

## Olmstead Subcabinet Meeting Minutes

Monday, May 11, 2020 • 11:00 a.m. to 12:00 p.m.

### 1) Call to Order and Roll Call

Mike Tessneer (OIO) conducted roll call to identify the Subcabinet members and designees in attendance from each Subcabinet agency. Those present included:

**Subcabinet members present:** Jennifer Lemaille Ho, Minnesota Housing (MHFA) joined at approximately 11:07; Jodi Harpstead, Department of Human Services (DHS); Larry Herke, Minnesota Department of Veterans Affairs (MDVA); Mary Catherine Ricker, Minnesota Department of Education (MDE); Roberta Opheim, Office of Ombudsman for Mental Health and Developmental Disabilities (OMHDD); Colleen Wieck, Governor's Council on Developmental Disabilities (GCDD); John Harrington, Department of Public Safety (DPS) joined at approximately 11:07; and Paul Schnell, Department of Corrections (DOC) joined at approximately 11:15.

**Designees present:** Tim Henkel, Minnesota Department of Transportation (MNDOT); Dee Torgerson, Department of Employment and Economic Development (DEED); Kate Erickson, Department of Corrections (DOC); Scott Beutel, Department of Human Rights (MDHR); Mary Manning, Minnesota Department of Health (MDH); Daron Korte, MDE; and Wendy Wulff, Metropolitan Council (Met Council)

**Guests present:** Mike Tessneer, Rosalie Vollmar, Shelley Madore, Diane Doolittle, Mary Catherine, Zoua Vang and Sue Hite-Kirk, Olmstead Implementation Office (OIO); Anne Smetak (MHFA); Erin Sullivan Sutton and Doug Annett (DHS); Mark Kinde (MDH); Rebecca St. Martin (member of the public)

*Note: In the interest of time, all attendees on the phone were not identified.*

**CART provider:** Paradigm Captioning and Reporting Services, Inc.

### 2) Agenda Review

Mike Tessneer (OIO) reviewed the agenda for the meeting which included two areas for Subcabinet action. The two items included approval of the May 2020 Quarterly Report and the approval of the Addendum to the March 2020 Olmstead Plan.

### 3) Approval of Minutes

As Commissioner Ho joined the meeting, she welcomed everyone and thanked them for attending during such a busy time and for the flexibility in rescheduling the meeting.

Commissioner Ho asked if there are any changes needed to the minutes for the February 24, 2020 and March 25, 2020 Subcabinet meetings.

**Motion: Approve February 2020 and March 2020 Subcabinet meeting minutes**

**Action: Motion - Harpstead      Second - Beutel**

**In Favor: A roll call vote was conducted with 13 Ayes and 0 Nays**

MHFA – Aye

DEED – Aye

DOC – Aye

MDVA – Aye

Met Council – Aye

GCDD – Aye

DHS – Aye

MNDOT – Aye

MDH – Aye

DPS – Aye

OMHDD – Aye

MDHR – Aye

MDE – Aye

**4) Reports**

**a) Chair - No report**

**b) Director**

Shelley Madore (OIO) provided a brief report summarizing the OIO Strategic Planning process, an upcoming environmental scan, development of the plain language version of the Plan and development of a new website. Additionally she is involved in the COVID-19 At-Risk Populations Workgroup.

**c) Legal Office**

Anne Smetak (MHFA) provided a brief summary of the April 6, 2020 Court Order which called for an Addendum to the March 2020 Olmstead Plan. Public comments related to the COVID-19 response were received prior to and during the meeting. Those comments were forwarded to Subcabinet members during the meeting and are attached to the meeting minutes.

**d) Compliance Office - No report**

**5) Action Items**

**a) May 2020 Quarterly Report**

Mike Tessneer (OIO) reviewed the Executive Summary of the May 2020 Quarterly Report (page 17 of the packet). The quarterly report covers 13 measurable goals: five were met or on track; three were not on track and five are in process. Agency staff were available to answer questions.

**Questions and Comments:** None

**Motion:** Approve the May 2020 Quarterly Report

**Action:** Motion - Harpstead

**Second - Ricker**

**In Favor: A roll call vote was conducted with 13 Ayes and 0 Nays**

MHFA – Aye

Met Council – Aye

MDH – Aye

MDVA – Aye

MNDOT – Aye

MDHR – Aye

DHS – Aye

OMHDD – Aye

MDE – Aye

DPS – Aye

DOC – Aye

DEED – Aye

GCDD – Aye

**b) Addendum to March 2020 Olmstead Plan**

Mike Tessneer (OIO) described the process used to gather the responses from the agencies to address the questions posed in the April 6, 2020 Court Order. For each question, Mr. Tessneer provided a summary of the response. Agency staff were available for any questions and/or needed follow-up.

**Questions and Comments:**

Colleen Wieck (GCDD) suggested that the Quality of Life (QOL) survey being done later this year might be one way to solicit COVID-19 stories and feedback directly from individuals.

Wendy Wulff (Met Council) asked if there was a plan to collect data for a better response to the questions around the impact of COVID-19. Mike Tessneer (OIO) clarified that data continues to be collected on the Plan goals. Before it is reported, data needs to be reliable and valid, which means there needs to be enough time to gather, analyze and verify the data. It is too early at this point to report valid data for the timeframe of the pandemic.

Wendy Wulff (Met Council) asked about what is being done to minimize regression for children who are not receiving special education services while distance learning is in place. Assistant Commissioner Korte (MDE) explained that discussion with MDH has raised serious concerns about how to address this issue. There are serious concerns about how to safely provide one-to-one services with social-distancing and appropriate personal protective equipment (PPE). In regards to loss of education, there is on-going discussion about the requirement and need for extended school year services and programming and the ability to get compensatory education if progress isn't being made.

Roberta Opheim (OMHDD) stated that her biggest concern is how the service providers and direct care staff are getting all the information they need to care for people safely. Doug Annett (DHS) stated that DHS has been very active in outreach to providers. DHS participates in weekly call-ins with two of the largest trade associations both in group home and day service provider networks. These calls include 400-600 participants. MDH is now partnering on those calls as many questions are related to licensing. In addition, when information is published on the website, they are also emailed to the trade associations contact lists.

DHS is working with MDH to update guidance for group home staff. DHS is providing technical assistance when providers or direct care workers contact the State Emergency Operations Center with concerns.

Commissioner Harpstead (DHS) further explained that the Testing Command Center within MDH has been focused on the acute care hospital system, nursing facilities and assisted living facilities. They are now able to look at testing protocols, sending out emergency support teams to determine staffing, funding, and testing for additional care settings licensed and unlicensed by DHS.

**DRAFT MINUTES ARE SUBJECT TO CHANGE BY FINAL APPROVAL OF SUBCABINET**

Deputy Commissioner Smith (DOC) mentioned they are manufacturing masks and have them available for the staff at their group homes and halfway houses.

Kate Erickson (DOC) acknowledged Commissioner Harpstead's efforts at supporting group homes. People exiting corrections enter group homes and halfway houses and it is good to know that efforts are underway to support the staff and residents in those congregate settings.

**Motion: Approve the Addendum to the March 2020 Olmstead Plan Revision**

**Action: Motion – Beutel                      Second -Herke**

**In Favor: A roll call vote was conducted with 13 Ayes and 0 Nays**

MHFA – Aye  
MDVA – Aye  
DHS – Aye  
DPS – Aye  
DEED – Aye

Met Council – Aye  
MNDOT – Aye  
OMHDD – Aye  
DOC – Aye  
GCDD – Aye

MDH – Aye  
MDHR – Aye  
MDE – Aye

**6) Adjournment:**

The meeting was adjourned at 11:57 a.m. The next Subcabinet meeting is scheduled for August 24, 2020, from 3:00 p.m. to 4:30 p.m.

**Public Comments**

Comments were not provided at the meeting. Public comments related to the COVID-19 response were received prior to and during the meeting. Those comments were forwarded to Subcabinet members during the meeting and are attached to the meeting minutes. They include comments from:

- Rebecca St. Martin
- Minnesota Disability Law Center
- The Arc Minnesota

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