



An Action Plan to Increase Community Integration of People with Disabilities:

A Use Case Approach to Achieving Better Outcomes

A report to the Minnesota Legislature | January 1, 2017

Executive Summary

In 2016, the Minnesota Legislature charged the commissioners of human services, education, the Minnesota Housing Finance Agency, employment and economic development, and information technology (“Commissioners”) to develop a collaborative action plan, in alignment with the state’s Olmstead Plan, to increase the community integration of people with disabilities (2016 Laws of Minnesota, Chapter 163, Article 3, Section 12). The state’s Olmstead Plan is a significant body of work that contains numerous measurable goals designed to increase the community integration of people with disabilities. The collaborative action plan outlined here addresses a set of proposals in support of the Olmstead Plan.

The vision behind the State of Minnesota’s Olmstead Plan implementation is that people with disabilities are living, learning, working, and enjoying life in the most integrated setting. To make that vision a reality takes an unprecedented level of interagency coordination of services and data. Some changes in the operation of state government are needed to support the necessary interagency coordination.

Minnesota’s state agencies collect and maintain quality data essential to administering educational, employment, and welfare programs within their operational responsibilities. Due to statutory limitations, agencies are frequently prohibited from sharing this data between agencies, even in cases where the same client is being served by multiple agencies. This can mean that people with disabilities must provide the same data multiple times, as they work with programs administered by different agencies. It can also mean that it is difficult for state agencies to measure success in such areas as determining how many people with disabilities successfully move from education into employment.

In developing this action plan, the Commissioners have determined that the agencies will use a methodology of seeking permission from people with disabilities to allow sharing of certain personal information for specific purposes, such as streamlining access to services, aligning policies and funding, and increasing efficiencies in interagency collaboration. This informed consent model has been used with considerable success in other initiatives such as ending homelessness in the State’s veteran population or sharing private health care data across multiple health care providers.

The Olmstead Plan contains several goals where the achievement of those goals would be enhanced by making use of this informed consent approach. Because each such area may include different groups of people (e.g. Youth vs. adults), as well as different data needs and different agencies, the Commissioners determined that a “Use Case” or pilot program approach will be used because it allows for developing a process around a specific, tangible goal which can subsequently be applied to other goals throughout implementation and across agencies. The agencies, in partnership with stakeholders, will determine which Use Cases to pursue using a detailed list of criteria that are outlined in the report.

Preface

2016 Laws of Minnesota, Chapter 163, Article 3, Section 12

Sec. 12.

ACTION PLAN TO INCREASE COMMUNITY INTEGRATION OF PEOPLE WITH DISABILITIES.

The commissioners of human services, education, the Minnesota Housing Finance Agency, employment and economic development, and information technology, in consultation with stakeholders, including lead agencies, shall develop a collaborative action plan in alignment with the state's Olmstead Plan to increase the community integration of people with disabilities, including housing, community living, and competitive employment. Priority must be given to actions that align policies and funding, streamline access to services, and increase efficiencies in interagency collaboration. Recommendations must include a proposed method to allow people with disabilities who access services from the state agencies identified in this section to access a unified record of the services they receive, using existing methods for unified records, where appropriate. This method must also allow people with disabilities to efficiently provide information to multiple agencies regarding service choices and preferences. Recommendations must be provided to the legislature by January 1, 2017, and include proposed statutory changes, including any changes necessary to the data practices act to allow for data sharing, and information technology solutions required to implement the actions.

Olmstead Plan and Subcabinet

Minnesota's Olmstead Plan is a broad series of goals guided by the vision that people with disabilities are living, learning, working, and enjoying life in the most integrated setting. The establishment of the Olmstead Plan that ensures the rights of people with disabilities stems from a settlement of the Jensen et al v. Minnesota Department of Human Services court case (Court File No. 09-CV-1775) in December 2011.

In 2012, a planning committee — with a membership consisting of individuals with disabilities, family members, providers, advocates, and senior decision-makers from the Minnesota Department of Human Services — made a series of recommendations to ensure that Minnesotans with disabilities have choices about where they live and are served in community settings more suitable to their needs and desires. A key recommendation was the establishment of an Olmstead Subcabinet, and the subsequent formation of the Olmstead Implementation Office, to oversee the implementation of a comprehensive plan supporting freedom of choice and opportunity for people with disabilities. Governor Mark Dayton established the subcabinet in January 2013 and named the commissioners of the following agencies as members:

- Department of Human Services;
- Minnesota Housing Finance Agency;
- Department of Employment and Economic Development;
- Department of Transportation;
- Department of Corrections;
- Department of Health;
- Department of Human Rights; and
- Department of Education.

The Olmstead Subcabinet's vision is that people with disabilities are living, learning, working, and enjoying life in the most integrated setting. That vision includes:

- The opportunity and freedom for meaningful choice, self-determination, and increased quality of life, through:
 - opportunities for economic self-sufficiency and employment options;
 - choices of living location and situation, and
 - having supports needed to allow for these choices;
- Systemic change supports self-determination, through revised policies and practices across state government and the ongoing identification and development of opportunities beyond the choices available today; and
- Readily available information about rights, options, and risks and benefits of these options, and the ability to revisit choices over time.

This document will provide a high-level overview of an action plan to support the achievement of the outcomes outlined by the Olmstead Subcabinet.

Interagency Coordination

To achieve the goals of the Olmstead Subcabinet and comply with court directives, the State of Minnesota must effectively integrate the innovative approaches of multiple agencies. Integration will involve the realignment of services that provide necessary flexibility to achieve the strategies found in the Olmstead Plan. Additionally, programmatic goals will need to be unified across agencies and the appropriate data elements identified to measure progress toward those goals.

An essential element to success is the ability to selectively share data between the agencies to help individuals receive the most seamless level of service from multiple providers. While not all necessary data elements have been identified for long-term compliance with the Olmstead Plan, there is high quality, relevant data currently being collected and maintained by state agencies. That data is generally used effectively within agencies for the specific purpose for which it was collected. However, it is infrequently shared between programs and agencies that may be serving the same individuals or populations.

The protections provided to personal data under the Minnesota Government Data Practices Act means agencies have limited ability to share data outside of the agency or narrow program for which it was collected. The Olmstead Commissioners propose utilizing a data sharing approach authorized by the individual will ensure data privacy is achieved while permitting necessary and appropriate sharing of data to benefit the individual.

Members of an interagency working group facilitated by the Department of Administration and MN.IT are working to remove policy and operational barriers to interagency data sharing by creating new data governance structures. The data governance work supporting the Olmstead Plan's integrated employment goal will eventually serve as a broader model for standards, policies, and guidelines for data governance, management, and stewardship. In the near-term, however, the complexity and scope of the data and the populations being served is too great for the project to wait on a comprehensive data sharing solution before developing an implementation plan.

Use Case Approach

Realigning programs and services and building the new cross-agency and provider partnerships necessary to achieve better results for people with disabilities will require efficient processes, protocols, and toolsets. Given the magnitude of the project, the Subcabinet recognizes the importance of developing a process once, with the ability to reuse throughout implementation and across agencies. A series of projects are and will continue to occur simultaneously to achieve compliance with the Olmstead Plan. These projects will each be considered as Use Cases, and the agencies, in cooperation with stakeholders, will determine which Use Cases to prioritize and pursue. The Commissioners identified the following elements for agencies to review in collectively when determining whether to proceed with a given Use Case and develop a business plan for its implementation:

- The intended outcomes;
- Target participants;
- Data elements needed and rationale:
 - How the data will be used to increase community integration of people with disabilities
 - The current location of each data element
 - The proposed platform to access the data elements, including necessary security considerations
 - Description of how private data will be used with individuals, as well as how aggregated, de-identified data will be used to evaluate outcomes of the project, including proposed protocols to protect private data access;
- Cost estimates for implementing the proposed project, including cost estimates for any supporting technology, as well as any estimated cost savings from improved processes; and
- Ranking by each agency involved in the project regarding how the project ranks in priority compared to other process improvement projects.

The Use Case approach would complement the Olmstead Plan workplans that have been filed with the court. The workplans can be accessed at: <http://www.dhs.state.mn.us/main/groups/olmstead/documents/pub/dhs-290464.pdf> (Page 93 is the workplan on cross agency data sharing).

Informed Consent

Sound data is the key to the successful development and implementation of the Use Cases. As mentioned above, the statutory obstacles to cross-agency data sharing inhibits effective service coordination. The most effective approach to addressing that issue is to seek permission from people with disabilities to allow sharing of certain personal data that would allow the better coordination of services offered by multiple agencies. Specifically, the permission would be sought from persons with disabilities who:

- 1) give specific permission for sharing of specified personal data with certain parties in order to expedite access to services; and
- 2) wish to have access to their personal data in a unified manner.

The informed consent would grant permission to store and share certain data with the involved agencies. The vehicle for consent would be a uniform consent form that satisfies the requirements for both federal Health Insurance Portability and Accountability Act (HIPAA), Family Educational Rights and Privacy Act (FERPA) requirements, and State informed consent provisions outlined in Minn. Stat. 13.05, subd. 4. This approach has proven effective in other successful multi-agency collaborations, such as the effort to end homelessness for Minnesota's veterans.

Proposed Statutory Changes

With the Subcabinet's decision to move forward with the informed consent Use Case approach, no statutory changes are proposed at this time.

Information Technology Solutions

Information technology is a supporting function to a successful implementation. The business plans for each Use Case will be used to determine the appropriate technology to support the implementation. Technology for short-term implementation needs will be addressed within available means.