

MINNESOTA GOVERNOR'S COUNCIL ON DEVELOPMENTAL DISABILITIES

Masonic Institute for the Developing Brain
2025 East River Parkway Minneapolis, Minnesota 55414

Wednesday, August 3, 2022
9:35 am – 2:00 pm

MINUTES

MEMBERS PRESENT

Lee Shervheim, Council Chair
Dan Reed, Vice Chair
Jenny Arndt
Wendy Berghorst
Dupree Edwards
Lisa Emmert
Kay Hendrikson
Mary Martin
Abdi Matan
Katie McDermott
Chris McVey
Jillian Nelson
Garrett Petrie (virtual attendance)
Kate Quale (virtual attendance)
Connie Rabideaux
Jenny Santema
Reid Scheller
Brittanie Wilson

MEMBERS EXCUSED

Michelle Albeck
Jason Blomquist
Amy Hewitt
Lesli Kerkhoff

GUESTS

Eric Kloos
Shelley Madore (virtual attendance)
Dagny Norenberg
Amy Petersen
Bonnie Jean Smith
Lucy ____
Magistrate Judge Becky R. Thorson

STAFF PRESENT

Stephanie Nelson
Colleen Wieck

I. CALL TO ORDER

Lee Shervheim called the meeting to order at 9:35 am. There was a power failure at the Conference Center and a decision was made to proceed with shortened Committee meetings. The Committees then held brief meetings, and the Council reconvened at 10:15 am.

II. INTRODUCTIONS

Shervheim asked all members to introduce themselves.

III. APPROVAL OF AGENDA

Shervheim asked for a motion to approve the Agenda recognizing that the program speakers will be presenting in the afternoon, and the business portion of the meeting will occur in the morning.

MOTION: Nelson moved, seconded by Arndt to approve the Agenda. Motion carried.

IV. APPROVAL OF COUNCIL MEETING MINUTES FOR JUNE 1, 2022

Shervheim asked for a motion to approve the June 1, 2022 Council Meeting Minutes.

MOTION: Santema moved, seconded by McVey to approve the Minutes for June 1, 2022 Council Meeting. Motion carried.

- V. DISABILITY PRIDE**—Jillian Nelson and Brittanie Wilson secured a Governor’s Proclamation honoring Disability Pride Month. They read the Proclamation and included quotations from people acknowledging what it means to have Disability Pride month.

VI. GRANT REVIEW COMMITTEE REPORT

Emmert explained that she was bringing forward a series of motions to reaffirm the Five Year Plan program goals and then allocating the funds to each of the program goals for FFY 2023. All Council members had received a memo describing the program goals, the performance results, and the current allocation.

Reaffirm Five Year Plan program goals:

Motion by Reed, seconded by McDermott to reaffirm the Five Year Plan program goals.
Motion carried.

Self Advocacy:

Motion by Hendrikson, seconded by Wilson to allocate \$120,000 to the Self Advocacy goal (\$100,000 for SAM Network and \$20,000 to Ambassadors for Respect). Motion carried.

Cultural Outreach:

Motion by Nelson, seconded by Rabideaux to allocate \$70,000 to the Cultural Outreach goal. Motion carried.

Leadership Development (Partners in Policymaking):

Motion by Arndt, seconded by Martin to allocate \$210,000 to the Leadership Development goal. Motion carried.

Employment:

Motion by Wilson, seconded by Arndt to allocate \$90,000 to the Employment goal. Motion carried.

Training Conferences:

Motion by Reed, seconded by McDermott to allocate \$20,000 to the Training Conference goal.

Customer Research:

Motion by Santema, seconded by Nelson to allocate \$100,000 to the Customer Research goal. Motion carried.

Websites, Publications, and Online Courses:

Motion by Hendrikson, seconded by Matan to allocate \$156,000 to the Websites, Publications and Online Courses goal. Motion carried.

Quality Improvement:

Motion by Reed, seconded by Rabideaux to allocate \$20,000 to the Quality Improvement goal. Motion carried.

Emmert announced that the October meeting will focus on grantee reports about their performance. The Grant Review Committee members will be introducing the grantees. The December Grant Review Committee meeting will be devoted to reviewing RFPs that are coming due in FFY 2023 including the annual Training Conference RFP, the Ambassadors for Respect RFP, and the Partners in Policymaking RFP.

VII. PUBLIC POLICY COMMITTEE REPORT

Scheller reported that the Committee heard from Eric Kloos from the Minnesota Department of Education. Eric provided an overview of current issues in special education. The State Special Education Director, Robyn Widley, was invited to attend but had to attend a meeting with MDE Leadership. Robyn will be retiring and the Council sent our best wishes to her.

VIII. EXECUTIVE DIRECTOR REPORT

Wieck highlighted the following updates:

1. The Administration for Community Living issued the final notice of award for FFY 2022 and the amount allocated to Minnesota is \$1,118,538.00
2. The Council requested a no cost extension for our federal fiscal year 2021 allocation and it was granted on the day of the Council meeting.
3. The Council staff added details to the Five-Year Plan and resubmitted on July 5, 2022. Then the federal government notified all Councils that they must add an emerging objective to address any potential natural disasters. So the Council staff have added that objective, will update the funding allocations for grants for FFY 23 and resubmit again.
4. Our Program Performance Reports were submitted for FFY 2020 and FFY 2021, but we have not received any feedback.
5. The Olmstead Subcabinet met on July 25, 2022, and several big ideas were shared. The Olmstead Leadership Forum will be reviewing the current goals and offering ideas on how to “retire” some goals and which goals need bolstering.
6. Class 40 of Partners in Policymaking was selected on July 29, 2022. We received 71 applications and 40 people were selected with a waiting list of several applicants.
7. The Council has created a mobile museum consisting of 15 oversized posters tracing the evolution of history from 1905-2021. The St Louis County Health and Human Services Conference has agreed to host this display on October 12-13, 2022.
8. Lenora Madigan, Deputy Commissioner, of Admin has retired and so our supervisor, Stacie Christensen is taking her position. Betsy Hayes, the former head of the Office of State Procurement will be our new Assistant Commissioner.
9. The Council will be at the State Fair on August 25, 2022 from 9:00 am until 1:00 pm. Please stop by the Education Building. This year’s theme is Disability Pride and we will be giving away Treat People Like People posters and buttons.

The Council then took a break for lunch and reconvened at 12:00 noon.

IX . PROGRAM—FEDERAL COURT ISSUES AND MOVING HOME MINNESOTA

Magistrate Judge Thorson

Dan Reed introduced Judge Thorson as an old friend and colleague before Judge Thorson attended law school. She was an expert in telling your story effectively through audio-visual methods. Now she is an expert in listening to stories and effectively handling legal cases.

US Magistrate Judge Becky R. Thorson was asked to present an overview of all the work that has been completed addressing disability legal issues. Her presentation was entitled, “Reflections on 15 Years of Disability Initiatives with the Federal Bar Association, Robins Kaplan LLP, and the U.S. District Court - District of Minnesota.”

Judge Thorson described the key role of Judge Frank during the past 15 years. The spark for this work began when the Minnesota Federal Bar Association (FBA) Diversity Committee discussed the issues of developmental disabilities at a meeting in 2009. The issues seemed overwhelming because the topic had been ignored and not included in diversity initiatives. The FBA then hosted a seminar about developmental disabilities at luncheon meeting in 2009.

Judge Thorson was previously a partner at Robins Kaplan law firm and led the effort to have an annual seminar beginning in 2019. So far there have been 12 seminars touching upon multiple issues and involving Council members as speakers. People with disabilities have been speakers since 2011.

When Judge Thorson worked at Robins Kaplan she served as the Editor-in-Chief of the Federal Lawyer which is a national publication of the FBA, and it is disseminated to every federal judge and attorneys who belong to the FBA. Copies of both magazines were distributed to the Council members.

One of the best attended events featured the Interact Theater group presenting to the 37th Annual Federal Court Practice group held at the Guthrie Theater in 2011.

Judge Frank has received several awards and honors for his leadership in this area including the Paul Hearne Award presented by the American Bar Association.

Judge Thorson worked with the Continuing Legal Education Center to host several webcasts which reached thousands of attorneys.

Other prominent attorneys became involved including Jim Backstrom, Dakota County Attorney, who is an expert on witness preparation. Tom Nelson, former President of the Minnesota State Bar Association created a presentation about all the things he did not know. Professor Elizabeth Schiltz has been a content expert and provides oversight for the website that the Council hosts.

Finally, disability law will be included in the 2023 Public Outreach Committee's work. This work will lead to inclusion in the new Justice and Democracy Center announced by former Chief Judge John Tunheim and now supported by the new Chief Judge Patrick Schiltz.

Judge Thorson reminded the members of Mark Twain's famous statement, "The secret of getting ahead is getting started. The secret of getting started is breaking your complex, overwhelming tasks into small manageable tasks and starting on the first one."

The Council members thanked Judge Thorson for her outstanding work.

Amy Petersen and Dagny Norenberg (DHS)

Amy Petersen and Dagny Norenberg from Moving Home Minnesota requested time on the Council agenda to ask for input about expanding services available under this program. The federal name of this initiative is Money Follows the Person. Norenberg presented a PowerPoint which is summarized below:

What is Moving Home Minnesota?

- Federal Medicaid demonstration project
- Federal name: Money Follows the Person (MFP)
- Assists individuals moving from various institutions to community living
- Access to MHM services in addition to waiver and state plan services
- Allows states to develop, implement and evaluate services not covered by the state's Home and Community Based Services (HCBS) waivers or State Plan.

Eligibility Requirements

- Currently residing in a qualified institution for 60 or more consecutive days
- Enrolled in MA before leaving the institution and maintain enrollment in MA during the time they are eligible to receive MHM services
- Have a completed assessment on record to confirm
- Provide consent to receive MHM services
- Move to a qualified community residence in order to maintain eligibility to receive MHM community-based services.

Available Moving Home Minnesota Services

- Transition Coordination
- Transition Planning
- Transition Services
- Costs for Finding Housing and Employment
- Environmental Modifications
- Specialized Supplies and Equipment
- Personal Emergency Response Systems
- Pre-discharge Case Consultation and Collaboration
- Membership Fees
- Home Care Training – Family and Non-Family (formerly known as Post-Discharge Case Consultation and Collaboration)
- MHM Demonstration Case Management
- Comprehensive Community Supports
- Family Memory Care Intervention
- Overnight Assistance

- Respite Services
- Tools, Clothing, and Equipment for employment
- See [MHM Services Table for more information](#)

Expanded Service Options

- March 31st, 2022 the Centers for Medicare and Medicaid Services (CMS) issued an announcement of certain changes to supplemental services under the MFP Demonstration
- Expansion of MFP Supplemental Services
 - These are services that are intended to address critical barriers to transition including lack of affordable and accessible housing, food insecurity, and financial and administrative barriers to transitions.

Expanded Supplemental Services

- Short-term housing assistance: Cover up to 6-months of short term rental assistance and associated utility expenses to bridge the gap until the participant transitions to the community and housing is secured.
- Food security: Cover food pantry stocking for up to a 30 day period.
- Pre-transition activities: Cover payment for services such as home modifications, vehicle adaptations, pre-tenancy supports, community transition services and case management.
- Payment for securing a community-based home: Cover costs associated with securing a community-based home that are not coverable under Medicaid such as apartment application and administrative fees.

What Additional Ideas Have Been Offered?

- Record collection fees (medical records, driver's license or state ID, birth certificate)
- Guardianship, rep-payee or conservator fees
- Pest control and chore services before you move in
- Household and community set-up (unpacking groceries, hanging curtains)
- Essential clothing and personal supplies
- Small appliances (vacuum, microwave, air fryer)
- Culturally appropriate items, activities or supports (smudging, blessings)
- Up to 6 months of rental assistance and utility expenses
- Deposits
- Apartment application fees
- Record expungement costs

- Record collection fees (e.g. medical records request, driver's license/state ID, birth certificate)
- Guardianship, rep-payee, conservator set-up fees
- Moving expenses, movers
- Chore Services and pest control to clean the residence before someone moves in
- Household & community set-up (unpacking groceries, hanging curtains)
- Pet care such as purchasing a pet, initial supplies, boarding a pet if someone has a medical emergency
- Vehicle adaptations
- Fan, air conditioning for residence
- Essential clothing, personal supplies
- Non-medical supports (communication devices, phone or computer, and internet service)
- Small appliances (vacuum, microwave, air fryer)
- Household supplies (cleaning products, dusting)
- Caregiver & family supports/costs to transition to the community (transition, time)
- Financial counseling/coaching (Medical assistance eligibility, finances)
- Companion type supports (check-ins for engagement, texts)
- Expand membership service to include social engagement groups
- Pantry stocking up to 30-day period
- Access to culturally specific/appropriate foods
- Culturally appropriate items, activities or supports (smudging, blessings)
- Flex funds for non-MA covered items that are unknown/undefined needs to support the person in the community
- Renter's insurance
- Home mods-pre move
- Dumpsters for cleaning home

At this point the Council members were asked for their ideas. The following suggestions were offered:

1. Transportation is extremely difficult and extremely limited in rural areas. Metro Mobility cannot be the answer (it is an option). Look at ride shares, Uber or Lyft approaches.

2. Advocacy and legal services because there isn't equitable access to services without more advocacy and legal expertise available in a timely fashion. If a person has to file an appeal, then they have to go up against a DHS judge who has no training on how a person with a disability lives and learns. There is no public defender. Appealing approved waiver funds to get a specific item covered, but it is already approved.
3. What is included under the broad category of technology? With the present staff shortage, we need more adaptive technology in people's homes. Don't forget there is the use of technology and the support of technology. An end user may need support to use the technology.
4. Day services and something meaningful to do during the day. There are waiting lists now. Can the person leaving an institutional setting go to the head of the line? Infrastructure needs to be build.
5. Look at the policy that doesn't allow family members to transport to a medical appointment if the person is on a CDCS waiver.
6. The need for massive amounts of training and certifications in topic areas like autism and ableism. Every team member including case managers need training.
7. The need for everyone to use Plain Language. Letters can be confusing and intimidating; DHS needs to move faster to comply with Plain Language requirements.
8. Currently no modifications can occur until you take possession, but people need modifications before moving in such as grab bars, a ramp or vehicle modifications. The time limit of six months may be too short.
9. The elderly waiver is capped and so how do we level the playing field? What are the gaps in the current waivers? The current time limits of 365 days may also cause problems if there is no ongoing support.
10. With the PCA shortage and workforce crisis we may have too many chariots before the horses. What if there are changes in leadership at the federal and state levels?
11. Who is measuring the number of people who are being re-institutionalized? Petersen said that of the 150 people under Moving Home Minnesota only 2 have been re-institutionalized because of acute healthcare needs.
12. Look at developing new residences with adaptability built in from the beginning so that people can age in place. There are plenty of empty shopping malls that can be converted.
13. Membership fees should cover social programs and community events not just a gym membership.
14. Instead of adapting a washer and dryer, consider paying for laundry fees.
15. Accessibility must address the full range of disabilities. It isn't a timer. Executive functioning can cover many different areas including living in the moment.
16. DHS should go into colleges and find students in a variety of majors and have them be paid as direct support professionals and build natural supports with people. But this isn't a requirement for a person to take this student because there is discontinuity with semesters and breaks.

17. If we cannot find PCAs then think about laundry services, car services, food delivery, instant chef, vacuuming, bill paying, internet services, unpacking groceries (ongoing not once) so come up with a flexible itemized list. If you cannot get PCA help, the work still needs to get done so can we pay for the activity to still happen. The CADI waiver allows some services such as PCA and homemaker but if you cannot find one then authorize the funds to get the work done anyway.

18. Invest in learning through subscription services or online learning, to learn new tasks, skills, a trade, keep expanding and growing in new ways.

19. If you are on MAEPD, dental visits are limited and will not pay for certain services. Should there be help provided to find medical providers and oral health care services.

20. Weather-related services. What do people need based upon the weather such as snow removal. Removal of snow at curbs, lawn services, etc.

21. Are there funds for building accessible housing?

At the end of this input session, Amy Petersen stated that she wanted to return to the Council and that the input exceeded her expectations.

The Council members thanked Petersen and Norenberg for their assistance in helping the Council receive federal funds for the Treat People Like People campaign.

X. ADJOURNMENT

Before adjournment, fliers about upcoming vaccination clinics sponsored by the Minnesota Disability Law Center were distributed. The meeting adjourned at 2:00 pm.

Respectfully submitted,

Colleen Wieck
Executive Director