

Minnesota's Olmstead Plan

Listening Sessions
Summer 2013

Legal Context

- ▶ *Olmstead v. L. C.* is an Americans with Disabilities Act case. The US Supreme Court ruled that it is unlawful to keep people with disabilities in segregated institutional settings when they can live in a community setting.
- ▶ Both the Minnesota Human Rights Act (state law) and the Americans with Disabilities Act (federal law) prohibit discrimination against people with disabilities.
- ▶ Under both state and federal laws, government entities are required to ensure that all people with disabilities can access services and programs.

What is an Olmstead Plan?

- ▶ An Olmstead Plan is a way for a government entity to document its plans to provide services to individuals with disabilities in the *most integrated* setting appropriate to the individual.
- ▶ The United States Department of Justice explains that the *most integrated* setting is one that “enables individuals with disabilities to interact with nondisabled persons to the fullest extent possible...”

Why is Minnesota preparing an Olmstead Plan?

- ▶ There are 3 main reasons:
 - ▶ Developing a plan to increase integration is an ideal way to ensure Minnesota complies with the letter and spirit of the *Olmstead* decision.
 - ▶ As part of a settlement in the *Jensen v. DHS* case, Minnesota agreed to develop and implement an Olmstead Plan.
 - ▶ Governor Mark Dayton issued an executive order, forming the Olmstead Subcabinet and directing identified agencies to develop and implement an Olmstead Plan.

What was the Jensen v. DHS case about?

- ▶ Three families brought suit against Minnesota and DHS for the improper use of restraints at a state-run facility.
- ▶ The parties to the case agreed upon a settlement involving monetary and nonmonetary remedies.
- ▶ Among other components in the agreement, Minnesota agreed to develop and implement an Olmstead Plan for all people with disabilities.

Who is on the Olmstead Subcabinet?

- ▶ The Olmstead Subcabinet is chaired by Lieutenant Governor Yvonne Prettner Solon
- ▶ Member agencies are:
 - ▶ Department of Human Services
 - ▶ Department of Corrections
 - ▶ Department of Human Rights
 - ▶ Department of Education
 - ▶ Department of Health
 - ▶ Department of Transportation
 - ▶ Department of Employment and Economic Development
 - ▶ Minnesota Housing Finance Agency
- ▶ Ex officio members are:
 - ▶ Office of the Ombudsman for Mental Health and Developmental Disabilities
 - ▶ The Governor's Council on Developmental Disabilities

Development of the Olmstead Plan

- ▶ Step 1:
 - ▶ Look at the areas where Minnesota most often provides funding and services to people with disabilities.
- ▶ Step 2:
 - ▶ Analyze service delivery in the areas identified.
- ▶ Step 3:
 - ▶ Identify the impediments in current delivery methods that prevent us from reaching the outcomes expressed in the *Olmstead* decision.
- ▶ Step 4:
 - ▶ Decide on changes needed to meet the standards of the *Olmstead* decision and the timeline to complete the changes.

Minnesota's Olmstead Plan

The goal:

Minnesota will be a place where people with disabilities are living, learning, working and enjoying life in the most integrated setting.

Olmstead Plan Topic Areas

- ▶ To achieve this goal, the Olmstead Subcabinet has articulated goals related to broad topic areas:
 - ▶ Community Engagement
 - ▶ Employment
 - ▶ Healthcare and Healthy Living
 - ▶ Housing
 - ▶ Lifelong Learning and Education
 - ▶ Supports and Services
 - ▶ Transportation

Olmstead Plan Topic Areas

▶ Community Engagement

- ▶ People with disabilities will have the opportunity to fully engage in their community and connect with others in ways that are meaningful and aligned with their personal choices and desires.

▶ Employment

- ▶ People with disabilities will have choices for competitive, meaningful, and sustained employment in the most integrated setting.

▶ Healthcare and Healthy Living

- ▶ The subcabinet is developing this goal.

▶ Housing

- ▶ People with disabilities will chose where they live, with whom, and in what type of housing.

Olmstead Plan Topic Areas

▶ Lifelong Learning and Education

- ▶ The subcabinet is developing this goal.

▶ Supports and Services

- ▶ People with disabilities of all ages will experience meaningful, inclusive and integrated lives in their communities, supported by an array of services and supports appropriate to their needs and that they choose.

▶ Transportation

- ▶ People with disabilities will have access to reliable, cost-effective transportation choices that support the essential elements of life such as employment, housing, education and social connections.

Implementing Minnesota's Olmstead Plan

- ▶ Funding is an ongoing part of development and implementation of Minnesota's Olmstead Plan.
- ▶ As needed, subcabinet agencies will seek authority at the state and federal level to redirect funds away from institutional-like settings to the most integrated settings.
- ▶ Many changes planned can be accomplished within current state laws by agencies working together.
- ▶ The legislature will be asked to consider revising laws so that changes in how we deliver services can be made.

Olmstead Plan website

- ▶ View Minnesota's entire Olmstead Plan by visiting the website: <http://bit.ly/19CtjNO>
- ▶ Comments can be made online at <http://bit.ly/14fcGSL> or by sending an email to opc.public@state.mn.us