

OLMSTEAD COMMISSION  
MEETING MINUTES OF  
SEPTEMBER 28, 2020 – 1:00 P.M.

MEMBERS PRESENT: Wally Goulet, Leslie Bakken-Oliver, Scott Burlingame, Teresa Larsen, Judge Bruce Romanick, Julie Horntvedt, Senator Judy Lee, Siobhan Deppa, Rep. Alisha Mitskog, Carlotta McCleary, and Daniel Gulya, Olmstead Coordinator

OTHERS PRESENT: Greg Kaiser, Kristen Dvorak, Joan Karpenko, Jake Reuter, Mike Chaussee, Katherine Barchenger, David Boeck, Carrie Miller, Donene Feist, Krista Fremming, Lorena Poppe, Rebecca Fridje, Gerry Teevens, Roxane Romanick, and Brenda Ruehl

CALL TO ORDER: The meeting was called to order 1:05 p.m. via Teams.

APPROVAL OF 7/15/20 MEETING MINUTES: MOTION: A motion was made by Judge Romanick, and seconded by Mr. Burlingame, that the July 15, 2020 meeting minutes be approved as typed. The motion passed.

CITIZEN INQUIRY PROCESS RENAMED TO INDIVIDUAL INQUIRY: There was concern raised about the use of the word “Citizen” in the title of the non-systemic Inquiry Process. Using the term “Individual” clarifies that we are dealing with an individual issue vs. anything systemic. Commission members felt this was the most inclusive way to go. MOTION: A motion was made by Ms. Horntvedt, and seconded by Ms. McCleary, that the Commission’s inquiry process be renamed Individual Inquiry Process. The motion passed.

UPDATE ON DOJ SETTLEMENT – LESLIE BAKKEN OLIVER: Ms. Oliver stated that the DOJ settlement is in its 2<sup>nd</sup> to the last level of approval; the hope is that a response will be received within the next three weeks. Ms. Larsen asked if Ms. Oliver knew if anything has come to fruition in the South Dakota DOJ case. She advised that she doesn’t have an update on that case. Ms. Larsen stated that she is happy to do some follow up on that case.

OLMSTEAD INFORMATION PORTAL E-MAIL: Mr. Gulya advised that he is working on a separate contact email for the Olmstead Commission web contact form. The e-mail address will be [Olmstead@nd.gov](mailto:Olmstead@nd.gov).

DISCUSSION OF FUTURE COMMISSION MEETING DATES:

Mr. Gulya asked if January/April/July/September **or** February/May/August/November meeting dates will work better for the Olmstead Commission. He noted that the second group of dates would only conflict with one month during the 2021 Legislative Session. Senator Lee noted that a TEAMS meeting works for her during the day. She would prefer a late afternoon meeting, i.e. 4:00 – 5:30 p.m. She could not do a 3-hour meeting during the Session.

Discussion continued on several possible meeting date scenarios. Mr. Gulya will take all the Commission input into consideration when scheduling the next meeting. A meeting in February and April 2021 will be considered. Additional meetings will be scheduled if necessary.

## DISCUSSION:

### **Olmstead Inquiry Initial Screening subcommittee – membership, rotation, duties, documentation:**

Mr. Gulya stated that it was previously discussed that a small subcommittee of Olmstead Commission members would review any individual inquiry presented to the Commission, but the Commission did not decide who the members of that small subcommittee would be. He noted that some direction on forming that subcommittee would be appreciated. Mr. Goulet suggested another option of Mr. Gulya having a virtual meeting with the individual and record the meeting for review by the subcommittee. Mr. Gulya stated that he can determine if the inquiry is just an Information and Referral case, or if it should be referred to Protection and Advocacy. If it needs further Olmstead Commission action, we proceed with those steps.

It was recommended that Mr. Gulya assemble all information presented to him during the initial inquiry process and bring it to the entire Olmstead Commission for their input and final approval. The Commission's policy will need to be revisited so that the subcommittee is removed as a duplicative step. Mr. Gulya will have the option to e-mail details of an inquiry out to the full Commission and decide whether a special meeting needs to be held. It needs to be determined if the inquiries will be done on an individual basis or how they should be addressed. Mr. Burlingame stated that he feels the inquiries are going to present themselves sporadically and that the Commission should address them as they come in so as not to delay an outcome for the individual. It was decided that if a situation presents itself that Mr. Gulya can determine is a better fit for an I & R or a referral to the Protection and Advocacy Project vs. a full Olmstead Commission review, then Mr. Gulya will have the authority as Coordinator. Ms. Larsen stated that she can't think of anything that would prevent a referral to P & A regardless of the process of the Olmstead Commission. Mr. Gulya reminded the Commission that the inquiry process will continue to be a work in progress and that edits to the process can be made at any time.

## COORDINATOR REPORT:

Mr. Gulya advised that the states of Minnesota and North Carolina are also going through a plan of Olmstead reformation. He stated that he has contacted both of those states and has been added to e-mail list serves and is receiving meeting notices so that he can follow their progress. Mr. Gulya stated that he had to scrap his plans for any face-to-face meetings in ND and will look at other avenues to explore public input for the Olmstead Commission. Mr. Gulya stated that he is working on a survey for individuals with disabilities and their families to give feedback on the Olmstead Commission's role going forward.

Ms. McCleary added that the surveys she has done recently have been successful. They have done a combination of both e-mail and mail-in surveys. The combination of different kinds of surveys is important so that we reach people that lack access to technology.

Judge Romanick stated that it sounds like the Olmstead Commission is headed down the right path regarding inquiries and the best way to handle them. Mr. Burlingame added that creating as many

different avenues for survey completion (e-mail, phone, third party contact) as possible is important. Ms. McCleary stated that providing people with some basic education about Olmstead could be helpful when completing a survey. Discussion continued on additional ways to reach folks for input. Contacting the statewide Recovery Centers was suggested. Townhall Meetings and holding an event via Cable Access were offered. Also, a radio spot might be effective. Doing a Public Service Announcement was suggested. A Press Release was recommended so that people can learn more about the Olmstead Commission and its role. Both Ms. Larsen and Ms. Oliver indicated that they knew people that could help write a Press Release.

The question was raised whether a Press Release prepared by the Olmstead Commission would have to be approved by the Governor's Press Release staff. Ms. Oliver stated that the Governor's Communications Team could be helpful to the OC. Mr. Goulet stated that an interview with Mr. Gulya by the Bismarck Tribune would also be useful.

PRESENTATION BY GERRY TEEVENS (DPI):

Gerry Teevens, Department of Public Instruction, was asked to present on: "What DPI is doing to ensure that local school districts are fulfilling their legal obligations to students with disabilities under IDEA and state law, given the challenges of special education in our current environment". Her presentation also included information on the Purpose of IDEA; SEA Under IDEA; NDDPI COVID-19 Guidance; and COVID Activities & Resources.

PRESENTATION BY KRISTA FREMMING AND KATHY BARCHENGER – AUTISM SPECTRUM DISORDER WAIVER:

Ms. Fremming and Ms. Barchenger provided information to the Olmstead Commission on the Autism Spectrum Disorder Waiver, its Purpose, Who is Eligible, Services Provided by the Waiver, and Waiver Budget. A lengthy question and answer period was held on this topic.

PUBLIC COMMENT:

Mr. Goulet asked if there were any guests at the meeting today that would like to share some input. Ms. Lorena Poppe, owner of Poppy's Promise in Bismarck, advised that her agency is a provider of autism services in the area. Ms. Poppy shared that she feels strongly that the Autism Waiver is very limiting, allowances aren't there for getting services out to the rural areas of the state and people just aren't able to take full advantage of the waiver because of their location. She noted that services that should be available under the waiver are just not accessible, i.e. respite, transportation, etc.

Mr. Jake Reuter, Money Follows the Person (MFP) Coordinator invited the Olmstead Commission to attend an MFP Stakeholder Meeting on Wednesday, October 21, 2020 at 2:00 p.m. He noted that MFP is in line with the endeavors of the Olmstead Commission.

ADDITIONAL COMMENTS FROM OLMSTEAD COMMISSION MEMBERS:

Ms. McCleary, Mr. Burlingame, Judge Romanick, Ms. Larsen and Ms. Oliver stated that they appreciated the presentations today as well. There was lots of fantastic discussion and it is the Olmstead Commission's obligation to keep asking questions.

Mr. Gulya stated that he will continue to schedule presentations based on the information that the Olmstead Commission would like to receive.

Mr. Goulet thanked everyone for their participation in today's meeting. He encouraged Commission members to reach out to Mr. Gulya in between meetings to provide support and/or information to him.

The meeting was adjourned at 4:16 p.m.