

Overview of Minnesota's Draft Olmstead Plan

June 2013

Putting *Olmstead's* Promise into Practice

Questions & Answers

What's this document about?

- This document is an overview of Minnesota's draft Olmstead Plan, written so that everyone can read the most important parts of the plan.
- Minnesota state government agencies are writing an Olmstead Plan so that there can be changes in how people with disabilities receive services and engage in the community.

What's an Olmstead Plan?

- Olmstead Plans are named after the 1999 US Supreme Court decision, *Olmstead v. L. C.*, where the US Supreme Court ruled that it is unlawful to keep people with disabilities in segregated institutional settings when they can live in a community setting.
- An Olmstead Plan is a way for a government to describe how it will provide services to individuals with disabilities in the *most integrated* setting. The United States Department of Justice explains that the *most integrated* setting is one that “enables individuals with disabilities to interact with nondisabled persons to the fullest extent possible...”
- To develop an Olmstead Plan, a government must look at how it currently delivers services and identify any problems. The government must then develop goals and action plans to resolve these problems and increase integration for people with disabilities. The plan must include specific timelines and measurable goals, so that people can hold the government accountable.

What's in this document?

This document includes three sections:

1. The question and answer section you are reading now (beginning on page 2)
2. An overview of Minnesota's Olmstead Plan (beginning on page 4)
3. A list of resources to learn more about Olmstead Plans (on page 16)

You can access the complete draft plan by going to the Minnesota Olmstead Plan website. (Use an internet search on the phrase “Minnesota's Olmstead Plan” or use this shortened web address:

<http://bit.ly/19CtjNO>.)

Why is Minnesota preparing an Olmstead Plan now?

There are three main reasons why Minnesota is developing an Olmstead Plan now:

- Developing a plan is the best way that the State of Minnesota can make sure that people with disabilities receive services in the most integrated setting.
- The State of Minnesota agreed to develop and implement an Olmstead Plan as part of a settlement in a recent court case (*Jensen et al v. Minnesota Department of Human Services, et al*).
- Governor Mark Dayton issued an executive order, forming an Olmstead Subcabinet and directing identified agencies to develop and implement an Olmstead Plan.

What's the Olmstead Subcabinet?

- Governor Mark Dayton appointed this group and directed agencies to work together to develop and implement an Olmstead Plan.
- Lieutenant Governor Yvonne Prettner Solon leads the subcabinet.
- The subcabinet includes eight state agencies: Department of Human Services, Minnesota Housing Finance Agency, Department of Employment and Economic Development, Department of Transportation, Department of Corrections, Department of Health, Department of Human Rights, and Department of Education.
- Representatives from the Office of the Ombudsman for Mental Health and Developmental Disabilities and the Governor's Council on Developmental Disabilities are also members of the subcabinet—they provide feedback and advice to the agencies.

Olmstead Subcabinet's Vision Statement

The Olmstead Subcabinet embraces the Olmstead decision as a key component of achieving a Better Minnesota for all Minnesotans, and strives to ensure that Minnesotans with disabilities will have the opportunity, both now and in the future, to live close to their families and friends, to live more independently, to engage in productive employment and to participate in community life. This includes:

The opportunity and freedom for meaningful choice, self-determination, and increased quality of life, through: opportunities for economic self-sufficiency and employment options; choices of living location and situation, and having supports needed to allow for these choices;

Systemic change supports self-determination, through revised policies and practices across state government and the ongoing identification and development of opportunities beyond the choices available today; and

Readily available information about rights, options, and risks and benefits of these options, and the ability to revisit choices over time.

How can I let the subcabinet know what I think about the draft plan?

The Olmstead Subcabinet wants feedback to help the State of Minnesota develop and implement Minnesota's Olmstead Plan:

- **You can make comments online:** Visit the Minnesota Olmstead Plan website (use this shortened web address: <http://bit.ly/14fcGSL> or use an internet search on the phrase “Minnesota’s Olmstead Plan”) or send an email to opc.public@state.mn.us.
- **You can make comments in person:** The Olmstead Subcabinet is holding listening sessions across the state. You can find meeting information by visiting Minnesota Olmstead Plan website (use this shortened web address: <http://bit.ly/18dxlOp> or use an internet search on the phrase “Minnesota’s Olmstead Plan”).

Plan Overview

Minnesota's Olmstead Plan goals: Putting *Olmstead's* Promise into Practice

To make the changes that the state wants to make, the subcabinet agreed on several goals for Minnesota. Minnesota won't be able to achieve these goals right away—changes in how organizations work and how people work together will take time.

The most important goal is that Minnesota will become a place where:

People with disabilities are living, learning, working, and enjoying life in the most integrated setting.

To reach this important goal, the subcabinet also agreed to set goals for these topic areas:

- Community engagement
- Employment
- Healthcare and healthy living
- Housing
- Lifelong learning and education
- Supports and services
- Transportation

These topic areas are described in the next sections of this document. In each section, you'll find:

- The goal statement that was adopted by the subcabinet
- A description of what the topic is about
- Examples of what Minnesota plans to do (These are specific actions from the draft Olmstead Plan.)

The Olmstead Subcabinet agencies will continue to work on the plan in the coming months. One of the most important aspects of the plan will be to set specific and measurable goals to address each topic area. The subcabinet will also develop ways to evaluate and monitor whether goals are met.

Partners in the Olmstead Plan

People with disabilities and their families will identify what changes will give them access to the most integrated settings. To achieve the state's Olmstead Plan goals, Minnesota state agencies will use existing partnerships—and develop new ones. Here are some examples of people and organizations:

- Advocacy organizations and subject matter experts
- Service delivery partners, including county and tribal governments, health plans, medical providers, community service providers, extended employment service providers, nursing facilities, and other providers
- Existing state workgroups, committees, and advisory boards
- Minnesota Legislature and Governor
- Housing developers and property owners
- Public and private employers
- Other state agencies and councils
- Federal agencies

Next steps for Minnesota's Olmstead Plan

- The Olmstead Subcabinet is holding listening sessions across the state, and agencies are seeking feedback from stakeholders.
- Experts on Olmstead planning will help subcabinet agencies identify best practices to achieve the major goals and assist in writing the plan.
- Cross-agency and agency teams will continue to develop and revise the plan.
- A cross-agency team of data experts will be meeting to develop measurements that can be used to show how well Minnesota is meeting its integration goals.
- The Olmstead Subcabinet may publish revised drafts of the Olmstead Plan to gather additional feedback.
- The final version of the plan will be released on November 1, 2013.
- Implementation and monitoring of the Olmstead Plan will be ongoing.

Community Engagement

Olmstead Plan Goal:

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.

What this means:

Community engagement includes the activities that help people with disabilities connect with other people, such as volunteering with a neighborhood organization, going to an advisory group meeting, or taking on leadership roles in organizations.

What we'll do (examples from the draft Olmstead Plan):

- Assure people with disabilities have a leadership role in developing and implementing policies that impact them.
- Assure person-centered planning that allows individuals with disabilities to be leaders in decision-making about their own care.
- Assure that service providers have access to training about person-centered planning skills and that service providers can apply these skills.
- Build a media campaign to educate everyone about people with disabilities.
- Create leadership development and self-advocacy training opportunities for people with disabilities.
- Encourage and promote volunteerism as an opportunity for community engagement.
- Promote inclusion of community engagement activities in individualized case plans.
- Promote the use of assistive technology to increase access to community engagement opportunities.
- Support establishment of the peer-specialist program.

Employment

Olmstead Plan Goal:

People with disabilities will have choices for competitive, meaningful, and sustained employment in the most integrated setting.

What this means:

Employment is about people having choices in where they work and what kind of work they do. People with disabilities may need training and assistance to get and keep the job they want.

What we'll do (examples from the draft Olmstead Plan):

- Achieve statewide coverage of Independent Living services.
- Adopt Employment First principles when designing and delivering employment services to persons with disabilities. This includes making community-based, integrated employment the first employment option for youth and adults with significant disabilities. (Employment First is a concept to facilitate the full inclusion of people with the most significant disabilities in the workplace and community.)
- Analyze service coordination strategies that effectively build interagency partnerships, foster consumer self-determination, and are flexible enough to allow consumer choice.
- Collaborate through the Diversity and Inclusion Council to increase employment opportunities for individuals with disabilities within state government.
- Continue to base employment services on an individual's capabilities, choices and strengths and tailor services for each individual.
- Develop an innovative employment outcome data-sharing protocol between the Departments of Education, Employment and Economic Development, Health, and Human Services.
- Develop and implement annual cross-agency training with a focus on service coordination, roles and responsibilities, models of innovative career development and employment training, and other topics.
- Develop clear and uniform procedures for information sharing, communication, and coordination of services and supports across state agencies.
- Enhance interagency partnerships at the state and local levels.
- Improve internal agency communication, planning and technical assistance on effective evidence-based strategies and services to prepare students with disabilities for integrated employment opportunities.
- Increase access to benefits counseling services.
- Increase availability of community-based ongoing employment support services.
- Increase availability of personal care services.
- Increase integrated community employment for adults with disabilities.
- Increase opportunities for work experiences for transition-aged youth with disabilities.
- Increase outreach to parents, families, students and youth to promote services and competitive employment.

Employment (continued)

- Increase resources for self-advocacy training.
- Increase wages received by adults with disabilities.
- Leverage public relations and marketing campaigns to reduce stigma and change narratives about persons with disabilities.
- Modify benefit packages that ensure that when a person joins the work force they don't lose their benefits.
- Partner with certified community rehabilitation programs to develop strategies to convert facility-based services to community based services.
- Partner with counties to develop diversion strategies, services and supports that will result in integrated community employment for individuals currently at risk of being placed in non-integrated employment settings
- Provide education to employers about how to improve their human resources practices and about the benefits of hiring a diverse and inclusive workforce.
- Provide technical assistance to state contractors about their obligations under Minnesota law to obtain referrals of qualified individuals with disabilities
- Strengthen partnerships among agencies so that transition-age students are referred to services.
- Use existing interagency teams to engage employers and employer organizations to double the integrated employment outcomes for students with disabilities.
- Work to increase the number of students with disabilities in work-related opportunities, analyze instructional programs for transition-aged youth, increase outreach and support for transition, and continue preventive intervention programs.
- Work to reduce the number of persons employed in or at risk of being employed in non-integrated settings and/or earning sub-minimum wage.

Healthcare and Healthy Living

Olmstead Plan Goal:

The subcabinet is developing this goal.

What this means:

Healthcare includes things like whether people with disabilities can find a professional who knows about their medical condition, whether a person's health insurance covers a service they need, and whether a health care facility has the right equipment to help a person with a disability. Healthy living includes having support to be active every day, to eat healthy foods, and to use medicine safely.

What we'll do (examples from the draft Olmstead Plan):

- Collaborate to develop methods and processes that will give individuals with disabilities information about quality of providers of home and community based services and supports.
- Collaborate to improve referrals to community providers, vocational rehabilitation services, and related services.
- Continue to partner with other agencies and local public health on Health Care Homes and creation of Behavioral Health Homes. (A health care home is an approach to health care where individuals, primary care providers, and families work together to improve health outcomes and quality of life for patients.)
- Create a public education/awareness campaign to increase referrals to State Services for the Blind from the statewide medical community.
- Encourage use of cost-effective strategies for health support services to students with significant disabilities.
- Identify health resources and information to determine accessibility by individuals with disabilities.
- Improve access to quality health care services including identification of health care shortages by provider and region, and develop plans to address gaps and needs.
- Increase availability of medical release planning services for people with disabilities who are moving from correctional facilities to the community.
- Integrate primary care, behavioral health and long-term care in ways that provide smart care to keep people healthy and in their homes and communities.
- Promote projects that integrate health care and community supports for persons with disabilities such as the State Innovation Model grant.
- Review Qualified Health Plans to ensure network adequacy. This is part of MNSure, the Health Exchange.
- Review relevant licensing programs and standards and revise as needed to ensure that persons with disabilities are able to make informed decisions about health-related issues.
- Work with community health care systems administrators and other stakeholders to locate or begin work to establish additional skilled nursing placement options for felons with significant medical disabilities.

Housing

Olmstead Plan Goal:

People with disabilities will choose where they live, with whom, and in what type of housing.

What this means:

Housing is about where people live—with their family, on their own, or with other people.

What we'll do (examples from the draft Olmstead Plan):

- Adopt and encourage use of universal design criteria to expand the housing opportunities for persons with disabilities.
- Assure that individuals with disabilities who are at risk of institutionalization, including those who are experiencing homelessness, will have access to integrated housing and services and supports.
- Assure that housing complies with fair housing laws.
- Better coordinate efforts to meet the needs of people who are involved in multiple systems (such as current residents of the St. Peter security hospital or Anoka Metro Regional Treatment), including people who no longer require the level of supports provided in these facilities and require supports to live in the community.
- Collaborate on the Minnesota Housing Finance Interagency Taskforce to eliminate homelessness by reducing barriers and maximizing opportunities for stable housing options.
- Continue to expand the supply of affordable housing throughout the state and maintain the existing supply of subsidized housing.
- Educate case managers about strategies to overcome barriers to accessing affordable housing such as poor tenant histories, poor credit histories or criminal history backgrounds.
- Effectively coordinate housing resources with services to ensure that people with disabilities have access to sufficient supports to remain in the community.
- Enhance quality control and monitoring for community-based housing options to ensure that they are places people will want to live long-term.
- Ensure that any new funding for housing targeted to, or likely to be used by, people with disabilities will comply with Olmstead. Develop strategies to ensure that existing housing funded through state resources complies with Olmstead.
- Implement policies that work to reduce the impact of criminal history barriers on accessing affordable housing.
- Increase case managers' access to information about the availability of affordable housing opportunities.
- Increase the portion of accessible, affordable housing units that are occupied by persons with mobility impairments.

Housing (continued)

- Organize existing funding and programming around the following three housing functions:
 - Get into housing: Housing for individuals leaving institutions
 - Keep Housing: Funding to maintain housing during a crisis episode
 - Stay in Housing: Housing subsidies to keep housing affordable and paired with desired support services.
- Provide a range of housing options that are affordable and integrated in communities around the state, including options with minimal to no institutional characteristics.
- Provide a range of housing that is affordable and integrated in communities around the state.
- Provide education and outreach around legal remedies to reduce barriers for people with disabilities, including reasonable accommodations.
- Separate housing from services so that housing is independent of receiving services from a particular provider or receiving services at all.
- Streamline access to all benefits, services and resources that people need to support themselves in the community.
- Support the continuation and strengthening of programs that expand housing choices in integrated settings.
- Support additional education of landlords and property managers about reasonable accommodation issues.
- Work across state agencies to focus funding on preventative and proactive ways to support people, using services tailored to the individual, in their own housing, rather than in institutions, corrections or through emergency/crisis services.

Lifelong Learning and Education

Olmstead Plan Goal:

The subcabinet is developing this goal.

What this means:

Education includes opportunities for people with disabilities of all ages to learn—and to learn alongside people without disabilities as much as possible. People with disabilities may need support to participate in educational programs.

What we'll do (examples from the draft Olmstead Plan):

- Collaborate on the Diversity Education Taskforce to reduce barriers and maximize opportunities for individuals with disabilities within education.
- Collaborate with local education agencies to increase the number of students with disabilities graduating on time with their same age peers if appropriate to their individual needs.
- Continue interagency services and supports such as service coordination, transition planning to adult services, mentoring and coaching methodologies, self-advocacy, positive behavior supports, and other services and supports.
- Continue intervention programs such as positive behavioral interventions and supports to assist local education agencies in decreasing the numbers of students with emotional or behavioral disabilities referred to more intensive instructional settings.
- Continue intervention programs such as the Response to Intervention initiative to ensure the provision of high-quality instruction and interventions is matched to the needs of students requiring additional academic and behavioral supports.
- Develop an outreach plan for families and students regarding access to integrated competitive employment community-based services, including information on benefits planning.
- Encourage use of cost-effective strategies for long-term employment and health support services to students with significant disabilities.
- Increase use of evidence-based career planning, work experience, internship and mentoring opportunities for students with disabilities.
- Increase the number of students with disabilities who participate in a work experience, internships, or mentorship opportunities before graduation from high school.
- Increase the number of students with disabilities that have effective supports and services to learn self-advocacy and benefits planning and can navigate successfully in the complex adult service systems.
- Work together as agencies and with partners in public schools, vocational rehabilitation services, health, developmental disabilities programs and business to enhance employment outcomes for students with disabilities.

Note: Other examples of education activities are in the Employment section.

Supports and Services

Olmstead Plan Goal:

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. [Note: The subcabinet plans to add another goal here about supports for families.]

What this means:

Supports and services help people with disabilities live in the community. They include things like having someone to help a person get dressed or do chores, having someone help explain medical or other information, or someone teaching family members how to help a person with a disability.

What we'll do (examples from the draft Olmstead Plan):

- Bolster and maintain effectiveness of family and other natural supports.
- Develop person-centered plans for individuals on waiting lists and ensure that the list moves at a reasonable pace.
- Empower individuals to make choices and manage risk.
- Ensure that people will select the type of service right for them and direct the provider of those services.
- Provide Crisis Services timely and proportionate to people who are experiencing significant instability in their lives or are presenting a risk to themselves or others.
- Reduce the number of seniors with vision loss in restrictive environments, such as nursing homes.
- Streamline access to all benefits, services and resources that people need to support themselves in the community.
- Use institutional settings or settings with a high degree of institutional characteristics only when necessary; assist people to transition to the most integrated setting.
- Work with community stakeholders to establish appropriate placement for offenders with disabilities where there is a current shortage that prevents successful transition from prison to community.
- Work with organizations to effectively navigate system barriers to developing appropriate placements and supports for offenders with disabilities.

Transportation

Olmstead Plan Goal:

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.

What this means:

Transportation is about a person being able to get where they want to go, when they want to go there.

What we'll do (examples from the draft Olmstead Plan):

- Continue to support the work of the Minnesota Council on Transportation Access and the Nonemergency Transportation Advisory Committee to foster better coordination across state and local programs.
- Ensure that payment structures do not penalize providers and volunteers due to trip distance.
- Provide for personal assistance in transit for those who may require it.
- Unlink funding for transportation from the payment rates from day training & habilitation, supportive housing, and other home care providers.
- Work with existing metro, statewide and regional transportation planning groups to ensure that unique needs of individuals with disabilities are included in planning.
- Work in collaboration with the Minnesota Council on Transportation Access to:
 - Compile information on existing transportation alternatives for the transit public, and serve as a clearinghouse for information on services, funding sources, innovations, and coordination efforts.
 - Identify best practices and strategies that have been successful in Minnesota and in other states for coordination of local, regional, state, and federal funding and services.
 - Recommend statewide objectives for providing public transportation services for the transit public.
 - Identify barriers prohibiting coordination and accessibility of public transportation services and aggressively pursue the elimination of those barriers.
 - Recommend policies and procedures for coordinating local, regional, state, and federal funding and services for the transit public.
 - Identify stakeholders in providing services for the transit public, and seek input from them concerning barriers and appropriate strategies.
 - Recommend guidelines for developing transportation coordination plans throughout the state.
 - Encourage all state agencies participating in the council to purchase trips within the coordinated system.
 - Facilitate the creation and operation of transportation brokerages to match riders to the appropriate service, promote shared dispatching, compile and disseminate information on transportation options, and promote regional communication.
 - Encourage volunteer driver programs and recommend legislation to address liability and insurance issues.

Transportation (continued)

- Recommend minimum performance standards for delivery of services.
- Identify methods to eliminate fraud and abuse in special transportation services.
- Develop a standard method for addressing liability insurance requirements for transportation services purchased, provided, or coordinated.
- Design and develop a contracting template for providing coordinated transportation services.
- Recommend an interagency uniform contracting and billing and accounting system for providing coordinated transportation services.
- Encourage the design and development of training programs for coordinated transportation services.
- Encourage the use of public school transportation vehicles for the transit public.
- Develop an allocation methodology that equitably distributes transportation funds to compensate units of government and all entities that provide coordinated transportation services.
- Identify policies and necessary legislation to facilitate vehicle sharing.
- Advocate aggressively for eliminating barriers to coordination, implementing coordination strategies, enacting necessary legislation, and appropriating resources to achieve the council's objectives.

Resources for learning more about the *Olmstead* decision & Olmstead Plans

- Center for Personal Assistance Services. *Olmstead Plans and Related State Activity*. <http://www.pascenter.org/olmstead/olmsteadplans.php>.
- Minnesota Olmstead Plan Subcabinet website. (Use an internet search on the phrase “Minnesota’s Olmstead Plan” or this shortened web address: <http://bit.ly/19CtjNO>.)
- United States Department of Justice, Civil Rights Division. *Olmstead: Community Integration for Everyone*. <http://www.ada.gov/olmstead/index.htm>.
- United States Department of Justice, Civil Rights Division. *Statement of the Department of Justice on Enforcement of the Integration Mandate of Title II of the Americans with Disabilities Act and Olmstead v. L.C.* http://www.ada.gov/olmstead/q&a_olmstead.pdf.