



Minnesota Department of **Human Services**

Rule 40 Advisory Committee Meeting Summary: 9.7.12

Attending:

Committee members: Steven Anderson, Kay Hendrikson, Pam Hoopes for Anne Henry, Barbara Kleist, Pat Kuehn, Tim Moore, Andrew Pietsch, Kelly Ruiz, Annie Santos and Colleen Wieck

DHS Staff: Rick Amado, Alex Bartolic, Donovan Chandler, Lori Dablow, Stacy Danov, Gail Dekker, Katherine Finlayson, Dan Hohmann, Jennifer Kirchen, Bob Klukas, Lorraine Pierce, Dean Ritzman, Lauren Siegel, Michael Tessner, Suzanne Todnem and Charles Young

Other State Staff: Michelle Ness (Minnesota Department of Health)

Other Organizations and guests: Mark Anderson (Barbara Schneider Foundation), Brad Hansen (The Arc Greater Twin Cities), Renee Jenson (Barbara Schneider Foundation), Sue McGuigan (TBI Advisory Council), Susan O'Neil (ICI-U of M)

Committee Charge The Rule 40 Advisory Committee was formed as part of a settlement agreement. The committee will study, review and advise the Department of Human Services on how to modernize Rule 40 to reflect current best practices. This was the sixth meeting of the Rule 40 Advisory Committee, which met from 9:00 a.m. to 3:30 p.m.

Presentations The Committee heard a brief update from Alex Bartolic.

Alex Bartolic reminded the advisory committee that the rule revision started with the Jensen settlement but now we are looking at services licensed by the Department of Human Services. The first step will be to incorporate provisions agreed upon by the committee into the provider standards being developed for home and community based services covered by all five of the Department's HCBS waivers. Further evaluation of how these principles are reflected in other regulations licensed by the Department will occur, with participation of those effected. The advisory committee's and the department's efforts moving forward are focused primarily on putting the policy standards, prohibitions, principles, basic assurances and intent in statute but some details such as operational procedures might need to reside in a rule.

Ms. Bartolic also reminded the group that this work is happening in the context of other intersecting initiatives, such as Waiver Provider Standards and the State Quality Council. The advisory committee's recommendations will be coordinated with these other initiatives. The

department will also be leveraging these projects as we put a legislative package together by considering what is common among them; we need to understand the intersections and have a coherent policy and eliminate redundancies.

The department is looking at what the ideal is and, practically, what it will take to get there. For example, it is not practical to expect that all people receiving HCBS will have a person-centered plan in a year. But priorities can be established, and training and technical assistance made available to build capacity for person-centered planning.

We will not know by October what the Governor's budget will contain, but the Department will share as much as it can with the advisory committee through this process and avoid surprises when the Governor's budget is presented to the legislature. The department has a commitment to keep moving forward with steps to increase positive approaches and implement agreed upon prohibitions and strategies to support people in communities. For example, the department has a new contract with the Institute on Community Integration (ICI) to initiate person-centered training, develop specialized capacity to provide technical assistance and support to community providers.

Discussion

Emergency restraints work group

Kay Hendrikson and Barbara Kleist provided a report out to the advisory committee describing main points discussed at the emergency restraints work group meetings. Committee members added and modified items to the recommendation. Please see the attached [revised](#) emergency restraints work group handout to see the committee's final recommendation.

Implementation work group

Tim Moore and Pat Kuehn provided a report out to the advisory committee describing main points discussed at the implementation work group meetings. Committee members added and modified items on the work group summary handout. Please see the attached [revised](#) implementation work group handout to see the committee's recommendation.

Training work group

Kelly Ruiz provided a report out to the advisory committee describing main points discussed at the training work group meetings. Committee members added and modified items on the work group summary handout and decided to adopt the entirety of the work group meeting notes as the recommendation. Please see the attached training work group summary handout and [additional](#) recommendations and notes to see the committee's full recommendation.

Future meetings

1. October – We will review one work group report: Monitoring, Oversight and Reporting. Committee members will move toward final recommendation on this topic. Committee members will also review and respond to some draft statute language.
2. November 15 – We will reconvene the committee when all draft statute language is ready for their review. The draft will include new language addressing monitoring, oversight and reporting and, if time permits, revisions based on feedback from the October meeting.

Reminder The October meeting is scheduled on **October 22, 2012**, the fourth Monday of the month, and will be held in room 3148 at the Lafayette building located at 444 Lafayette Road, St. Paul, MN 55155. This meeting is scheduled from 9:00-4:00 pm.

Questions or comments As always, if committee members or observers have questions, please email them to the Rule 40 email box at DHS.rule40@state.mn.us

Visit our website at http://www.dhs.state.mn.us/main/dhs16_166534