most integrated setting appropriate to meet the needs of individuals with disabilities.
- We are committed to ensuring that inclusive community-based services are available because we recognize that these services support freedom of choice and participating in community life.
- The Olmstead Plan subcabinet was established by Governor Dayton. Subcabinet agencies and two advocacy groups are collaborating to improve the way state government provides supports and services for persons with disabilities. There are intensive work groups in each of the agencies.
- The subcabinet is holding these listening sessions early in the process because we want people's help in shaping the plan. We need to know from individuals:
 1. What are you expecting in the plan?
 2. What are you hoping to see in the plan?
 3. What are your concerns?
 4. What are your suggestions?
- The subcabinet's job today is to listen carefully and be sure we understand your suggestions and concerns. We've been working very hard and we want to do the right thing and make the best plan possible, but sometimes we get locked into our own ideas and have difficulty seeing beyond them.
- The Olmstead plan is important for Minnesota: for service providers, for advocates, for families; most of all, it is important for people with disabilities.
- Based on your feedback and the input of disability experts, the subcabinet will revise its draft plan and present a final version for consideration in November.
- People can make statements to the subcabinet today. People can also submit comments [online](#).

Overview presentation

Judy Plante provided a presentation about the Olmstead decision and the Olmstead Subcabinet's work:

- Olmstead was a case associated with the American with Disabilities Act (ADA) where the Supreme Court ruled that it is unlawful to keep people with disabilities in segregated institutional settings when they can live in a community setting. Both Minnesota's human

rights act and the ADA prohibit discrimination against people with disabilities. Under both state and federal laws, government entities are required to ensure that all people with disabilities can access services and programs.

- We are developing an Olmstead Plan for the purposes of a government entity to document its plans to provide services in the most integrated setting appropriate to the individual. The U.S. Department of Justice defines the most integrated setting as one that enables individuals with disabilities to interact with non-disabled persons to the fullest extent possible.
- Reasons for creating the plan:
 - Increase integration to make sure that we are complying both with the letter and the spirit of the Olmstead Decision;
 - As part of a settlement in the Jensen vs. DHS case in Minnesota,
 - Governor Dayton issued an executive order to create this subcabinet;
 - It is the right thing to do.
- Subcabinet member departments include: Human Services, Education, Health, Transportation, Employment and Economic Development, and Housing Finance. Ex-officio members are the Ombudsman for Mental Health and the Governor's Council on Developmental Disabilities.
- Service delivery has been analyzed and impediments identified within current delivery methods that prevent us from reaching outcomes desired in the Olmstead decision. As a result, necessary changes have been identified along with a timeline to complete these changes.

The overall goal of the Olmstead Plan: Minnesota will be a place where people with disabilities are living, learning, working and enjoying life in the most integrated setting.

- Olmstead Plan Topic Areas for People with Disabilities:
 - Community Engagement: People with disabilities will have the opportunity to fully engage in their community and connect with others in ways that are meaningful and aligned with their personal choices and desires.
 - Employment: People with disabilities will have choices for competitive, meaningful, and sustained employment in the most integrated setting
 - Healthcare and Healthy Living: Goal adoption is in development phase and has not yet been drafted.
 - Housing: People with disabilities will choose where they live, with whom, and in what type of housing.
 - Lifelong Learning and Education: There will be a goal. It has not been drafted at this point of adoption.
 - Supports and Services: People with disabilities of all ages will experience meaningful, inclusive, and integrated lives in their communities, supported by an array of services and supports appropriate to their needs and that they choose.
 - Transportation: People with disabilities will have access to reliable, cost-effective transportation choices that support the essential elements of life such as employment, housing, education, and social connections.
- It is possible subcabinet agencies will need to seek authority at the state and federal level to redirect funds from institutional-like settings to more integrated settings. Many of the changes that are under consideration can be accomplished within the current state laws when agencies work together and in different ways.

Listening session

People were asked to speak for three minutes or less to allow time for everyone who wanted to speak. Some people signed up to speak before the meeting, others signed up at the meeting. Before the close of the meeting, Lt. Governor Prettner Solon asked if anyone else wished to speak, and several individuals did.

Comments included (in order of speaker):

Susan Humphers-Ginter, Minnesota Board on Aging (MBA)

- Mission: ensure older Minnesotans and families are effectively served by state and local policies and programs in order to live well.
- Many older persons experience disability for the first time in their later years. Over 2/3 of persons age 85 and older have at least one disability and older persons are more likely to have multiple disabilities.
- MBA Board submitted written comments upon your request and I will highlight those comments here:
 1. It is critical to have a strong system of providing long-term care options counseling to older adults and their families. Informed older adults and caregivers regarding services and supports available to them, helps them remain in their community. The Minnesota Help Network provides this for thousands of Minnesotans every year. We must continue to strengthen and support this critical resource.
 2. Family caregivers are the foundation of Minnesota's long-term services and support system. Supporting family caregivers allows them to sustain their care-given role for longer periods of time and reduces reliance on more costly forms of care.
 3. We must insure older adults have access to proven interventions that help them manage their chronic conditions. MBA developed the Love Well at Home Practice Network. This provides a common approach to identify high-risk older adults and helps them take action to better manage their chronic conditions and maintain independent living.
 4. The MBA has a successful board initiative called Return to Community. This assists private pay nursing home residents, who want to return to the community, with resources and support to assist with the transition. Successful transition from nursing home to in-home helps change the mindset that nursing homes are the best option.
- Thank you for this opportunity to speak. MBA stands ready to assist and advise in any way.

Donna Atherton, ARC West Central

- I am a program coordinator at ARC. Two of my children have Down syndrome. I commend you for taking the time to come to Moorhead and for taking on this huge undertaking for the quality of life for people with disabilities.
- The goal at ARC West Central is to empower people to make choices in all aspects of life. I am encouraged by the goals that I've seen so far. People are not always aware of the options that are available to them and do not have the proper supports in place to pursue their dreams.
- Person-centered planning could be a formative process implemented in transition planning services for students with any kind of disability so they may become active participants in determining their future in employment, housing and community engagement.
- Teachers and service providers should have training to facilitate this process. It is so easy, otherwise, for people to get stuck working in an enclave or sheltered workshop and receiving

subminimum wage. Vocational agencies are so entrenched with this model and people do not realize they have choices to step outside and expand their horizons.

- I embrace the concept of employment first principles to make integrated employment the first employment option for people with disabilities. Training is necessary to find those opportunities in the community and gain skills necessary for competitive employment.
- My daughter Nicole, who has Down syndrome, is a strong advocate for herself and others. She is competitively employed with two jobs in the community. She volunteers too and is making plans to live independently. Not all people with disabilities have the skills to be totally independent but could benefit from self-advocacy training and partnerships that encourage self-direction.
- The ARC is presently providing housing access services to assist people with disabilities who wish to live in their own home. Technology is supplementing or providing alternative support for greater independence and choice in community living.
- My own children need different options which are not available at the present time.

Rebecca Melang, Corporation for Supportive Housing (CSH)

- Our mission: advance solutions that use housing as a platform for services to improve lives of the most vulnerable, maximize resources and build healthy communities
- 3 things that could be better explained in the plan:
 1. DOJ (Department of Justice) implores us to include those at risk of institutionalization in our plan. We know several people that have disabilities that are cycling through our ERs, jails and shelters. These are becoming institutions and are people are not getting services as a result of this. To realize our full cost savings, we must stop people from entering into institutions. We cannot realize that until we work with the people living in our shelters and jails.
 2. Minnesota has strong targeted case management and CADI (Community Alternatives for Disabled Individual) programs, but they are not being fully realized in our housing for services. We are losing service funding in all our housing across the state, especially supportive housing. The CADI waiver waiting lists are too long and it is not an option for people who do not fit that high level threshold. In addition, ARMHS (Adult Rehabilitative Mental Health Services), a targeted case management, is only for those who have mental health disabilities. Several people who have disabilities do not have mental health issues and are unable to get services through Medicaid. We are working on Medicaid waivers and having 1915 helps us get to those who are falling through the cracks. Also, the use of MFP (Money Follow the Person) in creative ways, will help people coming out of institutions.
 3. Another concern, if we do not have a dedicated funding stream for housing and for housing vouchers, we will be taking from other vulnerable populations such as the homeless. We must take care not to harm others.

Nicole Atherton, Self-Advocate

- I have a lot of support. I work through CCRI, Creative Care for Reaching Independence. I am a bagger at Hornbachers.
- I want to spread the word, do not say the "R" word. We want to be treated with respect and I love being a part of this.
- My mom is very supportive. She is nice. She is beautiful.

Jana Peterson, Minnesota Disability Law Center and Minnesota Legal Aid

- I want to touch on housing. I see some of the folks that I have been working with that are in nursing homes that desperately want to return to the homes they have lived in most of their lives.
- One lady wrote a letter to the Department of Human Rights and the department of Justice. Shortly after she wrote that letter, she got a letter from the county saying she had to put her house on the market. She had been in the nursing home for too long. Recently, she was transferred to an assisted living place and her house is for sale. She never heard back from either of the two state agencies.
- The other person is a 62 year-old Vietnam veteran. He was placed in a nursing home last spring and was told there were no other options for him. He sits in his nursing home room listening to his music and is waiting for a relative to put a bird feeder outside so at least he can have a little bit of entertainment.
- I think this is horrible. I appreciate that you are here to develop a plan. More importantly, I hope it is implemented soon.

Steve Brink, Trans Em

- I have an agency to help people find employment. For eight years, we have been a pilot project for Dartmouth College and Johnson & Johnson. This is called IPS, Individual Placement and Support. We are running at about 51% placement or the highest the state has ever seen.
- I did not see anything in the plan about the IPS project. It is a premier pilot and collaborates with mental health providers and others. Jobs are competitive wage jobs and are integrated with support. People have stayed in their job for two to four years and this has not been the case in the past.
- I encourage the plan to look at the project as one of the better projects in the state for employment.

Nate Aalgaard, Freedom Resource Center for Independent Living

- I am the Executive Director of the center and we serve 9 counties in western central Minnesota. We provide services for people with any disability of any age. All someone has to do is declare what they want to accomplish in their life, and we help them figure out a plan to do it. We connect them with community resources; help them with advocacy, peer support, information, and skills training. The centers for independent living cannot serve everyone in the state due to lack of resources.
- I would like to talk about accessibility. I came from a small town a few miles north of here and do not think I could really live there anymore because of accessibility. In Moorhead, I am able to go more or less wherever I want to go. In small town Minnesota, however, there are still a lot of physical barriers. Even when people renovate or build new, there are barriers sometimes.
- What are building inspectors doing to make sure construction is accessible? Are we using enough tax credits and incentives to build accessible businesses, apartment buildings, and other amenities that allow people to live in their small town? People do not want to live in a bigger city. They want to live with their family and their history.
- A few of the speakers are helping people move out of institutional settings to stay independent. Frankly, we could use more referrals from nursing facilities and more collaboration with the state regarding that effort.

Tom Holtgrewe, Minnesota Governor's Council for Developmental Disabilities

- My 22 year-old daughter has Down syndrome and I am here because she decided to go to WE fest today. My focus at this point is with my daughter's job search. It is a challenge. She works four days a week as a check-out at Hornbachers at Village West. We are looking for other opportunities and have to create some of our own by going out and working with agencies and employers. There is much that needs to be done not only for my daughter but for others.

Sharon Grugel

- I have a daughter with Down syndrome also. I want to talk about a family in Roseau Minnesota. Parents of two special needs children want so badly to have their sons stay in the community; however, there are no open beds in Roseau County at this point. They have had them at home and gotten them through school and now these young men are working in supported employment but the family would like them to be able to move into their own home setting. The county, of course, wants to send them out. Away from home, away from their support system. Away from their friends and the community that has accepted and helped them. Why is it the small communities that have to give us so much?

Shannon Henrickson, Marshall County Group Homes, Incorporated

- There are significant barriers within small communities to get staff to work in our program. We try to fill positions and nobody applies. How do you keep services available in small communities when you can't staff your program?
- Maybe fund sharing between aging and the disability world so people can use the resources in different scenarios would help.
- Sometimes it is the crossing of license requirements. If it would be simpler if we could use the same administrative resources to cross paths. (Example?) If we did not have to have so many different types of licenses to serve two populations when it's a disability population versus aging population. When you live in rural Minnesota, having a department of health license as opposed to the new 245D license is tough because both of those have costs associated with them and the paperwork is a nightmare, so you cannot afford to have both licenses. So, if we could use them similarly and integrate their use that would help. I know 245D is combining a lot on the disability side now, but more can be done.
- I also run into challenges trying to find places for people to live so they can stay where their families are and not have to move to a bigger city if they do not choose to be there.

Carolyn Starnad, Clay County Collaborative (CCC) & Minnesota Organization on Fetal Alcohol Syndrome

- I am wearing three hats: I am the coordinator for the CCC that provides services for children from birth to 21, a parent of children with disabilities, and I work for the Minnesota Organization on Fetal Alcohol Syndrome as a family resource coordinator for the western part of the state.
- There does not seem to be a consistent way of determining who receives vocational rehabilitative services. It is a mystery to figure out why one individual would qualify and another with similar disabilities does not.
- There is inconsistency within the state on training programs within our educational system. We have a great stand-alone program in some of our communities that delivers even better services than in the metro area. And then we have some programs that are just not as well put together and are not providing services for all individuals.

- People with fetal alcohol spectrum disorder (FASD) have very different needs given the spectrum of the disorder, so they often fall through the cracks. Even if they are minimally affected, they cannot be independent within the community. If they need more assistance in their daily living or with job skills, they are more apt to qualify for services. If they are higher functioning, they can get through school but they still have difficulties living independently, and do not qualify for Medicaid services or waived programs. They need some support to keep them safe and work on daily living skills.

Juel Donner, Mahnomen County Development Achievement Center

- I would like to address physical accessibility. We are in a building that was built in 1960. We do not have a lot of clients because we are in a small city. In order to serve more clients, we need to upgrade our building and it is very expensive. Changing bathrooms for wheelchairs purposes and other required upgrades are necessary to be accessible. I will have a net income of approximately \$200 this year. How do I go about doing these renovations? I can get a grant but a grant only pays for 55% of the cost. Where do I get the other 45%?

Sharon Grugel

- My son Todd works for MnDOT and he suggested I attend today. I am very proud of Minnesota for the work they are doing around physical accessibility for folks with limitations. MnDOT has taken the work on with great gusto to make sure our ramps are done correctly. My son is in a wheelchair and was the ideal person to take this project on. He has created a lot of stir in the state. He has run into a lot of resistance, of course, because it costs more money and it takes time to do it the new way. He has found some real deficits in smaller communities. People with disabilities have so many barriers but that is going to change over time given the state's work. So, thank you.

Closing comments

- Lt. Governor Prettner Solon thanked everyone for coming out today for the listening session
- Subcabinet members will linger after the meeting if you have something you would like to discuss an issue with them one-to-one.

Materials available at the meeting

- [Olmstead Plan overview document](#)
- [Olmstead PowerPoint presentation](#)

Other listening sessions

- Tuesday, August 13 in Duluth
- Monday, August 19 in Rochester

Details are at the [Olmstead Plan website](#).

Notes submitted by: Barbara Tuckner, Management Analysis & Development, Minnesota Management & Budget