

# Disability Ombudsman

Report Proposal  
October 20, 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

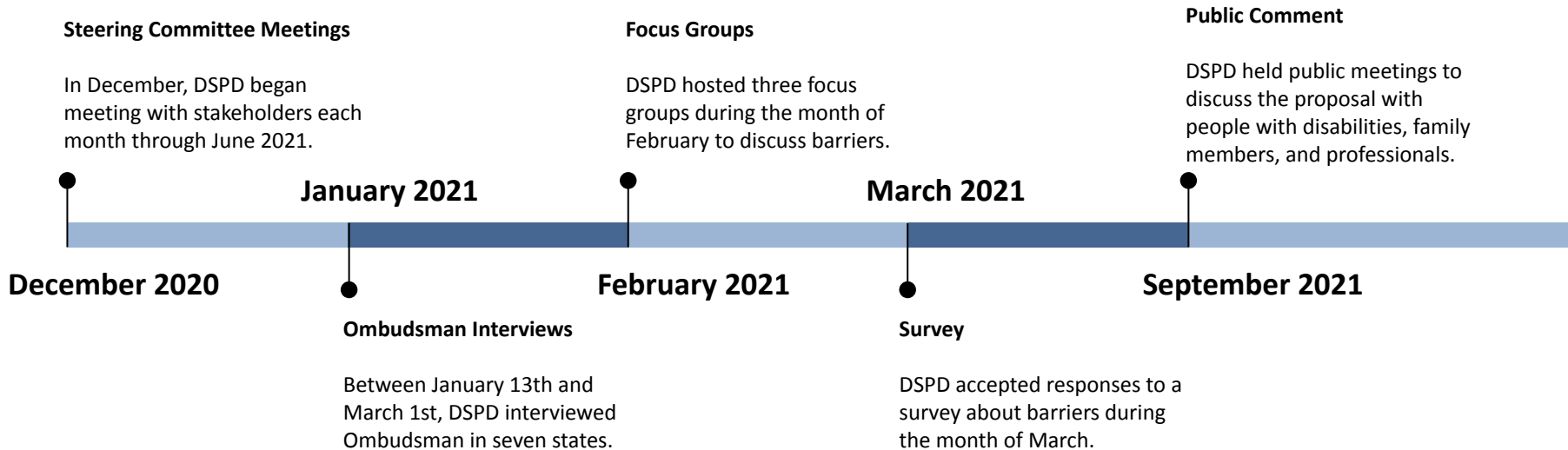
# Report Purpose

## H.B. 378, 2020 General Session

# Steering Committee

- Utah Parent Center
- Utah Developmental Disability Council
- Independent Living Centers
- Utah Transit Authority
- Disability Law Center
- Disability Advisory Council
- Disabled Rights Action Committee
- Division of Services for the Blind and Visually Impaired
- Division of Services of the Deaf and Hard of Hearing
- Office of Public Guardian
- Division of Substance Abuse and Mental Health
- Division of Adult and Aging Services
- Department of Workforce Services
- Department of Education
- Department of Health
- Department of Human Services

# Study Timeline





“

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:**

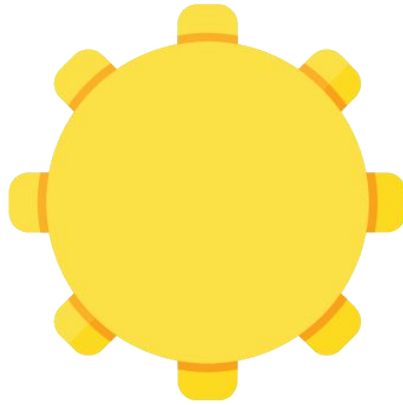
“Created within public and private organizations to assist with **internal problem-solving** defined as a designated neutral who is appointed or employed by an organization to facilitate the informal resolution of concerns of employees, managers, students, and, sometimes, external clients of the organization.”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

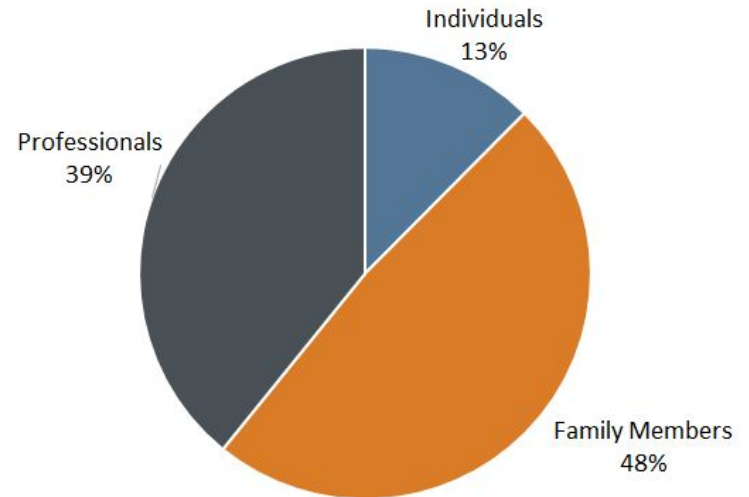
– *Justice Brandeis*



# 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

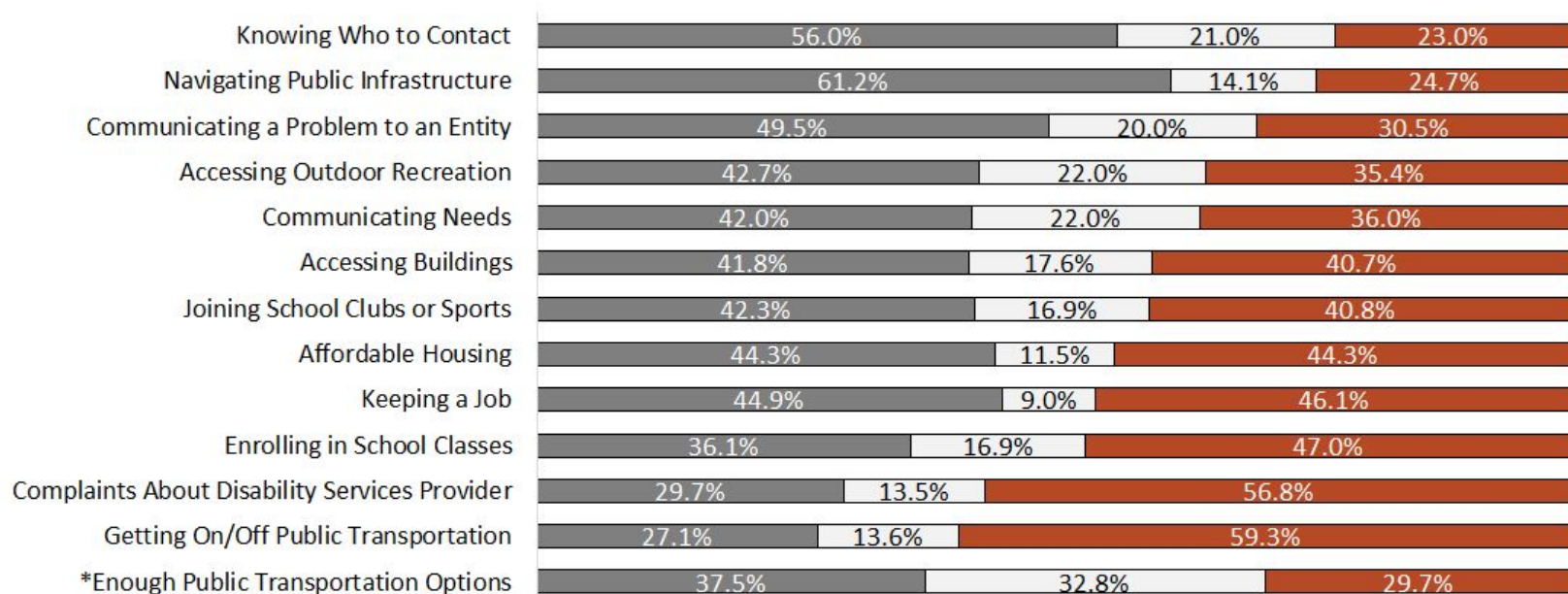


Family members agreed.



Professionals have a different top three.

# Individuals' Barriers (104 individuals)



\*reversed

■ Yes □ Sometimes ■ No

# Ombudsman 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

# Utah Disability Ombudsman Proposal

- Governmental Ombudsman
- Broadest Scope of Jurisdiction

# 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