



Office of Developmental Disabilities Ombuds

Update to the Legislature per ESSSB 6564 Section 5(4)(f)

Background

The Washington Developmental Disabilities Ombuds program was created by [Engrossed Second Substitute Senate Bill 6564](#)¹ in the 2016 legislative session. This report summarizes program development progress to date.

The Legislature determined that the prevalence of abuse and neglect of individuals with developmental disabilities negatively affects the health and well-being of such individuals. Thus, the state intends to create an independent Office of the Developmental Disabilities Ombuds to monitor and report on services to persons with developmental disabilities.

The Washington State Department of Commerce (Commerce) will administer the program through a contract with an as-yet undetermined private, independent nonprofit organization. That organization will provide ombuds services statewide.

Commerce provides the degree of separation between the Department of Social and Health Services, as the regulator, and the ombuds, as the watchdog over the regulator. Commerce provides a similar function for the Long-Term Care Ombuds.

Progress to Date

Program Design

Commerce has significant experience leading competitive solicitations, including administering ombuds programs. It has overseen the Long-Term Care Ombuds program for at least 15 years. Commerce is modeling the Developmental Disabilities Ombuds program on the [Long-Term Care Ombuds](#)² program.

Contractor Solicitation

ESSSB 6564 was introduced in February 2016, passed in March, and the Governor signed it in April. The bill went into effect June 9, and the operating budget was passed later in June. The Legislature appropriated \$693,000 in state general funds for the program for State Fiscal Year 2017. Commerce developed a new disabilities workgroup to support the Achieving a Better Life Experience, Developmental Disabilities Council, Developmental Disabilities Endowment

¹ <http://lawfilesexternal.wa.gov/biennium/2015-16/Pdf/Bills/Session%20Laws/Senate/6564-S2.SL.pdf>

² <http://www.waombudsman.org/>

Trust Fund and Long-Term Care ombuds, in addition to the Developmental Disabilities Ombuds program. The disabilities workgroup manager was hired September 2016.

Ombuds program input was gathered at a stakeholder meeting on Sept. 29 and written comments were received until Oct. 15. Email invitations were delivered and forwarded to an estimated 300 recipients. The invitation list was jointly created by the Department of Social and Health Services-Developmental Disabilities Administration and the Developmental Disabilities Council. Nearly 30 people attended the stakeholder meeting. About a quarter of the audience was attorneys, another quarter was individuals with disabilities or their caregivers representing them, and the remainder represented service providers or entities advocating on developmental disability issues.

Moving Forward

Program Startup

During October 2016, Commerce continued preparing a competitive solicitation and incorporating stakeholders' input. The solicitation is expected to be distributed by early November. Several organizations have indicated interest in bidding on this program, and Commerce anticipates four to eight organizations will submit proposals. The legislation provides minimum qualifications and program design considerations, which were refined by stakeholder input. Representatives from state agencies and stakeholder groups will staff the evaluation panel and score the proposals. Commerce expects to announce the winning organization in early 2017.

Commerce will complete a performance-based contract. The program and contract will be modeled on the Long-Term Care Ombuds program. It is anticipated that in 2017 the Office of the Developmental Disabilities Ombuds will recruit and train volunteer developmental disabilities ombuds. They will investigate complaints and provide reports on their findings. Ideally within 10 years, the Developmental Disabilities Ombuds will match the action level of the Long-Term Care Ombuds program, which has 400 trained volunteer ombuds closing out over 4,000 complaints each year. Additionally, the Developmental Disabilities Ombuds annual reports will demonstrate improvements in the system, statistics on compliant resolutions, and potential administrative and legislative solutions to systemic problems.

Rulemaking

The bill does not give Commerce specific new rule making authority for the Developmental Disabilities Ombuds. Thus, Commerce anticipates entering into a rule-making process with the Department of Social and Health Services – Developmental Disabilities Administration during 2017 and 2018 to create Washington Administrative Codes for the program. These rules should be like those governing the Long-Term Care Ombuds program.

Policy Recommendations

During the stakeholder meeting in September, three program design elements on the competitive solicitation and bidder evaluation criteria were questioned.

- ESSSB 6564 didn't provide for an advisory committee for the Office of the Developmental Disabilities Ombuds. An advisory committee would prioritize activities during the startup and launch phases, provide authentic input from the developmental disability community stakeholders, and protect the independence of the office that a private, non-profit's governing board could not do.
- There was not a specific definition of developmental disability in the bill. There are differences in definitions between federal and state agencies providing services to the developmental disabilities community.
- Further clarity is needed on the ombuds' ability to access and enter private homes to investigate complaints where private and state services are being provided to an individual with a developmental disability.

It is anticipated, pursuant to ESSSB 6564 Section 5(4)(f), that the Developmental Disability Ombuds will present policy recommendations to Commerce, the Governor's Office and the Legislature touching on at least these three topics.

Contact Information

Peter Tassoni, 360-725-3125, peter.tassoni@commerce.wa.gov

Washington Department of Commerce | 1011 Plum St. SE | P.O. Box 42525 | Olympia, WA 98504-2525