

The Agency

Office of the Mental Health Advocate

Agency Operations

The Office of the Mental Health Advocate is directed by statute to ensure the legal, civil, and special rights of people with mental illness in Rhode Island. This includes providing legal representation at involuntary commitment proceedings, monitoring procedures and policies at in-patient treatment facilities and community-based mental health programs, proposing and evaluating legislation, and litigating civil rights and treatment rights disputes. The office counsels clients of the mental health system who bring complaints involving mental health issues and quality of life issues, such as housing and protection from creditors. The office is also charged to protect the treatment rights of criminally insane persons (patients who are under criminal process) and prison inmates in the forensic hospital and to provide legal representation for indigent persons receiving in-patient substance abuse treatment. The office monitors the care of and protect the civil rights of residents of the 29 licensed mental health group homes in the State and represents residents of in-patient substance abuse facilities. In 2002, the federal government enacted new confidentiality legislation, the Healthcare Information Privacy Protection Act (HIPPA). The office is responsible for protecting the rights of patients under that statute.

Agency Objectives

Involuntary Commitment - To protect the liberty interests and treatment rights of individuals subjected to involuntary commitment and to the involuntary administration of medication in psychiatric facilities, including penal inmates.

Direct Representation and Referral of Clients of the Mental Health System - To protect the legal rights of clients of the mental health system by means of direct legal representation and/or referral to appropriate resources.

Advocacy for Improvements in the Mental Health System – To monitor and evaluate the quality of services available to clients of the mental health system, and to investigate incidents. To address shortcomings and gaps in the services and programs provided by the mental health system.

Elimination of Stigma Associated with Mental Illness – To address stigmatizing legal inequities and social barriers that impact individuals with mental illness with legislative advocacy, litigation, education, support for the mental health consumer movement, and outreach to the public at large.

Statutory History

The Office of the Mental Health Advocate was created in 1975 when the legislature re-wrote and reformed the Mental Health Law of Rhode Island. The Mental Health Advocate is codified at the R.I.G.L. 40.1-5-13, 40.1-5-22 and 24 (Public Laws 1974, Ch. 119).

The Budget

Office of the Mental Health Advocate

	FY 2005 Actual	FY 2006 Actual	FY 2007 Revised	FY 2008 Recommended
Expenditures By Object				
Personnel	328,719	364,938	391,949	419,665
Operating Supplies and Expenses	10,964	12,436	11,464	11,234
Aid To Local Units Of Government	-	-	-	-
Assistance, Grants and Benefits	-	-	-	-
Subtotal: Operating Expenditures	\$339,683	\$377,374	\$403,413	\$430,899
Capital Purchases and Equipment	239	-	-	-
Debt Service	-	-	-	-
Operating Transfers	-	-	-	-
Total Expenditures	\$339,922	\$377,374	\$403,413	\$430,899
Expenditures By Funds				
General Revenue	339,922	377,374	403,413	430,899
Total Expenditures	\$339,922	\$377,374	\$403,413	\$430,899
FTE Authorization	3.7	3.7	3.7	3.7
Agency Measures				
Minorities as a Percentage of the Workforce	-	-	-	-
Females as a Percentage of the Workforce	75.0%	75.0%	75.0%	75.0%
Persons with Disabilities as a Percentage of the Workforce	-	-	-	-
Program Measures				
Percentage of Treatment Rights Cases Favorably Disposed	62.7%	73.1%	70.0%	70.0%
Percentage of Involuntary Petitions Filed that are Withdrawn or Dismissed	21.3%	30.0%	30.0%	30.0%
Percentage of Confidentiality and Medical Records Cases Favorably Disposed	68.8%	91.0%	80.0%	80.0%