

# SENATE BILL REPORT

## SB 6681

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As Reported By Senate Committee On:  
Human Services & Corrections, February 1, 1996

**Title:** An act relating to an ombudsman program for individuals with developmental disabilities.

**Brief Description:** Establishing an office of ombudsman services for developmentally disabled persons.

**Sponsors:** Senators Rasmussen, Hargrove, Long, Schow, Franklin, McAuliffe, Drew, Fairley, Oke, Kohl and Prentice.

**Brief History:**

**Committee Activity:** Human Services & Corrections: 1/30/96, 2/1/96 [DPS-WM].

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Majority Report:** That Substitute Senate Bill No. 6681 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Kohl, Long, Moyer, Prentice, Schow, Smith and Thibaudeau.

**Staff:** Jodi Walker (786-7464)

**Background:** Currently, the Developmental Disabilities Division (DDD) is located in the Department of Social and Health Services (DSHS). DDD networks are distributed locally, as are Adult Protective Services (APS) and Child Protective Services (CPS).

To file a complaint or report, a developmentally disabled person, his or her guardian, or other interested party may contact DDD, which will investigate and possibly refer a case to APS or CPS for further investigation of a dire situation. Complaints and reports can also be made to the licensor of an out-of-home placement, generally the Department of Health, or to the Washington Protection and Advocacy System.

Developmentally disabled persons, when eligible for services, are assigned a case manager. Of the approximately 300 DDD case managers, each is assigned approximately 70-100 persons. DDD caseworkers are primarily responsible for placement and oversight of developmentally disabled persons in community-based settings and state institutions. APS caseworkers respond to complaints or reports of abuse, neglect, or other related situations that require immediate removal of a person from the facility or home. The results of these investigations are placed in the developmentally disabled person's file at DDD unless more immediate action is required. Generally, caseworkers do not have time to respond or thoroughly investigate claims of exploitation and other day-to-day situations faced by a developmentally disabled person.

In 1988, the Legislature designated the office of the state Long-Term Care Ombudsman as a separate entity apart from DSHS in order to provide more effective investigation and resolution of complaints made by or on behalf of residents of long-term care facilities. The Department of Community, Trade, and Economic Development was directed to contract with a private nonprofit organization to provide long-term care ombudsman services.

**Summary of Substitute Bill:** The office of Ombudsman Services for Developmentally Disabled Persons is created. The Department of Community, Trade, and Economic Development must contract with private, nonprofit organizations to provide ombudsman services through the office and the department must also provide all program and staff support.

A commission to provide oversight of the office of Ombudsman Services for Developmentally Disabled Persons is created. Members appointed by the Governor consists of one-third individuals who use or have used department services, one-third family members of individuals with developmental disabilities, and the remainder individuals with expertise in ombudsman services.

The office of ombudsman services has the following duties: (1) investigate and resolve complaints of administrative action that affects the health, safety, welfare, and rights of long-term care facility residents and persons with developmental disabilities; (2) establish procedures for referral of complaints to proper agencies and provide information to those agencies; (2) establish statewide reporting system, including a toll-free number; (3) recruit and train volunteer ombudsmen; and (4) conduct an annual consumer satisfaction survey.

The office of ombudsman services must prepare an annual report to the Legislature. Agencies named in the report must respond within 30 days.

No ombudsman is liable for good faith performance. All records and files must remain confidential.

The act will be null and void if funding is not provided by June 30, 1996.

**Substitute Bill Compared to Original Bill:** The appropriation of \$850,000 is stricken, and a clause is added stating that the act is null and void if funding is not provided by June 30, 1996.

**Appropriation:** None.

**Fiscal Note:** Requested on January 24, 1996.

**Effective Date:** The bill takes effect on July 1, 1996.

**Testimony For:** Quality assurance is critically important for developmentally disabled services. As an independent entity from the state, the ombudsman office will establish credibility and a presence by using volunteers. Statewide presence, interagency cooperation, and accountability are also positive aspects of the bill.

The current system has inadequate service and oversight capabilities. Developmentally disabled persons need protection in the programs created for them by the state. Just as there is an ombudsman to protect senior citizens, there should be a centralized office to protect developmentally disabled persons.

The Legislature should address using a categorical approach (one ombudsman office with several areas of expertise) instead of several ombudsman offices with different approaches. Also, the overwhelming number of cases per caseworker needs to be addressed.

**Testimony Against:** None.

**Testified:** Mark Stroh, Washington Protection and Advocacy System (pro); Delores Hodgkins, Developmental Disabilities Division (pro); Janet Adams, Washington Assembly for Citizens with Disabilities (pro); Greg Devereux, Washington Federation of State Employees (pro w/concerns); Sue Elliot, ARC of Washington (pro); Dave Wood, Action for RHC (pro w/concerns); David Lord, Washington Protection and Advocacy System (pro); Tracy Vanderwall, Pierce County parent (pro); Mary Christie, parent (pro), Joan Flakker, grandparent (pro).