

# HOUSE BILL REPORT

## HB 2858

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**As Reported by House Committee On:**  
Early Learning & Human Services

**Title:** An act relating to creating an office of the developmental disabilities ombuds.

**Brief Description:** Creating an office of the developmental disabilities ombuds.

**Sponsors:** Representatives S. Hunt, Hudgins, Appleton, Kilduff, Stanford, Pollet and Santos.

**Brief History:**

**Committee Activity:**

Early Learning & Human Services: 2/2/16, 2/3/16 [DP].

**Brief Summary of Bill**

- Establishes an Office of the Developmental Disabilities Ombuds within the Department of Commerce (COM) effective October 1, 2017.
- Requires the COM to contract with a private nonprofit organization to provide ombuds services for individuals with developmental disabilities who are receiving services, are eligible for services, or have applied for services with the Developmental Disabilities Administration.

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### HOUSE COMMITTEE ON EARLY LEARNING & HUMAN SERVICES

**Majority Report:** Do pass. Signed by 11 members: Representatives Kagi, Chair; Senn, Vice Chair; Walsh, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Hawkins, Kilduff, McCaslin, Ortiz-Self, Sawyer, Scott and Walkinshaw.

**Staff:** Ashley Paintner (786-7120).

**Background:**

The Developmental Disabilities Administration (DDA) is a subdivision of the Department of Social and Health Services (DSHS) which provides assistance and support for persons with developmental disabilities in Washington. Programs offered by the DDA include residential provider services, residential services, and various non-residential services including case management, child development services, employment services, and Medicaid personal care.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

The DDA clients receive a functional assessment that is updated annually to determine whether the client qualifies for funded DDA services and determine the level of service.

Separate subdivisions of the DSHS investigate abuse, neglect, exploitation, and abandonment for children and vulnerable adults. Complaints and referrals are screened for investigation and may result in reports to law enforcement, investigation, an offer of protective services, findings, and referrals.

The Washington State Long-Term Care Ombudsman Program (Ombuds Program) is a private nonprofit organization that contracts with the state to advocate for residents of nursing homes, adult family homes, and assisted living facilities. Every state is required to have an Ombuds Program by the federal Older Americans Act (1965). The Ombuds Program identifies, investigates, and resolves complaints made by or on behalf of residents of long-term care facilities; monitors the implementation and development of laws with respect to long-term care facilities; provides information to long-term care residents, their representatives, and the public; and provides for volunteer training and the development of citizen organizations to participate in and carry out the duties of the Ombuds Program.

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### **Summary of Bill:**

The Office of the Developmental Disabilities Ombuds (Office) is created within the Department of Commerce (COM) to provide ombuds services for individuals with developmental disabilities effective October 1, 2017. The COM must contract with a private nonprofit organization to provide ombuds services for individuals with developmental disabilities who are receiving services, are eligible for services, or have applied for services with the DDA. For the purposes of carrying out the ombuds' duties, the Office has jurisdiction over state institutions, and state licensed or certified facilities or residences where individuals with developmental disabilities receive Medicaid personal care services. The Office is directed to:

- inform individuals with disabilities of their rights and responsibilities;
- disseminate information;
- impartially investigate and resolve complaints;
- identify system issues;
- monitor and ensure compliance with administrative acts, relevant statutes, rules, and policies pertaining to services for persons with developmental disabilities;
- ensure that services and supports are of good quality and improve a person's quality of life;
- issue annual reports to the Legislature and the Governor; and
- develop a memoranda of agreement with other state ombuds offices to clarify authority.

Confidentiality standards are established and records access and access to persons served by the DSHS are mandated.

The act is null and void if funding is not provided in the budget by June 30, 2017.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect on October 1, 2017. However, the bill is null and void unless funded in the budget.

**Staff Summary of Public Testimony:**

(In support) Individuals with developmental disabilities don't currently have a neutral place to go to get support when dealing with a problem they are experiencing with their care. These individuals, or their family members, often end up turning to legislators to try to get a resolution. Establishing an Office would provide a much needed service for individuals with disabilities and their family members.

There are three characteristics that are important to consider when developing a developmental disabilities ombuds program: (1) the ombuds should be independent; (2) the Office should not duplicate the services and functions provided by other ombuds offices in the state; and (3) the Office should provide comprehensive services for individuals with developmental disabilities.

This bill requires the COM to contract with a private nonprofit organization to provide ombuds services to individuals with developmental disabilities. If modeled like the Ombuds Program, the Office would allow for assistant ombuds to provide services across the state. The Office would serve all people with developmental disabilities, including those who do not receive services but may be struggling to access needed services. Additionally, the bill requires the Office to work with other ombuds programs to clarify functions and authority. Since 1997 the state has paid out over \$30 million in lawsuit settlements involving people with developmental disabilities being abused and neglected. An ombuds office may have prevented some of these cases from occurring.

(Opposed) None.

**Persons Testifying:** Representative Hunt, prime sponsor; and Ed Holen, Developmental Disabilities Council.

**Persons Signed In To Testify But Not Testifying:** None.