# MSCOD COUNCIL MEETING

Thursday December 1, 2016

MSCOD Lower level room 2

121 East 7th Place Suite 107

St. Paul, MN 55101

## AGENDA

* Call to order & Introductions
* Legislative Updates -Speakers from partner agencies on key issues:
* Susie Schatz- Lutheran Social Services MN/MNCCD
* Heidi Hamilton-DHS
* Leili Fatehi-Self-driving US
* Randy Morris-Physical Therapists Association
* Approval of Agenda & Minutes
* 2017 Public Policy Agenda
* Committee Updates
* Executive Committee Nominations
* Chair’s Report
* Executive Director’s Report
* Other Business
* Public Comment
* Adjourn

## CALL TO ORDER & INTRODUCTIONS

Council Chair, Jim Thalhuber called the meeting to order at 10:07 a.m. Council members present in person: Jim Thalhuber, Dean Ascheman, Nancy Fitzsimons, Kathy Peterson, Lauren Thompson, Brian Bonte, Carlos Vazquez and Andrea Bejarano-Robinson. Council members present via phone: Nate Aalgaard, Nancy Rosemore, Amber Madoll, Hilary Hauser and Ted Stamp Absent were Kathy Wingen, Dave Schwartzkopf and Shaneen Moore.

Ex-officios present: Jill Keen, Joani Werner, Heidi Hamilton, Famina Ajay-Hackworth and Annette Toews.

Staff members present: Joan Willshire, Margot Imdieke Cross, David Fenley, Chad Miller, Linda Gremillion, Stuart Cross, George Shardlow and Shannon Hartwig.

## APPROVAL OF AGENDA & MINUTES

Brian Bonte motioned for approval of the agenda. Dean Ascheman seconded the motion. The motion was unanimously passed by roll call vote.

Brian Bonte motioned for approval of the minutes for the September 29, 2016, full council meeting. Dean Ascheman seconded the motion. The motion was unanimously passed by roll call vote.

## LEGISLATIVE UPDATE

2017 Public Policy Agenda. The morning session started with guest speakers.

Speakers from partner agencies on key issues:

* Susie Schatz- Lutheran Social Services MN/MNCCD
* Heidi Hamilton-DHS
* Leili Fatehi-Self-driving US
* Randy Morris-Physical Therapists Association
* Approval of Agenda & Minutes

Staff presentations on MSCOD issues:

* Joan Willshire
* Margot Imdieke Cross and David Fenley update on TAAC
* George Shardlow
* Linda Gremillion

## 6-LEGISLATIVE RECOMMENDATIONS 2016.docx

### 2016 LEGISLATIVE RECOMMENDATIONS

#### TIER A: Active lobbying

1. Agency budget requests:

##### Structural improvements and operational costs:

In addition to adding staff, MSCOD’s budget request included structural improvements and a move into new, more accessible office space.

SEE ATTACHED

##### Staffing:

**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.

**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**

2. 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.

##### Technical fixes:

* **Removing minor from disability plates legislation[[2]](#footnote-2):** 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[[3]](#footnote-3)):** 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 A-2: Accessibility Outreach, Education and Monitoring

1. **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 accessible. MSCOD proposes added penalties for those facilities found to be out of compliance with the ADA and State Accessibility Code.
2. **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.
3. **Safe Patient Handling[[4]](#footnote-4):** 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.

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

* **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 (My Options):** 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.
* **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.

### ATTACHMENT: OPERATIONAL COSTS

Table 1: Operational Costs

| ****Dates**** | ****Type of Measure**** | ****Name of Measure**** | ****Anticipated**** |
| --- | --- | --- | --- |
| FY2018 | Office space lease/including bringing space into ADA compliance | Rent | $109,000 |
| FY2019 | Office space (refer to Office space lease) | Rent | $111,500 |
| FY2018 | Financial/ Furniture (one-time biennial) | New or used/ space redesign/chairs | $37,500 |
| FY2019 | Financial/ Furniture (one-time biennial) | New or used/ space redesign/chairs | $37,500 |
| FY2018 | Financial/ Salaries/projected | Salaries (includes securing digital accessibility position into our base) | $503,732.55 |
| FY2019 | Financial/ Salaries/projected | Salaries | $512,567.07 |
| FY2018 | IT Costs | IT | $24,000 |
| FY2019 | IT Costs | IT | $24,000 |
| FY2018 | Financial/Succession: .5 FTE | Pro-plan/knowledge transfer and continuity of operations | $63,000 |
| FY2019 | Financial/Succession: .5 FTE/ assume %5 increase | Pro-plan/knowledge transfer and continuity of operations | $66,150 |
| FY2018 | Financial/Retirement (one-time) | Salary Payout Margot Imdieke Cross | $18,000 |

**ACTION:** Andrea Bejarano-Robinson motioned for approval of the Public Policy Agenda. Brian Bonte seconded the motion. The motion was unanimously passed by roll call vote.

## COMMITTEE UPDATES

Access Committee update was presented by Margot Imdieke Cross and Nate Aalgaard. The group is working on updating the Disability Position paper. Employment Committee, George Shardlow gave a brief review of the progress the committee has made working on the Employment position papers. Both groups will continue to work on the position papers.

## Executive Committee Nominations Committee

Ballot were sent out prior to the meeting. There were four names on the ballot for the Executive Committee Hilary Hauser, Dean Ascheman, Kathy Peterson and Nate Aalgaard. Hilary Hauser, Kathy Peterson and Nate Aalgaard requested to withdraw their names for the Vice Chair seat. Dean Ascheman Accepted the seat, as there were no other interested parties.

**ACTION:** Carlos Vasquez motioned for approval to move forward with the four names on the Executive Committee ballot, and Dean Ascheman as the only name on the Vice Chair Ballot. Kathy Peterson seconded the motion. The motion was unanimously passed by roll call vote.

## CHAIR’S REPORT

Jim Thalhuber provided a report that the budget is on track. Our next Full Council meetings will be January 26 2017 and June 8, 2017

## EXECUTIVE DIRECTOR’S REPORT

Executive Director Joan Willshire gave a brief review of the following items, Mn Department of Human Rights Symposium will be on December 8th, SMaRT will be holding a Conference that day too, but we are planning on attending the Human Rights Symposium. We have four council members who will need to apply with the SOS office if they would like to serve. Shannon will send out the information to members and report back on the progress at a later date.

## Other Business

Andrea Bejarano-Robinson reported she will be part of a community event at the State Capitol on January 11, 2017, she will send out more information. Jill Keen provided information about the grand opening of the MN Department of Human Rights office in St. Cloud. David Fenley will be reaching out to council members and ex-officio’s about trainings that will be offered around the state. The Legislative forum will be held on December 5th at 444 Lafayette and also available online.

## PUBLIC COMMENT

There was no public comment.

## ADJOURN

Nancy Fitzsimons motioned to adjourn; Brian Bonte seconded the motion. It was passed unanimously. The chair adjourned the meeting at 2:02 p.m.

Respectfully submitted,

Shannon Hartwig

1. As evidenced by Dudley and United States v. Miami University et al. (2016): <https://www.ada.gov/miami_university_cd.html> [↑](#footnote-ref-1)
2. Minnesota Statute 168.021 [↑](#footnote-ref-2)
3. Minnesota Statute 326B.106 2015 [↑](#footnote-ref-3)
4. Minnesota Statute 182.6554 [↑](#footnote-ref-4)
5. Minnesota Statute 169.345 subd. 2 [↑](#footnote-ref-5)
6. Minnesota Statute 97B.111 [↑](#footnote-ref-6)