

**MINNESOTA GOVERNOR'S COUNCIL
ON DEVELOPMENTAL DISABILITIES**

Wednesday, June 5, 2019
12:15 p.m. to 2:05 p.m.
Continuing Education and Conference Center
University of Minnesota St. Paul Campus
1890 Buford Avenue, St. Paul, Minnesota 55108

MINUTES

MEMBERS PRESENT

Senator John Hoffman, Chair
Ashley Bailey, Vice Chair
Michelle Albeck
Wendy Berghorst
Lisa Emmert
Eric Kloos
Mary Martin
Noah McCourt
Randy Miller
Jillian Nelson
Stacey Nelson
Kate Onyeneho
Reid Scheller
Lee Shervheim
Bonnie Jean Smith

STAFF PRESENT

Colleen Wieck
Mary Jo Nichols

MEMBERS EXCUSED

Hanna Barr
Alex Bartolic
Jim Lovold
Dan Reed
Jacki Rightler
Heather Tidd

ABSENT

Alan Wilensky

GUESTS

Laurie Beyer-Kropuenske, Department of
Administration
Mary Catherine, Interpreter
Mary Harreld, MH Consulting
Richard Martin
Lana Mattonen, Support Person
Minnesota Department of Health
Martha Burton Santibanez
Nicole Stockert

GUESTS, cont'd.

Office of the Ombudsman for Mental Health
and Developmental Disabilities
Roberta Opheim
Maura McNellis-Kubat
Carolyn Perron
David Quilleash
Darlene Zangara, Olmstead Implementation
Office

I. CALL TO ORDER

Senator John Hoffman, Council Chair, called the meeting to order at 12:15 p.m.

II. INTRODUCTIONS

Everyone present introduced him/herself.

III. APPROVAL OF AGENDA

Senator Hoffman asked for approval of the Agenda.

MOTION: McCourt moved, seconded by Jillian Nelson, that the Agenda be approved. Motion carried; there were no dissenting votes.

IV. APPROVAL OF MINUTES FOR APRIL 3, 2018

Senator Hoffman asked for approval of the Minutes as written for April 3, 2019.

MOTION: McCourt moved, seconded by Jillian Nelson, that the Minutes for April 3, 2019 be approved. Motion carried; there were no dissenting votes.

COUNCIL PROGRAM

Colleen Wieck introduced today's program.

The Council has received regular updates and summaries of our work with the Department of Health about the Bill of Rights Project. The Project includes a training

package of educational materials and a series of videos about the rights of individuals in Supervised Living Facilities (SLFs) as part of a campaign to prevent abuse and neglect of individuals with disabilities.

The Prevention of Abuse and Neglect is a specific Goal in Minnesota's Olmstead Plan, and that is why Roberta Opheim and Maura McNellis-Kubat are here from the Office of the Ombudsman

for Mental Health and Developmental Disabilities (OMHDD).

Mary Harreld, MH Consulting, is here today to speak about the Bill of Rights project, her work in collaboration with the Department of Health and the Council that has now spanned two years, and the results to date.

Harreld's dad, Bill Harreld, introduced us to the Baldrige Criteria, as a quality improvement approach for the Council's business, with emphasis on customer service and results - working better, faster, and cheaper to improve business outcomes and increase customer satisfaction.

An Abuse and Prevention Plan seemed the perfect place to start with a Bill of Rights project that was customer focused and applied a quality improvement approach.

The Health Care Bill of Rights for Supervised Living Facilities is one of several bills of rights for people receiving health services in various long term care and community settings under the purview of the Department of Health. The licensing of 245D home and community based services settings is under the Department of Human Services.

Nicole Stockert and Martha Burton Santibanez are here from the Department of Health and will speak to their roles and responsibilities related to this project.

Harreld prepared a PowerPoint presentation that traces this project over the past two years, beginning with background on the research and focus groups in 2017. Phase I produced the print materials, the Easy Read Guide, Instructor Handbook, and Resident Workbook followed by an evaluation of those materials in May 2018. Phase II consisted of the video vignettes. The initial four rights were selected based on Department of Health deficiency reports. The next phase will focus on dissemination and evaluation of the entire training package.

Wieck said that the prevention of abuse is specifically stated on Page 3 of the Jensen Settlement Agreement –

"The State of Minnesota declares, as a top concern, the safety and quality of life of the residents of the Facility. The State agrees that its goal is to provide these residents with a safe and humane living environment free from abuse and neglect."

A key sentence in the Olmstead Plan also refers to a "comprehensive abuse and prevention plan," and the Olmstead Subcabinet adopted this as a specific Goal.

Santibanez said she is with the Department's Health Regulation Division. She has a unique role in the Olmstead Plan and this falls within the scope of her responsibilities. The Division monitors compliance with laws and rules that apply to health care facilities, and includes inspections and investigations of Supervised Living Facilities

She had been working with the Olmstead Plan but at a high level. This project gives her the opportunity to develop a set of resources that are unique and significant to her work.

Santibanez added that she comes from a recreation background, worked on delivery and care, and now is in compliance.

Stockert is a Policy Analyst with the Division, has both regulatory and policy experience, and works on the Olmstead Plan's goal about the prevention of abuse and neglect. She noted that people who are not aware of their rights are at a higher risk of harm. She is thrilled to partner on this project and work on how this Bill of Rights could be better communicated to individuals and families.

Stockert added that there is a bill of rights for every regulated facility but they are written at a Grade 12 level. People feel very strongly about keeping the statutory and legal language. A careful process is required to change or translate the language so that it continues to protect and safeguard residents, and is still legally enforceable.

She supports an education campaign for consumers, families, and providers.

Harreld then provided an overview of the Bill of Rights Project. She emphasized the collaborative effort throughout the project, and the individuals and businesses that shared their respective areas of expertise to produce a quality training package.

Harreld explained the Human Centered Design Approach, a problem solving approach that utilizes the experiences of individuals who are faced with the problem to be directly involved in designing the solution.

Focus group participants were recruited at the Class 34 Partners in Policymaking® graduation which was also the 30th Anniversary of the Partners program. Group discussions were scheduled and individual interviews arranged with staff from the Departments of Health and Human Services, and the Ombudsman Office for Mental Health and Developmental Disabilities (OMHDD). Their insights and perspectives guided the design of the print materials as well as the methods used to present the information,

All written materials were converted to a plain language format. Drafts of all written materials, and scripts for all videos were reviewed by all partners with changes and revisions incorporated into final versions.

An evaluation of the Easy Read Guide, Instructor Handbook, and Resident Workbook followed and was done in conjunction with the Class 35 Partners graduation in May 2018. Evaluations included –

Some language and terminology were changed to more familiar terms;

Lesson plans were “fun” and “awesome;”

“Don’t make it boring;”

Lesson plans and exercises contribute to better understanding of the rights.

Videos included the initial four situational videos and six improv videos, and Harreld went through the steps involved in the full video production. The remaining rights were organized into four groups and iconographics were used to present stories around those rights.

The Annual ARRM Conference on June 27, 2019 will be an opportunity to introduce and present information about the entire Bill of Rights training package. User testing will follow and is estimated to begin in the fall.

Everyone was thanked for the Bill of Rights project work completed to date.

A copy of the PowerPoint presentation is attached to the Minutes.

The business portion of the Council meeting was then continued.

V. CHAIR'S REPORT

Carolyn Perron has served as the Board on Aging representative to the Council. Her leaving the Board on Aging resulted in her resignation from the Council.

Senator Hoffman presented a plaque to Perron, read the inscription, and stated, "This is one token of gratitude for your service." Perron's term was from 2012 to 2019. She thanked the Council for all of its efforts.

VI. GRANT REVIEW COMMITTEE

Shervheim reported for the Committee. He summarized the new policy that the Administration for Community Living has made about federal grant requirements, the time period we have to obligate/encumber federal funds, and complete project work – now two years in the three year funding cycle. The third year is only to liquidate/spend down all grant funds; no project work can be done

The new policy means that we have only one year to catch up and complete all project work for two years of grant funds.

The Committee continued to brainstorm ideas and offer suggestions for how to best use an additional \$530,000 in grant funds during this next federal fiscal year.

Two Requests for Proposal were reviewed, for Employment and Cultural Outreach in Racial/Ethnic Communities. Notices about funds available for these two projects will be released soon. Proposal will be evaluated and funding recommendations made at the August meeting.

Preliminary allocations for FFY 2020 were also reviewed. Final allocations will be presented for approval at the August meeting.

VII. PUBLIC POLICY COMMITTEE

Kloos reported for the Committee.

Gene Martinez, the Arc Minnesota, presented a legislative update. He noted that one of the most important issues discussed and debated during the 2019 Legislative Session was the extension of the health care provider tax. This tax funds the Medicaid expansion program.

The Office of the Legislative Auditor (OLA) will be reviewing the PCA program. The review will be based on people's experiences and anonymity can be requested.

Senator Hoffman emphasized the importance of engaging with the OLA on this issue, stating that 42,000 people are receiving PCA services.

Onyeneho mentioned how important it is that people's stories be told.

The *Star Tribune* series on elder abuse issues is what ultimately triggered legislative action.

VIII. EXECUTIVE DIRECTOR'S REPORT

Colleen Wieck provided the following updates and highlights from monthly reports:

- A. The State Legislature approved funding for the Council - \$74,000 in matching funds and \$ 148,000 for Olmstead activities for each year of the biennium.
- B. House File 129 regarding the per diem for Council members was enacted. Implementation will begin in August.
- C. The President's budget proposed a 29% cut in Council funding; the House proposed \$4 million in additional funding over last year's appropriation.
- D. The Administration for Community Living issued new requirements for encumbering and liquidating federal funds. The project period or period of performance is now limited to two years. Funds can only be liquidated in the third year but no project work can be done.
- E. Olmstead Subcabinet meetings were held in April and May.
- F. The April 16, 2019 Status Conference addressed updates to the Jensen Settlement Agreement, the Olmstead Plan, and the Comprehensive Plan of Action.
- G. The quarterly Olmstead Report was submitted on May 30, 2019.

- H. The 20th Anniversary of the Olmstead decision is June 22, 2019. The Olmstead Implementation Office plans to purchase some of Lois Curtis' art work.
- I. The OLA planned to conduct a financial audit of disability programs but narrowed the audit scope to focus on programs for people who are deaf.
- J. Partners in Policymaking® Class 36 was graduated on May 18, 2019. Dupree Edwards wrote a "hip hop" piece and performed for the graduation event.
- K. The Council received a State Government Innovation Award for the Ambassadors for Respect Program. Transition Plus students have been certified as Ambassadors and have presented training sessions for 4th grade elementary school students.
- L. The 2019 Robins Kaplan Disability Justice Seminar, "Employment Barriers and Opportunities for Individuals with Disabilities" was held on April 30, 2019. Reid Scheller served on a panel, shared his experiences and challenges in finding employment, and stated, "Just give us a chance."
- M. The 2019 Minnesota Book Award for Non-Fiction was presented to Susan B. Foote for her book, The Crusade for Forgotten Souls.
- N. The 10th Anniversary of Minnesota's IT Standard was celebrated on May 7, 2019. A study group was created in 2007 to begin work on developing a standard that led to the Digital Accessibility and Usability law.

IX. ADJOURNMENT

Senator Hoffman called for the meeting to be adjourned.

The meeting was adjourned by consensus at 2:05.p.m.

Respectfully submitted,

Colleen Wieck
Executive Director