

# STATE OF MINNESOTA

## Executive Department



## Governor Tim Walz

### Executive Order 19-13; Rescinding Executive Order 15-03

#### **Supporting Freedom of Choice and Opportunity to Live, Work, and Participate in the Most Inclusive Setting for Individuals with Disabilities through the Implementation of Minnesota's Olmstead Plan**

**I, Tim Walz, Governor of the State of Minnesota**, by the authority vested in me by the Constitution and applicable statutes, issue the following Executive Order:

Our State is committed to ensuring that inclusive, community-based services and meaningful opportunities are available to individuals with disabilities regardless of disability type, age, race, color, ethnicity, gender, sexual orientation, gender expression, gender identity, geography, national origin, religion, creed, economic status, marital status, familial status, level of education, language, and status with regard to public assistance.

We recognize that disability is not limited to particular circumstances, such as age of onset, type of disability, number of disabilities, significance of disabilities, congenital or acquired disabilities, technology dependencies, complex health conditions, and alternative communication methods. Our State recognizes that such services and meaningful opportunities advance the best interests of all Minnesotans by fostering independence, freedom of choice, productivity, and participation in community life of Minnesotans with disabilities.

The unnecessary and unjustified segregation of individuals with disabilities through institutionalization is a form of disability-based discrimination prohibited by Title II of the Americans with Disabilities Act of 1990 ("ADA"), 42 U.S.C. §§ 12101 *et seq.*, which requires that states and localities administer their programs, services, and activities, in the most integrated setting appropriate to meet the needs of individuals with disabilities.

In *Olmstead v. L.C.*, 527 U.S. 581 (1999), the United States Supreme Court interpreted Title II of the ADA to require states to place individuals with disabilities in community settings, rather than institutions, whenever treatment professionals determine that such placement is appropriate, the affected persons do not oppose such placement, and the state can reasonably accommodate the placement, taking into account the resources available to the state and the needs of others with disabilities.

Twenty years after the Olmstead decision, barriers to affording opportunities within the most integrated setting to persons with disabilities still exist in Minnesota.

The Olmstead Subcabinet, created by Executive Order 13-01 and modified by Executive Order 15-03, was instituted to develop and implement a comprehensive Minnesota Olmstead Plan, which was approved by the U.S. District Court on September 29, 2015 and is updated regularly by the Olmstead Subcabinet.

The Olmstead Implementation Office (“OIO”) was created as part of the Minnesota Olmstead Plan and plays an important role in facilitating the implementation of the Plan, undertaking meaningful community engagement related to the Plan, providing community input to agencies, and ensuring compliance and verification of reporting by agencies.

The work of the Olmstead Subcabinet is ongoing, and continued authority is needed by the Subcabinet to effectively implement the Minnesota Olmstead Plan to ensure that all Minnesotans have the opportunity, both now and in the future, to live close to their families and friends, to live more independently, to engage in productive employment, and to participate in community life.

For these reasons, I order that:

1. A Subcabinet, to implement Minnesota’s Olmstead Plan is constituted with the following members:
  - a. The Ombudsman for the State of Minnesota Office of the Ombudsman for Mental Health and Developmental Disabilities
  - b. Executive Director of the Minnesota Governor's Council on Developmental Disabilities

The Chair, Commissioner, or Chair’s or Commissioner’s designee of the following agencies:

- c. Department of Human Services
- d. Housing Finance Agency
- e. Department of Employment and Economic Development
- f. Department of Transportation
- g. Department of Corrections
- h. Department of Health
- i. Department of Human Rights
- j. Department of Education

- k. Department of Veterans Affairs
  - l. Department of Public Safety
  - m. Metropolitan Council
2. The Governor will designate one of the members of the Subcabinet to serve as chair.
  3. The Subcabinet will allocate such resources as it deems to be reasonably necessary, including retention of expert consultants, and consult with other entities and State agencies, when appropriate, to carry out its work.
  4. The duties of the Subcabinet are to:
    - a. Work to identify and address barriers to providing services and meaningful opportunities within the most integrated settings for persons with disabilities throughout Minnesota.
    - b. Work to identify and address areas of disparity in opportunities for individuals with disabilities to live, work, and engage in the most integrated settings.
    - c. Engage communities with the greatest disparities in health outcomes for individuals with disabilities and work to identify and address barriers to equitable health outcomes.
    - d. Provide oversight for and monitor the implementation and amendment of the Olmstead Plan and the impact of the Plan on the lives of people with disabilities.
    - e. Provide ongoing recommendations for further amendment of the Olmstead Plan.
    - f. Ensure interagency coordination of the Olmstead Plan implementation and amendment process.
    - g. Convene periodic public meetings to engage the public regarding Olmstead Plan implementation and amendments.
    - h. Engage persons with disabilities and other interested parties in Olmstead Plan implementation and amendment process and develop tools to keep these individuals aware of the progress on the Plan.
    - i. Continue to implement the Quality of Life survey process to measure the quality of life of people with disabilities over time and continue to identify and implement quality improvement strategies.
    - j. Convene, as appropriate, workgroups consisting of people with disabilities, families of people with disabilities, advocacy organizations, service,

treatment, and health care providers, and/or governmental entities of all levels that are both members, and non-members, of the Subcabinet.

5. The OIO will carry out the responsibilities assigned by the Subcabinet, as directed by the Chair of the Subcabinet.
6. The Subcabinet will maintain procedures to ensure that they define a clear decision-making process, facilitate execution of the Subcabinet's duties, and appropriately define the role of the OIO and revise such procedures as necessary.
7. The OIO will provide staffing and administrative support to the Subcabinet.
8. Executive Order 15-03 is rescinded.

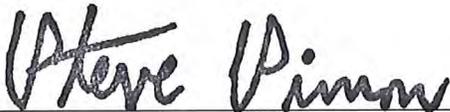
This Executive Order is effective fifteen days after publication in the State Register and filing with the Secretary of State. It will remain in effect until rescinded by proper authority or until it expires in accordance with Minnesota Statutes 2018, section 4.035, subdivision 3.

Signed on March 29, 2019.



**Tim Walz**  
Governor

Filed According to Law:



**Steve Simon**  
Secretary of State

