
**Early Learning & Human Services
Committee**

HB 2858

Brief Description: Creating an office of the developmental disabilities ombuds.

Sponsors: Representatives S. Hunt, Hudgins, Appleton, Kilduff, Stanford, Pollet and Santos.

Brief Summary of Bill

- Establishes an Office of the Developmental Disabilities Ombuds within the Department of Commerce (COM) effective October 1, 2017.
- Requires the COM to contract with a private nonprofit organization to provide ombuds services for individuals with developmental disabilities who are receiving services, are eligible for services, or have applied for services with the Developmental Disabilities Administration.

Hearing Date: 2/2/16

Staff: Ashley Paintner (786-7120).

Background:

The Developmental Disabilities Administration (DDA) is a subdivision of the Department of Social and Health Services (DSHS) which provides assistance and support for persons with developmental disabilities in Washington. Programs offered by the DDA include residential provider services, residential services, and various non-residential services including case management, child development services, employment services, and Medicaid personal care.

The DDA clients receive a functional assessment that is updated annually to determine whether the client qualifies for funded DDA services and determine the level of service.

Separate subdivisions of the DSHS investigate abuse, neglect, exploitation, and abandonment for children and vulnerable adults. Complaints and referrals are screened for investigation and may

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result in reports to law enforcement, investigation, an offer of protective services, findings, and referrals.

The Washington State Long-Term Care Ombudsman Program is a private nonprofit organization that contracts with the state to advocate for residents of nursing homes, adult family homes, and assisted living facilities. Every state is required to have a Long-Term Care Ombudsman Program by the federal Older Americans Act (1965). The Long-Term Care Ombudsman Program identifies, investigates, and resolves complaints made by or on behalf of residents of long-term care facilities; monitors the implementation and development of laws with respect to long-term care facilities; provides information to long-term care residents, their representatives, and the public; and provides for volunteer training and the development of citizen organizations to participate in and carry out the duties of the Ombuds program.

Summary of Bill:

The Office of the Developmental Disabilities Ombuds (Office) is created within the Department of Commerce (COM) to provide ombuds services for individuals with developmental disabilities effective October 1, 2017. The COM must contract with a private nonprofit organization to provide ombuds services for individuals with developmental disabilities who are receiving services, are eligible for services, or have applied for services with the DDA. For the purposes of carrying out the ombuds' duties, the Office has jurisdiction over state institutions, and state licensed or certified facilities or residences where individuals with developmental disabilities receive Medicaid personal care services. The Office is directed to:

- inform individuals with disabilities of their rights and responsibilities;
- disseminate information;
- impartially investigate and resolve complaints;
- identify system issues;
- monitor and ensure compliance with administrative acts, relevant statutes, rules, and policies pertaining to services for persons with developmental disabilities;
- ensure that services and supports are of good quality and improve a person's quality of life;
- issue annual reports to the Legislature and the Governor; and
- develop a memoranda of agreement with other state ombuds offices to clarify authority.

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

The act is null and void if funding is not provided in the budget by June 30, 2017.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

Effective Date: The bill takes effect on October 1, 2017.