

# NOTICE

In-Person Meeting of the Nebraska Olmstead Advisory Committee

Tuesday, October 29, 2024

12:30 p.m. Central Time

PLEASE TAKE NOTICE that on Tuesday, October 29, 2024, at 12:30 p.m. Central/11:30 p.m. Mountain, the Nebraska Olmstead Advisory Committee will hold an in-person meeting at the Assisted Technology Partnership (ATP) Offices, 500 S. 84<sup>th</sup> 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 October 1, 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, October 29, 2024

12:30 p.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/87142022789?pwd=1cAsWmArz3mriJtvbUUtqaG2SX2sav.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*

- 12:30 p.m. CT– Mark Smith and Kathy Hoell, will call the meeting to order.
- Roll call.
- Indicate that on October 1, 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 July 30, 2024.**

Mark Smith & Kathy Hoell

- See pages 5-8

**4. Call for Public Comment**

*Mark Smith & Kathy Hoell*

**5. Suggested Advisory Committee Training**

*Dianne DeLair, Disability Rights Nebraska*

- *Any changes from original discussion*
- *Update on Advisory Committee training specifics including potential dates, times, and locations*

**6. Advisory Committee Meeting Frequency**

*Mark Smith & Kathy Hoell*

- Committee Discussion including:
  - Avoiding meeting date conflicts, assure coordination
  - Ensuring workgroup meetings are safe from hacks and other interferences
    - Note: Workgroups do not have to comply with Open Meetings Act

**7. 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?
  - Legislative Action

**8. Report out from Subcommittees**

*Subcommittee Chairs*

- Activities and Plans to Date
- Available Minutes

**9. Partners for Insightful Evaluation Report**

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

- *Current Activities Report*
- *Data Component*
- *Evaluation Subcommittee*

**10. Call for Public Comment**

*Mark Smith & Kathy Hoell*

**11. Dates for Upcoming Meetings in 2024**

*Mark Smith & Kathy Hoell*

**12. Consider a Motion to Adjourn**  
*Mark Smith & Kathy Hoell*

## ***Olmstead Advisory Committee Meeting Minutes***

### ***In Person Attendance:***

*Mark Smith, Advocate*

*Joanie Thomas, Advocate*

*Tobias Orr, Director of ATP*

*Miranda Newton, DHHS*

*Colin Large, DHHS*

*Jim Miller, Advocate*

*Susan Tatum, Lincoln Housing Authority*

*Kirsten Reid, LeadingAge Nebraska*

*Mary Angus, Adapt Nebraska and Advocate*

*Joe Valentia, Advocate*

*Stacy Bliss, Psychologist*

*Lindy Foley, Director of Nebraska Vocational Rehabilitation*

*Peggy Reicher, Brain Injury Alliance of Nebraska*

*Patti Jurjevich, Region 6 Behavioral Healthcare*

*Trish Bergman, Nebraska Association of Area Agency's on Aging*

### ***Online Attendance:***

*Kathy Hoell, Committee Co-Chair, Advocate*

*Dea Henke, Advocate*

*Kristen Larsen, Nebraska Council on Developmental Disabilities*

*Lori Regier, Chair for Governor's Developmental Disabilities Committee*

*Edison McDonald, Executive Director for Arc of Nebraska*

*Carlos Servan, Director of Nebraska Commission for the Blind*

*Mikayla Findlay, Legislative Fiscal Office*

*Dianne DeLair, Legal Services Director for Disability Rights in Nebraska*

*Kristen Smith, Deputy Director for Developmental Disabilities*

*Meeting Called to Order*

*Roll call completed.*

*Request made to allow Kristen Larson the accommodation to be online instead of in person and be allowed to vote. Referred to DHHS representatives. DHHS stated an ADA Accommodation is required, not having the appropriate legal background on this topic, referred back to committee. Committee bylaws require 1-week notice. Kristen stated she was okay with not being able to carry a vote for this committee meeting.*

*Consider Motion to Approve Agenda.*

*Motion made to approve meeting agenda. Seconded. Body voted in favor of approving the agenda.*

*Only July 2nd, notice of meeting with agenda and materials was provided to the public and committee, notice was posted for public inspection per Open Meetings Act. No comments received. Pursuant to the Open Meetings Act, members of the public that make comment must identify their name and address to the committee meeting. Members of the public included:*

*Mary Phillips, 2906 O'Malley Circle in Lincoln, Nebraska*

*Aaron Phillips, 2906 O'Malley Circle in Lincoln, Nebraska*

*Consider Motion to Approve Meeting Minutes from 04/30/2024*

*Motion was made to approve the committee meeting agenda. Seconded. Body voted in favor of accepting the agenda as written.*

*Motion was made to approve the previous committee meeting minutes. Seconded.*

*Discussion: Tobias stated the meeting minutes appeared to be attached to the agenda, suggested meeting minutes be edited.*

*Body voted in favor of accepting the previous committee meeting minutes as written.*

*Co-Chair Letter to Director Green and Response*

*Kathy presented on the following concerns that came from a Co-Chair Letter from the Committee to Director Green and his response. The letter covered the following concerns:*

*Concern that quarterly meetings will be inadequate for the work required of the committee.*

*Concern about committee membership lacking knowledge on Olmstead.*

*Concern about Partners for Insightful Evaluation (PIE) that has been selected to provide technical assistance to Health and Human Services Committee on the execution of the Olmstead plan. Does PIE have appropriate background knowledge to be able to provide this information?*

*Per discussion with Director Green, suggestions on how to alleviate concerns:*

- *Return to monthly meetings.*
- *Provide Olmstead training to all committee members.*
- *Director Green appears to believe PIE has the appropriate knowledge to assist with the administration of Olmstead.*

*Confusion on the meeting agenda and action items occurred, clarification was provided. Co-Chair Letter topics were presented for informative purposes. Committee requested a copy of the Co-Chair Letter. Kathy will send a copy of the letter to Miranda, Miranda will provide copies to Committee members.*

#### *DOJ Letter of Finding*

*Dianne DeLair presented on DOJ Letter of Finding and Implications for Olmstead and Behavioral Health. The letter found that Nebraska is violating Federal Civil Rights Laws by unnecessarily institutionalizing people with serious mental illness. Suggested remedies are:*

- *Expand access to existing services*
- *Offer supported employment services*
- *Ensure services are available and accessible in the community*
- *Develop a process for collecting and analyzing data about Nebraskans with serious mental illness and coordinate the system across state agencies*
- *Identify people may be open to living and working in the community*

*Discussion on issues with institutions and inappropriately institutionalizing participants.*

#### *Advisory Committee Training*

*Mary Angus moved that the Committee pursue training for Advisory Committee Training, lead by Dianne. Seconded.*

*Discussion on Committee training.*

*Committee voted in favor of Committee Training.*

#### *Advisory Committee Frequency*

*Motion made to do quarterly meetings. Discussion followed. Motion withdrawn. Committee will continue with quarterly meetings as currently written in the bylaws.*

#### *Status of Plan Goals*

*Kathy reported on concerns with plan goals. Uncertain that the Committee has the data needed to see if Olmstead plan requirements are being met and provide advice and guidance.*

*Suggested by Tobais for workgroups to report on their progress and barriers and have it be reviewed by the Committee during the quarterly meetings.*

#### *Vote on Chairs for Workgroups*

*Community Supports: Joanie Thomas*

*Data: Mark Smith*

*Education: Stacy Bliss*

*Employment: Lindy Foley*

*Housing: Tobias Orr*

*Transportation: Don*

*Moved to accept the appointment of Chairs for workgroups. Seconded. Body voted in favor of accepting appointments.*

#### *Report Out from Subcommittees*

*No report out from subcommittees.*

#### *Partners for Insightful Evaluation (PIE) Nebraska Olmstead Plan Evaluation*

*Presented on Individuals with Disabilities Survey results. Discussion.*

*Motion to adjourn meeting. Seconded. Body voted in favor. Meeting adjourned.*