

SENATE BILL REPORT

SB 5213

As of January 27, 2021

Title: An act relating to clarifying the authority and role of the office of developmental disabilities ombuds.

Brief Description: Clarifying the authority and role of the office of developmental disabilities ombuds.

Sponsors: Senators Nguyen, Randall, Darneille, Honeyford, Keiser, Warnick, Wellman, Kuderer, Nobles, Robinson and Wilson, C..

Brief History:

Committee Activity: Health & Long Term Care: 1/29/21.

Brief Summary of Bill

- Authorizes the Developmental Disabilities Ombuds (DD Ombuds) to monitor and investigate services the Health Care Authority (HCA) and the Department of Children Youth and Families (DCYF) provide to individuals with developmental disabilities.
- Requires DCYF, HCA, and the Department of Health to provide necessary information to the DD Ombuds for the DD Ombuds to carry out its duties.

SENATE COMMITTEE ON HEALTH & LONG TERM CARE

Staff: LeighBeth Merrick (786-7445)

Background: In 2016, the Legislature created the Office of the Developmental Disabilities Ombuds (DD Ombuds) as a private independent office with the duty to monitor the services provided to people with developmental disabilities, investigate complaints, and issue reports and recommendations to the Legislature.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Under current law, the DD Ombuds has the authority to monitor the procedures of the Department of Social and Health Services (DSHS) as it relates to the delivery of services for persons with developmental disabilities and periodically review state institutions that serve persons with developmental disabilities as well as state-licensed facilities and residences. The DD Ombuds must treat all matters under investigation as confidential. No discriminatory, disciplinary, or retaliatory action may be taken against a DSHS service recipient, or an employee of DSHS or Department of Commerce, or an employee of a DSHS contracted agency for communicating with the DD Ombuds. DSHS must allow the DD Ombuds to communicate privately with any individuals receiving services from DSHS, access state institutions serving persons with developmental disabilities, and access documents necessary for investigations.

In 2017, the Legislature established the Department of Children, Youth, and Families (DCYF), and moved responsibility for child welfare and juvenile justice programs from DSHS to DCYF. In 2018, the Legislature transferred the oversight and purchasing of behavioral health services from DSHS to the Health Care Authority (HCA) and the responsibilities for certification of behavioral health providers was transferred from DSHS to the Department of Health (DOH).

Summary of Bill: In addition to DSHS, the DD Ombuds is authorized to monitor the procedures of DCYF and HCA as it relates to delivery of services for persons with developmental disabilities. The DD Ombuds is authorized to periodically review state institutions and state-licensed facilities that serve individuals with developmental disabilities and the procedures of services people with developmental disabilities receive from the state or state-certified providers. This includes DSHS, DCYF, and HCA services.

In addition to treating all matters under investigation as confidential, the DD Ombuds must treat all records containing identifying information as confidential. No discriminatory, disciplinary, or retaliatory action may be taken against a DSHS, HCA, DCYF or DOH service recipient, or an employee of DSHS, HCA, DCYF, DOH or Department of Commerce, or an employee of an agency contracting with DSHS, HCA, DCYF, DOH, or Department of Commerce for communicating with the DD Ombuds. DSHS, DCYF, HCA, and DOH must allow the DD Ombuds to:

- communicate privately with any individuals receiving services from their respective agencies;
- access state institutions or state-licensed facilities serving persons with developmental disabilities;
- access information in possession of DSHS, DOH, DCYF and HCA for the DD Ombuds to carry out its duties;
- access information about people with developmental disabilities who receive services from state-certified providers or state-contracted providers; and
- access information the DD Ombuds considers necessary for conducting an investigation.

Appropriation: None.

Fiscal Note: Requested on January 18, 2020.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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