

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 also provides counsels 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 (patients who are under criminal process) and to provide legal representation for indigent persons receiving in-patient substance abuse treatment.

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 administered by the mental health providers.

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

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. This reform was part of a national movement toward deinstitutionalization of mentally ill individuals, a movement which began in the 1950's and became a centerpiece of public policy in the 1970's after the United States Supreme Court declared that all states must provide Constitutional Due Process and legal counsel to individuals subjected to involuntary hospitalization. The original statute authorizing the Mental Health Advocate is codified at RI General Laws, Sections 40.1-5-13, 40.1-5-22 and 24 (Public Laws 1974, Ch. 119).

The Budget

Office of the Mental Health Advocate

	FY 2008 Actual	FY 2009 Actual	FY 2010 Enacted	FY 2010 Revised	FY 2011 Recommended
Expenditures By Object					
Personnel	407,811	429,179	437,105	379,128	429,475
Operating Supplies and Expenses	11,316	11,881	11,318	12,481	12,481
Aid To Local Units Of Government	-	-	-	-	-
Assistance, Grants and Benefits	-	-	-	-	-
Subtotal: Operating Expenditures	\$419,127	\$441,060	\$448,423	\$391,609	\$441,956
Capital Purchases and Equipment	-	-	-	-	-
Debt Service	-	-	-	-	-
Operating Transfers	-	-	-	-	-
Total Expenditures	\$419,127	\$441,060	\$448,423	\$391,609	\$441,956
Expenditures By Funds					
General Revenue	419,127	441,060	448,423	391,609	441,956
Total Expenditures	\$419,127	\$441,060	\$448,423	\$391,609	\$441,956
FTE Authorization	3.7	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%	50.0%	50.0%	50.0%	50.0%
Persons with Disabilities as a Percentage of the Workforce	-	-	-	-	-
Program Measures					
Percentage of Treatment Rights Cases Favorably Disposed	75.0%	70.0%	75.0%	75.0%	75.0%
Percentage of Involuntary Petitions Filed that are Withdrawn or Dismissed	30.0%	30.0%	30.0%	30.0%	30.0%
Percentage of Confidentiality and Medical Records Cases Favorably Disposed	88.0%	83.3%	85.0%	85.0%	85.0%