

Disability Ombudsman

Report Proposal
September 7, 2021



Identify and evaluate barriers an individual with a disability experiences in obtaining access to services in the community that are intended to protect the rights and privileges of an individual with a disability



Determine the duties and role of an ombudsman program in protecting the rights and privileges of an individual with a disability and addressing the barriers identified

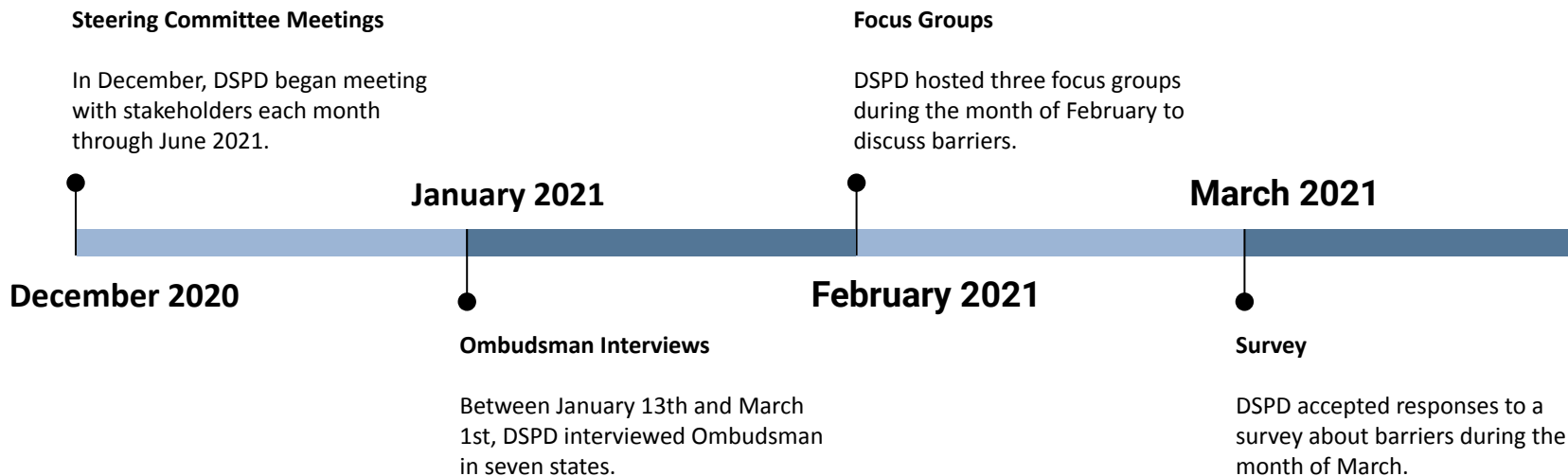


Develop a proposal for an ombudsman program to promote and advocate for the rights and privileges of an individual with a disability

Report Purpose

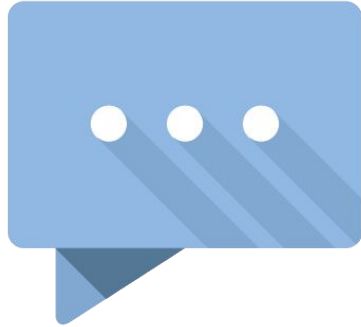
H.B. 378, 2020 General Session

Information Gathering: Timeline



September 2021

Public Input



October 2021

Presentation to Health &
Human Services Committee



What's next



“

an independent, impartial public official with authority and responsibility to receive, investigate or informally address complaints about government actions, and, when appropriate, make findings and recommendations, and publish reports.

United States Ombudsman Association

Three Types of Ombudsman

GOVERNMENTAL OMBUDSMAN:

“An **independent, impartial public official** with authority and responsibility to receive, investigate or informally address complaints about government actions, and, when appropriate, make findings and recommendations, and publish reports.” (United States Ombudsman Association definition)

ORGANIZATIONAL OMBUDSMAN:

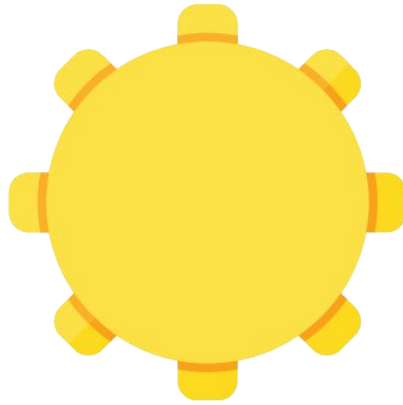
“Created within public and private organizations to assist with **internal problem-solving** defined as a designated neutral who is appointed or employed by an organization to facilitate the informal resolution of concerns of employees, managers, students, and, sometimes, external clients of the organization.” (International Ombudsman Association definition)

ADVOCATE OMBUDSMAN:

Advocates on behalf of a designated population. The Long-Term Care Ombudsman is the best known example of an advocate Ombudsman. No organization thoroughly defines the advocate Ombudsman or establishes standards.

Ombudsman Types and Standards

Type of Ombudsman	Ombudsman Standards					Source
	Impartiality	Independence	Informality	Confidentiality	Credible Review Process	
Governmental Ombudsman	X	X		X	X	National
Organizational Ombudsman	X	X	X	X		International
Advocate Ombudsman	Not possible		Varies			Defined in statute



“Sunlight is said to be the
best of disinfectants.”

– *Justice Brandeis*

Focus Groups

Goal of the focus group was to **understand common barriers** experienced by people with disabilities and to ask the disability community about what an **Ombudsman's responsibilities and expectations** should be to protect the rights and privileges of people with disabilities.

“What barriers do people with disabilities experience?”

“What types of tasks should an Ombudsman have?”



3 Virtual Groups

(1 hour)



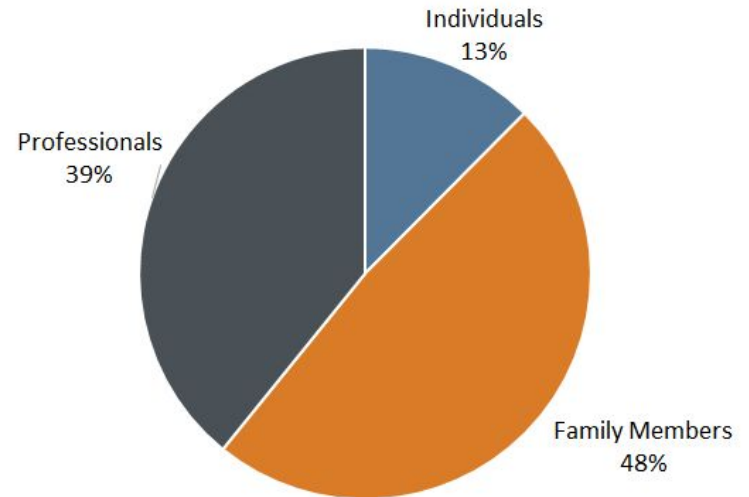
Online Survey (open-ended questions):

31 responses, 41.9% reported having a disability.

Research Survey: Introduction

- The Division of Services for People with Disabilities (DSPD) sent out a survey between 3/5/2021 and 4/6/2021.
- The survey asked people if an ombudsman office might be useful for Utahns with disabilities.
- A total of 835 participants filled out the survey.
 - 104 individuals
 - 404 family members
 - 327 professionals

Survey Participants by Group



Research Survey: What did we learn?



56% of participants thought an ombudsman office would be helpful

→ only 2% did not

Top 3 barriers identified by Individuals:

1. Knowing who to contact with a problem
2. Navigating public infrastructure
3. Communicating a problem to an entity

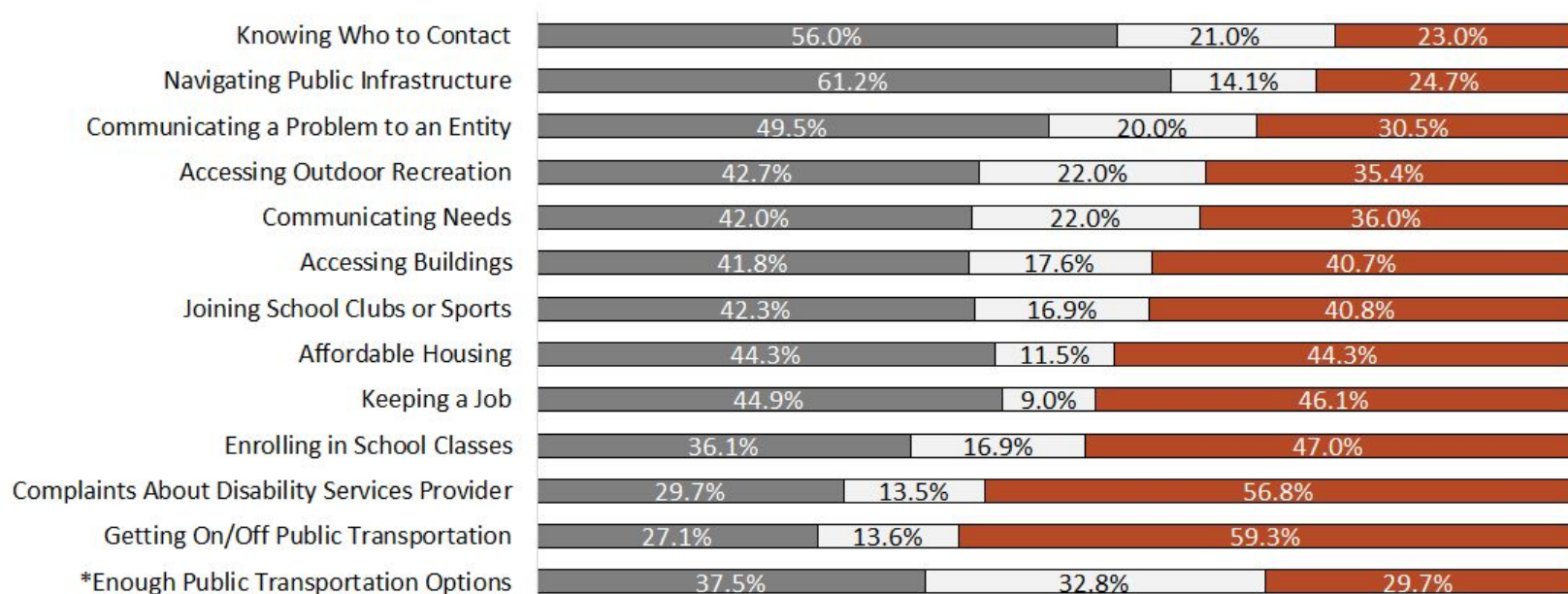


Family members agreed.



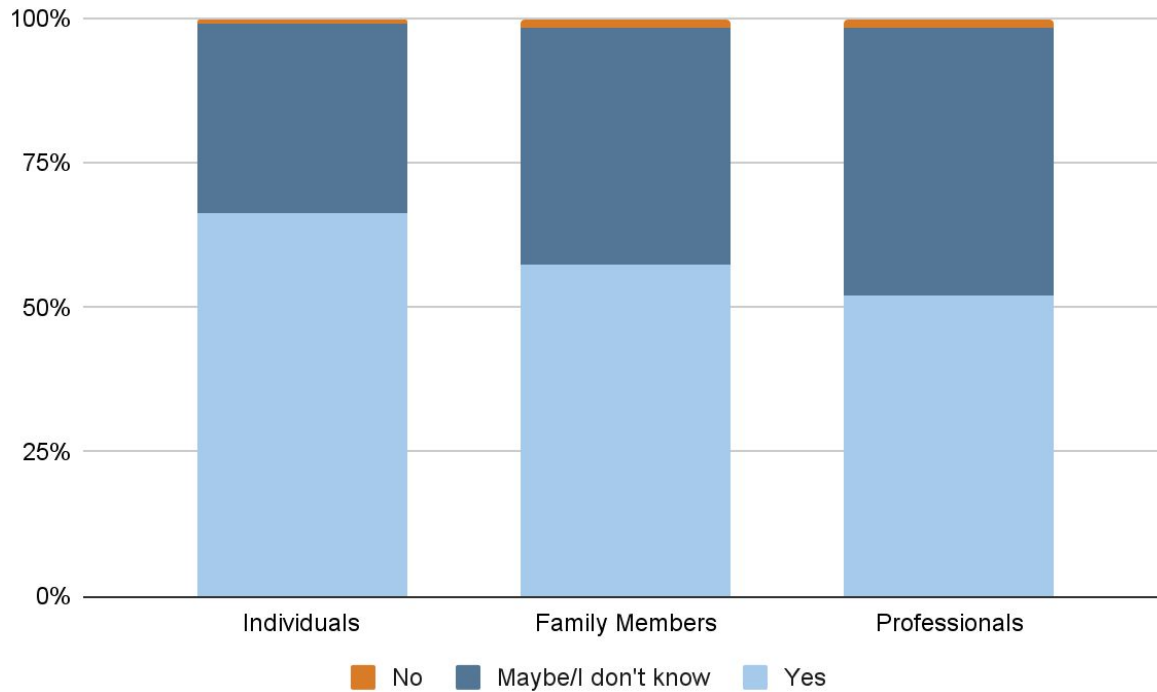
Professionals have a different top three.

Individuals' Barriers (104 individuals)



*reversed

■ Yes □ Sometimes ■ No



Ombudsman Support

Would creating an Ombudsman be helpful?

Help when Filing a Complaint

Participants reported ideas that would help people with disabilities file a complaint to an ombudsman office:

- Plain language documents
- Help filling out forms
- Communication help (translation, Braille, text-to-speech, interpreter)
- Education about services and the ombudsman office
- A person to ask questions
(e.g. call, meet in-person if needed, peer support, no automated answering system)
- Notification system/process for following-up about a complaint
- Representation across the state (make sure rural areas are served)



Ombudsman in Other States



State Comparisons

Comparison Category	State Population	Operating Budget	FTEs	Type of Ombudsman	Location of Office
Alaska	734K	\$1.2M	10	Classical Governmental	Legislative Branch
Arizona	7.2M	\$904K	9	Classical Governmental	Legislative Branch
Indiana	6.8M	\$85K	1	Organizational	Dept. of Family & Social Services
Iowa	3.21M	\$1.9M	16	Classical Governmental	Legislative Branch
Minnesota	5.7M	\$5M	19	Executive Governmental	Executive Branch
Texas	29.2M	\$5M	98	Executive Governmental	Executive Branch
Washington	7.8M	\$643K	5.5	Advocate	Protection & Advocacy Organization



Staff

\$1,607,000 Ongoing
-\$831,000 One-time



Software

\$50,000 Ongoing
\$250,000 One-time

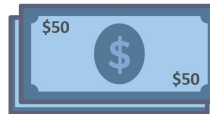


Miscellaneous

\$200,000 Ongoing
-\$100,000 One-time

Total

\$1,857,000 Ongoing
-\$681,000 One-time



Utah Disability Ombudsman Proposal

Implementation of Staffing

Phase	Dates	Position	Number of Staff
Phase 1	Jul. - Dec. 2022	Ombudsman	1
		Assistant Ombudsman	1
		Legal Staff	1
		Research Consultant	1
		IT Architect	1
Phase 2	Jan. - Jun. 2023	Intake Staff	2
		Investigator	3
Phase 3	FY24 and beyond	Intake Staff	4
		Investigator	6

Options for the Ombudsman Location

Legislative Branch

- Classical Ombudsman
- USOA Standards
- Broadest scope

Governor's Office

- Governmental Ombudsman
- May need protections in statute
- May need to narrow scope

Department of Health and Human Services

- Governmental or Organizational Ombudsman, depending on statute
- Will need protections in statute
- Most narrow scope



Feedback & Input

dspd.utah.gov/legislative-info