

SENATE BILL REPORT

SB 5473

As Reported By Senate Committee On:
Health & Long-Term Care, February 27, 2001

Title: An act relating to creating a developmental disabilities ombudsman.

Brief Description: Creating a developmental disabilities ombudsman.

Sponsors: Senators Thibaudeau, Deccio, Kline, Fairley, McAuliffe, Rasmussen, Long, Winsley and Kohl-Welles; by request of Department of Community, Trade, and Economic Development.

Brief History:

Committee Activity: Health & Long-Term Care: 2/7/01, 2/27/01 [DPS-WM].

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Majority Report: That Substitute Senate Bill No. 5473 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Thibaudeau, Chair; Franklin, Vice Chair; Costa, Deccio, Fraser, Parlette and Winsley.

Staff: Chelsea Buchanan (786-7446)

Background: Currently persons with developmental disabilities who are in long-term care facilities are covered by the Long-Term Care Ombudsman Program. Children with developmental disabilities in child welfare services custody are covered by the Family and Children's Ombudsman.

Over 16,000 other persons with developmental disabilities who are being served in the community are not covered by any existing ombudsman program. At this time, complaints may be brought to any number of sources, including caseworkers, the Developmental Disabilities Council, the Washington Protection and Advocacy System, or the Attorney General, which may not be able to provide investigation or resolution services.

Concerns exist about the quality of care being provided for persons with developmental disabilities, including concerns about neglect, abuse, inappropriate placement, and violations of civil rights. A recent audit of the Community Alternatives Program (CAP) showed that only 45 percent of persons were receiving essential, mandated- services.

Summary of Substitute Bill: The Legislature finds that an increasing number of persons with developmental disabilities receive services in community-based settings and are not served by existing ombudsman programs, and intends to investigate the best way to provide ombudsman services for these persons.

The Department of Community, Trade, and Economic Development (CTED) is required to study and report to the Legislature and the Governor by December 31, 2001, on the feasibility and desirability of: (1) combining a developmental disabilities ombudsman program with existing ombudsman programs; and (2) having one single state ombudsman program to serve persons in long-term care, persons with developmental disabilities, consumers of mental health services, and persons receiving family and children's services.

The study will provide recommendations on the serving persons with developmental disabilities who are not currently being served by any ombudsman program, avoiding duplication of services, and providing comprehensive services, while respecting individual needs.

Substitute Bill Compared to Original Bill: The substitute bill requires a study of the best way to provide ombudsman services to persons with developmental disabilities, and the feasibility of having one single state ombudsman program. The original bill created a Developmental Disabilities Ombudsman program, administered by a nonprofit contractor with the Department of Community, Trade, and Economic Development, and contained an emergency clause.

Appropriation: None.

Fiscal Note: Rerequested on March 5, 2001.

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

Testimony For: Persons with developmental disabilities in the community are the largest group of persons receiving state-funded social services who are not served by an ombudsman. Persons with developmental disabilities have a right not to be institutionalized, yet only those in institutions have an ombudsman. Ombudsman programs provide an outside voice to help resolve problems and would be cost-effective. The proposed ombudsman would be independent, paralleling the long-term care ombudsman program, which has been successful. The developmental disabilities system is very fragile, and ombudsman services could proactively address problems before they result in injury and lawsuits. Parents and consumers need accountability and quality assurance; this bill would provide that to a degree. Ombudsman services would be used; caseworkers are often not able to help resolve problems as they are overloaded. Ombudsman services are needed because the problem may be with the caseworker or with a parent or guardian.

Testimony Against: Ombudsman services do not guarantee quality care. The existing Washington Protection and Advocacy System could provide ombudsman services. Organizations already exist that can provide ombudsman services without instituting a new state program. Increasing the quality of direct care service should be a higher priority. The family and children ombudsman program does not work well.

Testified: Linda Rolfe, DSHS-Division of Developmental Disabilities (pro); Kary Hyre, State Long-Term Care Ombudsman (pro); Ed Holen, Developmental Disabilities Council (pro); Mina Apacible, CTED-Office of Community Development (pro); Chris Rushmeier, parent (pro); Julie Clark, self-advocate (pro); Diana Robishaw, private citizen (pro); Jeff

Larsen, Provail (concerns); Dave Wood, Action for RHCs (con), Paul Johnson, self-advocate (pro).