

HOUSE BILL REPORT

HB 1752

As Reported By House Committee On:
Children & Family Services
Appropriations

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: 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)].

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).

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 Substitute 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.

Substitute Bill Compared to Original Bill: The substitute bill deletes the authority of the long-term care ombudsman to provide protection for people with developmental disabilities. A separate ombudsman program for people with developmental disabilities will be established, rather than expanding the authority of the long-term care ombudsman.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: 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: 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.

Testimony Against: None presented.

Testified: 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).

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).

Summary of Recommendation of Committee on Appropriations Compared to Recommendation of Committee on Children & Family Services: The house bill is rendered null and void if specific funding for the responsibilities added to the Long-Term Care Ombudsman is not provided in the 97-99 budget.

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 in the budget.

Testimony For: None.

Testimony Against: None.

Testified: None.