

# HOUSE BILL REPORT

## E2SHB 1752

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**As Passed House**

March 19, 1997

**Title:** An act relating to the long-term care ombudsman program.

**Brief Description:** Including persons with developmental disabilities in the long-term ombudsman program.

**Sponsors:** By House Committee on Appropriations (originally sponsored by Representatives Cooke, Dyer, Tokuda, McDonald, Sheahan, Cairnes, Cody, Ballasiotes, Bush, Boldt, Wolfe, Mitchell, Doumit, Ogden, Thompson, Blalock, Poulsen, L. Thomas, O'Brien, Costa, Backlund, Veloria, Kenney and Carlson).

**Brief History:**

**Committee Activity:**

Children & Family Services: 2/20/97, 3/4/97 [DPS];

Appropriations: 3/10/97 [DP2S(w/o sub CFS)].

**Floor Activity:**

Passed House: 3/19/97, 97-0.

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### HOUSE COMMITTEE ON CHILDREN & FAMILY SERVICES

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Cooke, Chairman; Boldt, Vice Chairman; Bush, Vice Chairman; Tokuda, Ranking Minority Member; Kastama, Assistant Ranking Minority Member; Ballasiotes; Carrell; Dickerson; Gombosky; McDonald and Wolfe.

**Staff:** David Knutson (786-7146).

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### HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Children & Family Services. Signed by 30 members: Representatives Huff, Chairman; Alexander, Vice Chairman; Clements, Vice Chairman; Wensman, Vice Chairman;

H. Sommers, Ranking Minority Member; Doumit, Assistant Ranking Minority Member; Gombosky, Assistant Ranking Minority Member; Benson; Carlson; Chopp; Cody; Cooke; Crouse; Grant; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McMorris; Parlette; Poulsen; Regala; D. Schmidt; Sehlin; Sheahan; Talcott and Tokuda.

**Staff:** Jason Hall (786-7145).

**Background:** A developmentally disabled person, his or her guardian, or other interested party may contact the Division of Developmental Disabilities within the Department of Social and Health Services (DSHS), which will investigate and possibly refer a complaint to adult protective services or child protective services for further investigation. 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.

In 1988, the Legislature designated the Office of the State Long-term Care Ombudsman as a separate entity apart from the 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 required to contract with a private nonprofit organization to provide long-term care ombudsman services.

**Summary of Bill:** A separate ombudsman program for people with developmental disabilities will be established. The Department of Community, Trade and Economic Development will contract with a private agency to provide this function.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill contains an emergency clause and takes effect on July 1, 1997. However, the bill is null and void unless funded by June 30, 1998, in the operating budget.

**Testimony For:** (Children & Family Services) The long-term care ombudsman is in the best position to provide ombudsman services for people with developmental disabilities. Most people with developmental disabilities live in residential programs covered by the long-term care ombudsman. There should be a separate ombudsman for people with developmental disabilities. The long-term care ombudsman cannot perform an ombudsman function for both the elderly and people with developmental disabilities. The Washington Protection and Advocacy Program should not be allowed to be the ombudsman for people with developmental disabilities. They have

sued the state over conditions at state institutions and state tax dollars should not be used for that purpose.

(Appropriations) None.

**Testimony Against:** (Children & Family Services) None presented.

(Appropriations) None.

**Testified:** (Children & Family Services) Laurie P. Teeter, advocate (pro with amendments); Sharon Joddock King, citizen (pro with amendments); Peter Alberda, self-advocate advisor (pro with amendments); Larry Moss, People First (pro with amendments); Robert Wardell, People First (pro with amendments); Janet Adams, ARC of Washington (pro with amendments); Liz Lindley, Washington Association for Professional Guardians and Lifetime Advocates Plus (pro); Deborah Dorfman, WPAS (pro); Donna Patrick, Developmental Disabilities Council (pro with amendments); Kathy Leitch, DSHS (with concerns); Kary Hyre, LTCOP (pro with amendments); Jeff Crollard, LTCOP (pro with amendments); Jeff Larsen, Washington State Residential Law Conference (pro); and Hazel Lorrin, Seattle Rape Relief (pro with amendments).

(Appropriations) None.