

The Agency

Office of the Mental Health Advocate

Agency Operations

The Office of the Mental Health Advocate is directed by statute to insure 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 also provides counsel to clients of the mental health system who bring complaints involving mental health issues and other issues vital to maintaining quality of life, such as housing and protection from creditors. The office is also charged to protect the treatment rights of criminally insane persons and prison inmates in the forensic hospital and to provide legal representation for indigent persons receiving in-patient substance abuse treatment. In 1982, the office was charged by statute to monitor the care of and protect the civil rights of residents of the 29 licensed mental health group homes in the State.

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 and for ensuring that licensed mental health treatment providers comply with the law.

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 upon the lives of individuals with mental illness by means of legislative advocacy, litigation, education, support for the mental health consumer movement, and outreach to the public at large.

Statutory History

R.I. General Laws, Sections 40.1-5-13, 40.1-5-22 and 24 (Public Laws 1974, Ch. 119) and R.I. General Laws, Section 40.1-24.5-12, Public Laws 1982, Ch. 363.

The Budget

Office of the Mental Health Advocate

	FY 2004 Actual	FY 2005 Actual	FY 2006 Revised	FY 2007 Recommended
Expenditures By Object				
Personnel	311,297	328,719	364,480	387,896
Other State Operations	11,274	11,203	9,952	9,902
Aid To Local Units Of Government	-	-	-	-
Assistance, Grants and Benefits	-	-	-	-
Subtotal: Operating Expenditures	\$322,571	\$339,922	\$374,432	\$397,798
Capital Improvements	-	-	-	-
Capital Debt Service	-	-	-	-
Total Expenditures	\$322,571	\$339,922	\$374,432	\$397,798
 Expenditures By Funds				
General Revenue	322,571	339,922	374,432	397,798
Total Expenditures	\$322,571	\$339,922	\$374,432	\$397,798
 FTE Authorization				
	3.7	3.7	3.7	3.5
 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	68.3%	62.7%	70.0%	70.0%
Percentage of Involuntary Petitions Filed that are Withdrawn or Dismissed	32.5%	23.4%	30.0%	30.0%
Percentage of Confidentiality and Medical Records Cases Favorably Disposed	75.3%	68.8%	80.0%	80.0%