

Olmstead Subcabinet Meeting Minutes

March 27, 2017 – 9:30 a.m. to 11:00 a.m.

Minnesota Housing, 400 Sibley Street, State Street Conference Room, Saint Paul, MN 55101

1. Call to Order

Action: N/A

The meeting was called to order at 9:33 a.m. by Assistant Commissioner Tim Henkel, Department of Transportation (DOT).

2. Roll Call

Action: N/A

Subcabinet members present: Colleen Wieck, Governor's Council on Developmental Disabilities (GCDD); Roberta Opheim, Ombudsman for Mental Health and Developmental Disabilities (OMHDD) joined the meeting at 9:43 a.m.; Mary Tingerthal, Minnesota Housing, joined the meeting at 10:03 a.m.; Shawntera Hardy, Department of Employment and Economic Development (DEED) joined the meeting at 10:15 a.m.

Designees present: Claire Wilson, Department of Human Services (DHS); Deb Kerschner, Department of Corrections (DOC); Rowzat Shipchandler, Minnesota Department of Human Rights (MDHR); Gil Acevedo, Minnesota Department of Health (MDH); Tim Henkel, Department of Transportation (DOT).

Guests present: Alex Bartolic, Jeff Schiff, Erin Sullivan Sutton and Adrienne Hannert (DHS); Mike Tessneer, Rosalie Vollmar, Melody Johnson, Darlene Zangara and Diane Doolittle, Olmstead Implementation Office (OIO); Anne Smetak (Minnesota Housing); Robyn Widley, Minnesota Department of Education (MDE); David Sherwood Gabrielson (DEED); Kristie Billiar (DOT); Christen Donley (DOC); Stephanie Lenartz (MDH); Ellena Schoop (MN.IT); Gerri Sutton (Metropolitan Council); Susan O'Neill (University of Minnesota – Institute on Community Integration); John and Rachel Rennie, (members of the public).

Guests present via telephone: Lilli Sprintz, member of the public.

3. Agenda Review

Assistant Commissioner Henkel (DOT) reviewed the agenda. There were no changes to the agenda.

4. Approval of Minutes

- a) Subcabinet meeting on February 22, 2017

Motion: Approve the February 22, 2017 Subcabinet meeting minutes as written

Action: Motion – Wieck. Second – Acevedo. In Favor – All

- b) Subcabinet meeting on February 27, 2017

Motion: Approve the February 27, 2017 Subcabinet meeting minutes as written

Action: Motion – Wieck. Second – Acevedo. In Favor – All

5. Reports

a) Chair

There was no report from the chair.

b) Executive Director

Darlene Zangara (OIO) reported the following regarding the Quality of Life Survey Administration:

- 2,834 calls have been made.
- 171 surveys have been completed.
- 140 additional surveys have been scheduled.
- The survey is on track and on target.

Darlene Zangara also reported that the OIO would be hiring a new executive assistant. Interviews have been completed and it is expected a new employee will be in place by the end of April 2017.

c) Legal Office

Anne Smetak (Minnesota Housing) reported the following regarding the March 24, 2017 status conference with the Court:

- The status conference was specific to the Olmstead Plan.
- The Annual Report was reviewed.
- The February 2017 Plan was reviewed and discussion occurred regarding amendments to goals and the amendment process.
- A proposal to move the filing date of the annual revision of the Plan from the end of February to the end of March was discussed.
- A proposal to discontinue filing workplans with the Court was discussed. This would allow agencies to rely on and move quickly on the workplans.
- An overview of OIO and DHS communication efforts was provided.
- The Subcabinet will be informed when the Court issues an order.

d) Compliance Office

Mike Tessneer (OIO) reported that the Executive Committee met on March 13, 2017 to review a data reporting issue that was first discussed at the February 27, 2017 Subcabinet meeting. The Executive Committee directed DHS to report this data issue and proposed resolution at the full Subcabinet meeting in May and include in the May Quarterly report.

6. Action Items

a) Workplan Compliance Report

Mike Tessneer (OIO Compliance) reported the following:

- 15 workplan activities were reviewed
- 10 activities were completed
- 4 activities were on track
- 1 activity was reported as an exception.

Kristie Billiar (DOT) and Gerri Sutton (Met Council) presented regarding the exception for workplan activity Transportation 3C. That activity was originally intended to be a workgroup with the Met Council and DOT. Ms. Billiar stated this had been included because the Met Council was not a member of the Subcabinet. During the development of the charter for the workgroup, it was determined that the workgroup would be redundant to a workgroup that is already being convened monthly. Rather than establishing an additional workgroup, DOT is proposing that a portion of that existing group's agenda be devoted to Olmstead issues. Ms. Billiar added that the workgroup contemplated was intended to be agency-to-agency and not intended to be a means of broad public presence and outreach.

Roberta Opheim (OMHDD) inquired if this change would in any way change the overall Transportation goal. Kristie Billiar responded that it would not change the overall goal. Ms. Billiar added that the Met Council has committed to have Gerri Sutton attend Subcabinet meetings going forward and Ms. Sutton would be available to provide updates and answer questions regarding this group's activities.

Colleen Wieck (GCDD) stated that the proposed changes appear to exclude the involvement of people with disabilities. Kristie Billiar responded that individuals with disabilities are included in all the planning processes as well as public comments at Subcabinet meetings. Colleen Wieck requested that the language in the activities be amended to make clear that people with disabilities will have opportunities to provide input at meetings of the group. Ms. Billiar agreed to make that clarification.

Motion: **Motion to remove workplan activity 3C and include language in activity 3E to include language that clarifies engagement requirements be inclusive of persons with disabilities in both the planning and delivery process.**

Action: **Motion – Shipchandler. Second – Kerschner. In Favor – All**

b) Community Engagement 4A.5 – Community Engagement Workgroup Membership

Darlene Zangara (OIO) requested approval of changes to the Community Engagement Workgroup Charter, stating changes had been proposed to clarify the roles and responsibilities of the workgroup and to adjust the deadlines for the workgroup to complete its assigned tasks.

Roberta Opheim (OMHDD) requested that in the future changes to charters should be redlined to indicate what has changed. In addition, the deliverables seem broad and it's hard to know what the measurements will be.

Darlene Zangara responded that the changes were made to the deadlines for completion of the three tasks the workgroup is responsible for. The three tasks include: (1) provide input and recommendations for enhancing best practices for inclusive and accessible public input processes; (2) approve and recommend a communications plan; and, (3) review and revise a community engagement plan to be submitted to the Subcabinet. Darlene Zangara stated the

Motion: Motion to approve membership of the Community Engagement Workgroup.
Action: Motion –Acevedo. Second – Wieck. In Favor – All

c) Transition Services 2A.8 – Person-Centered, Informed Choice and Transition Protocol

Alex Bartolic (DHS) reported the following regarding the Person-Centered, Informed Choice and Transition Protocol:

- The intent of the protocol was that it be a living document that would be modified based on lessons learned.
- The first review of the protocol was completed in January 2017.
- Technical changes are being requested that do not impact the underlying policy.
- The changes are intended to make the policy easier to read and easier to understand.
- The language is being changed to be more person-centered.
- The focus on cultural awareness and appropriateness of planning is being increased.
- The text is being made more inclusive for people with mental illness who may not consider themselves as having a disability.

Roberta Opheim (OMHDD) stated she read there were many comments from stakeholders, but understands that the actual protocols are not changing and inquired if the questions were being changed. Alex Bartolic responded that the theme of the questions remain the same, but the way the questions are being asked was changed to clarify what is being asked and to gather the needed information.

Colleen Wieck (GCDD) stated she had reviewed the edits with DHS and felt they were all very well done and thanked staff for their work.

Roberta Opheim (OMHDD) asked if everyone has now gone through the person-centered planning process. Alex Bartolic stated that the focus is to make the needed improvements based on what was learned in the first year. She also stated that there is a big difference between telling people what to do to ensure that practices are actually changing.

Motion: Motion to approve revisions to the Person-Centered, Informed Choice and Transition Protocol.

Action: Motion – Wieck. Second – Kerschner. In Favor – All

d) Revisions to Subcabinet Procedures

Anne Smetak (Minnesota Housing) proposed changes to the Subcabinet Procedures, stating the revisions were an effort to revisit and update the procedures, originally adopted in March 2015 and revised in January 2016. She reviewed the following changes:

- The preamble was updated to reflect the most recent updates to the Olmstead Plan.
- The membership list was updated to better reflect the Subcabinet membership of the Ombudsman for the State of Minnesota Office of the Ombudsman for Mental Health and

Developmental Disabilities and the Executive Director of the Minnesota Governor's Council on Developmental Disabilities.

- Expectations regarding designees and designee alternates were clarified.
- The language clarifies the expectation that agencies will take appropriate steps to further progress on the Olmstead Plan goals and to comply with OIO Compliance procedures.
- Language was added to clarify distribution of meeting materials; regarding public comments at meetings; regarding the duties of the Olmstead Implementation Office related to compliance procedures; and regarding approval of workgroup membership by the Chair.

Colleen Wieck (GCDD) requested that the dates of original approval and subsequent revisions be included at the top of the Subcabinet procedures for archival purposes. Anne Smetak agreed to include this information.

Motion: Motion to approve revisions to the Subcabinet procedures.

Action: Motion – Acevedo.

Second – Opheim.

In Favor – All

e) Meeting and Travel Reimbursement Policy

Anne Smetak (Minnesota Housing) presented the proposed Olmstead Subcabinet Workgroup and Specialty Committee Meeting and Travel Reimbursement Policy. It was noted that there was a typographical error in the title of the policy; the word “workshop” should be “workgroup.” Ms. Smetak stated the policy stressing the importance of making meetings accessible and using technology and reasonable access, while providing for the reimbursement of some limited travel expenses. The structure of the policy allows for reimbursement of certain expenses for certain meetings with the approval of the Chair. Reimbursements may constitute mileage or payment for alternative transportation and, in some limited circumstances, hotel reimbursements. Ms. Smetak noted the policy was tied to the Subcabinet's authority and Executive Order to allocate resources as reasonably necessary to carrying out its work.

Rowzat Shipchandler (MDHR) inquired why reimbursement is limited only to certain meetings and inquired if there was a legal reason for not including a per diem. Anne Smetak acknowledged that the decision was due to both budgetary and legal considerations.

Colleen Wieck (GCDD) shared that Minnesota Statutes were passed under the previous administration that discuss methods for participating in meetings electronically and suggested the Subcabinet look to those statutes for guidance.

Commissioner Tingerthal stated that she was flexible with the policy and acknowledged that what had been presented was a first draft and it was possible the Subcabinet would be asked to make adjustments after the committees and workgroups began meeting. She acknowledged that staff was attempting to find a balance between budgetary concerns and access and if the policy is not the right balance, revisions can be considered. She added that reimbursements

were not previously available and the adoption of the policy is a step in the right direction. Commissioner Tingerthal also added that there are many facilities that provide videoconferencing which has not yet been utilized and it was her understanding that DHS has received a small grant to provide some technology linkages.

Roberta Opheim (OMHDD) stated it was her understanding that reimbursements would be provided for members of workgroups and not to the general public, and added that it was her understanding that a per diem cannot be paid unless where specified in law.

Lilli Sprintz (member of the public) shared with the Subcabinet her transportation challenges and inquired if medical transportation could be used for individuals who would like to attend meetings in person. Commissioner Tingerthal inquired if Ms. Sprintz was a member or proposed member of a workgroup and she responded she was not. Commissioner Tingerthal stated the policy was for members of workgroups and specialty committees only and suggested that Ms. Sprintz's question be considered by the Community Engagement Workgroup because it is in that group's charter to determine ways in which the level and frequency of meaningful input from people with disabilities can be improved.

Motion: Motion to approve the meeting and travel reimbursement policy as written.

Action: Motion – Opheim.

Second – Wieck.

In Favor – All

7. Informational Items

a) Status reports to Subcabinet

1. Abuse and Neglect Prevention Plan Specialty Committee

Mike Tessneer (OIO Compliance) reported that the process of identifying the co-chairs for the Specialty Committee is underway. He stated that Daron Korte (MDE) was asked to co-chair and an interview was scheduled with another potential co-chair. The co-chairs will be announced at the next Subcabinet meeting.

Roberta Opheim (OMHDD) stated that, the way the composition of the co-chairs is described would prevent her from being a potential co-chair of the committee. Mike Tessneer responded that the language was intended to include both Ombudsman for the State of Minnesota Office of the Ombudsman for Mental Health and Developmental Disabilities and the Executive Director of the Minnesota Governor's Council on Developmental Disabilities as persons eligible for membership and the language would be modified to make that clear. This was an information item. No action was needed.

2. Upcoming Public Comments on Person-Centered Planning

Darlene Zangara (OIO) reported that the Subcabinet will be seeking public comment on person-centered practices at the April Subcabinet meeting. People with disabilities, stakeholders, and community members are being invited to participate in a public comment period at the April 24, 2017 Subcabinet meeting, which will include 30 minutes for stakeholders to share their

perspectives and experiences regarding how person-centered practices are working. OIO staff is working strategically to promote the public comment period and individuals may provide comments in-person, by mail, phone, or email.

Commissioner Tingerthal added that the OIO is working on an overall plan to allow more opportunity for public comment because people have expressed frustration with having a short amount of time at the end of each meeting. OIO staff has identified months of the year during which there will be a less strenuous agenda and public comment on specific topics may be solicited for those meetings. Agencies will be made aware of the topics in advance.

Roberta Opheim (OMHDD) stated her appreciation for allowing more time for comment at certain meetings. She expressed concern that people may not understand they should come with specific comments and questioned how comments about other topics would be restricted. She added that there are many people who may require more time to get their thoughts and ideas out and she was concerned that two or five minutes may not be a sufficient amount of time for them to express themselves.

Darlene Zangara responded that there are three specific questions being asked: (1) what is working well with person-centered practices (2) what are some opportunities for improvement and; (3) what would you like the Subcabinet to know about your experience with person-centered practices. Announcements regarding the public comment period will include links to the DHS website on person-centered practices. Darlene Zangara asked that Subcabinet members remain an additional thirty minutes at the April meeting, if additional time is needed for public comment.

Roberta Opheim (OMHDD) suggested that DHS should consider handing out a simple document or postcard at the time the person-centered plan is being developed. She also suggested that questions need to be asked in a way that is measurable and scalable, suggesting multiple choice answers or selecting a number from a range of 1 to 10.

Darlene Zangara responded that the postcard was a great idea. She stated that a survey was being developed as an opportunity for people to provide additional input outside of attending the meeting. She added that the survey questions would be based on the model that DHS is using for person-centered practices and will allow them to rate from 1 to 5.

Ms. Opheim stated that, with the number of surveys that are going on, care should be taken about doing yet another survey.

Commissioner Hardy (DEED) suggested that the OIO partner with state agencies such as Vocational Rehabilitation Services and the Governor's Diversity and Inclusion Council, to expand the group of people who are notified of this opportunity. She asked that staff do a better job of targeting additional populations, like people of color, to ensure that it's not always the same voices being heard. She also asked that staff consider the feedback loop and what questions are

being asked, who is answering their questions, and how they will be answered. It is important that people know their concerns are being heard even if agencies may not go in the direction they've requested with respect to policy, processes, or programs. She also stated that there needs to be a common understanding of what is meant by successful person-centered planning.

Assistant Commissioner Claire Wilson (DHS) stated that DHS is in the beginning stages of person-centered planning and there is not yet full understanding in either the community or those who are charged with implementation. She added that it is important to be careful and considerate in thinking about the ways in which input is strategically solicited and there is a need to put some parameters around it so that the Subcabinet can hear from people who can share their experiences and the Subcabinet can do something constructive with that information. There are many person-centered principles in place to evaluate effectiveness, however there remains a gap between principle and practice.

Lilli Sprintz (member of the public) stated she would like for individuals impacted to be asked what they believe they need for resources in their lives and spoke specifically regarding elderly waivers. This was an information item. No action was needed.

b) Workplan Activities Requiring Report to the Subcabinet.

1) Report on Workplan Activity Person-Centered Planning 2B.4 – Effectiveness of person-centered planning principles and techniques.

Alex Bartolic (DHS) reviewed some of the workplan activities that had been occurring around person-centered planning, stating that person-centered planning should be a continuous process of hearing what is important to a person and for a person. Alex Bartolic shared the following:

- The system has services, programs, funding limits and requirements that are not always responsive to what a person wants. There are several goals related to these issues and one barrier that has been encountered is the need for training.
- There is a change in approach from helping people to understand and navigate the system to working with professionals to encourage them to spend more time with individuals to learn what is important to them.
- Training is needed for people doing assessments and case management.
- Tools need to be aligned with the protocols that have been developed.
- Implementation will take time.
- Effective person-centered work can happen only in a person-centered environment.
- Increased training is helping to provide a common vocabulary. People have been trained with lead agencies and providers to train others. Online trainings are also available and are helpful to open the door and educate professionals, people who use services, family members, and community members.
- Tools like the MnCHOICES assessment have been modified.

- A series of reforms have been set up to shape how to ask questions to be able to document what is important.
- An electronic support plan is being piloted that will help shape the discussion and shift it from a menu of services to what people want and need for support.
- Checks and balances have been built in, including questions in the assessment about how case managers and providers are meeting their needs.
- Staff has been working with the Institute on Community Integration to better understand what questions are the most meaningful. When asked consistently and well in different forums these questions will provide meaningful information.
- Focus groups have been held with people who use services, family members and case managers about the meaning of “person-centered planning.” It was found to be a very broad, conceptual idea that needed to be narrowed. A brochure has been developed in response that explains what is meant about choices, the authority to change your mind, and participation. The document is easy to use and explains what person-centered means in one’s life.
- Person-centered planning is about changing culture and practice and is a change that will take time. Changes in organizational policies can help advance the process.
- Staff will review public comments against the person-centered planning workplan to determine which activities are working and which need modification.

This was an information item. No action was needed.

2) Report on Workplan Activity Transition Services 3C.2 – Use of Technology for Home Assessment and Education Services.

Alex Bartolic (DHS) reported that DHS had contracted with an organization to look at the assessment process for receiving assistive technology. The Subcabinet received the report on this assessment that includes facts and figures about the process as well as success stories. Assistive technology has helped people make a number of different changes in their lives, like transition to more integrated settings. There is a need to understand what changes need to be made with Minnesota’s state Medicaid plan or waived services in order to better fund this type of assessment and service delivery, and also to understand the types of questions that need to be asked.

Commissioner Tingerthal (Minnesota Housing) inquired if there was a glossary for the program abbreviations used in the report and also requested context on the number of cases, for example, what percentage of people using the CADI waiver are receiving assistive technology assistance. She added that it is difficult to evaluate the outcomes when the total number of individuals is unknown.

Alex Bartolic (DHS) clarified that the report is about one particular provider and those served by that provider. There are others accessing assistive technology through other means.

Commissioner Tingerthal responded that the appropriate number for the total number of people should still be provided as context.

Lille Sprintz (member of the public) stated that some individuals receiving CADI waivers are being denied access to assistive technology and being told by counties that they do not need assistive technology.

This was an information item. No action was needed.

3) Report on Workplan Activity Healthcare and Healthy Living 4C – Recommendations for Measuring Health Care Outcomes.

Jeff Schiff (DHS) reviewed that one of the strategies under the Healthcare and Healthy Living goals is to develop and implement measures for health outcomes. There are current measures in the Plan are around cancer screening and cardiovascular outcomes.

DHS is proposing five potential measures that could be used for evaluating health outcomes.

- Follow-up after hospitalization for mental illness, because this transition period is a significant concern.
- Initiation and engagement of alcohol and other drug dependence treatment with the desired outcome that people receive the services they need at times of transition.
- Plan all-cause readmission, which looks at people who are discharged and return to the hospital within 30 days.
- Hospitalization for potentially preventable complications, which is an opportunity for people to not return to the hospital for issues that could have been prevented with better outpatient care.
- Adult public program enrollees seeking non-traumatic dental care from the emergency room or people using the emergency room for care that could have been provided by a primary care dentist.

Colleen Wieck shared that she has followed health care outcomes literature for people with disabilities and she was having difficulty connecting the recommendations to what she has seen in the literature. She inquired about the evaluation and the logic to reach the selection of these five outcomes rather than other possible outcomes. She also inquired if these outcomes were replacing other health care outcomes that were being measured. She cautioned that, before any baselines or measurements were established, time should be taken to ensure the outcomes selected are the most important ones.

Jeff Schiff (DHS) responded that the selected measures were based on where the disparity is the greatest. He also stated that he would like to set up a time to discuss her concerns and the literature on the issue.

Alex Bartolic (DHS) responded that staff put the measures and the goals together based on where the disparities were the greatest and measures were looked at internally.

This was an information item. No action was needed.

8. Public Comment

- Lilli Sprintz (member of the public) reported she has concerns regarding the lack of Personal Care Attendant (PCA) services. She also discussed challenges with the Metro Mobility service, including the need for intercultural training, the need for additional funding, and the system needing more vehicles and drivers.
- Rachel Rennie and John Rennie (members of the public) reported they would like action taken to allow the use of paid Personal Care Attendant (PCA) services during periods of hospitalization. The Rennicks stated that allowing the use of PCAs during hospitalization would allow for better patient outcomes and would not incur additional costs, as the services are already budgeted for in an individual's care plan and would be provided if they were not hospitalized. The Rennicks described personal experiences with a family member's hospitalization that they felt would have had better outcomes had his PCA been available and asked that the State consider an amendment to the 1915C waiver plan to allow PCA services to be provided in hospital settings.

Colleen Wieck (GCDD) stated that this might be something to include in the public comment for the 1915c waiver.

Roberta Opheim (OMHDD) stated her agreement with this suggestion and acknowledged it is a challenging process to make such an amendment.

Claire Wilson (DHS) stated she would be happy to talk after the meeting with The Rennicks.

9. Adjournment

The meeting was adjourned at 11:10 a.m.

Motion: Adjournment. Action: Motion – Tingerthal. Second – Wieck. In Favor – All