

**VOLUME II:
HEALTH AND HUMAN SERVICES**

**OFFICE OF THE
MENTAL HEALTH ADVOCATE**

Agency Summary

Office of the Mental Health Advocate

Agency Mission

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 ;,ital 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 (HJPPA). This office is responsible to protect the rights of patients under that new statute and is responsible to ensure that licensed mental health treatment providers comply with the law.

Agency Description

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.

Budget

Office of the Mental Health Advocate

	2020 Actuals	2021 Actuals	2022 Enacted Budget	2022 Revised Budget	2023 Recommended
Expenditures by Program					
Central Management	620,923	635,518	680,190	721,334	973,329
Total Expenditures	620,923	635,518	680,190	721,334	973,329
Expenditures by Object					
Salary And Benefits	552,869	563,629	573,442	612,932	841,034
Contract Professional Services	423	2,237	2,200	2,200	2,700
Operating Supplies And Expenses	65,106	68,433	103,548	105,202	128,595
Subtotal: Operating	618,397	634,300	679,190	720,334	972,329
Capital Purchases And Equipment	2,525	1,218	1,000	1,000	1,000
Subtotal: Other	2,525	1,218	1,000	1,000	1,000
Total Expenditures	620,923	635,518	680,190	721,334	973,329
Expenditures by Source of Funds					
General Revenue	620,923	635,518	680,190	721,334	738,882
Federal Funds	0	0	0	0	234,447
Total Expenditures	620,923	635,518	680,190	721,334	973,329
FTE Authorization	4.0	4.0	4.0	4.0	6.0

Performance Measures

Office of the Mental Health Advocate

Litigation/Advocacy - Housing

The Office of the Mental Health Advocate engages in housing rights advocacy on behalf of clients of the publicly funded mental health system. This advocacy includes discrimination in housing, lease compliance and eviction cases, among other things. This performance measure is an indicator of housing cases which have been resolved favorably. [Note: Missing values appear as zeros in the measure.]

Frequency: Annual

Reporting Period: State Fiscal Year

	2019	2020	2021	2022	2023
Target	0.00	80.00	80.00	85.00	85.00
Actual	85.00	20.00	85.00	0.00	

Litigation - Involuntary Petitions

This performance indicator measures withdrawals and dismissals of involuntary petitions that seek to confine mentally disabled individuals in mental health treatment facilities. The measure is the percentage of involuntary commitment petitions filed in Civil Court that are dismissed or withdrawn. This performance measure is a rough indicator of the office's efforts to filter out petitions which lack sufficient merit to proceed with adjudication. The measure is related to the agency's stated objective to protect the liberty interests of individuals subjected to involuntary commitment in psychiatric facilities. [Note: Missing values appear as zeros in the measure.]

Frequency: Annual

Reporting Period: State Fiscal Year

	2019	2020	2021	2022	2023
Target	0.00	20.00	20.00	20.00	20.00
Actual	14.00	20.00	15.00	0.00	

Compliance/Advocacy - Treatment Rights

The Office of the Mental Health Advocate represents individuals engaged in treatment under the Mental Health Law, and also has jurisdiction (without regard to individual representation) to monitor compliance with treatment rights under the Mental Health Law. This performance measure is an indicator of treatment rights cases which were resolved favorably. The measure is related to the agency's stated objective to protect the legal rights of clients in psychiatric facilities. [Note: Missing values appear as zeros in the measure.]

Frequency: Annual

Reporting Period: State Fiscal Year

	2019	2020	2021	2022	2023
Target	0.00	75.00	70.00	85.00	85.00
Actual	80.00	75.00	80.00	0.00	

Personnel

Agency: Office of the Mental Health Advocate

Central Management

	FY 2022		FY 2023		
	FTE	Cost	FTE	Cost	
Classified					
SOCIAL CASE WORKER	00A22A	0.0	0	1.0	54,132
Subtotal Classified		0.0	0	1.0	54,132
Unclassified					
ADMINISTRATIVE ASSISTANT	00323A	1.0	65,048	1.0	66,674
MENTAL HEALTH ADVOCATE	00862F	1.0	120,852	1.0	123,873
STAFF ATTORNEY III	00832A	2.0	177,642	3.0	263,753
Subtotal Unclassified		4.0	363,542	5.0	454,300
Subtotal		4.0	363,542	6.0	508,432
FY 2021 Retro COLA Payment			8,590		0
Total Salaries			372,132		508,432
Benefits					
Contract Stipends			1,500		3,000
FICA			28,553		39,126
Health Benefits			65,092		99,749
Payroll Accrual			2,132		0
Retiree Health			19,746		22,913
Retirement			108,970		147,613
Subtotal			225,993		312,401
Total Salaries and Benefits		4.0	598,125	6.0	820,833
Cost Per FTE Position			149,531		136,806
Statewide Benefit Assessment			14,807		20,201
Payroll Costs		4.0	612,932	6.0	841,034
Purchased Services					
Clerical and Temporary Services			200		200
Medical Services			1,500		2,000
Other Contracts			500		500
Subtotal			2,200		2,700
Total Personnel		4.0	615,132	6.0	843,734
Distribution by Source of Funds					
General Revenue		4.0	615,132	4.0	614,287
Federal Funds		0.0	0	2.0	229,447
Total All Funds		4.0	615,132	6.0	843,734

