# MSCOD EXECUTIVE COMMITTEE MINUTES

MSCOD OFFICE

121 E. 7th Pl. Suite 107, St. Paul, MN 55101

November 17, 2016

(APPROVED 1/19/2017)

## ATTENDANCE

Dean Ascheman– in office

Jim Thalhuber – in office

Nate Aalgaard – via phone

Kathy Peterson – via phone

Staff present Joan Willshire, George Shardlow and Shannon Hartwig

## CALL TO ORDER

Jim Thalhuber council chair called the meeting to order at 2:35 p.m.

## APPROVAL OF AGENDA AND MINUTES

Dean Ascheman motioned for approval of the agenda; it was seconded by Kathy Peterson. It was approved by unanimous voice vote.

Dean Ascheman motioned for approval of the minutes of the September 15, 2016 meeting. Kathy Peterson seconded the motion. It was approved by unanimous voice vote.

## Legislative update

Session starts January 3, 2017 Joan Willshire, George Shardlow, and Jim Thalhuber provided information on the MSCOD Policy Agenda, details of the agenda are as follows:

## 5-LEGACY PROPOSALS.docx:

### LEGACY PROPOSALS

#### Proposal 1: Partnership with the Department of Natural Resources

Many parks and trails around the State remain inaccessible. While the DNR has begun making improvements, as it engages in other renovations, more progress needs to be made. Proposal 1 would entail partnering with DNR to do a complete audit of the State system, similar to the one completed in the early 2000s. MSCOD would help facilitate the process, overseeing a statewide committee charged with recommending improvements to bring facilities into ADA compliance.

#### Proposal 2: Intergenerational engagement on the ADA

As we get further away from the passage of the ADA, there is a lack of awareness among young people with disabilities about what life was like before it passed and what went into securing its passage. Proposal 2 would fund an intergenerational project that would not only teach young people about the ADA but also teach them about advocacy and community organizing. The project would also involve developing a curriculum, modeled on the project, that could be used in subsequent years.

And

## 4-LEGISLATIVE RECOMMENDATIONS 2016.docx:

### 2016 LEGISLATIVE RECOMMENDATIONS

#### TIER A: Active lobbying

##### Major policy:

* **Agency expansion:** Adding ADA Coordinator, Digital Communications Coordinator and Document Remediation Specialist to our base budget
* Structural improvements: In addition to adding staff, MSCOD’s budget request included structural improvements and a move into new, more accessible office space. We requested new office furniture and other improvements that will allow us to better accommodate staff and the public.

**Biennial cost: $469,040**

* Digital Communications Coordinator: This position is currently a member of our staff. Position has been temporary and funded on an ad hoc basis, for three years. Labor standards dictate that position has to become permanent, but is not currently a part of our salary base. The demand for these services has increased exponentially and will only continue to grow as the DOJ begins enforcing digital accessibility standards.[[1]](#footnote-1)

**Biennial cost: $58,960**

* ADA Coordinator: In the 2016 legislative session, MSCOD received a one-time appropriation to fund an ADA. The purpose of the position is to proactively engage public and private stakeholders on issues of accessibility, through trainings around the state and by providing technical guidance. This is also part of our succession plan for our Accessibility Specialist.

**Biennial cost: $178,350**

* Document Remediation Specialist: While our Digital Communications Coordinator is currently able to provide technical assistance on matters of digital accessibility, we lack the capacity to do the level of actual document remediation that is needed to help bring the State into full compliance. We are asking for a 0.5 FTE to focus solely on document remediation.

**Biennial cost: $86,100**

* **Governor’s Taskforce on Self-driving Vehicles**: During the 2016 legislative session, MSCOD advocated for the creation of a Governor’s taskforce to craft policy recommendations in anticipation of the arrival of self-driving cars, along with $250,000 for a pilot project. In the coming session, MSCOD’s intent is to focus solely on the creation of the Governor’s taskforce. Staff believes that there is incredible potential for self-driving cars to dramatically increase mobility for people with disabilities.
* **ADA Restroom Access for hospitals, transitional care units and nursing homes:** Of all public facilities, it is most imperative for those providing healthcare to be fully excessive. MSCOD proposes added penalties for those facilities found to be out of compliance with the ADA and State Accessibility Code.
* **Accessible housing floor plans for 55+ communities:** With the aging of Minnesota’s population, more and more individuals are moving to senior living facilities. In the case of senior housing developments and sub-divisions, residents are presented with a set option of blue prints. In many cases, none of the options are truly accessible. MSCOD proposes that the state set in statute that at least one blueprint be an accessible design.
* **Safe Patient Handling[[2]](#footnote-2):** In 2008, MSCOD worked with partner organizations to pass a law that required healthcare providers to set up plans for safe patient handling. Eight years later, Minnesotans with disabilities continue to encounter examination rooms that are not accessible and service providers who clearly do not have plans in place. MSCOD proposes to increase the penalty for those facilities that are not in compliance.

##### Technical fixes:

* **Removing minor from disability plates legislation[[3]](#footnote-3):** Currently, disability plates legislation specifies that once a person is no longer a minor, their name must be on the title. By removing the word “minor” from statute, it would allow the parent or caretaker of a person with a disability to continue to use disability plates, even after the individual turns 18.
* **Removing outdated language from the State Access legislation (accessibility of public buildings[[4]](#footnote-4)):** The current language in the State Access legislation violates the Americans with Disabilities Act. The statute says that older facilities do not need to be remodeled, but only need to meet the accessibility standards in place at the time of construction. MSCOD proposes to modify statute language to bring it into conformity with federal guidelines in requiring public accommodation of persons with disabilities in all state facilities.

#### TIER B: Testifying and supporting as needed (Other orgs lead)

* **Misrepresentation of service animals:** In response to pressure from veterans groups in his area, Representative Marquardt is considering proposing legislation to increase the penalty for misrepresenting one’s animal as a service animal. Few details are known about the proposal, at this date.
* **Physical Therapists authorized to issue disability parking approval (PTA)[[5]](#footnote-5):** One of the major themes that emerged from our Disability Parking Survey was the desire to give physical therapists the authority to issue disability parking certificates. The Physical Therapy Association is leading an effort to reform the statute to include physical therapy professionals. MSCOD would provide testimony, technical guidance and written support, as needed.
* **Governor’s Council on Law Enforcement and Community Relations:** MSCOD has been asked to be a part of the Governor’s Council on Law Enforcement and Community Relations. In that capacity, we are advocating for increased training on engaging with individuals with mental health issues and other disabilities. We will support proposals that emerge from the Council and advocate further as needed.

#### TIER C: Nominal support

* **MA Reform: Raising spenddown limits (MN-CCD):** The Minnesota Consortium for Citizens with Disabilities will be lobbying this year to raise the Medical Assistance spenddown limit from 80% to 85% of the Federal Poverty Guideline. Many Minnesotans with disabilities are currently caught in a cycle of poverty, in which they begin to rise out of poverty and consequently lose eligibility for Medical Assistance. This bill would raise the asset limit to $10,000, allowing Minnesotans with disabilities to build wealth and rise out of poverty in a sustainable way.
* **Special hunt amendment (NW-CIL):** Currently, there is a provision[[6]](#footnote-6) in place to allow certain Minnesotans with disabilities to hunt from their car. The Northwest Centers for Independent Living is interested in expanding access to this special hunt provision. Currently, to be approved, individuals must either be Social Security recipients or have a doctor’s certification of disability. Advocates argue that seeking a medical doctor’s statement of disability should only be sought when no other program or service that is disability dependent is received by the hunter with a disability.

**ACTION:** A motion was made by Kathy Peterson to move the Policy Agend forward to the Full Council meeting which will be held on December 1, 2016. Including the edits recommended by the group. This is a working document. The motion was seconded by Dean Ascheman. It was approved by unanimous voice vote.

## Future Meeting Planning

The group reviewed the draft December 1, 2016 Full Council meeting agenda, Shannon will edit the document and send out for the next full council meeting.

## Nominations Committee/Council member Update

The ballots for the nominations committee have been prepared, and will be sent out with the Full Council mailing packet. Council Member Kathy Wingen asked to resign from the Employment Committee, she is currently the Chair person for that committee. She would like to stay on as a council member, but feels the need to resign due to other commitments. The group discussed the need to follow up with Kathy Wingen and confirm if she would like to have her name removed from the Executive committee ballot as well. Dean Ascheman and Shannon Hartwig will follow up, and report to the next Executive Committee meeting.

## Executive Director Report

Joan Willshire requested approval of Council member Andrea Bejarano-Robinson to attend meetings at MDE. Andrea Bejarano-Robinson is already attending the meetings, and we would allow her to claim per-diem and expenses for attending. Andrea Bejarano-Robinson will be expected to report back to the council, at this time we do not have a member attending the MDE meetings. This would be on a tentative trial basis.

**ACTION:** Kathy Peterson motioned to approve Council Member Andrea Bejarano-Robinso to attend the MDE meeting on a trial basis, including per-diem, and travel expenses related to attending the meetings. Dean Ascheman seconded the motion. It was approved by unanimous voice vote.

## Other Business

Motion for Staff and Council members to attend the MN Department of Human Rights Symposium, which will be held on December 8th, in St. Paul, MN.

**ACTION:** Nate Aalgaard motioned to approve staff members to attend the MN Department of Human Rights Symposium including registration fees and other expenses related to attending the event. Dean Ascheman seconded the motion. It was approved by unanimous voice vote.

## ADJOURNMENT

Dean Ascheman motioned to adjourn; Nate Aalgaard seconded. The chair adjourned the meeting at 4:35 p.m.

Respectfully submitted,

Shannon Hartwig

1. As evidenced by Dudley and United States v. Miami University et al. (2016): [Consent Decree Case No.: 1:14-cv-38](https://www.ada.gov/miami_university_cd.html) (https://www.ada.gov/miami\_university\_cd.html) [↑](#footnote-ref-1)
2. Minnesota Statute 182.6554 [↑](#footnote-ref-2)
3. Minnesota Statute 168.021 [↑](#footnote-ref-3)
4. Minnesota Statute 326B.106 2015 [↑](#footnote-ref-4)
5. Minnesota Statute 169.345 subd. 2 [↑](#footnote-ref-5)
6. Minnesota Statute 97B.111 [↑](#footnote-ref-6)