

Olmstead Subcabinet Meeting Minutes

Monday, June 24, 2019 • 3:00 p.m. to 5:00 p.m.

Minnesota Housing – Lake Superior Conference Room, 400 Wabasha Street North, Suite 400, St Paul

1) Call to Order

Commissioner Ho welcomed everyone and provided meeting logistics.

2) Introductions

Subcabinet members present: Jennifer Leimaile Ho, Minnesota Housing; Colleen Wieck, Governor's Council on Developmental Disabilities (GCDD); Larry Herke, Minnesota Department of Veterans Affairs (MDVA); Roberta Opheim, Ombudsman Office for Mental Health and Developmental Disabilities (OMHDD); John Harrington, Department of Public Safety (DPS) joined at 3:10; Mary Catherine Ricker, Minnesota Department of Education (MDE) joined at 3:05; and Nora Slawik, Met Council.

Designees present: Claire Wilson, Department of Human Services (DHS); Daron Korte (MDE); Tim Henkel, Department of Transportation (DOT); Larry Vrooman, Department of Employment and Economic Development (DEED); Ann Schulte, Minnesota Department of Health (MDH); and Michelle Smith, Department of Corrections (DOC).

Guests present: Mike Tessneer, Darlene Zangara, Diane Doolittle, Zoua Vang, Rosalie Vollmar and Sue Hite-Kirk, Olmstead Implementation Office (OIO); Rachel Robinson, Anne Smetak and Ryan Baumtrog (Minnesota Housing); Charles Young, Alex Bartolic, Ariana Dionisopoulos and Ryan Merz (DHS); Tom Delaney, Emily Jahr and Holly Anderson (MDE); Nicole Stockert, Stephanie Lenartz and Martha Burton (MDH); Kristie Billiar, Department of Transportation (DOT); Kate Erickson and Christen Donley, Department of Corrections (DOC); Christina Schaffer (MDHR); Maura McNellis-Kubat, (OMHDD); Gerri Sutton and Nick Thompson, Met Council; Mary Kay Kennedy, Advocating Change Together (ACT); Justin Page, Minnesota Disability Law Center; Joan Willshire, Minnesota Council on Disability (MCD); Ken Bence, Association of Residential Resources in Minnesota (ARRM); Hannah Stende and Nellie Munn, University of Minnesota students; Maria Velazquez and her daughter, Carmen Velasco, Gladis Rosales, Gabriella Quiroz, Bradford Teslow and Mary Fenske (members of the public).

ASL, Spanish Language and CART providers: Mary Catherine (Minnesota Housing); ASL Interpreting Services, Inc.; All In One Translation Agency; Paradigm Captioning and Reporting Services, Inc.

Commissioner Ho asked the Subcabinet members to introduce themselves identifying their agency name and title. Members were also asked to provide a brief verbal update on any legislative proposals that were approved that relate to the priorities in the Olmstead Plan. This was a follow up to the March 25, 2019 Subcabinet meeting that included an overview of legislative proposals.

Commissioner Ho (Minnesota Housing) reported:

- Bridges mental health systems program received a \$500,000 increase;
- Funding was approved for Homework Starts with Home that focuses on housing stabilization for students experiencing homelessness;
- \$60 million in Housing Infrastructure Bonds was provided to build and preserve homes for people with the lowest incomes.

Larry Vrooman (DEED) reported:

- Received \$3.5 million per year to continue providing Vocational Rehabilitation Services.

Commissioner Lucero (MDHR) was unable to attend the meeting but submitted an update:

- They did not get the budget they requested.
- Complaints coming into MDHR have historically been around disability. This has now been surpassed by complaints related to race. They do not have information yet on the intersectionality of these complaints.

Ann Schulte (MDH) reported:

- Legislation was passed that relates to protecting vulnerable adults. It relates to licensure and regulatory pieces for nursing homes and assisted living facilities.
- Bills passed relating to initiatives for prevention and treatment of opioid abuse.
- Funding was approved for suicide prevention efforts and community based suicide prevention grants.
- Funding and policy language were approved for the Minnesota Quitline which is a tobacco cessation effort.
- Clean drinking water related bills were also passed.

Assistant Commissioner Korte (MDE) reported:

- \$90 million was approved for new special education funding for Minnesota public schools. Special education costs are growing faster than the funding sources. This funding should be very helpful to the school districts and should result in better services for our students.
- Secured a 2% increase in general education formula for both years of the biennium.

Assistant Commissioner Henkel (DOT) reported:

- There are no legislative actions that provide any additional funding necessary for us to meet the Olmstead goals.

Chair Slawik (Met Council) reported:

- A separate budget line was approved for Metro Mobility as requested by the Governor. The expectation is that at least for the first year, there will be sufficient budget to meet the demand. The service area is being expanded to include Lakeville.

Commissioner Herke (MDVA) reported:

- MDVA received their base funding, which includes Minnesota Assistance Council for Veterans (MAC-V). MAC-V provides assistance to veterans and their families who are homeless or experiencing other life crises.
- They were also able to move some money internally to help veteran homelessness, specifically to help with landlord issues and veterans with multiple barriers.

Commissioner Harrington (DPS) reported:

- DPS received funding for the Office of Justice program which will support victim services for homeless individuals and people with disabilities.

Deputy Commissioner Smith (DOC) reported:

- DOC received funding to add an Ombudsman for Corrections.

Roberta Opheim (OMHDD) reported:

- The approved base funding includes a position dedicated to assisting in Olmstead and Jensen work.

Colleen Wieck (GCDD) reported:

- The retained funding includes a position dedicated to assisting in Olmstead and Jensen work.

Deputy Commissioner Wilson (DHS) reported:

DHS received additional funding that directly impact Olmstead work including the following:

- Additional \$1.2 million to expand the school linked mental health grants;
- Expanded certified community behavioral health clinics and added them to the Medicaid benefit set.
- Funding for the competency restoration task force to determine how to more effectively transition people out of hospitals and treatment centers when that level of care is no longer needed.
- Improvements to Minnesota Adult Abuse Reporting Center (MAARC) for vulnerable adults for an assisted living report card and for expanded grants to counties and tribes to do adult protection work.
- The waiver reimagine project to streamline and simplify the disability waiver system and having an individual budgeting model that is sustainable.
- Modifications for the disability waiver rate setting framework.
- There was a \$32 million increase for personal care assistance wages and benefits.
- The sunset on the provider tax did not occur. This means that funding continues for health care services.

3) Agenda Review

Commissioner Ho asked if there are any changes needed to the agenda. She asked OIO staff if anybody has signed up for public comment and reminded attendees to do so.

4) Approval of Minutes

a) Subcabinet meeting on May 28, 2019

Commissioner Ho asked if there were any changes needed to the May 28, 2019 meeting minutes. No changes were needed.

Motion: Approve May 28, 2019 Subcabinet meeting minutes

Action: Motion – Herke

Second – Slawik

In Favor - All

5) Reports

a) Chair

Commissioner Ho requested time on the July meeting agenda to talk about the direction of the Subcabinet and the scope of work. Areas she would like to explore include:

- Creation of an Executive Committee that can act on behalf of the full Subcabinet;
- Discussion of the focus of the Subcabinet meetings to ensure the time spent is valuable to members and increases the impact of the Plan for people with disabilities;
- Consideration of what outside the box resources members could offer to enhance the work of the Plan; and
- Consideration of the frequency and time allotted for the Subcabinet meetings.

b) Executive Director

Darlene Zangara (OIO) reported that the Community Engagement Workgroup (CEWG) held their last meeting in May. Members discussed accomplishments made in the last year, as well as recommendations for improvements of the CEWG. Key topics were:

- Olmstead education and public awareness for communities around the state. OIO staff will continue to prioritize communication efforts.
- Enhanced communication within the workgroup. OIO staff will publish regular summaries of the CEWG meetings on the website.
- Enhanced state-wide group discussions with OIO and Subcabinet members on specific Olmstead topics. OIO staff is currently developing a plan for traveling around the state to gather more in-depth and meaningful feedback on specific topics.

Darlene Zangara acknowledged that June 22, 2019 was the 20th anniversary of the Olmstead decision. In recognition of the anniversary, the OIO Communications staff created a short video which was released to the public on June 24, 2019. The video was viewed by the Subcabinet.

c) Legal Office

Anne Smetak reported that a Court Order was received on June 17, 2019. Jurisdiction of the Court was scheduled to end December 4, 2019. Judge Frank has elected to extend the Court's jurisdiction until September 2020 and keep all existing reporting requirements in place. Additional updates will be provided as they are available.

d) Compliance Office

Mike Tessneer (OIO) reported that due to the shortened May 28, 2019 Subcabinet meeting, several agenda items needed to be carried over to future meetings. In addition, June is a big workplan reporting month for state agencies with many annual reports due to the Subcabinet. To accommodate the large number of reports, the agenda was adjusted for both the June and July meetings. He expressed appreciation for the flexibility of agency staff in any adjustments to their schedules that were needed.

6) Action Items

a) Community Engagement Workgroup Charter (OIO)

Darlene Zangara (OIO) presented the 2019 CEWG Charter to the Subcabinet for approval. She highlighted the purpose of the workgroup as well as the deliverables.

Questions/Comments: Roberta Opheim (OMHDD) suggested using the Olmstead 20th Anniversary video when reaching out to individual agencies for Olmstead presentations to help them understand how they fit in the bigger picture of Olmstead.

Motion: Approve Community Engagement Workgroup Charter

Request: Motion – Harrington Second – Wilson In Favor - All

b) Olmstead Plan Workplan (March 2019 Plan Revision)

Mike Tessneer (OIO) explained the process followed by the agencies to review the March 2019 Plan Revision to determine if any workplan activity changes are needed. The following agencies presented their proposed changes to the Subcabinet.

Education: Tom Delaney (MDE)

Questions/Comments: Roberta Opheim (OMHDD) commented that there still is no measurement of who actually gets access to assistive technology. Mr. Delaney explained that the federal definition of assistive technology is very. The Department continues to discuss how to establish a metric by first trying to determine a standardized definition that will work across all school districts. MDE will continue working on this in the coming year.

Community Engagement: Darlene Zangara (OIO)

Questions/Comments: Commissioner Ho asked for clarification of the baseline for Goals Two and Three, and the reason behind an increase of 5% for both. Darlene Zangara stated that Civic Engagement Evaluation tools developed with the Minnesota Department of Human Rights (MDHR) will be utilized when possible for gathering data and establishing a baseline for Goal Three. The 5% increase for both goals reflects a modest increase.

Preventing Abuse and Neglect: Nicole Stockert (MDH)

Questions/Comments: Larry Vrooman (DEED) asked why the decrease of cases of vulnerable individuals being treated was changed to 30% rather than 50%. Ms. Stockert stated the goal was amended in the March 2019 Plan Revision because the 50% goal was

based on information not supported by baseline information. The goal is now being overseen by MDH, Health Promotion and Chronic Disease Division. Data will be evaluated to determine a more realistic baseline.

Preventing Abuse and Neglect Goal 4: Tom Delaney (MDE)

Questions/Comments: Roberta Opheim (OMHDD) asked if all schools are now being tracked or just the cohort group. Mr. Delaney confirmed that MDE is now at a point where they can look at tracking annually with all school districts across Minnesota.

Communications: Darlene Zangara (OIO)

The Communications workplan changes were presented to the Subcabinet.

Questions/Comments: None

Ms. Opheim provided clarification to the newer members of the Subcabinet that the Workplans feeds the measurable goals, but it is only the goals that the court approves or disapproves. The Subcabinet then monitors the workplans to make sure the goals are being achieved.

Motion: Approve June 24, 2019 Olmstead Plan Workplans

Action: Motion – Herke

Second – Slawik

In Favor - All

c) Workplan Compliance Report for June (OIO)

Mike Tessneer reported that 16 workplan activities were reviewed. There were no exceptions to report. The list of activities reviewed was included in the packet.

Questions/Comments: None

Motion: Approve June 2019 Compliance Report

Action: Motion – Wilson

Second – Wieck

In Favor – All

7) Informational Items and Reports

a) Workplan activity reports to be presented to Subcabinet

1) Education 2A – Annual report on students with Developmental Cognitive Disability and Autism Spectrum Disorder in most integrated setting

This report was presented by Tom Delaney (MDE).

Questions/Comments:

Roberta Opheim (OMHDD) asked if data was available for broader groups such as attention deficit disorder and emotional behavior disorder.

Tom Delaney (MDE) stated that this activity focuses on the low incidence categories.

The data is available across all disability categories and could be included in the future if

the Subcabinet was interested. Ms. Opheim responded that she is glad to hear the data is available, and is not asking for any expansion at this time.

2) Education 3A.1/A.2 – Annual report on 4 and 6-year graduation rates of American Indian and Black students with disabilities

This report was presented by Tom Delaney (MDE).

Questions/Comments:

Commissioner Ho (Minnesota Housing) acknowledged that this report was a great example of looking at the intersectionality of race and disability and wondered if there were any lessons learned to share with the rest of the Subcabinet.

Tom Delaney (MDE) answered that in order to improve performance on a statewide level, they needed to deal with the issues occurring locally. MDE knew which districts had the students they wanted to target, so that's where they started. They chose evidence-based practices with those districts and then scaled up to other school districts. Commissioner Ricker (MDE) added that for this particular activity, there is a group of students who did not graduate. One of MDE's goals in the next year is to better understand what is preventing this group of students from graduating. This will likely involve other Subcabinet agencies to talk about the intersection of achieving graduation for all students and the work being done in other agencies.

3) Education 4F – Annual report on students with disabilities exiting MCF-Red Wing utilizing a reintegration protocol

This report was presented by Patty Popp (DOC).

Questions/Comments:

Roberta Opheim (OMHDD) asked if there was follow up with the receiving districts to see how the student's transition went.

Patty Popp (DOC) reported that there is contact with the school district at 30, 60, and 90 days. For students who are not succeeding, DOC asked the schools if there were other things that could have been provided ahead of time to help the students be more prepared for the transition.

4) Transition Services 2A.7 – Home and Community-Based Services

This report was presented by Alex Bartolic (DHS).

Questions/Comments:

Commissioner Ho (Minnesota Housing) asked if there is anything that DHS learned in this round of reviews that would inform the work that Minnesota Housing does when financing homes. It might be beneficial for Minnesota Housing and DHS staff to meet to discuss what makes housing a home.

Alex Bartolic (DHS) agreed that this would be beneficial and will work on getting the two agencies together to discuss.

5) Employment 1A.6 – Status of informed choice process

This report was presented by Ryan Merz (DHS).

Questions/Comments: There were no questions or comments.

6) Positive Supports 1C.8 – Annual report on Statewide Plan for building system capacity for implementing positive practices

This report was presented by Charles Young (DHS)

Questions/Comments:

Roberta Opheim (OMHDD) stated that although someone might have a positive support transition plan in place with all the required elements, it isn't always implemented. How is that managed when the plan is not implemented?

Charles Young (DHS) reported that once the plan is created, it is monitored every 90 days. The teams get together to determine if the plan is working and whether or not the individual's quality of life has been affected.

Alex Bartolic (DHS) added that there is also an external review panel in place to consult regarding problem areas.

b) Workplan activity reports to be reviewed by the Subcabinet

The remaining reports included in the packet were not presented to the Subcabinet. Agency staff were available to answer any questions, but there were no questions or comments.

8) Public Comments

Commissioner Ho asked those who signed up for public comment to speak to the Subcabinet.

Bradford Teslow (member of the public)

The Public Comment Intake form was offered at the meeting. An outline of Mr. Teslow's comments was not provided to the Subcabinet. Highlights of his comments included:

- He requested DHS treatment facility licensing reviews for the last year.
- He reviewed and sees many violations where service providers are not following the law.
- Suggested the Subcabinet include a goal for this issue

Carmen Velasco (member of the public)

The Public Comment Intake form was offered at the meeting. An outline of Ms. Velasco's comments was not provided to the Subcabinet. Highlights of her comments included:

- Described care needed for her daughter who was born premature with many medical issues including Down Syndrome
- Care coordinators and Ramsey County were not able to assist the family
- Getting information about the waiver process is difficult; getting accurate information about the waiting list is confusing and complicated, especially for Latino people
- Her daughter has some PCA services during the day, but no nursing services
- Questioned training of PCAs as some just sit with her daughter and do very little, just sit, watch, take a nap and then go home
- Questioned training of Spanish language interpreters; some are also not great, like the one who was asked to leave today because skills were not adequate. This results in not knowing what is going which adds to the confusion
- Housing options are not good; current home has many issues that are affecting her daughter's health

Deputy Commissioner Wilson (DHS) thanked Carmen for speaking so eloquently on behalf of her daughter and family. She stated Carmen had identified some of the most significant barriers in the system.

Maria Velasquez and daughter (members of the public)

The Public Comment Intake form was offered at the meeting. An outline of Ms. Velasco's comments was not provided. Highlights of her comments included:

- Maria's daughter is 18 years old; at 3 months old she was diagnosed with Down Syndrome and other serious heart issues requiring open heart surgery
- She has provided full time care for her daughter's personal care, at school and at home; her son also provides care
- Heard she may be able to request a work permit for the care of her daughter but it was very difficult to find out how, where to get it and who to talk to
- Asked for support in guiding her on what she can do to get a work permit to care for her daughter

Questions/Comments:

Commissioner Ho expressed to the Subcabinet the need to think about how communities are engaged and how agencies get out in the communities. This informs our work and gets us thinking about the intersectionality of all these challenges of our work.

9) Adjournment

The meeting was adjourned at 4:43 p.m.

Next Subcabinet Meeting: July 22, 2019 – 3:00 p.m. – 4:30 p.m.