

SENATE BILL REPORT

SB 5547

As Reported By Senate Committee On:
Health & Long-Term Care, February 14, 2007

Title: An act relating to the office of the ombudsman for persons with developmental disabilities.

Brief Description: Creating an office of the ombudsman for persons with developmental disabilities.

Sponsors: Senators Kline, Delvin, Fairley, Kohl-Welles, Keiser, Pflug, Franklin, Brandland, Marr, Regala, Rasmussen, Roach, Hewitt, McAuliffe, Parlette and Shin.

Brief History:

Committee Activity: Health & Long-Term Care: 1/24/07, 2/14/07 [DPS-WM].

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Majority Report: That Substitute Senate Bill No. 5547 be substituted therefor, and the substitute bill do pass and be referred to the Committee on Ways and Means.

Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug, Ranking Minority Member; Fairley, Kastama and Parlette.

Staff: Rhoda Donkin (786-7465)

Background: The Department of Social and Health Services (DSHS) serves over 35,000 children and adults with developmental disabilities in an array of state-operated and contracted community-based services and five state operated Residential Habilitation Centers (RHCs). Thousands of people work in programs caring for individuals who are vulnerable due to either cognitive deficits or physical disabilities, or both. Currently, the Long Term Care Ombudsman serves persons with developmental disabilities who live in adult family homes, boarding homes, or nursing homes. This program uses volunteers and state staff to investigate complaints primarily in the aging community. The Children and Family Ombudsman serves persons with developmental disabilities who live in foster care. These two ombudsman programs have limited capacity to oversee the services and programs provided to the general population of persons who have developmental disabilities.

Summary of Bill: An Office of the Ombudsman (office) for persons with developmental disabilities is created in the Office of the Governor. The office has jurisdiction over state-contracted programs and individuals, state licensed facilities, and state institutions serving persons with developmental disabilities. The office is directed to inform individuals of their rights and responsibilities, disseminate information, impartially investigate complaints, monitor and review policies and procedures, and issue annual reports to the Legislature and

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

A Developmental Disabilities Ombudsman Consumer Advisory Committee is established. Duties include preparing annual reports to the Governor evaluating the Developmental Disabilities Ombudsman Program.

EFFECT OF CHANGES MADE BY RECOMMENDED SUBSTITUTE AS PASSED COMMITTEE (Health & Long-Term Care): The Developmental Disabilities Council will contract out to a third party to house the Developmental Disabilities Ombudsman. Duties for the ombudsman office will include investigation of complaints or potentially unlawful acts related to the administration of special needs trusts for individuals with developmental disabilities. The Developmental Disabilities Ombudsman will establish memoranda of understandings with other authorized ombudsman offices in the state and report back to the Legislature on the content of these agreements.

Appropriation: None.

Fiscal Note: Requested on January 20, 2007.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This would provide a safe place where persons with developmental disabilities can go with concerns. Right now, people don't complain because they fear this will threaten their services. The confidentiality of the ombudsman program will help people get their problems resolved. There is a huge shortage of people working as advocates for people with disabilities. A Developmental Disabilities (DD) Ombudsman office will expand the work of advocates.

CON: This is not in the Governor's budget. A better model for an ombudsman program would be one similar to the Long Term Care Ombudsman, where the work is very locally based. There should be better language clarifying jurisdiction of the different ombudsman programs.

Persons Testifying: PRO: Senator Kline, prime sponsor; Emily Rogers, Association of Retarded Citizens of Washington State; Ed Holen, DD Council; David Lord, Washington Protection and Advocacy System; Paul Johnson, 8th Avenue Advocates.

CON: Kathy Leitch, DSHS.