**OMHDD 2016 Jensen/Olmstead Budget Request Justification**

**Request: $ 100,000 in Fiscal Year 2016; $ 250,000/yr. for Fiscal year 2017**

This request is for funding to our base to add 2 FTEs to meet the essential work required of the OMHDD by the Federal District Court in the **Jensen Settlement Agreement** from the Class Action Law Suit against the State of Minnesota. It also includes extensive duties related to Minnesota’s **Olmstead Plan**, also required in the settlement agreement. In that law suit the OMHDD was appointed as a consultant to the Federal Court, Plaintiffs, Defendant DHS and the Court Monitor.

**Background/Duties:**

* In the Jensen Settlement Agreement (JSA) with the Federal District Court in Minnesota, the Ombudsman for Mental Health and Developmental Disabilities (OMHDD) was appointed as a Consultant to the Federal Court and all parties related to this case.
* It was the expectation of the court that the OMHDD would participate in all aspects of the various pieces of the agreement.
* Tasks including reviewing, editing and recommending improvements to vast complex documents in draft stage as well as final products delivered to the court. This involves working in depth with and understanding multiple different divisions within DHS. At times many of these documents are 500-1000 pages long and are reviewed multiple drafts of the same document.
* Provide independent reviews and reports to the court and parties on the status and conditions as well as DHS compliance with the settlement agreement as it relates to the 300 individual class members. Several class members are already under heighted scrutiny of the court and has order the OMHDD to monitor the problems and recommend improvements to the process.
* Required to participate in multiple work groups and task forces.
* Appointed an Ex-Officio member of the Governor’s Sub-Cabinet for the development and implementation of Minnesota’s landmark Olmstead Plan required by the JSA.
* Advise the Governor, Legislators and others on the progress of these duties and help evaluate how the state is doing.
* Newly added as a role in JSA is to review and monitor the new Behavioral Incident Reporting forms (BIRFs) related to seclusion and restraints which increased our work load by **19,072 report reviews for FYs 14-15**.
* Required meetings can average 150 to 200 per year which cover hundreds of hours of OMHDD time.

None of these duties were required of the OMHDD prior to the JSA and although they fall under the general concept of the OMHDD, the volume of the work has been overwhelming. While other agencies were granted additional staff to comply with Jensen and Olmstead[[1]](#footnote-1), The Ombudsman has not been granted any additional staff or resources to perform these intensive but critical duties. Currently the Ombudsman spends at least 75 % plus of her time trying to cover these issues. Many duties at the agency are wanting and waiting for adequate time and attention. Many of the delayed duties are non-the less critical for effective agency management. The agency is faced with operating in crisis mode a good share of the time.

**Staff Duties:**

The agency anticipates it would hire 2 full time senior level policy analyst individuals who have extensive knowledge of the systems covered by Jensen/Olmstead. These individuals would provide coordination and consultation of the work of the OMHDD to assure critical pieces of the JSA are reviewed and dealt with in a timely manner including but not limited to:

* Coordinate all of the Jensen/Olmstead work of the agency
* Reviewing and organizing documents for quick staff reference
* Review, edit and recommend agency positions related to the massive documents to be reviewed.
* Brief the Ombudsman and agency staff on progress on compliance being made by the state for compliance with JSA/Olmstead.
* Serve as technical advisor to regional staff on cases related to class members
* Prepare written material for submission to the various parties.
* Develop protocols for the various distribution avenues of information about the activities of the JSA
* Conduct in depth investigations as needed to assure the accuracy of the information the agency puts forth.
* Provide ad-hoc quality reviews of DHS systems responding to JSA requirements.
* Prepare written documentation for presentation to the parties and the court.
* Work closely with the Jensen Court Monitor working to oversee the settlement agreement.
* Respond to public requests for information about the settlement agreement and progress.
* Monitor the Comprehensive Plan of Action and the Evaluation Criteria that are associated with the JSA.

All of the parties involved have indicated that the OMHDD has a critical role in the outcomes of the JSA through their oversight and monitoring role. The agency has discussed this proposal with the Governor’s Office. The Commissioner of DHS has indicated support for the Ombudsman’s request to fund these positions.

**Outcomes:**

The JSA was promoted by all the parties to be the vehicle to provide transformational systems change that would improve the lives of all persons with developmental disabilities and through Olmstead, to all persons with disabilities. Goals of the plan include the move to the elimination of seclusion and restraint except in an emergency, promoting individual choices in how individuals will fulfill their lives by expressing what is important to them and to configure support services to assist them in achieving them. The work of these positions will assist to improve the quality of lives of individuals through personal choices and opportunities to integrate into full community inclusion and to live in the most integrated home or facility that they can achieve through improved supports in furtherance of the American’s With Disabilities Act and the Federal Court Olmstead Decision.

1. DHS alone received about 2M in 2014 and another 3M in 2015 for Jensen/Olmstead [↑](#footnote-ref-1)