

# SENATE BILL REPORT

## SB 5946

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As Reported By Senate Committee On:  
Children & Family Services & Corrections, March 5, 2003

**Title:** An act relating to creating an office of mental health ombudsman.

**Brief Description:** Creating an office of mental health ombudsman.

**Sponsors:** Senators Kastama and Kohl-Welles.

**Brief History:**

**Committee Activity:** Children & Family Services & Corrections: 2/26/03, 3/5/03 [DPS].

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### SENATE COMMITTEE ON CHILDREN & FAMILY SERVICES & CORRECTIONS

**Majority Report:** That Substitute Senate Bill No. 5946 be substituted therefor, and the substitute bill do pass.

Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove and McAuliffe.

**Staff:** Edith Rice (786-7444)

**Background:** There is currently no centralized mental health ombudsman program in Washington State. At this time, ombudsman and quality review team services are provided within the Regional Support Networks (RSNs) and state psychiatric hospitals. Under the current system, ombudsmen are required to be "functionally independent."

Concerns have been expressed that: (1) ombudsman and quality review team members employed and/or supported by the RSNs and state hospitals are not free to act in an independent manner; (2) there are no uniform reporting requirements, systems, or standards of service quality; and (3) the current system does not have the same level of authority as other state ombudsman programs.

**Summary of Substitute Bill:** A centralized, independent, Office of Mental Health Ombudsman (OMHO) is created. Services are provided by a nonprofit organization contracting with the Department of Community, Trade, and Economic Development (CTED). CTED chooses the contractor through a competitive process involving stakeholders, provides some administrative support, and does an annual review to ensure contract compliance.

The OMHO may provide ombudsman services directly or by subcontract. The OMHO must investigate and resolve complaints at the lowest level appropriate, and establish a statewide uniform reporting system. The OMHO must report to the Legislature annually, and include outcome measurements and recommendations to improve service quality.

The OMHO must develop and implement working agreements to coordinate services with other state ombudsman programs and entities. The OMHO also must establish working

agreements with each RSN, the state psychiatric hospitals, and the Department of Social and Health Services Mental Health Division. The RSNs and state hospitals must cooperate with the OMHO and respond in writing to all recommendations, identifying the actions taken to address them.

The Department of Social and Health Services transfers training funds and monies currently used by the Mental Health Division and its Office of Consumer Affairs to the Department of Community, Trade and Economic Development for use by the OMHO.

The Legislature intends that the centralized ombudsman program make reasonable efforts to maintain and improve the quality and level of ombudsman and quality review team services.

**Substitute Bill Compared to Original Bill:** The substitute bill corrects a date error at page 13, line 27, changing the year 2004 to 2005.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect on July 1, 2004.

**Testimony For:** Advocates working on behalf of mental health consumers need to be independent. The current set-up doesn't allow this to happen. Mental health consumers have expressed a concern about this for some time.

**Testimony Against:** Although the concept of having independent ombudsmen is a positive one, taking funding away from the Mental Health Office of Consumer Affairs to fund the new office, will deprive administration of valuable input from consumers.

**Testified:** Senator Jim Kastama, prime sponsor; Marie Jubic, President Sno. Co. Mental Health Advisory Board (pro); Becky Coward, citizen; Karl Brimmer, Mental Health Director, DSHS (con); David Lord, Washington Protection and Advocacy System (pro).