

Olmstead Subcabinet Meeting Minutes

Monday, July 23, 2018 • 3:00 p.m. to 4:30 p.m.

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

1) Call to Order

Action: N/A

Commissioner Tingerthal welcomed everyone and provided meeting logistics.

2) Roll Call

Action: N/A

Subcabinet members present: Mary Tingerthal, Minnesota Housing; Colleen Wieck, Governor's Council on Developmental Disabilities (GCDD)

Designees present: Claire Wilson, Department of Human Services (DHS); Jeremy Hanson Willis, Department of Employment and Economic Development (DEED); Gil Acevedo, Minnesota Department of Health (MDH); Deb Kerschner, Department of Corrections (DOC) and Rowzat Shipchandler, Minnesota Department of Human Rights (MDHR); Tim Henkel, Department of Transportation (DOT)

Guests present: Mike Tessneer, Rosalie Vollmar, Darlene Zangara, Diane Doolittle, Sue Hite-Kirk and Shannon Eckman, Olmstead Implementation Office (OIO); Megan Ryan (Minnesota Housing); Erin Sullivan Sutton, Sarah Knoph, Adrienne Hannert and Alex Bartolic (DHS); Marikay Litzau, Emily Jahr, Monica Rasmussen and Holly Anderson (MDE); Maura McNellis-Kubat (Office of Ombudsman for Mental Health and Developmental Disabilities); Darielle Dannen and Steven Kuntz (DEED); Stephanie Lenartz, Martha Burton Santibanez and Nicole Stockert (MDH); Kristie Billiar (DOT); Christina Schaffer (MDHR); Joan Willshire (Minnesota Council on Disability); Erica Klein (Management Analysis and Development); Gerri Sutton (Met Council); Pamela Hoopes and Hannah Camilleri (Minnesota Disability Law Center); Alicia Munson (The Arc Minnesota); Mary Kay Kennedy (Advocating Change Together); Dan Rietz (TSE Inc.); Todd Kemery (Paralyzed Veterans of America); Melika Fahmy, David Fredrickson, Judy Harris, Katie Hoffman and Staci McIntyre (Lutheran Social Services); Beth Tollefson and Julie Manworren (Living Well); Chet Tschetter and Julie Kramme (Institute on Community Integration); Natalie Kallas (Accra Care); Jane McClure, Tim Benjamin and Chris Immel (Access Press); Chris Serres (Star Tribune); Kelly Kausel, Jane Strauss, Carla Friese, Dorothy Lund, Lindalee Soderstrom, Michelle Lacy, Patricia Hoy, Mohamed Moursi-Alfash and Jeff Bangsberg (members of the public)

Guests present via telephone: Anni Simons, Barbara Kleist and Kim Pettman (members of the public)

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

3) Agenda Review

Commissioner Tingerthal asked if there were any changes needed to the agenda. She reminded any attendees interested in providing public comment to sign up in the back of the room.

4) Approval of Minutes

a) Subcabinet meeting on June 22, 2018

Commissioner Tingerthal asked if there were any changes needed to the June 22, 2018 Subcabinet meeting minutes. No edits were requested.

Motion: Approve June 22nd Subcabinet meeting minutes

Action: Motion - Henkel

Second – Wieck

In Favor - All

5) Reports

a) Chair

Commissioner Tingerthal provided a brief summary of the Status Conference:

- Status conference was held by the Court on July 12th on both Olmstead and the underlying Jensen litigation.
- Present were Commissioner Tingerthal, OIO staff, Daron Korte (MDE), Chuck Johnson (DHS), and other DHS staff and attorneys. Also present were Colleen Wieck (GCDD) and Roberta Opheim (OMHDD) in their roles as consultants to the Court.
- The Court was provided an update on Olmstead, including:
 - An update on actions taken since the last status conference in December 2017.
 - Notable areas of success and areas that need improvement, which incorporated data reported in the December 2017 Annual Report, the February and May 2018 Quarterly Reports.
 - Update on the Quality of Life Baseline Survey and the next steps in that process.
 - An overview of the process used to revise the Olmstead Plan, adopted in March 2018.
 - The ongoing strategic review process.
- The expectation is that there will be another status conference in six months.

b) Executive Director

Darlene Zangara (OIO) provided an update on the Community Engagement Workgroup. A report on the status of the Quality of Life Survey is included in agenda item 7a6.

c) Legal Office

No report.

d) Compliance Office

No report.

6) Action Items

a) Direct Care/Support Workforce Report recommendations (PC 4B.1a)

Commissioner Tingerthal introduced the next item and clarified that the action to be taken by the Subcabinet at this meeting is to accept the report. In September, the agencies will present an implementation plan and workplan to the Subcabinet for review.

Members of the workforce workgroup gave a presentation on the recommendations related to the workforce shortage report. The presentation included a PowerPoint presentation.

Presenters were: Linda Wolford (DHS), Dena Belisle (PCA provider and Parent Advocate), Jeff Bangsberg (Disability Advocate) and Dan Newman (DHS).

Questions/Comments:

- Commissioner Tingerthal expressed her gratitude to the workgroup for the detail, time and thoughtfulness put into the rankings and the overall high quality work. It is noted that the review of recommendations at this meeting are only the *highest* ranking recommendations. All participants of the workgroup are listed in the report beginning on page 65 of 130 of the Subcabinet packet.
- Deputy Commissioner Shipchandler (MDHR) also expressed her thanks for the very thorough report and the workgroup's time. She asked if the committee looked at other states that might be making progress in this area.

Linda Wolford (DHS) indicated that they had reviewed other states. Maryland is going through a similar process. New York passed some legislation on complex care which developed a tiered system with people with higher needs getting a higher reimbursement level. However, it may be limited to people with developmental disabilities. The University of Minnesota Research and Training Center assisted with some of the research of other states for the workgroup.

Jeff Bangsberg added that the state of Ohio brought in a tiered rate structure and raised the rates two dollars an hour to deal with the crisis. North Dakota pays their workers \$16 to \$20 per hour.

Linda Wolford (DHS) further stated that Minnesota's reimbursement rate for a PCA is \$17.40 an hour. That goes to the agency and PCAs get paid out of that amount.

- Assistant Commissioner Wilson (DHS) thanked the workgroup for their work which far exceeded expectations in terms of depth of the outline. She also thanked those providing public comment. She further stated that recommendations will be addressed and DHS will consider where these strategies align with the Olmstead workplans and how they inform us in the plan for transition in the coming year. DHS will seriously look at internally what can be done from a policy, legislative and community collaboration standpoint, but also how DHS can support this work outside of the agency.
- Deputy Commissioner Hanson Willis (DEED) thanked the workgroup and everyone involved. DEED also takes this seriously and will be an active partner. Some of the largest legislative requests in recent years have been specifically in this area. This is a huge crisis facing our state because it affects people with disabilities and the rapidly aging older population.

Public Comment:

Commissioner Tingerthal had those who signed up for public comment speak to the Subcabinet on this agenda item.

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

Michelle Lacy (member of the public)

Michelle indicated she has cerebral palsy and is a recipient of PCA services. She has needed more and more assistance over the years. Highlights of her testimony included:

- It is difficult to find PCAs to cover extended hours.
- It is even more of a struggle with the low pay the PCAs receive.
- She prefers to stay in her home and be as independent as she can be.

Carla Friese (member of the public)

Carla stated she is a quadriplegic and receives PCA services. She expressed appreciation for the workgroup. Highlights of her testimony included:

- To remain independent, difficult choices need to be made just to survive.
- Some people are moving to PCA traditional services through an agency from PCA choice because it is too exhausting to find staff on their own.
- Some agencies are telling clients they need to go to a different agency due to overtime which they cannot bill
- There is a shortage of caregivers
- There is a need to increase reimbursements for PCAs

Jane Strauss (member of the public)

Jane stated she is a parent of a 20 year old son with multiple disabilities. She provided a written copy of her comments to Subcabinet members. Her comments will be filed appropriately. Highlights of her testimony included:

- Male PCAs are a challenge to find.
- She quit her day job because care for her son was not consistent or reliable.
- Many profiles on Direct Support Connect system have no names attached to them.
- Her son cannot stay in the community unless an appropriate PCA is found.

Todd Kemery (Paralyzed Veterans of America)

Todd stated he is a quadriplegic and is service connected and receives health care through the Veteran's Administration. Highlights of his testimony included:

- PCA problems for veterans is the same as others have stated today.
- He encourages the Subcabinet to take into consideration the PCA concerns expressed.

Motion: Accept the recommendations in the report. An implementation plan and workplan will be up for review by the Subcabinet at the September meeting.

Action: Motion – Wieck

Second – Wilson

In Favor – All

b) Workplan Compliance Report for July

Commissioner Tingerthal (Minnesota Housing) reported that 49 workplan activities were reviewed. There are no exceptions to report. The list of activities reviewed is attached to the Workplan Compliance report.

Motion: Approve July Compliance Report

Action: Motion – Hanson Willis

Second – Henkel

In Favor - All

7) Informational Items and Reports

a) Workplan activity reports to be presented to Subcabinet

1) Person-Centered Planning 1H/1I – Annual report on training activities and tools (DHS)

Alex Bartolic (DHS) presented the report to the Subcabinet. There were no questions.

2) Employment 5A.5 – Semi-annual report on impact of WIOA (DEED)

i. Vocational Rehabilitation Services (VRS)

ii. State Services for the Blind (SSB)

Darielle Dannen (DEED) presented these two related reports to the Subcabinet.

There were no questions.

3) Preventing Abuse/Neglect PR2 1D – Public education campaign (MDH)

Nicole Stockert (MDH) presented the report to the Subcabinet. There were no questions.

4) Preventing Abuse/Neglect PR2 2A – Quarterly report on ICFs/IID citations (MDH)

5) Preventing Abuse/Neglect PR2 2B – Quarterly report on SLFs citations (MDH)

Nicole Stockert (MDH) presented these two related reports to the Subcabinet.

Questions/Comments

Colleen Wieck (GCDD) stated that the previous presentation on the workforce shortage talked about the possibility of collecting data about hospital admissions due to inadequate staffing. In the past, MDH has reported that one or two hospitals demonstrated a good way of reporting abuse. Are there lessons learned from these reports that could assist the workforce workgroup with collection of that data? Ms. Stockert responded that she would connect with someone on the workforce workgroup to follow up.

6) Quality of Life Survey 5C – Monthly report on survey implementation (OIO)

Darlene Zangara (OIO) presented the report to the Subcabinet. There were no questions.

b) Workplan activity report to be reviewed by Subcabinet

The remaining reports were not presented to the Subcabinet. Agency staff were available to answer any questions from the Subcabinet. No action was needed at this time.

1) Community Engagement 1D/1E – Quarterly report on community contacts (OIO)

2) Preventing Abuse/Neglect PR3 2A – State Quality Council strategies (DHS)

3) Preventing Abuse/Neglect PR4 3E – Annual report on school districts and mandated reporter training (MDE)

8) Public Comments

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

Kim Pettman (member of the public)

Kim stated the phone connection was not very good and that she prefers public comment at the beginning of the meeting. After the Subcabinet meeting Kim provided an email outline with links related to her public comments. The outline will be filed appropriately. Highlights included:

- Hospitals and clinics often are unaware of ADA, Section 504.
- She recommended again, that ADA certification training program be implemented.
- She recommended that the Odyssey Conference, which is held every two years in Duluth, be rotated to different locations to be more inclusive of people with disabilities.
- Minnesota Council on Transportation Access and Regional Transportation Coordinating Councils are good examples of public participation.
- Quote: "Those closest to the problem are closest to the solution." (author unknown)

Linda Soderstrom (member of the public)

Linda provided an email outline of her public comments after the Subcabinet meeting. The outline will be filed appropriately. Highlights included:

- Individuals in subsidized housing are at risk of losing their homes. She has lost her home twice and currently has had to move 100 miles out of the Metro area to find affordable housing.
- Renters, tenants, and owners were not appointed to the Governors Housing Task Force (GHTF), however, she attended the meetings.
- She recommends that individuals impacted by Olmstead be at the table vs. attending meetings as guests, panelists and visitors

Commissioner Tingerthal thanked Lindalee for her attendance at the Governor's Task Force on Housing meetings. This task force has heard many comments on the increasing difficulty of finding rental properties in the open market that will accept various kinds of rental vouchers. This will be included as one of the recommendations.

Darlene Zangara (OIO) commented that information about what has been learned from the Task Force will be reported on in August. Announcements will be provided through Facebook and the OIO newsletter.

9) Adjournment

Commissioner Tingerthal adjourned the meeting at 4:30 p.m.

Next Subcabinet Meeting: August 27, 2018 – 3:00 p.m. – 5:00 p.m.

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