

THE NORTH DAKOTA OLMSTEAD COMMISSION
MEETING MINUTES OF
JANUARY 19, 2022 1:30 p.m.
Job Service North Dakota, Bismarck and Virtual via Teams

Members Present: Leslie Bakken Oliver, Wally Goulet, Senator Judy Lee, Siobhan Deppa, Honorable Bruce Romanick, Carlotta McCleary, Representative Alisha Mitskog, Scott Burlingame, and Veronica Zietz.

Members Absent: Julianne Horntvedt

Others Present: Dan Gulya of Protection and Advocacy Project; Scott Burtsfield, Melanie Crocker, and Richelle McGregor of VTC; and Sarah (intern to Carlotta McCleary).

Co-Chair Oliver called the meeting to order.

The agenda was approved as typed.

Approval of the September 22, 2021 Meeting Minutes:

Motion: A motion was made by Mr. Burlingame and seconded by Judge Romanick. Ms. Zietz asked to change Ms. to Mr. on the minutes when pertaining to Mr. Gulya. Corrections noted, the motion passed.

Presentation of Vocational Training Center: Scott Burchfield with Melanie Crocker and Rochelle McGregor

VTC was formed in 1961 by a group of concerned citizens, including parents who believed that there could be more purpose for citizens with disabilities than just whittling away their days. As a result of their efforts and their ideas, one of the State's first day support facilities was created with the sole intent of providing meaningful work activities and vocational training for individuals with disabilities. Over the last seven years, VTC began to expand outside of traditional offerings of employment and vocational training to include residential services, family respite care, and engaging support services. VTC has three locations that provide those services, each location is tailored to a different niche of people.

VTC has really taken a different approach. VTC is committed to doing that, even in those instances where they are short staffed, or they want to rush to get people on the floor. They decided as an organization to stay the course and be methodical in their approach to trying to get employees matched up with jobs so they can be as successful as possible. VTC has grown from serving 84 people in 2015 to approximately 200 people in 2021.

Ms. McGregor: Hope Blooms is another opportunity for people with disabilities to gather, arrange and deliver flowers. VTC is currently partnering with the West Fargo and Fargo Moorhead Chamber of Commerce to put together a healthy lifestyle class for people with disabilities. The partnership will help VTC build a curriculum to address this area.

Judge Romanick asked if VTC is only in Fargo or does it go out into the counties? Ms. McGregor stated VTC only offers services in Fargo right now, but they are working on expanding in the areas of Hillsboro and Lisbon.

Mr. Gulya asked for further information on VTC's numbers. Mr. Burtsfield stated from 2010 to 2014 there was very little growth, and their budget was \$2.2 million; VTC's staff of 32 were serving 48 people. Now, as VTC has opened its third location they are serving close to 200 individuals with a yearly budget of \$8 million.

VTC was thanked for their presentation.

Autism Spectrum Disorder Advocacy Coalition:

Mr. Gulya reviewed a letter submitted by the ND Autism Spectrum Disorder Advocacy Coalition (NDASDAC). NDASDAC has concerns about the consistently high number of youth and adults with ASD being admitted to the Life Skills and Transition Center. NDASDAC asked Mr. Gulya to bring this issue before the Olmstead Commission to discuss or be addressed as an inquiry. Mr. Gulya suggested that NDASDAC submit the issue for the individual inquiry process to start a discussion as to whether that's the appropriate way for this to be handled.

Senator Lee suggested that at the next Olmstead Commission meeting a representative from the NDASDAC be present to discuss their concerns.

Judge Romanick suggested that both DHS and NDASDAC have members present at the next meeting to discuss issues and problems, at which point the Commission can decide how to respond to the issue.

2022 Strategic Planning:

Mr. Gulya remarked that when going out into the community, he typically gets asked at some point in the conversation, what is the Olmstead Commission? What does it do and what do you do? Mr. Gulya stated that after doing this for two years the Commission needs to circle back around and look at those questions and clarify for ourselves internally how we would like to answer them. What is the Olmstead Commission? What does it do?

Mr. Goulet: We have been in the forming stage, in an evolving stage and at this point, we need to decide what it is that we'd like to do. What kind of Commission do we want to be? As a Commission we need to set aside some time to examine the purpose of this group. Mr. Goulet suggested that include three or four Commission members coming up with what our strategy looks like and what areas we want to address.

Co-Chair Oliver suggested creating a committee to look at strategic planning. The group could prepare some information on purpose and goals for the Olmstead Commission to review. The strategy committee will consist of Mr. Goulet, Mr. Burlingame, Ms. Zietz, and Mr. Gulya.

DOJ Settlement:

Mr. Gulya noted that final numbers for the first annual DOJ report are not publicly available. Instead, Nancy Nikolas-Maier will provide an update at the April meeting. DHS is making considerable progress towards their goals around informed choice visits. This includes visiting people in the target population to ensure that they're aware of the choice to receive home and community-based services. This next year is going to be a lot of planning and putting the pieces together for implementation on the other portions of the settlement.

Special Legislative Session:

Senate Bill 2345 was a compilation of new funding requests coming out of dollars from the federal American Recovery Plan Act (ARPA). In final form, \$2.5 million was provided to DD services providers for retention bonuses for DSPs. \$20.8 million was authorized for financial assistance to nursing homes, \$2.95 million for basic care facilities, \$1.25 million for assisted living facilities and \$350,000 for nursing services at the State Hospital. An additional line item of \$29 million for various other Covid related-projects or recovery plan projects for DHS included \$4 million for Medicaid eligibility upgrades, \$17 million for childcare services, \$5 million for community-based behavioral health services, and \$3 million for additional SUD treatment vouchers.

HB 1506 was the extension of previous appropriations. This included a line-item authorization for an additional \$79.6 million in spending due to an increase in the federal medical assistance percentage or FMAP. Under Section 9817 of the ARPA, \$31.6 million was appropriated exclusively to home and community-based services. The bill also included \$5 million for Money Follows the Person, and an additional \$3.3 million for Free Through Recovery.

Mr. Gulya distributed the DHS proposal to CMS for spending the \$9817 increased FMAP, submitted June of 2021, that details how the department might spend these funds. Mr. Gulya contacted DHS for updates on the proposal. DHS responded that they are in planning phase and are determining how to move forward.

Coordinators Report:

Mr. Gulya shared an opportunity for the Olmstead Commission to collaborate on a workforce development study. Ms. Horntvedt of the State Council on Developmental Disabilities has interest in partnering on a robust study of DSPs that would capture statistical data and general information on workforce problems. Mr. Gulya and Ms. Horntvedt are communicating with the Bureau of Evaluation and Research Services at UND to see if they can assist with the study.

The purpose of the study is to answer workforce questions like:

- 1) Who is in the DSP workforce?
- 2) What are they looking to get out of the job?
- 3) What factors affect recruitment and retention?
- 4) Why do DSPs stay in the job?
- 5) Why do DSPs leave this field?

Mr. Gulya noted that P&A has a priority this year focused on individual justice planning (IJP) and that he is a member of the IJP workgroup. Last year the IJP workgroup partnered with the PAIMI Advisory Council to revise the IJP Manual. The next step is to focus on awareness and education. Mr. Gulya is assisting with educational training for various entities that work with individuals with disabilities involved or at-risk of being involved in the criminal justice system. This includes professionals in the educational system, human services, law enforcement, attorneys, judges and others. The IJP is a tool that will divert people with disabilities from the criminal justice system, instead connecting people with services and developing a plan to address and deter behaviors perceived as criminal.

Public Comment:

Senator Lee reminded the Commission that Co-Chair Oliver will be leaving the Governor's Office on March 1, 2022 and questioned if Ms. Oliver could stay on as Co-Chair. Co-Chair Oliver explained that she anticipates that the Governor will appoint General Counsel Ryan Norell who starts February 28, 2022. Ms. Oliver noted that she is not opposed to being appointed as a citizen member if there happens to be an opening.