

NOTICE

In-Person Meeting of the Nebraska Olmstead Advisory Committee

Tuesday, July 30, 2024

9:00 a.m. Central Time

PLEASE TAKE NOTICE that on Tuesday, July 30, 2024, at 9:00 a.m. Central/8:00 a.m. Mountain, the Nebraska Olmstead Advisory Committee will hold an in-person meeting at the Assisted Technology Partnership (ATP) Offices, 500 S. 84th St., Lincoln, NE 68510. You may join the meeting virtually as a public member by Zoom via Computer, Smart Device or Telephone at <https://us06web.zoom.us/j/83487684064?pwd=yrciZoZ7ah4W6x25rA383GJ85CfGya.1>.

An agenda of subjects known at this time is included with this notice, but the agenda shall be kept continually current and readily available for public inspection at 301 Centennial Mall South in Lincoln, Nebraska during normal business hours. A notice of this meeting with the agenda and other materials is available on the Nebraska Department of Health and Human Services website <https://dhhs.ne.gov/Pages/Olmstead.aspx>.

On July 2, 2024, a notice of this meeting with the agenda was sent to all Committee members. Notice of this meeting with the agenda and other materials are available for public inspection at 301 Centennial Mall South in Lincoln, Nebraska, and posted with the following links kept continually current: an electronic copy of the agenda, all documents being considered at the meeting, with a link to the current version of the Open Meetings Act are on the website of the Nebraska Department of Health and Human Services – <https://dhhs.ne.gov/Pages/Olmstead.aspx> .

Agenda

In-Person Meeting of the Nebraska Olmstead Advisory Committee

Tuesday, July 30, 2024

9:00 a.m. Central Time

In accordance with the Open Meetings Act, Chapter 84, Article 14 of the Reissue Revised Statutes of the State of Nebraska 1943, as amended, one copy of all reproducible written materials to be discussed is available to the public at the meeting and at the link below for examination and copying.

Join the virtual meeting by Zoom via Computer, Smart Device or Telephone at
<https://us06web.zoom.us/j/83487684064?pwd=yrciZoZ7ah4W6x25rA383GJ85CfGya.1>.

Pursuant to the Open Meetings Act, since this is an in-person meeting, members of the Nebraska Olmstead Advisory Committee (Committee) who attend in-person are allowed to vote and be counted for the purpose of determining a quorum. Those who attend virtually via Zoom are not allowed to vote and not be counted for purposes of determining a quorum unless an ADA accommodation is requested to allow for virtual participation.

1. Call meeting to order

Mark Smith & Kathy Hoell

- 9:00 a.m. CT– Mark Smith and Kathy Hoell, will call the meeting to order.
- Roll call.
- Indicate that on July 2, 2024, a notice of this meeting with the agenda and other materials was provided to the public and all members of the Committee. Notice of this meeting with the agenda and other materials were available for public inspection at 301 Centennial Mall South in Lincoln, Nebraska, and also posted with the following link kept continually current: an electronic copy of the agenda and all documents being considered at the meeting, with a link to the current version of the Open Meetings Act are on the website of the Nebraska Department of Health and Human Services – <https://dhhs.ne.gov/Pages/Olmstead.aspx>.
- Inform the public about the location of the Open Meetings Act which is accessible to members of the public <https://dhhs.ne.gov/Pages/Olmstead.aspx>. along with a copy of all reproducible written materials to be discussed at this meeting.
- Public comment on any agenda item(s): Pursuant to the Open Meetings Act, the Chair of the Committee reserves the right to limit comments on agenda items. In accordance with the Open Meetings Act, there is no time limit on comments made by members of the Committee. Members of the Committee and members of the public may comment on agenda items or listen to the Committee Meeting; however, if the Committee votes to hold a closed session pursuant to the Open Meetings Act, members of the public may not comment or listen during that time. The committee requires any member of the public desiring to address the body to identify their name, including an address and the name of any organization represented by such person in accordance with Neb. Rev. Stat. §84-1412.

2. Consider a motion to approve the agenda

3. Consider a motion to approve the minutes from April 30, 2024. a. See pp. 5-9

4. Co-Chair Letter to Director Green and Response

Mark Smith & Kathy Hoell

5. DOJ Letter of Finding and Implications for Olmstead and Behavioral Health

Dianne DeLair, Disability Rights Nebraska

- Presentation and Questions

6. Advisory Committee Training

Mark Smith & Kathy Hoell

- Rationale and additional considerations:
 - The Advisory Committee's role has changed in reference to Olmstead Plan oversight.
 - There may be a need to ensure all representatives on the Committee are working from the same information.
 - How other states are approaching Olmstead advice and assistance is critical to a successful process.
- While PIE brings many necessary facets in terms of program evaluation to the Committee, content expertise may not be one of them.
- Given this circumstance, who might be an entity we could approach for this proposed activity?

7. Advisory Committee Frequency

Mark Smith & Kathy Hoell

8. Status of Plan Goals

Mark Smith & Kathy Hoell

- Do we have the data needed at present to meet plan requirements?
- If not, what plans are in place to meet these needs?

9. Vote on (Co-)Chairs for Workgroups

Mark Smith & Kathy Hoell

- Community Supports-
- Data-
- Education-
- Employment-
- Housing-
- Transportation-

10. Report out from Subcommittees

Subcommittee Chairs

- Members Present
- State Partners

- Activities and Plans to Date

11. Partners for Insightful Evaluation Report

Liz Gebhart-Morgan & Mindy Anderson-Knott, Partners for Insightful Evaluation

12. Call for Public Comment

Mark Smith & Kathy Hoell

13. Dates for Upcoming Meetings in 2024

Mark Smith & Kathy Hoell

14. Consider a Motion to Adjourn

Mark Smith & Kathy Hoell

Draft Minutes

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15. Call meeting to order:

Colin Large called to order the regular meeting of the Olmstead Advisory Committee at 9:00 am on Tuesday, April 29, 2024

16. Roll Call

The following persons were present:

Advisory Members Present:

In Person- Trish Bergman, Kim Davis, Dianne Delair, Lindy Foley, Timothy Heller, Patti Jurjevich, Kristen Larson, Tobias Orr, Kierstin Reed, Lorie Regier, Peggy Reisher, Carlos Servan, Mark Smith, Susan Tatum, Joe Valenti

Virtual- Stacy Bliss, Don Dew, Kathy Hoell, Edison McDonald, Joni Thomas

Advisory Members Absent:

Kasey Parker

DHHS Staff: In Person: Kathy Scheele, Colin Large, Miranda Newton

Other/Meeting Presenters: Liz Gebhart-Morgan, Partners for Insightful Evaluation; Justin Schroeder, Safety Division Director, Dept of Labor.

17. Approval of Meeting Minutes

Timothy Heller made a motion to approve minutes as presented, motion 2nd by Kathy Hoell. The minutes were approved as presented.

18. Report from Partners for Insightful Evaluation on the progress of the Olmstead Plan Evaluation to be submitted to the Legislature by December 15, 2024.

- a. Liz Gebhart-Morgan Update on online surveys for Individuals with Disabilities, Families and Caregivers of Individuals with Disabilities, and Workgroup Members

- Two surveys, four focus groups; interviews with key partners at state agencies and collected administrative data- Looking at other Midwest states Olmstead plans-States included are Colorado, Iowa, Minnesota, Missouri, North Carolina, North Dakota, and Ohio. A request to add Michigan to the list was made.
 - First survey went out to Workgroup members, partners, and key advocates. It was sent to 83 individuals and was open for 6 weeks with 54% participant rate.
 - Second survey sent to individuals at key organizations across the state to disseminate to individuals with disabilities. Family members and caregivers could also take the survey on behalf of individuals with disabilities. This survey was also open for 6 weeks with 38% of the respondents were from the perspective of those with a disability and rest were from family or caregivers.
- b. Update on Focus Groups for Individuals with Disabilities, Families and Caregivers of Individuals with Disabilities, and Workgroup Members
- One of the focus groups included Family Members/Caregivers -Promoted to 20 individuals who responded to the survey and held April 4th at 6 pm. Two people participated and five provided feedback online.
 - Second focus group - Individuals with Disabilities -was held on April 9 at 6pm and had 4 people participate and 2 give feedback. Had a few who were not comfortable doing it online so to make it accessible we put the focus group question in an online form and sent it to everyone who was invited to the focus group so they could provide feedback. We had five individuals for family members and caregivers get feedback through the avenue and then 2 people for the individuals with disability both completed online instead of participating in the workgroup.
 - Workgroup members focus group- range of individuals from the workgroups, It was held on April 5 at 10 am. Had 6 participated and 1 provided feedback through questions online.
 - DHHS focus group is being scheduled.
- c. Update on other activities to date
- Key informant interviews 15 people- Focus on organizations including four Divisions with the Dept of Health and Human Services; Dept of Education, Dept of Labor, Dept of Transportation tried to get a range of work groups. The first question we asked was how familiar they are with the Olmstead plan- 49% said not familiar; 41 said somewhat; 10% said very. Part of PIE report will highlight some suggestions that come from the focus group to helpfully increase the awareness of the Olmstead Plan.
 - Next step for PIE-Analyze data and do a few more key informant interviews. PIE will be drafting the final report including recommendations, Sharing the draft recommendations with Olmstead Plan Staff by Mid July to identify work that needs modified for the next iteration.
 - Would like to add plan revisions or changes being added to the agenda sooner than next summer so the Committee can get started on it. -One of the

discussions articulated with PIE is that we only have three years' worth of goals and that we would have a full rework to look at in a comprehensive way in order to hit the next fiscal year beyond what the current plan talks about that we are looking at next summer to get it moving and out the door.

- Concerns that there is a plan rolling out when simultaneously have a new proposal to eliminate the wait list that hasn't been integrated. Seems to be a disconnect in the core portion of the plan. Two other challenges that aren't as much in our control which is addressing the requirements of the new access rule which should be integrated in here along with the DOL overtime rules that are going to impact access especially when put in comparison with rates.
- Request made to open the survey back up for individuals with disabilities due to the responses being so low. The survey will be opened back up in order to get a few more respondents.

19. Report on the status of Olmstead Plan goals and objectives for SFY 2023

- Update on SFY 2023 Olmstead Goals and Objectives
 - i. The progress of the goals is moving and seems to be in progress. The progress is indicated in different colors in the handouts.
- Update on SFY 2024 1st Quarter Olmstead Goals and Objectives
 - i. Concerns with education and employment- not really addressing adults with Mental illness. There is a goal that addresses relates to employment rats after 6 months and over a year and that would be all populations.
 - ii. Lindy volunteered to follow up with NDE special education.
 - iii. Community services would like to incorporate LB276-which lays out the structure for appropriations for Certified community behavioral health clinics. Seems as though it is addressing the community services. In years 26 and 27 looking at providing services through this model.
 - iv. Workgroups met in January- focused on PIE and giving updates on the evaluation.
 - v. A Request for a list of workgroup members was made.
 - vi. Concerns were raised about the Data workgroup having disbanded and it is unclear where or how that information was provided. There are still 6 Olmstead workgroups, which include DATA.

20. Discussion of Nebraska Olmstead Advisory Committee By-Laws

- Concerns with how often the work groups meet. Need to meet more often than once a year. Advisory and work groups were meeting monthly, in June when the committee voted to submit the plan and to push the plan forward, we have not met since that time as we were trying to get the plan over to the HHS committee. Working to get the plan out, working to get the appointment letters written and signed by the CEO, and then providing timely notice of this meeting, each of those pushed the meeting date a little further out.

- Concerns with having to request virtual accommodation for every meeting. Needs to be modifications and not accommodations- by requiring those with a disability to make a request prior to every meeting is a hardship. Because some have memory issues and it's not something that works. Should be able to make a one-time request for to attend vertically for an indefinite period of time. Voting members can be online but they forfeit they their right to vote on issues.
- The Open Meeting Act outlines the rules to be followed in an open meeting; previously committee was able to meet virtually due to the executive order because of Covid. AG has since said the state needs to return to Open Meetings as outlined in the open meeting act. It was suggested that the state speak with the AG in order to get permission not to follow the Open Meetings Act. State agencies have to follow the Open Meetings Act.
- Need to make it easy for people to make their accommodations. – It is written in the bylaws that members may request a standing accommodation that will last throughout their term on the committee. Suggestions to remove 5 business days and remove the ambiguity about accommodations in the bylaws and make it modifications.
- Roll Call vote to amend by-laws:
 - **Voted Yes**-Trish Bergman, Kim Davis, Dianne Delair, Don Dew, Lindy Foley, Timothy Heller, Patricia Jurjevich, Kristen Larson, Tobias Orr, Kierstin Reed, Lorie Regier, Peggy Reisher, Carlos Servan, Mark Smith, Susan Tatum, Joni Thomas, Joe Valenti.
 - **No Vote**- Kathy Hoell,
 - **No Quorum vote**- Stacy Bliss, Edison McDonald
 - **Not present**- Kasey Parker
- Motion made by Timothy Heller to change Article 7 Section 2 -Work groups will meet quarterly and provide updates to the Olmstead Advisory Committee. Kristen Larson 2nd motion. Section changed.
- Motion made by Timothy Heller to approve by-laws as amended. 2nd Tobias Orr. Roll Call vote:
 - **Voting yes**- Trish Bergman, Kim Davis, Dianne Delair, Don Dew, Lindy Foley, Timothy Heller, Patricia Jurjevich, Kristen Larson, Tobias Orr, Kierstin Reed, Lorie Regier, Mark Smith, Susan Tatum, Joni Thomas, Joe Valenti.
 - **No Vote**- Kathy Hoell,
 - **No Quorum vote**- Stacy Bliss, Edison McDonald
 - **Not present**- Kasey Parker, Peggy Reisher, Carlos Sevan.
- Bylaws approved as amended.

21. Discussion of possible next steps and actions to be considered at future meetings.

- Discussion about captioning and ASL-DHHS will address how to have captioning and ASL on screens at the next meeting.

22. Call for Public Comment

- Melanie Davis- brought up concern about the virtual meeting component and needing accommodation is how are you telling individuals they need to request one.

23. Dates for Upcoming Meetings in 2024

- *July 30th 2024*
- *October 29th 2024*
- *January 28th 2025*

24. Adjournment:

- Timothy Heller made motion to adjourn the meeting. 2nd by Tobias Orr. The meeting adjourned at 11:13 am.