

## Legislative Forum on Disability - EXECUTIVE SUMMARY

**December 3, 2018 1:00pm to 3:00pm**  
**Minnesota Senate Building, Hearing Room 1150**  
**Call-in option: 651-284-6475**

**Event organizer: Kody Olson, Public Policy Director, Minnesota Council on Disability**  
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### Policy Presentations

#### **1:00: Welcome and policymaker introductions - Joan Willshire**

- Minnesota Council on Disability is celebrating its' 45<sup>th</sup> year as a state agency
- Statutory charge ranges from building code and accessibility, transportation, transit, employment barriers, emergency preparedness, Olmstead issues, and anything that covers accessibility

#### **1:05: 2019 Legislative Session - Senator Jerry Relph**

- Sits on Senate Human Services and Judicial Committee
- Vice-chair of Senate Aging and Long-term Care Committee
- Working on policy area of complex PCA (personal care assistance)
  - Sponsored legislation that will change requirements and lower it to ten hours, which will open up a larger number of people who will be eligible for higher pay rate
  - Increase the rate by 125% for people who qualify
  - Was swallowed in large omnibus bill in 2018 legislative session
- Also working on Disability Waiver Rate System (DWRS)
  - Tremendous blow from Centers for Medicare and Medicaid Services (CMS) 7% cut
- Workgroup for workforce shortage
  - Looking for solutions in Human Services in home and community-based care, disability care, and general delivery of care
  - Creative solutions regarding: number of people, compensation, pathways, and career ladder
  - "Credit" for services in care
- Dakota County Pilot Program

- Interagency collaboration for delivery of services
- Mental Health
  - Data sharing presents barriers from HIPAA and other privacy requirements make it difficult to share information regarding people and conditions they have
  - Law enforcement interactions and criminal justice issues
- Crisis and Medical Care
  - Can't continue to warehouse people in emergency rooms- just doesn't work
  - Capital Improvement Committee authorized \$45 million to look into crisis centers and build them
  - Provide interim care for people who have been brought in on a 72-hour hold or other hold where they are dealing with a mental health issue

### **1:15: Minnesota Human Rights Department - Commissioner Kevin Lindsey and Scott Beutel**

- Department investigates complaints of discrimination- disability discrimination is most common
- Employment opportunities for people with disabilities a significant issue
  - Department monitors state contractors- asking all what efforts they do to hire people with disabilities
  - Audits went from 20-25 annual to about 500 annual during Dayton administration
  - Contractors were eagerly paired with state Vocational Rehabilitation services
  - Promoting diversity and inclusion councils, boards, and commissions to ensure people with disabilities have a voice in the development of public policy
  - Participate at [MN.gov/Olmstead](http://MN.gov/Olmstead)

### **1:25: Olmstead Office and Department of Human Services - Darlene Zangara, Heidi Hamilton**

- Olmstead Office
  - Completed it's 3 year strategic review
  - Annual plan amendment process- public input begins on Dec. 20 through Jan. 31
  - Second round of public input is from Feb 26 to March 11 focusing on specific amendments proposed
- Department of Human Services
  - Workforce is a significant policy focus
    - Interested in collecting data
  - Discussions around establishing rate framework based on costs and not historical artifact
  - DWRS rates should have a framework to keep pace with economic needs of people and supporting people
  - Streamlining and simplifying home and community-based service waivers for people with disabilities

- Legislature authorized Department of Human Services to conduct 2 studies in 2017
      - First is reconfiguring disability home and community based services waivers and the other related to establishing individual budgeting methodology for all the services, including CDCS but not just CDCS
      - contracted with an entity to conduct those studies and we combined them into a single study called the Waiver Reimagine Project
      - Report will be issued in January with recommendations including a 2 tiered waiver system instead of 4
  - Working to make MnChoices more streamlined and effective in determining what services people need
  - Electronic visit verification
    - Federal requirement to verify that PCA services have been delivered
  - Looking into program integrity related to the early and intensive developmental and behavioral intervention service for children with autism and related conditions to add those service providers to the list of providers that receive a net study background study.

### **1:35: Connected and Autonomous Vehicles - Jay Heitpas**

- Autonomous vehicles are a technology that is being rapidly adopted
  - 29 states have passed laws for automated vehicles
  - Report of recommendations to Governor's office due in first week of Dec
- Implement an interagency connected and automated vehicles team to advise
- Recommendations include:
  - Clear policy
  - Equity for all
  - Public education
  - Stakeholder engagement
  - Funding for pilot programs and infrastructure
  - Public/Private Partnerships
  - Authorize testing with and without human drivers present in vehicles
  - Reconsider driver's license requirements
  - Affordability and accessibility of technology

### **1:45: Minnesota Council on Disability - Kody Olson**

- MCD supports good policies that promote access, equity and independence so that Minnesotans can live, work and play in the community of their choice.
- Policy agenda has two themes: access and independence

- #MNParksForAll
  - Partnering with DNR to design inclusive state parks for people with disabilities
- Amend building code language to clarify accessibility of public buildings
- Increase accessibility of assisted living facilities
- Partnering with League of Minnesota Cities to craft inclusive legislation to work with transportation network companies such as Uber/Lyft to make services equitable and accessible for people with disabilities

### **1:50: General Audience Questions**

- Speaker-elect Melissa Hortman (was in attendance and spoke):
  - Working with Sen. Gazelka regarding the 7% CMS cut and depending on budget forecast may have opportunity to move forward

## **Community Presentations**

### **2:00: Disability community introductions - Joan Willshire**

- Introductions

### **2:05: Minnesota Consortium for Citizens with Disabilities - Marnie Falk**

- Five Goals:
  - Help people live and thrive in their communities
    - PCA rate reform
    - Protect access to services that help people with disabilities live and work as independently as possible
    - CDCS expansion
    - Repeal preferred incontinence
    - Increase access to adaptive fitness by creating grant program
    - #MNParksForAll
  - Ensure access to coverage and care
    - Improve and protect Medical Assistance
      - Streamline TEFRA enrollment and renewal
      - Partial fee reduction, lower parental fees
      - Healthcare access fund
  - Make quality programs available
    - Complex day care
    - Establish pilot project to better provide housing and services to Minnesotans with fetal alcohol spectrum disorders

- Protect dignity and safety
  - Mitchell's law
    - Allows Minnesotans to list up to 3 emergency contacts on their driver's license
  - Autism training for first responders
- Invest in research and education
  - Establish Chloe Barns' Advisory Council on Rare Diseases
  - Establish statewide autism council

**2:15: The Arc Minnesota and the PCA Reform Coalition - Alicia Munson, Jeff Bangsberg, Vicki Gerrits**

- Arc Minnesota
  - Lower MA TEFRA paternal fees
    - Reducing the bureaucracy of enrollment and renewal
  - Working with MnCASA to collect data and assess rates of sexual violence perpetration against individuals with intellectual and developmental disabilities
    - Evidence-based training and education for stakeholder groups
  - Self-advocacy
    - Minnesota Inclusion Initiative
  - Working with Lutheran Social Services to improve consumer-directed community supports (CDCS)
  - Increase in special education funding
  - Homes for All Coalition
- PCA Coalition Reform
  - Reimbursement rate increases
  - Build framework into the forecast like it used to be (inflationary adjustment)
  - Concerned with integrity of the program

**2:25: Lutheran Social Services and Brain Injury Alliance - Juliana Keen and Zach Eichten**

- Lutheran Social Services
  - Top priority is fixing the 7% cut to home and community-based services
  - Expand access to consumer-directed community supports
  - Homes for All coalition
- Brain Injury Alliance
  - Improving Medical Assistance, specifically spend-down
  - Income and asset limits
  - Homes for All coalition
  - Working with coalition partners to expand transit options

- Prevention of disabilities
  - Limit distracted driving through the use of cell phones
- Mitchell's Law

### **2:35: Minnesota Association of Centers for Independent Living - Cara Ruff**

- Concerned with the rise in minimum wages, nonprofits, the lower reimbursement and banding for waived services, which is going back to essentially what it was more than ten years ago
  - Funding has not gone up significantly in the past two decades
- Need to expand community-based options for veterans
- Centers for Independent Living saved the state of Minnesota about \$25 million last year by keeping people living independently in their homes with dignity and choice
- Asking for \$9 million for eight organizations

### **2:45-3:00: Open forum**

- Audience member: website accessibility
  - Website accessibility is a state statute that says that state of Minnesota must have guidelines for website accessibility and all state agencies should have accessible websites
  - Lots of inaccessible content on state agency websites
- Submit questions or comments to MCD at [council.disability@state.mn.us](mailto:council.disability@state.mn.us)