

## **Olmstead Subcabinet Meeting Minutes**

Monday, December 16, 2019, 9:00 a.m. to 10:30 a.m.

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

### **1) Call to Order**

Commissioner Jennifer Ho welcomed everyone and provided meeting logistics.

### **2) Introductions**

**Subcabinet members present:** Jennifer Ho, Minnesota Housing; Jodi Harpstead, Department of Human Services (DHS); Colleen Wieck, Governors Council on Developmental Disabilities (GCDD); Larry Herke, Minnesota Department of Veterans Affairs (MDVA); Rebecca Lucero, Minnesota Department of Human Rights (MDHR); Mary Catherine Ricker, Minnesota Department of Education (MDE); and Roberta Opheim, Ombudsman Office for Mental Health and Developmental Disabilities (OMHDD) joined at 9:40 a.m.

**Designees present:** Tim Henkel, Department of Transportation (DOT); Wendy Wulff, Metropolitan Council (Met Council); Blake Chaffee, Department of Employment and Economic Development (DEED); Anne Schulte, Minnesota Department of Health (MDH); Joseph Kelly, Department of Public Safety (DPS); and Michelle Smith, Department of Corrections (DOC)

**Guests present:** Mike Tessneer, Rosalie Vollmar, Diane Doolittle, Mary Catherine, Zoua Vang and Sue Hite-Kirk, Olmstead Implementation Office (OIO); Anne Smetak and Ryan Baumtrog (Minnesota Housing); Erin Sullivan Sutton, Adrienne Hannert and Rick Figueroa (DHS); Tom Delaney and Holly Anderson (MDE); Kate Erickson (DOC); Maura McNellis-Kubat (OMHDD); Kristie Billiar (DOT); Gerri Sutton (Met Council); Valerie Klitzke (MDVA); Carolyn Fackler, OIO Community Engagement Workgroup member; and Bradford Teslow (member of the public).

**Guests attending by phone:** Rebecca St. Martin, member of the public

**ASL and CART providers:** Mary Catherine (Minnesota Housing); ASL Interpreting Services, Inc.; Paradigm Captioning and Reporting Services, Inc.

During introductions, Commissioner Harpstead (DHS) announced that Doug Annett has joined DHS as Deputy Assistant Commissioner for Disability Services.

### **3) Agenda Review**

Commissioner Ho asked if there were any changes needed to the agenda. The first agenda item included a review of the 2019 Annual Report on Olmstead Plan implementation that reports the progress on all of the Olmstead Plan goals and includes information already reported in the 2019 quarterly reports.

In addition, the first draft of proposed amendments to Olmstead Plan goals will be reviewed. These amendments will be attached to the Annual Report and submitted to the Court. A

public comment period will take place in January 2020 on the proposed amendments. Further proposed amendments will be reviewed at the February Subcabinet meeting. The final amendments will be reviewed and approved at the March 2020 Subcabinet meeting.

#### **4) Approval of Minutes**

##### **a) Subcabinet meeting on November 25, 2019**

There were no changes to the minutes for the November Subcabinet meeting.

**Motion: Approve November 25 Subcabinet meeting minutes**

**Action: Motion – Wieck**

**Second – Herke**

**In Favor - All**

#### **5) Reports**

##### **a) Chair**

Commissioner Ho reported on the following:

- The first round of public comments on the Olmstead Plan ended November 29, 2019. The Subcabinet agency staff received weekly updates on the comments gathered. An email went out last week to Subcabinet members with the themes raised throughout the first round of the public comments.
  - OIO hosted 5 sessions with 80 attendees.
  - OIO attended an Advocating Change Together (ACT) meeting with 40 representatives
  - 22 emails were received
- Department of Corrections is hosting three listening sessions:
  - December 17, 2019 at Shakopee Correctional facility
  - December 23, 2019 at Lino Lakes Correctional facility
  - January 21, 2020 at DOC for a public listening session
- The second round of public comments will be from January 6 – 31, 2020. This will include 3 webinars and comments accepted by email and phone.
- The position for new leadership of the Olmstead Implementation Office was recently posted. This is an important cross-agency role that will help drive and shape the state's work related to the Olmstead Plan and the Governor's Executive Order. The posting will be open until January 3, 2020. Please help us disseminate the job posting. Anne Smetak (Minnesota Housing) will be reaching out to members of the Executive Committee and others regarding participation in the selection committee.

**Questions/Comments:** None

**b) Legal Office** - No report.

**c) Compliance Office** - No report.

## 6) Action Items

### a) 2019 Annual Report on Olmstead Plan Implementation

Mike Tessneer (OIO) provided an overview of the Annual Report by reviewing the Executive Summary and the Analysis of Trends and Risk Areas sections of the report. Agency staff were available for questions. The Annual Report and the Addendum (proposed amendments) will be submitted to the Court this week.

#### Questions/Comments:

- Commissioner Ho (Minnesota Housing) asked Mr. Tessneer to identify which goals are most under scrutiny in the Jensen court case. He identified the following areas: reduction of restraints, positive supports, housing, employment, integrated classrooms, and person-centered planning which is foundational to all the other areas.
- Erin Sullivan Sutton (DHS) and Tom Delaney (MDE) reviewed the goals in the report that are not on track and the strategies being used to improve performance.

#### Motion: Approve the 2019 Annual Report

Action: Motion – Lucero

Second – Chaffee

In Favor - All

### b) Olmstead Plan Draft Amendments

Mike Tessneer (OIO) introduced the proposed amendments and explained the next steps. The agencies presented their proposed amendments and the reason for the change. The proposed amendments will be included as an addendum to the Annual Report and posted for public comments during January 2020. There was an additional amendment (CE Goal 3) provided at the meeting that was not included in the original packet (pg. 129).

#### Questions/Comments:

- Commissioner Ho asked for clarification on whether the time period of the Plan is intended to be one year or multi-year. Mike Tessneer responded that the Olmstead Plan is a multi-year Plan but it is reviewed on an annual basis.

Agency staff reviewed the proposed amendments for their respective goals. Questions and Comments are included below:

- **Person-Centered Planning Goal Two**, Erin Sullivan Sutton (DHS) (pg. 101)

#### Questions/Comments:

- Colleen Wieck (GCDD) pointed out that in Part C of the goal (pg. 102), the 2018 date was repeated. Erin Sullivan Sutton (DHS) stated that the second 2018 will be corrected to 2019.
- Data for the 2019 goal will be available in 2020.

- **Transition Services Goal Two**, Erin Sullivan Sutton (DHS) (pg. 103)

#### Questions/Comments:

- In the goal statement 28F4 needs to be fixed to be footnote 4.
  - Colleen Wieck (GCDD) commented that during the last year the Anoka census monthly average was 84 while the number of funded beds is 110. Should this be noted somewhere in the baseline or elsewhere? Ms. Sullivan Sutton will look into this and report back.
- **Transition Services Goal Three** Erin Sullivan Sutton (DHS) (pg. 105)  
Questions/Comments:
    - Commissioner Lucero (MDHR) asked how close DHS was to meeting the goal of average monthly number of individuals leaving the Minnesota Security Hospital to a more integrated setting. Ms. Sullivan Sutton responded that on average it is 7-8.
    - Both Colleen Wieck (GCDD) and Commissioner Ho (Minnesota Housing) noted that for the annual goals that are being reset with the same number and percentage, more precise language would be to say that the goal is not “new,” but rather “repeated” as it’s really an extension of the deadline. Erin Sullivan Sutton agreed to make that change throughout the amendments.
- **Housing and Services Goal One**, Erin Sullivan Sutton (DHS), (pg. 107)  
Questions/Comments:
    - More precise language will be used to reflect that the goal is not “new”, but rather “repeated” as it’s really an extension of the deadline.
- **Transportation Goal One**, Kristie Billiar (MNDOT), (pg. 109)  
Questions/Comments: None
- **HealthCare and Healthy Living Goals One and Two**, (DHS), (pgs. 111, 113)  
Questions/Comments:
    - Colleen Wieck (GCDD) requested a footnote be added that describes these goals in plain language. She also asked for both numbers and percentages to be included.
    - Colleen Wieck expressed concern about ending the goal regarding cervical cancer screenings because there are still people with developmental disabilities that are still not getting cervical cancer screenings.
- **Positive Supports Goals One and Two**, Erin Sullivan Sutton (DHS), (pgs. 115, 117)  
Questions/Comments:
    - Colleen Wieck (GCDD) pointed out that the reset goals of 650 and 3,500 are actually higher than performance in the last 2 years. Erin Sullivan Sutton stated that the 650 and 3,500 were rounded up/ based on performance over the last five years.
    - Colleen Wieck asked if the baseline of 35,668 included everyone covered under the Positive Supports Rule. Erin Sullivan Sutton stated the baseline was for 2014 and only included 245D settings covered under the 2015 Positive Supports Rule.

- **Positive Supports Goal Three**, Erin Sullivan Sutton (DHS), (pg. 119)

Questions/Comments:

- Colleen Wieck asked if the baseline could be updated with the current number of people approved for use of mechanical restraints. Erin Sullivan Sutton stated that the number of approved individuals will continue to be reported with the goal.
- Roberta Opheim (OMHDD) asked if the change to the goal means that reporting the use of seat belt buckle guards is no longer be required. Erin Sullivan Sutton stated that the reporting requirements have not changed. The data would still be reported, but progress would only be based on the number of reports other than for seat belt buckle guards.

- **Positive Supports Goals Four and Five** , Tom Delaney (MDE), (pgs 121-122)

Questions/Comments:

- Roberta Opheim (OMHDD) asked if the number of grants is based solely on the amount of money available. Tom Delaney responded that the number of grants is partly based on money, but is mostly about being intentional with scale-up being planned. We want to make sure it is being done right before scaling up after that.

- **Crisis Support Services Goals One and Two**, Erin Sullivan Sutton (DHS), (pg. 123)

Questions/Comments: None

- **Crisis Support Services Goals Four**, Erin Sullivan Sutton (DHS), (pg. 125)

Questions/Comments: None

- **Community Engagement Goal Two**, Anne Smetak (Minnesota Housing), (pg. 127)

Questions/Comments: None

- **Community Engagement Goal Three**, Anne Smetak (Minnesota Housing), (pg. 129)

Questions/Comments:

- Commissioner Lucero (MDHR) asked for clarification on what the intended result is to engage with people of color. She also asked if the future data reported will be disaggregated by race. Anne Smetak responded that the purpose is to reach all communities across Minnesota to gather their comments. Her understanding is that the Subcabinet wants to be more intentional about gathering the information needed to be able to determine where there are disparities.
- Commissioner Ho stated that this will be one of the areas that the Subcabinet will be looking at in 2020. We want to look at the disparities in the different areas so we can work towards more equity.

## **General comments about the draft amendments**

- Commissioner Ho (Minnesota Housing) acknowledged that a big strength of the Plan is that we have measurable goals. However, the different timeframes and goal dates make the plan confusing. Perhaps this can be looked at in the next phase.
- Colleen Wieck commented that there are still some goals that are not being reset, and she would like the agencies to review those. She also would like, for consistency purposes, that when possible both numbers and percentages should be used in the goals.
- Commissioner Harpstead stated that all of the goals need to have baselines so that we know the current status.
- Commissioner Ho stated that this draft will be going out for comment in January. In the meantime the Subcabinet agencies should submit our own comments on how to improve the language in the Plan. Another draft will come back for review in February, and some of these proposed amendments could take place then.
- Chair Wulff (Met Council) stated that the Metro Mobility goals are basically the same as their federal goals. But the goal doesn't really get at whether it works for the people we are serving. There are a couple pilot programs that we are hoping will improve services.

**Motion: Accept the proposed amendments with the suggested edits. The amendments will be included in the Addendum to the Annual Report and posted for public comment.**

**Action: Motion – Wieck**

**Second – Lucero**

**In Favor - All**

## **6. Informational Items and Reports**

### **a) Community Engagement Workgroup**

Carolyn Fackler, a member from the Community Engagement Workgroup provided a report about the ongoing work of the workgroup.

## **7. Public Comments**

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

**Rebecca St. Martin**, member of the public (on the phone)

The Public Comment Intake form was offered. An outline of Ms. St. Martin's comments was not received. Highlights included:

- Request the addition of in-home therapy and Multiple Chemical Sensitivity (MCS) to the general agenda
- In general, most agencies have a fragrance-free policy limited to spray-ons and must be detectable by a third party. Ms. St. Martin requests it should be a zero fragrance policy.
- MCS can be as serious as allergies
- Accommodation services for her were denied due to lack of knowing what to do

- Request to start measuring access people with MCS have to clinics, transportation, work, public spaces and for in-home therapy

**Brad Teslow**, member of the public

The Public Comment Intake form was offered at the meeting. An outline of Mr. Teslow's comments was received. Highlights included:

- Suggested representation on the Subcabinet by the Minnesota judicial branch to help inform members about improvements with county service providers
- Review of treatment center client files show state and federal violations
- Trauma-informed care should be one of the components in treatment centers to better transition individuals back into the public
- He thanked Commissioners Schnell, Harrington, and Ho for their engagement with disability communities

## **8. Adjournment**

The meeting was adjourned at 10:28 a.m.

**Next Subcabinet Meeting:** February 24, 2020 – 3:00 to 4:30 p.m.

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