

Olmstead Commission Meeting
May 20, 2020

MEMBERS PRESENT VIA VIDEO CONFERENCE CALL: Daniel Gulya, Olmstead Coordinator; Leslie Bakken Oliver, Co-Chair/Governor's Office; Scott Burlingame, State SILC/Independence Living Center; Teresa Larsen, P & A Project, Julie Horntvedt, SCDD; Senator Judy Lee, Judge Bruce Romanick, Representative Alisha Mitskog, Carlotta McCleary, MHAND, and Wally Goulet, public citizen Co-Chair

OTHERS PRESENT: Mike Chaussee, NDAssistive; Jeannie Krull, NDAssistive, Pam Sagness, ND Dept. of Behavioral Health; and Kirsten Dvorak, The Arc of Bismarck

APPROVAL OF 4/17/20 MEETING MINUTES: MOTION: A motion was made and seconded that the April 17, 2020 Olmstead Commission meeting minutes be approved as typed. The motion passed.

OLD BUSINESS:

a. Discussion and vote on by-laws:

A copy of the proposed ND Olmstead Commission Bylaws was shared for discussion and approval.

Discussion:

Motions- discussion started with a clarification that under Roberts' Rules the Chair should not make motions to be voted on. If the Chair wants to make a motion, he/she could relinquish the Chair position, make their motion, then resume their position.

Recusal- All Commission members are required to vote unless there is a conflict of interest. Commission members must disclose conflicts, which then need to be accepted by the Commission as being appropriate.

Article VIII.1 – A recommendation was made that the word “or” be replaced with “and” so that the section reads:

1. All members shall disclose conflicts of interest to the co-Chairs, including uncertain and potential conflicts...

Article VIII.4 – The words “by the Commission” will be added as follows:

4. A member who discloses or has been found to have a conflict of interest by the Commission must not participate in any discussion...

The question was raised whether someone identifying a conflict should be asked to leave the meeting while discussion and voting are taking place. It was expressed that the member should remain in the meeting, as the discussion may help that individual alter their opinion about a topic. As part of a public board, individuals should be made comfortable to share their opinions, ask questions and speak up when they have something to say.

Both Co-Chairs agreed with the suggestion of turning over the gavel so that one of them could make a motion, if necessary. This issue is addressed under Article VII.2.e.

Mr. Gulya asked if this pertains to just the act of making a motion or does it include voting also. It was clarified that it only pertains to the Chair making a motion; Co-Chairs are voting members.

A member addressed Article VI: Minutes. She questioned Item 1 that indicates that the minutes will be prepared and made available for public inspection within 30 working days after the adjournment of the meeting. The Commission should review and approve any minutes before they are put on the website or distributed to the public. 1.a and 1.b. of Article VI could be combined. Meeting notices are required so that the public is aware of all meetings scheduled. For transparency, the approved minutes should be made available as soon as possible.

A member suggested that by adding the word “Draft” to the beginning of VI:1 should take care of this issue. It was agreed that if the Commission could receive the draft minutes 20 working days prior to its next meeting, that would give ample time for review and corrections before final approval, followed by posting to the website and public distribution.

MOTION: A motion was made by Senator Lee, and seconded by Mr. Burlingame, that the Commission accept the proposed amendments to the by-laws and approve them in the manner discussed. The motion passed.

b. Discussion of future Commission meeting dates:

The next Commission meeting is scheduled for Wednesday, July 15, 2020 from 1:30 – 3:00 p.m. via TEAMS.

Discussion was held on the scheduling of a face-to-face meeting in September. Mr. Gulya will send out some potential dates for a fall meeting and schedule it based on the date that a quorum of Commission members can participate.

Further discussion on a fall face-to-face meeting will be held at the July 15 meeting. Commission members agreed that shorter, more frequent meetings (every six weeks) are more productive.

c. Website:

Mr. Gulya advised that the website is still a work in progress. There are still lots of questions about the content of the Commission's website, i.e. format for an Olmstead Complaint process and a formal procedure adopted for addressing complaints. There was a previous question about the DHS website being linked to the Olmstead Commission website. The link would go directly to DHS' home page and an individual would have to find things from there. Information regarding FirstLink (211) will be shared on the Olmstead Commission's website as they can provide a lot of right answers to individual questions.

NEW BUSINESS:

a. NCI-AD surveys and data:

Scheduling Ms. April Young to participate in today's Olmstead Commission meeting did not work, but she will plan on the July 15, 2020 meeting to share information on the NCI-AD surveys in North Dakota. The Commission looks forward to her presentation in July.

b. Learning Session – Pamela Sagness, DHS Behavioral Health Department:

Ms. Pam Sagness, Director of the Department of Human Services Behavioral Health Division, shared a PowerPoint presentation with an overview of Behavioral Health Services in North Dakota.

The chairs thanked Ms. Sagness for an outstanding presentation and asked if other Commission members had questions or comments.

Ms. Larsen stated that she is happy to hear that the Behavioral Health Division is working closely with the Dept. of Public Instruction to address behavioral health needs in education. There has been a lot of disconnect between the schools and behavioral health issues generally and this collaboration will hopefully be the avenue for things coming together.

Judge Romanick mentioned Drug Court and that this is not a good fix for getting these individuals treatment. He would like to see another pipeline for these individuals vs. just bringing them into the court system.

Mr. Goulet stated that the issue of guardianship is still an issue and would like to see something done in that area.

Ms. Sagness expressed her appreciation of the Commission's comments. She mentioned the Free to Recovery program, which you can't get into unless you are already in the criminal justice system. She added that they are working hard to try and change that. Ms. Sagness stated that services need to be available before the individual gets in the system – before they commit a crime.

Due to time constraints for today's meeting, the balance of the agenda will be moved to the July 15, 2020 meeting and addressed at that time. The Operations Committee (Senator Lee, Ms. Larsen, Ms. Bakken Oliver, Judge Romanick, and Ms. McCleary) will plan to meet prior to the July 15 meeting. Mr. Gulya will officially Notice the meeting of the Operations Committee.

The next Olmstead Commission meeting is scheduled for Wednesday, July 15, 2020 via TEAMS.

MOTION: A motion was made and seconded, that the meeting be adjourned at 12:02 p.m. The motion passed on a voice vote.