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Ombudsman for Mental Health and Developmental Disabilities

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<https://mn.gov/omhdd>

AT A GLANCE

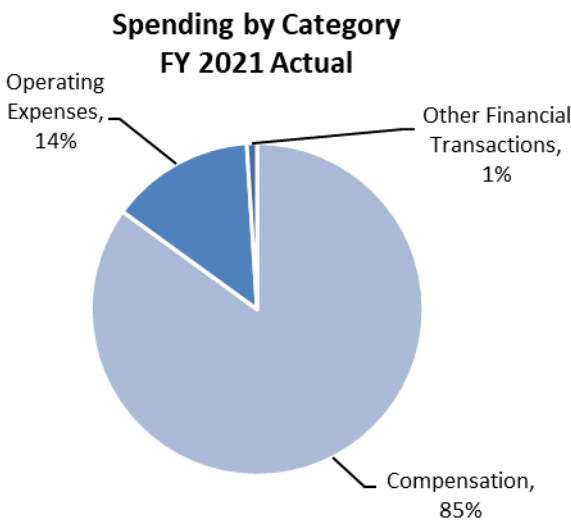
- Operates eight offices statewide with fewer than 20 staff
- Oversees more than 16,000 agencies, facilities, programs, and licensees providing services to over 300,000 Minnesotans with mental, developmental, chemical, and emotional disabilities
- Responds to more than 7,000 cases per year, including more than 4,000 individual requests for assistance, review of over 1,500 serious injury reports, and over 1,000 death reports annually
- Monitors quality of care related to Department of Human Services and Department of Health Licensing, the Department of Education, Special Review Board, Nursing Home closures, Behavior Intervention Report Forms, and the U of M Clinical Trials on psychiatric medications

PURPOSE

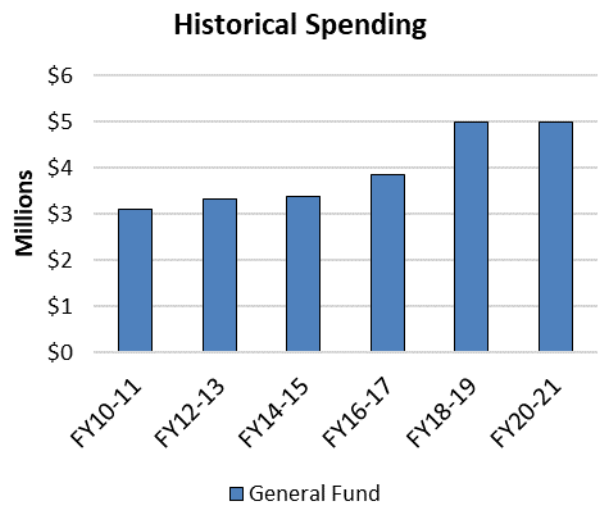
The Office of Ombudsman for Mental Health and Developmental Disabilities (OMHDD) promotes the highest attainable standards for treatment, competence, efficiency, and justice for persons receiving services for mental illness (MI), developmental disabilities (DD), chemical dependency (CD), substance use disorder (SUD), and emotional disturbance (ED). These include services that are licensed, certified, or registered by the Departments of Health, Human Services, and Education as well as local school districts and county social service agencies.

OMHDD works to resolve client complaints and concerns regarding treatment and rights-related issues. The OMHDD reviews serious injury and death reports involving clients, monitors Clinical Drug Trials at the U of M, and provides civil commitment and other training statewide.

BUDGET



Source: Budget Planning & Analysis System (BPAS)



Source: Consolidated Fund Statement

STRATEGIES

The OMHDD regional and medical review staff monitor client cases to address individual client needs and identify systemic issues in all areas of the MI, DD, CD/SUD, and ED service systems. When staff see issues occurring in multiple areas of the state, they can quickly share information to counties, providers, and other stakeholders on what issue has been identified and how OMHDD staff have helped others deal with those issues. Medical Review staff produce timely and topical medical alerts which focus on education and prevention of issues that negatively impact client safety. The alerts are shared electronically with licensed providers and interested persons statewide. OMHDD staff operate the statewide Civil Commitment Training and Resource Center, providing civil commitment education to stakeholders to reduce the number of inappropriate commitments, save valuable resources, and get clients to the level of service they require in the least restrictive and most integrated environments.

The OMHDD acts as the intermediary between Minnesota residents and state government provided or funded service delivery systems. When practices, policies, and procedures do not make sense to clients, are unfair, or errors have been made, OMHDD staff can help bring the two sides together to obtain the best result for the client. OMHDD provides training to providers, families, law enforcement, legal, medical, local, county, and state staff in order to improve services and increase understanding of service delivery systems and laws. OMHDD staff are involved in local and statewide work groups and committees covering a wide variety of topics related to client care provision. OMHDD staff also monitor the quality of care via report review from multiple agencies, facilities, and programs.

RESULTS

<i>Type of Measure</i>	<i>Name of Measure</i>	<i>Previous</i>	<i>Current</i>	<i>Dates</i>
Quantity	Cases by all issue types	13,387	14,368	FY 18-19; FY 20-21
Quantity	Civil commitment trainings/attendees	66/1630	27/882	FY 18-19; FY 20-21

The following statutes apply to the OMHDD:

- MS Chapter 245.91 <https://www.revisor.mn.gov/statutes/?id=245.91>
- MS Chapter 245.92 <https://www.revisor.mn.gov/statutes/?id=245.92>
- MS Chapter 245.93 <https://www.revisor.mn.gov/statutes/?id=245.93>
- MS Chapter 245.94 <https://www.revisor.mn.gov/statutes/?id=245.94>
- MS Chapter 245.945 <https://www.revisor.mn.gov/statutes/?id=245.945>
- MS Chapter 245.95 <https://www.revisor.mn.gov/statutes/?id=245.95>
- MS Chapter 245.96 <https://www.revisor.mn.gov/statutes/?id=245.96>
- MS Chapter 245.97 <http://www.revisor.mn.gov/statutes/?id=245.97>.

(Dollars in Thousands)

	Actual FY20	Actual FY21	Actual FY22	Estimate FY23	Forecast Base FY24 FY25		Governor's Recommendation FY24 FY25	
<u>Expenditures by Fund</u>								
1000 - General	2,392	2,367	2,261	2,954	2,536	2,536	3,441	3,644
2001 - Other Misc Special Revenue	25							
Total	2,417	2,367	2,261	2,954	2,536	2,536	3,441	3,644
Biennial Change				432		(143)		1,870
Biennial % Change				9		(3)		36
Governor's Change from Base								2,013
Governor's % Change from Base								40
<u>Expenditures by Program</u>								
Ombudsman for MH & DD	2,417	2,367	2,261	2,954	2,536	2,536	3,441	3,644
Total	2,417	2,367	2,261	2,954	2,536	2,536	3,441	3,644
<u>Expenditures by Category</u>								
Compensation	2,056	2,002	1,951	2,304	2,160	2,095	2,965	3,103
Operating Expenses	360	342	310	648	374	439	474	539
Other Financial Transaction	1	23		2	2	2	2	2
Total	2,417	2,367	2,261	2,954	2,536	2,536	3,441	3,644
<u>Full-Time Equivalents</u>								
	19.16	18.27	17.39	19.60	18.00	17.00	24.00	24.00

(Dollars in Thousands)

	Actual FY20	Actual FY21	Actual FY22	Estimate FY23	Forecast Base FY24 FY25		Governor's Recommendation FY24 FY25	
1000 - General								
Balance Forward In	193	249	193	418				
Direct Appropriation	2,438	2,438	2,487	2,536	2,536	2,536	3,441	3,644
Cancellations		127						
Balance Forward Out	239	193	418					
Expenditures	2,392	2,367	2,261	2,954	2,536	2,536	3,441	3,644
Biennial Change in Expenditures				457		(143)		1,870
Biennial % Change in Expenditures				10		(3)		36
Governor's Change from Base								2,013
Governor's % Change from Base								40
Full-Time Equivalents	19.16	18.27	17.39	19.60	18.00	17.00	24.00	24.00

2001 - Other Misc Special Revenue

Receipts	25							
Expenditures	25							
Biennial Change in Expenditures				(25)		0		0
Biennial % Change in Expenditures								
Governor's Change from Base								0
Governor's % Change from Base								

(Dollars in Thousands)

	FY23	FY24	FY25	Biennium 2024-25
Direct				
Fund: 1000 - General				
FY2023 Appropriations	2,536	2,536	2,536	5,072
Forecast Base	2,536	2,536	2,536	5,072
Change Items				
Maintain Current Service Levels		211	414	625
Expand Staffing Capacity to Meet Increased Client Service and Medical Review Needs		694	694	1,388
Total Governor's Recommendations	2,536	3,441	3,644	7,085

Ombudsman for Mental Health and Developmental Disabilities

FY 2024-25 Biennial Budget Change Item

Change Item Title: Maintain Current Service Levels

Fiscal Impact (\$000s)	FY 2024	FY 2025	FY 2026	FY 2027
General Fund				
Expenditures	211	414	414	414
Revenues	0	0	0	0
Other Funds				
Expenditures	0	0	0	0
Revenues	0	0	0	0
Net Fiscal Impact = (Expenditures – Revenues)	211	414	414	414
FTEs	0	0	0	0

Recommendation:

The Governor recommends additional funding of \$211,000 in FY 2024 and \$414,000 in each subsequent year from the general fund to maintain the current level of service delivery for the Ombudsman for Mental Health and Developmental Disabilities (OMHDD).

Rationale/Background:

Each year, the cost of doing business rises—employer-paid health care contributions, FICA and Medicare, along with other salary and compensation-related costs increase. Other operating costs, like rent and lease, fuel and utilities, and IT and legal services also grow. This cost growth puts pressure on agency operating budgets that remain flat from year to year.

Agencies face challenging decisions to manage these costs within existing budgets, while maintaining the services Minnesotans expect. From year to year, agencies find ways to become more efficient with existing resources. However, cost growth typically outstrips efficiencies, and without additional resources added to agency budgets, service delivery erodes.

For the OMHDD, operating cost pressures exist in multiple categories—increases in compensation and insurance costs at the agency, increasing costs to maintain our current staff complement in a challenging labor market, and increasing IT costs. If an operational increase is not provided, it would compromise OMHDD’s ability to conduct serious injury reviews in a timely fashion, putting client health and safety at risk, and OMHDD would need to address their budget shortfall through staff layoffs.

Proposal:

The Governor recommends increasing agency operating budgets to support maintaining the delivery of current services. For OMHDD, this funding will support expected and anticipated employee compensation growth.

Results:

This proposal is intended to allow the Ombudsman for Mental Health and Developmental Disabilities to continue to provide current levels of service and information to the public.

Ombudsman for Mental Health and Developmental Disabilities

FY 2024-25 Biennial Budget Change Item

Change Item Title: Expand Staffing Capacity to Meet Increased Client Service and Medical Review Needs

Fiscal Impact (\$000s)	FY 2024	FY 2025	FY 2026	FY 2027
General Fund				
Expenditures	694	694	694	694
Revenues				
Other Funds				
Expenditures	0	0	0	0
Revenues	0	0	0	0
Net Fiscal Impact = (Expenditures – Revenues)	694	694	694	694
Total FTEs	5	5	5	5

Recommendation:

The Governor recommends an increase of \$1,388,000 to its biennial appropriation. This represents a 28.5% increase to OMHDD’s projected biennium base budget of \$4,872,000.

Rationale/Background:

OMHDD has a broad, unique, and critical mission: to promote the highest attainable standards of treatment, competence, efficiency, and justice for persons receiving services for mental health, developmental disabilities, chemical dependency, or emotional disturbance. Blending systemic oversight with client advocacy, OMHDD staff play a pivotal role in protecting the rights of Minnesotans who have disabilities, in ensuring access to health and disability services statewide, and in promoting the provision of timely and effective services and supports in the least restrictive and most integrated and inclusive settings possible.

	1993	2022
Staff Compliment (FTE)	19	18.6
Annual Death Reports	200	1587
Annual Serious Injury Reports	650	1828
Agencies, Facilities, Programs within Scope of OMHDD	800	21,000

In the last 30 years, the scope and volume of OMHDD’s work has greatly expanded. Death and serious injury reports, requests for client assistance, and the number of agencies, facilities, and programs under OMHDD’s purview have dramatically increased, as have the number of notifications and client contacts OMHDD receives each year. OMHDD’s budget appropriation has not been commensurately increased to meet this additional demand. Despite the growth across all agency services, OMHDD staff capacity has remained relatively flat with 19 full time equivalent (FTE) positions in 1993 and only 18.6 FTE in 2022. This proposal seeks to expand the capacity of OMHDD’s medical review team and regional client services staff, add an additional supervisory position, and upgrade the current case management system.

Proposal:

OMHDD seeks an increase in funding to add positions and to upgrade its case management system. This expansion is needed in order to:

1. Meet increased demand
2. Increase outreach efforts
3. Permit more robust client service and investigation efforts
4. Improve reporting

Increased demand

In 1993, OMHDD had 19 FTE. At that time, consistent with statutory requirements, providers reported 200 deaths of clients to OMHDD, which the office is statutorily required to review. In FY 2022, the agency received 1,587 such reports. OMHDD has only two FTEs with the medical expertise to review these reports and one FTE to provide necessary administrative support. Given the eight-fold increase in reporting of client deaths since 1993, the current level of staffing is insufficient. OMHDD seeks funding in this proposal to add additional nurse evaluators to ensure timely review of these reports and, where appropriate, provide recommendations to improve the health, safety, and well-being of clients.

Similarly, in 1993, OMHDD received 650 reports of serious injury to clients. In 2022, OMHDD received 1,828 serious injury reports, nearly a threefold increase over the past 30 years. Regional staff conduct the serious injury reviews, in addition to all other client services work, and are required by statute to prioritize serious injury reviews given their critical implications for the health and safety of clients. Results of serious injury reviews include ensuring access to appropriate emergency or follow up medical care, implementing mitigation strategies to prevent similar injuries from occurring in the future, ensuring the protection of clients' rights, and preventing abuse and neglect.

Regional staff also handle client complaints and requests for information and assistance. In just the past five years, the number of such cases that regional staff have been assigned has increased 25%, from 3,498 in FY 2018 to 4,385 in FY 2022. OMHDD's current staff capacity of 10 regional ombudsman is not sufficient to manage this increasing volume of casework. As a result, staff must triage cases in their regions and, thus, are unable to accommodate all requests for assistance and must often refer to other resources where available. OMHDD's proposal seeks to add additional regional ombudsman positions to better align with the increased need for individual client services, to provide more in-depth investigations and individual assistance, and to better meet the needs of clients, families, and stakeholders across Minnesota.

Outreach

Most advocacy organizations want to expand their outreach efforts to reach underrepresented clients. Outreach efforts are successful when an organization receives more contacts and requests for assistance from targeted underserved areas and populations. However, without the necessary capacity for a timely response to the increased demand for assistance, the desired result of assisting new clients is compromised, along with the undesired effect of creating further dissatisfaction and disengagement in those underserved areas and populations. Increasing OMHDD's regional staff capacity will allow the agency to engage in more targeted outreach in BIPOC communities and rural areas and to respond to increased requests for assistance resulting from such efforts.

Client service and investigations

The high volume of client calls and serious injury reports that OMHDD's regional ombudsman staff handle requires daily prioritization decisions on virtually every case. Determining which complaints warrant individual assistance beyond information and referral, as well as identifying systemic issues that may trigger more extensive review and investigation, require difficult choices about how to allocate limited resources in the face of increasing demand. Increasing the number of OMHDD regional staff will improve OMHDD's ability to fully meet the needs of

clients and stakeholders, provide more individual and in-depth assistance, and take on more systemic and complex issues impacting clients.

Improved documentation and reporting

OMHDD uses a case management and reporting system that has significant limitations. It has limited capacity for tracking emerging or converging issues, such as COVID-related health and service problems. It is limited in the ways case data can be sorted and reported on, demographically and by subject matter. As a client service agency that has responsibilities to address and report on both individual and systemic advocacy, an upgrade to a newer version is necessary to permit real-time customization at the agency level, without having to go through the vendor. OMHDD seeks a one-time funding increase for this upgrade.

Impact on Children and Families:

OMHDD’s work extends to both children and adults. Significant resources are devoted to helping children with disabilities and their families access the health care and disability-focused services they need from the programs overseen by the Departments of Health, Human Services, and Education and administered and provided at the local level by county agencies, school districts, and private service providers. Employing a statewide network of regional staff allows OMHDD to address and promote equitable access to services, from county to county and in rural parts of the state as well as the metro area. The broad scope of OMHDD allows the agency to work on issues such as ensuring access to services to find and develop affordable and accessible housing or accessing timely and individualized mental health services across home, school, and community settings, even when such issues involve multiple state and local agencies. Increasing regional staff capacity to respond to client concerns surrounding barriers to accessing services and service delivery will positively impact all OMHDD clients, including children and families receiving services for mental health or emotional disturbance, developmental disabilities, and chemical dependency/substance use disorders.

Equity and Inclusion:

OMHDD’s work is focused on providing advocacy and other assistance to persons receiving or seeking services for developmental disabilities, mental health or emotional disturbance, or chemical dependency/substance use disorders. Increasing the Agency’s appropriation to meet increased demand is critically important for continuing OMHDD’s overall mission of ensuring that people with disabilities have the same opportunities to live in and be a part of their communities as everyone else. Increasing staff capacity to effectively engage in outreach, in particular, would further the One Minnesota Plan’s vision of Minnesota being the best place for people with disabilities to live and grow up in.

Tribal Consultation:

Does this proposal have a substantial direct effect on one or more of the Minnesota Tribal governments?

- Yes
- No

IT Costs (\$000s)

<i>Category</i>	<i>FY 2024</i>	<i>FY 2025</i>	<i>FY 2026</i>	<i>FY 2027</i>	<i>FY 2028</i>	<i>FY 2029</i>
Payroll						
Professional/Technical Contracts						
Infrastructure						
Hardware						
Software		100				
Training						
Enterprise Services						
Staff costs (MNIT or agency)						
Total		100				
MNIT FTEs						
Agency FTEs						

Results:

This change request does not seek to change existing programs or activities or establish new ones.

Statutory Change(s):

N/A.