

Ohio Legal Rights Service

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- Enacted budget provides level GRF funding for FYs 2006-2007

OVERVIEW

Duties and Responsibilities

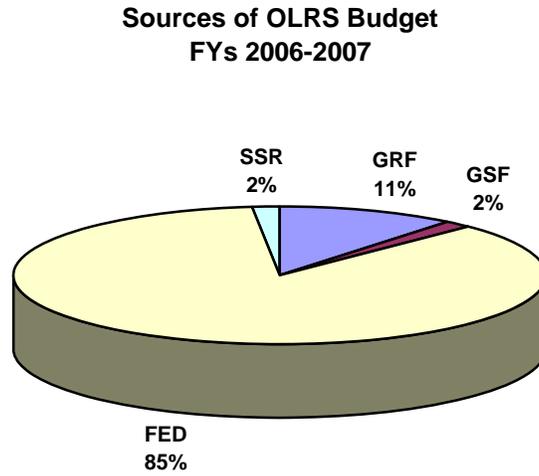
Revised Code section 5123.60 created the Ohio Legal Rights Service (OLRS) in 1975 as Ohio's federally mandated protection and advocacy (P&A) agency. The federal government requires every state to designate a P&A organization to protect and advocate for the rights of people with disabilities. Ohio Legal Rights Service provides P&A services to individuals with a developmental disability, mental illness, or other significant physical or mental impairment that substantially interferes with life activity. The agency's goal is to provide people with disabilities the opportunity to realize self-determination, equality of opportunity, and full participation in the community. Ohio Legal Rights Service responds to allegations of abuse, neglect, and rights violations and advocates for access to appropriate education, health care, housing, employment, and institutional reform for individuals with disabilities. Ohio Legal Rights Service provides legal representation, information and referral, professional assistance, negotiation and mediation, education, and training.

Agency in Brief

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Number of Employees*	Total Appropriations-All Funds		GRF Appropriations		Appropriation Bill(s)
	2006	2007	2006	2007	
49	\$4.58 million	\$4.58 million	\$489,322	\$489,322	Am. Sub. H.B. 66

*Employee count obtained from the Department of Administrative Services (DAS) payroll reports as of June 2005.

The following chart shows the funding sources of OLRs' budget for fiscal years (FYs) 2006-2007:



ANALYSIS OF THE ENACTED BUDGET

For budget purposes, as detailed below, the Ohio Legal Rights Service is considered a single program series agency and its activities are not subdivided into separate programs.

Program Series 1

Ohio Legal Rights Service

Purpose: To protect and guarantee the human, civil, and legal rights of people with disabilities.

The following table shows the line items that are used to fund the Ohio Legal Rights Service.

Fund	ALI	Title	FY 2006	FY 2007
General Revenue Fund				
GRF	054-100	Personal Services	\$162,281	\$162,281
GRF	054-200	Maintenance	\$33,938	\$33,938
GRF	054-300	Equipment	\$1,856	\$1,856
GRF	054-401	Ombudsman	\$291,247	\$291,247
General Revenue Fund Subtotal			\$489,322	\$489,322
State Special Revenue Fund				
5AE	054-614	Grants and Contracts	\$75,000	\$75,000
State Special Revenue Fund Subtotal			\$75,000	\$75,000
General Services Fund				
416	054-601	Gifts and Donations	\$1,352	\$1,352
5M0	054-610	Settlements	\$75,000	\$75,000
General Services Fund Subtotal			\$76,352	\$76,352
Federal Special Revenue Fund				
3AG	054-613	Protection and Advocacy – Voter Accessibility	\$114,089	\$114,089
3B8	054-603	Protection and Advocacy – Mentally Ill	\$1,059,041	\$1,059,041
3N3	054-606	Protection and Advocacy – Individual Rights	\$550,283	\$550,283
3N9	054-607	Assistive Technology	\$141,686	\$141,686
3R9	054-604	Family Support Collaborative	\$50,000	\$50,000
3T2	054-609	Client Assistance Program	\$400,553	\$400,553
3X1	054-611	Protection and Advocacy – Social Security	\$187,784	\$187,784
3Z6	054-612	Traumatic Brain Injury	\$65,138	\$65,138
305	054-602	Protection and Advocacy – Developmentally Disabled	\$1,369,082	\$1,369,082
Federal Special Revenue Fund Subtotal			\$3,937,656	\$3,937,656
Total Funding: Ohio Legal Rights Service			\$4,578,330	\$4,578,330

The specific programs that this analysis will focus on include:

- **Ombuds/Legal Section**
- **Federal Protection and Advocacy**

Ombuds/Legal Section

Program Description: The Executive Director appoints ombudsman, disabilities rights advocates, and attorneys who advocate for individual and systemic change through individual, group and class action cases, monitoring policies, legislative activity, and education and training. Ohio Legal Rights Service represents large numbers of clients through investigation, negotiation, and policy development. Legal action is taken only as a last resort. Under law, OLRs is required to facilitate the resolution of complaints through nonlegal means whenever possible.

Ombuds Section: The Ombuds program provides investigation, advocacy, mediation, and information and referral to individuals with a mental illness, mental retardation, or developmental disabilities. The Ombuds section also acts on complaints from mentally retarded and other developmentally disabled (MR/DD) and mentally ill persons, their relatives or guardians, public officials, or interested citizens regarding health and safety, abuse and neglect, and rights violations.

Revised Code section 5123.604(C) also requires the Ombuds section to receive and monitor all Major Unusual Incident (MUIs) reports from public, private, and community providers. The Ohio departments of Mental Retardation and Developmental Disabilities (ODMR/DD) and Mental Health (ODMH) are required by statute to notify OLRs of all investigations of MUIs and furnish all relevant reports within 48 hours. Ombudsman notify ODMR/DD, ODMH, or any other appropriate governmental agency of the complaint. If the situation cannot be satisfactorily resolved, the Ombuds section can recommend action to the appropriate authorities. If the complaint involves the commission of a crime or the violation of standards of professional conduct, the section may notify the Attorney General, county prosecuting attorney, or other appropriate law enforcement agency. In federal fiscal year (FFY) 2003, 26,880 MUI reports were received by OLRs. Of that total, approximately 62% occurred in MR/DD community settings. In FFY 2003, the Ombuds section served 765 people through individual or group cases.

Legal Section: The OLRs Legal section investigates and acts upon allegations of rights violations in cases that do not fit in any of the federal protection and advocacy programs (see below). The Legal section seeks settlements through advocacy and negotiation and provides legal representation in individual and class actions when necessary. Ohio Legal Rights Service continually monitors individuals involved in these cases and provides them with the necessary advocacy services.

Implication of the Enacted Budget: The enacted budget provides level funding in FY 2006 and FY 2007 for all of the Department's GRF line items, totaling \$489,322 in each fiscal year. The enacted budget will cover the nonfederal match required to receive federal grant dollars. The level of funding will not have any implications on the agency's ability to seek federal grants that fit the agency's statutory mission. However, external factors and available funding cause OLRs to constantly reprioritize resources to focus on emergency situations. For example, during the previous biennium, the announced closure of two state developmental centers immediately became the top priority.

In FY 1998, OLRSS expended \$726,196 in GRF dollars. The funding level in the enacted budget represents a 32.6% decrease from FY 1998 levels. When adjusted for inflation, GRF funding for OLRSS has decreased by 47.6% since FY 1998.¹⁸ In contrast, the number of MUIs received by OLRSS has increased 457% from 4,826 to 26,880 during that time. According to OLRSS, budget reductions and level GRF funding have significantly affected OLRSS' service levels. OLRSS served approximately 9% fewer individuals in FFY 2003 than in FFY 2002. OLRSS expects a decrease in the number of individuals served to occur during the current biennium.

Federal Protection and Advocacy

Program Description: Ohio Legal Rights Service receives grants for nine federal protection and advocacy programs. They are as follows:

Protection and Advocacy for Individuals with Developmental Disabilities (PADD) – This federal program protects and advocates for the human and civil rights of people with developmental disabilities in developmental centers, schools, and in Ohio communities. This program served a total of 3,408 individuals in FFY 2003 and made up approximately 19% of OLRSS' individual cases.

Protection and Advocacy for Individuals with Mental Illness (PAIMI) – The PAIMI program serves Ohio's mentally ill adults, children, and youth in psychiatric hospitals and communities. This program served a total of 3,200 individuals in FFY 2003 and made up approximately 33% of OLRSS' individual cases.

Protection and Advocacy for Individual Rights (PAIR) – The PAIR program serves individuals with any significant disability other than those served by the PADD, PAIMI, or Client Assistance Programs. For example, PAIR eligible individuals include persons with chronic or serious medical conditions, people with physical disabilities, and people with traumatic brain injury who received the disabling injury after age 22. The PAIR program advocates for people who have been discriminated against or whose rights have been violated. This program served a total of 2,774 individuals in FFY 2003 and made up approximately 30% of OLRSS' individual cases.

Protection and Advocacy for Assistive Technology (PAAT) – This federal grant helps provide protection and advocacy services to individuals in need of assistive technology devices. OLRSS uses this money to provide legal representation or mediation and negotiation services to those who need these devices.

Protection and Advocacy for Beneficiaries of Social Security (PABSS) – This federal grant is used to assist SSI or SSDI beneficiaries who seek vocational rehabilitation services, employment services, and other support services from employment networks and other service providers under the Ticket to Work Improvement Act of 1999. Under the program, the Social Security Administration tickets are issued to SSI and SSDI beneficiaries for vocational and employment services. This program served a total of 142 individuals and made up approximately 3.2% of OLRSS' individual cases.

Client Assistance Program (CAP) – The purpose of CAP is to establish a system to ensure the rights of individuals seeking from, or receiving services through, the Rehabilitation Service Commission's Bureau of Vocational Rehabilitation (BVR), or Bureau of Services for the Visually Impaired (BSVI).

¹⁸ The JGSLCWSS chained price index for state and local government personnel costs was used to adjust for inflation since approximately 88% of OLRSS' expenditures are personnel costs.

The Client Assistance Program informs, advises, and can pursue legal, administrative, or other appropriate remedies for clients and client applicants experiencing employment-related problems. The Client Assistance Program also provides information on Title I of the Americans with Disabilities Act. This program served a total of 328 individuals in FFY 2003, approximately 8% of OLRs' individual cases.

Family Support Collaborative (FSC) – Ohio Legal Rights Service receives this federal grant through the Ohio Developmental Disabilities Council. The purpose of the FSC grant is to identify children and youth with disabilities in out-of-home placements, to identify barriers that keep children from living with a family, to plan for coordinated, efficient supports and services that assist children with disabilities to live with birth, adoptive, or foster families, and to bring together stakeholders to develop policy toward this end.

Traumatic Brain Injury (TBI) – In FY 2003, OLRs received a three-year grant from the Health Resources and Services Administration to advocate for children with traumatic brain injuries and special education services. This program served a total of 36 individuals in FFY 2003 and made up approximately 1% of OLRs' individual cases.

Protection and Advocacy for Voting Assistance (PAVA) – Ohio Legal Rights Service receives this federal grant to implement the federal Help America Vote Act. The Act provides for protection and advocacy services to advance the voting rights of people with disabilities.

Implication of the Enacted Budget: Federal funding in these programs may allow for continued levels of service. However, the appropriation levels are based on estimated federal funding levels and do not represent actual funding levels. During the budget process, OLRs usually does not know the amount of each grant because the federal budget is not finalized. Based on their estimates, OLRs expects federal revenue to slightly decrease from current levels.