


# The Minnesota Olmstead Plan

Achievements from the first decade  
of planning and implementation

**2012-2022**

A woman with glasses is smiling while sitting at a desk in an office. She is looking towards the right side of the frame. The background is slightly blurred, showing office equipment and a window with blinds. The entire image has a light blue tint.

**Publication Date: September 1, 2022**

The preparation of this publication was financed in part by grant number 2101MNSCDD from the Administration for Community Living, U.S. Department of Health and Human Services, Washington, D.C. 20201. Grantees undertaking projects with government sponsorship are encouraged to express freely their findings and conclusions. Points of view or opinions do not, therefore, necessarily represent official ACL policy.

**Minnesota Governor's Council on Developmental Disabilities**

370 Centennial Office Building  
658 Cedar Street  
St. Paul, Minnesota 55155  
[mn.gov/mnddc](http://mn.gov/mnddc)

Voice: (651) 296-4018  
Toll Free: (877) 348-0505  
MN Relay Service: 800-627-3529 or 711  
Email: [admin.dd.info@state.mn.us](mailto:admin.dd.info@state.mn.us)

**This document can be made available in alternative formats upon request.**

The Minnesota Olmstead Plan is a set of goals Minnesota state agencies must meet so that people with disabilities can live, learn, work, and enjoy life in the most integrated setting.

# Achievement Highlights<sup>1</sup>

## 10 YEARS AGO

## TODAY

State agencies whose policies and programs directly impact the lives of people with disabilities had limited coordination and lacked accountability to improve outcomes for people with disabilities.

The Olmstead Subcabinet makes sure that responsibilities for achieving the Minnesota Olmstead Plan goals are clear, that agencies collaborate to achieve those goals, and that there is public accountability through regular reports on the progress Minnesota is making toward the goals.

Minnesota did not have an Olmstead Plan.

The 2022 Minnesota Olmstead Plan covers 12 comprehensive areas and includes 33 measurable goals, with clear targets and dates by which to achieve the goals.

The burden was on people with disabilities living in segregated settings to explicitly say they wanted to leave before they had the opportunity to move to the most integrated setting.

According to the Olmstead decision, the state has to offer the opportunity to move to the most integrated setting to people with disabilities, and they have the right to refuse.

Person-centered planning was not a requirement for people using disability home and community-based waiver services.

Many state and federal policies now mandate person-centered delivery of long-term services and supports, and the Minnesota Olmstead Plan has a goal for eight specific person-centered criteria to be present.

*Continued next page*

<sup>1</sup> The citations for this information are included in the following report.

## 10 YEARS AGO

## TODAY

The number of people on waitlists for home and community-based services was unknown but was estimated to be up to 10,000 people.

As part of the Olmstead Plan, Minnesota adopted an urgency categorization system to measure how quickly people getting a Developmental Disabilities waiver receive it, and in 2021, almost 70 percent of waivers needed immediately were approved within 45 days.

There was not a reliable source of funding to create affordable housing with support services for people with disabilities.

The Minnesota Legislature has approved more than six million dollars in housing infrastructure bonds, with a large portion going to permanent supportive housing.

Minnesota did not have a plan to prevent the abuse and neglect of people with disabilities.

Minnesota now has the *Comprehensive Plan for Prevention of Abuse and Neglect of People with Disabilities* report and the *Treat People Like People* public awareness campaign.

It was not clear, nor reported publicly, how many people with disabilities were being subjected to mechanical restraints.

Since 2014, the number of people with disabilities subjected to mechanical restraints, including auxiliary devices, decreased from 85 people to 8 people.

There was no adoption of the Employment First Policy, nor systematic training about customized employment.

Minnesota has adopted an Employment First Policy, which has measurable goals and now provides statewide training on customized employment.

# Origins

In the Americans with Disabilities Act of 1990 (ADA), Congress found that “disabilities in no way diminish a person’s right to fully participate in all aspects of society,” but also found that “historically, society has tended to isolate and segregate individuals with disabilities, and, despite some improvements, such forms of discrimination against individuals with disabilities continue to be a serious and pervasive problem.”

The ADA’s purpose was to, in part, “provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities.” Yet despite the passage of the ADA, many states delayed integrating people with disabilities who were living in institutions fully into community settings, including Minnesota.

In 1999, the U.S. Supreme Court ruled in *Olmstead v. L.C.* that funding is not a legitimate reason to keep people with disabilities institutionalized. The decision “put states on notice that unnecessary segregation of individuals with disabilities is a violation of the ADA.”<sup>2</sup> Since the Court’s decision, the Department of Justice (DOJ) has given states guidance to create a plan to implement the *Olmstead* decision.

Minnesota’s Olmstead Plan was developed in response to the *Jensen* Settlement Agreement which resulted from a lawsuit brought on behalf of people with developmental disabilities living in a state institution

where they were handcuffed, shackled, put in leg irons, and locked in rooms by themselves on a regular basis.

---

2022 marks ten years since Minnesota began planning and implementing an Olmstead Plan.

---

Within this first decade, there has been progress made toward the vision of all people with disabilities living, learning, working, and enjoying life in the most integrated setting.

A few of the highlights are noted here to acknowledge this important anniversary. However, we cannot forget that there is still much more work for the State of Minnesota to do to fully eliminate discrimination against people with disabilities and to make sure that people with developmental disabilities are fully integrated into our communities.

---

<sup>2</sup> “*Separate and Unequal: States Fail to Fulfill the Community Living Promise of the Americans with Disabilities Act.*” United States Senate Health, Education, Labor, and Pensions Committee. July 18, 2013. ([www.help.senate.gov/imo/media/doc/Olmstead%20Report%20July%2020131.pdf](http://www.help.senate.gov/imo/media/doc/Olmstead%20Report%20July%2020131.pdf))



Despite the passage of the ADA, many states delayed integrating people with disabilities who were living in institutions fully into community settings.

THE MINNESOTA OLMSTEAD PLAN  
**A Brief History**

Minnesota's first Olmstead Planning Committee formed in March 2012 as a result of the *Jensen* Settlement Agreement. One of the Committee's recommendations was for the Governor to establish an Olmstead Subcabinet to make sure there was coordinated planning and implementation across state agencies of an Olmstead Plan for Minnesota.

In January 2013, through Executive Order 13-01, Governor Mark Dayton established the Olmstead Subcabinet and tasked it with promptly developing and implementing a comprehensive Minnesota Olmstead Plan. After reelection, Governor Dayton issued Executive Order 15-03. Governor Tim Walz, when elected, issued Executive Order 19-13.

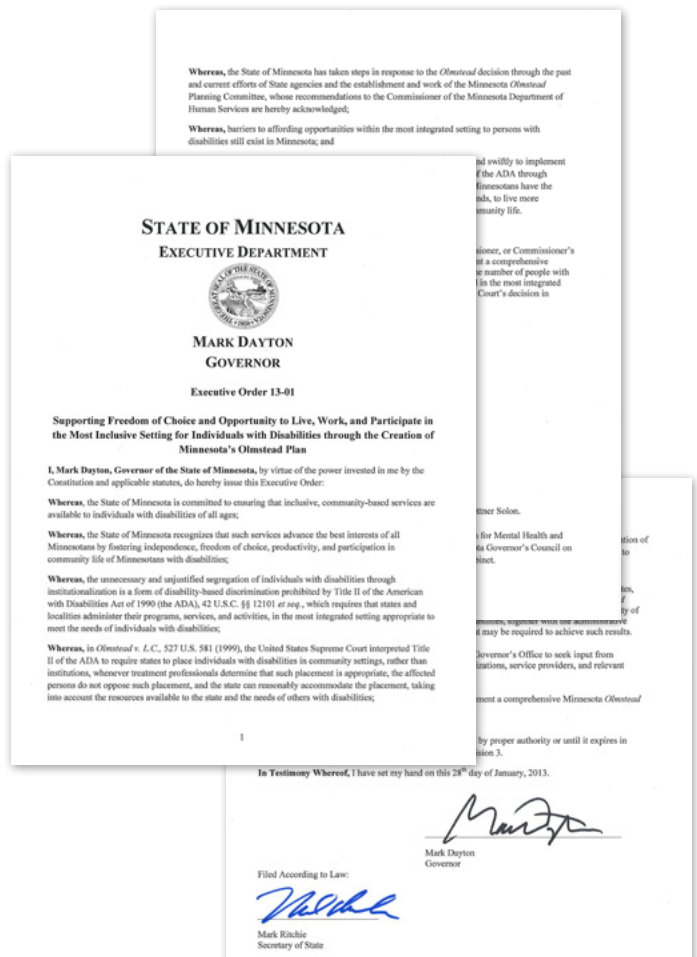
The first Minnesota Olmstead Plan was submitted for Court review in June 2013. The Court rejected that first version, as well as several following iterations. The Court approved Minnesota's Olmstead Plan on September 29, 2015. Workplans were written to guide state agencies' actions to achieve the Plan's goals.

---

Annually, the Minnesota Olmstead Plan is revised through an extensive process that includes public input and a public comment period. Workplans are also updated.

---

On October 24, 2020, the Court's jurisdiction over the Minnesota Olmstead Plan ended, but the work of the Olmstead Subcabinet and implementation of the Olmstead Plan continues.





**Achievements**  
from the first decade  
of planning and  
implementation  
of the Minnesota  
Olmstead Plan

# Achievements

## Accountability through an interagency subcabinet

Ten years ago, before the Minnesota’s Olmstead Subcabinet was created through Executive Order 13-01 in 2013, state agencies whose policies and programs directly impact the lives of people with disabilities had limited coordination and lacked accountability to improve outcomes for people with disabilities.

---

13	The number of members on the interagency Minnesota Olmstead Subcabinet
----	--

---

Today, the Olmstead Subcabinet brings together Commissioners from ten Executive Branch agencies plus the Metropolitan Council and includes representation from the Governor’s Council on Developmental Disabilities and the Office of Ombudsman for Mental Health and Developmental Disabilities.

---

MORE THAN 90	The number of times the Olmstead Subcabinet has met since its creation in 2013
-----------------	--

---

The Subcabinet makes sure that responsibility for achieving the Minnesota Olmstead goals is clear, that agencies collaborate to achieve those goals, and that there is public accountability through regular reports to measure progress toward the goals.

**“The important thing to remember is that ten years ago, none of this infrastructure existed. There wasn’t an interagency Subcabinet where Commissioners are called to account. Now, the accountability is at the Commissioner level, and what gets measured and reported gets paid attention to.”** Mary Tingerthal, Tingerthal Group LLC and former Commissioner of Minnesota Housing



## A comprehensive plan with measurable goals

In 2011, the Department of Justice said that Olmstead Plans “must have specific and reasonable timeframes and measurable goals” so that public agencies can be held accountable.<sup>3</sup>

More than ten years ago, the initial Minnesota Olmstead Plan had zero measurable goals, and of more than 140 actions outlined in the plan, only 18 actions included a numerical target.

---

# 33

The number of measurable goals in the April 2022 revision of the Minnesota Olmstead Plan

---

Today, the April 2022 revision of the Minnesota Olmstead Plan covers 12 comprehensive areas and includes 33 measurable goals, with clear targets and dates by which to achieve the goals.

Progress made toward the targets is reported to the Olmstead Subcabinet on a quarterly basis and in an annual report. The Olmstead Implementation Office’s website also has graphs available to the public to show whether the Olmstead Subcabinet agencies are making progress toward achieving the goals.

---

<sup>3</sup> “Separate and Unequal: States Fail to Fulfill the Community Living Promise of the Americans with Disabilities Act.” United States Senate Health, Education, Labor, and Pensions Committee. July 18, 2013. ([www.help.senate.gov/imo/media/doc/Olmstead%20Report%20July%2020131.pdf](http://www.help.senate.gov/imo/media/doc/Olmstead%20Report%20July%2020131.pdf))



For a chronology of the past ten years of the Olmstead Subcabinet’s work, visit [mn.gov/mnddc/future/pdf/olmstead-plan-chronology.html](https://mn.gov/mnddc/future/pdf/olmstead-plan-chronology.html)

## People moving to more integrated settings through person-centered planning

Ten years ago, instead of being asked, people with disabilities living in segregated settings had to explicitly say they wanted to leave a segregated setting. This put the responsibility on people with disabilities to get access to more integrated housing.

Today, because of the *Olmstead* decision, the state must offer people with disabilities the opportunity to move to the most integrated setting. These individuals have the right to accept or refuse moving—the choice is theirs. This approach puts the responsibility on the state to make sure people are living in the most integrated setting.

---

8

The number of criteria required for person-centered planning

---

A key focus of the current Minnesota Olmstead Plan is to ensure that people with disabilities have access to a person-centered planning process that makes sure they understand all of the options for where they can live, lets them make the decision of where they want to live, and provides the supports and services they need to live in the most integrated setting possible that they choose.

Ten years ago, person-centered planning was not a federal or state requirement, and the concept had not been adopted systematically across Minnesota.

Today, many state and federal policies mandate person-centered delivery of long-term services and supports, including federal requirement for person-centered planning for home and community-based waiver services.

The Minnesota Olmstead Plan has a goal for eight specific person-centered criteria to be present in at least 90 percent of plans for people using home and community-based waiver services.

---

15,744

The number of people who have moved to more integrated settings since 2015

---

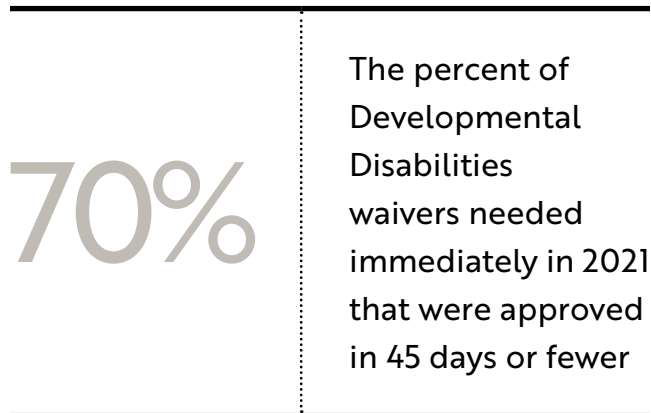
From 2015 to 2021, a cumulative total of 15,744 people<sup>4</sup> moved to a more integrated setting from Intermediate Care Facilities for Individuals with Developmental Disabilities (ICFs/DD), from nursing facilities after being there for longer than 90 days (only people under 65), or from other segregated housing.<sup>5</sup>

---

<sup>4</sup> Some individuals may be counted more than once. For example, if an individual moved out of a segregated setting in one year, then back in another year, and again into a more integrated setting later.

<sup>5</sup> “May 2022 Quarterly Report on Olmstead Plan Measurable Goals.” ([mn.gov/olmstead/assets/2022-05-May-2022-quarterly-report-on-olmstead-plan-measurable-goals\\_tcm1143-528779.pdf](https://mn.gov/olmstead/assets/2022-05-May-2022-quarterly-report-on-olmstead-plan-measurable-goals_tcm1143-528779.pdf))

The number of people receiving disability home and community-based services in Minnesota has increased from 47,272 in 2017 to 58,289 in 2020.<sup>6</sup>



At the time of developing the first Minnesota Olmstead Plan in 2013, the number of people on the waiting list for a home and community-based services waiver was estimated to be between 3,000 to 10,000. The true number wasn't known. Adults with disabilities and family members were concerned about making sure they or their family member would get an approved waiver when they needed it. So, people would get on the waiting list ten or twenty years ahead of time leading to confusion about how many people really needed a waiver right away.

In 2015, an urgency categorization system was developed to measure how quickly people were getting a Developmental Disabilities waiver, whether they need the waiver immediately, are exiting an institution, or will need the waiver within a year.

In 2016, the first year it was measured, 47 percent of waivers across all categories were approved within 45 days.<sup>7</sup> As of 2021, that percentage is now 66 percent, which is a 19-percentage point increase since 2016. Almost 70 percent of waivers needed immediately were approved within 45 days in 2021.



The amount of money that has been allocated for housing infrastructure bonds which has led to more permanent supportive housing

Ten years ago, there wasn't a reliable source of funding to create affordable housing with support services for people with disabilities. At the beginning of Olmstead planning, Minnesota Housing worked with the legislature on housing infrastructure bonds, with a major focus on creating more permanent supportive housing. Since then, Minnesota has approved more than six million dollars in housing infrastructure bonds, with a large portion going to permanent supportive housing.<sup>8</sup>

**In 2021, nearly 70% of home and community-based waivers needed immediately were approved within 45 days.**

<sup>6</sup> "Minnesota's Olmstead Plan, April 2022 Revision." ([mn.gov/olmstead/assets/2022-04-olmstead-plan\\_tcm1143-526399.pdf](https://mn.gov/olmstead/assets/2022-04-olmstead-plan_tcm1143-526399.pdf))

<sup>7</sup> *Ibid.*

<sup>8</sup> *Interview with Mary Tingerthal, 2022.*



The *Treat People Like People* campaign was co-created by people with disabilities and updated to include new voices from diverse communities.

## Preventing the abuse and neglect of people with disabilities

Ten years ago, Minnesota did not have a plan to prevent the abuse and neglect of people with disabilities. To study this issue, get community input, and develop recommendations, the Olmstead Specialty Committee was created in 2017. The Specialty Committee’s *Comprehensive Plan for Prevention of Abuse and Neglect of People with Disabilities* was presented to, and adopted by, the Olmstead Subcabinet in January 2018.

Following release of the report, a partnership between the Ombudsman for Mental Health and Developmental Disabilities and the Governor’s Council on Developmental Disabilities resulted in the *Treat People Like People* 2019 public awareness campaign. This initiative raises awareness of the problem of abuse and neglect of people with disabilities through the stories and voices of Minnesotans with disabilities.

8

The annual number of people who were mechanically restrained in 2021

A grayscale photograph of a woman with short dark hair, smiling broadly with her eyes closed. She is wearing a light-colored t-shirt and a dark denim apron. She is holding a white tray in front of her. In the foreground, the back of another person's head and shoulder is visible, slightly out of focus. The background features a decorative window with a circular pattern and a ceiling light fixture.

The Employment First Policy envisions a future where people with disabilities can achieve competitive integrated employment.



The lawsuit that led to the *Jensen* settlement followed a 2008 investigation by the Ombudsman for Mental Health and Developmental Disabilities which found that there was a “standard practice” of using leg irons and metal handcuffs on residents of Minnesota Extended Treatment Options (METO) program. The *Jensen* lawsuit was brought on behalf of 300 people who had been subjected to aversive treatments at METO. Bradley Jensen, the 18-year-old lead plaintiff, had been restrained more than 250 times in one year.

At the time the Olmstead Subcabinet began developing the Minnesota Olmstead Plan it wasn't clear nor publicly reported how many people with disabilities were being subjected to mechanical restraints, but was estimated to be in the hundreds.

Once a baseline was established in 2014, there were 2,083 reports of the use of mechanical restraints on a total of 85 people that year. This included the use of auxiliary devices, such as the use of a device to make sure someone couldn't unbuckle their seatbelt in a moving vehicle.<sup>9</sup> In 2021, a total of 8 people had such mechanical restraints used on them. That is a 91 percent reduction from 2014.

---

5,966

---

The reduction in the number of reports of restrictive procedures from 2014 to 2021

---

A restrictive procedure can include using a manual restraint if someone is at imminent risk of hurting themselves or someone else. In 2021, there were 2,636 reports of restrictive procedures being used on people receiving services through state licensed disability services, such as home and community-based services.<sup>10</sup> This is a reduction from 2014, when there were 8,602 reports of the use of such restrictive procedures. The number of individual people who experienced such restrictive procedures also declined from 1,076 in 2014, to 456 in 2021.

## Increasing competitive integrated employment

In 2014, the Olmstead Subcabinet adopted the Employment First Policy, which envisions a future where people with disabilities can achieve competitive integrated employment. The policy calls on the Departments of Education, Employment and Economic Development, and Human Services to create transformational change in the employment services and supports for people with disabilities, including aligning funding and policies. The policy established measurable goals and reports data publicly on the Employment First dashboards.

---

<sup>9</sup> “May 2022 Quarterly Report on Olmstead Plan Measurable Goals.” ([mn.gov/olmstead/assets/2022-05-May-2022-quarterly-report-on-olmstead-plan-measurable-goals\\_tcm1143-528779.pdf](https://mn.gov/olmstead/assets/2022-05-May-2022-quarterly-report-on-olmstead-plan-measurable-goals_tcm1143-528779.pdf))

<sup>10</sup> *Ibid.*

---

# 6,000

---

The reduction in the number of people employed at subminimum wage jobs from 2016 to 2021

---

It's estimated that between 2016 and 2021, the number of people employed making subminimum wage in Minnesota decreased by a number between 5,000 and 7,000 people.<sup>11</sup> It is unknown the current status of these individuals.

In 2021, the Minnesota Legislature created the Task Force on Eliminating Subminimum Wages. The Task Force will submit a report in 2023 with recommendations if subminimum wages are phased out by August 2025.

---

# 712

---

The number of students with developmental cognitive disabilities moving from high school to competitive integrated employment in 2020

---

In 2016, the number of students with developmental cognitive disabilities who entered competitive integrated employment after high school was 137.<sup>12</sup> That number was 712 in 2020, representing a 420 percent increase since 2016.<sup>13</sup> Competitive integrated employment is a job where people with disabilities work with colleagues who don't have disabilities and receive the same pay and benefits as others in their position.

---

# 55

---

The increase in the number of Peer Support Specialists working in Minnesota from 2016 to 2020

---

In 2016, there were 16 certified Peer Support Specialists. That number increased to 71 by 2020 and continues to grow.<sup>14</sup> Currently, 1,175 people have successfully completed peer support training. Peer Support Specialists help people who are dealing with a mental health challenge they've also faced. The Peer Support Specialist model both serves people with mental health challenges, and also provides employment opportunities for people who have or had mental health challenges.

---

<sup>11</sup> "Initial background brief: Subminimum wage use, concerns, trends among states, and resources." ([mn.gov/dhs/assets/TFESW%20Initial%20Background%20Brief-accessible\\_tcm1053-521663.pdf](https://mn.gov/dhs/assets/TFESW%20Initial%20Background%20Brief-accessible_tcm1053-521663.pdf))

<sup>12</sup> Olmstead Implementation Office website, "Employment Goals." ([mn.gov/olmstead/plan-goals/employment/](https://mn.gov/olmstead/plan-goals/employment/))

<sup>13</sup> It should be noted that this number does not reflect the total for the entire statewide school system, but for a subset of districts tracking and reporting the data.

<sup>14</sup> "Minnesota's Olmstead Plan, April 2022 Revision." [mn.gov/olmstead/assets/2022-04-olmstead-plan\\_tcm1143-526399.pdf](https://mn.gov/olmstead/assets/2022-04-olmstead-plan_tcm1143-526399.pdf)

## Appreciation

There are hundreds of people who have been involved with the Olmstead Plan during the past decade and the Council would like to thank them for their dedication and hard work.

Thank you to the following people for helping identify the key achievements that have resulted so far from the planning and implementation of the Minnesota Olmstead Plan.

### **Commissioner Jennifer Ho**

*Commissioner of Minnesota Housing  
Current Chair of the Olmstead  
Subcabinet*

### **Shelley Madore**

*Executive Director of the Olmstead  
Implementation Office*

### **Chris McVey**

*Deputy Director of Disability  
Employment Services, Department  
of Employment and Economic  
Development*

### **Bud Rosenfield**

*Ombudsman for Mental Health and  
Developmental Disabilities*

### **Mike Tessneer**

*Director of Compliance, Department  
of Human Services*

### **Mary Tingerthal**

*Tingerthal Group LLC  
Former Commissioner of Minnesota  
Housing, Former Chair of the Olmstead  
Subcabinet*

### **Rosalie Vollmar**

*Compliance, Department of Human  
Services*

**A special thank you to  
the past and current  
Olmstead Subcabinet Chairs**

*Lt. Governor Yvonne Prettner-Solon  
Commissioner Mary Tingerthal  
Commissioner Jennifer Ho*

