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### Overview

The ombudsman for persons receiving services or treatment for mental illness, developmental disabilities, chemical dependency, or emotional disturbance is appointed by the governor to promote the highest attainable standards of treatment. The ombudsman may gather information and data about decisions, acts, and other matters of an entity providing services or treatment. This bill, if passed, would broaden the scope of the ombudsman's powers to access data and review the actions of an entity providing applicable services, and would modify the Ombudsman Committee's terms for membership, compensation, and removal.

#### Section

- 1 Facility or program.** Amends § 245.91, subd. 4. Specifies that a “facility” or “program” includes any entity required to be licensed, certified, or registered, providing services or treatment for mental illness, developmental disabilities, chemical dependency, or emotional disturbance.
- 2 Serious injury.** Amends § 245.91, subd. 6. Adds to the list of serious injuries for reporting to the ombudsman:
  - (1) head injuries requiring medical assessment;
  - (2) attempted suicide; and
  - (3) all other incidents considered serious by a health care professional, including self-harm, medication error requiring medical treatment, delay of medical treatment, and complications related to treatment and injury.

## Section

### **3 Powers.** Amends § 245.94, subd. 1.

Paragraph (b) clarifies that the Office of Ombudsman is a health oversight agency under federal regulations, and may access patient records.

Paragraph (d) allows the ombudsman to investigate to promote the health, safety, and welfare of clients, even in acute care facilities receiving services through private funding.

Paragraph (e) allows the ombudsman to gather and analyze data upon receiving information or a complaint relating to the rights of one or more clients who may not be capable of requesting assistance.

Paragraph (f) allows the ombudsman to gather records on behalf one or more clients, and allows the ombudsman to take photos or video evidence while investigating. Adds chemical dependency to the services for which the ombudsman may access private data without consent.

Paragraph (i) allows the ombudsman to attend other proceedings affecting the rights of clients only at the request of the client. Expands ombudsman's power to attend meetings and access private client data without consent.

Paragraph (j) instructs the ombudsman to gather private data regarding services for all clients, rather than only for clients with developmental disabilities.

Paragraph (l) makes the Office of the Ombudsman responsible for providing the services of the Civil Commitment Training and Resource Center.

### **4 Terms, compensation, and removal.** Amends § 245.97, subd. 6. Changes the membership, compensation, and removal terms for the Ombudsman Committee to those governing appointments to multimember agencies, under section 15.0597.