

**VOLUME II:
HEALTH AND HUMAN SERVICES**

**OFFICE OF THE
MENTAL HEALTH ADVOCATE**

Agency Summary

OFFICE OF THE MENTAL HEALTH ADVOCATE

Agency Mission

To ensure the legal, civil, and special rights of people with mental illness in Rhode Island. 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. To protect the legal rights of clients of the mental health system by means of direct legal representation and/or referral to appropriate resources. 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. 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 by outreach to the public at large.

Agency Description

The Office of the Mental Health Advocate is a law office comprised of three full time attorneys and one administrative assistant. The Office accomplishes its mission by providing legal representation and advocacy related to several issues unique to persons living with mental illness. These include representation at Civil Commitment Proceedings and Petitions for Instruction regarding substituted consent for medication; housing retention including defending tenants from eviction proceedings; and monitoring and ensuring right to treatment for forensic patients; that is, persons involved in the criminal justice system who are deemed incompetent to stand trial, not guilty by reason of insanity, and who need specialized services that are not available in a correctional setting. The Office also engages in legislative advocacy, community outreach and education, collaboration in promoting policies and practices conducive to improving the Mental Health System, and combating stigmatization and discrimination associated with mental illness. The Office also provides consultation to members of the Bar regarding clients with mental health issues and responds to inquiries where direct representation cannot be provided by referral to appropriate services, legal or otherwise.

Statutory History

The Office of the Mental Health Advocate was created in 1975 when the Mental Health Law of Rhode Island was revised to reflect the national movement toward deinstitutionalization of mentally ill individuals and protection of civil, legal and liberty interests. This movement, begun in the 1950s, became a centerpiece of public policy in the 1970s 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 statute authorizing the Mental Health Advocate is codified in R.I. General Laws § 40.1-5-13 through § 40.1-5-25.

Budget

Office Of The Mental Health Advocate

	2019 Actuals	2020 Actuals	2021 Enacted Budget	2021 Revised Budget	2022 Recommended
Expenditures by Program					
Central Management	578,695	620,923	630,982	632,932	646,303
Total Expenditures	578,695	620,923	630,982	632,932	646,303
Expenditures by Object					
Salary And Benefits	515,771	552,869	563,631	565,581	573,442
Contract Professional Services	0	423	2,200	2,200	2,200
Operating Supplies And Expenses	62,923	65,106	64,151	64,151	69,661
Subtotal: Operating	578,695	618,397	629,982	631,932	645,303
Capital Purchases And Equipment	0	2,525	1,000	1,000	1,000
Subtotal: Other	0	2,525	1,000	1,000	1,000
Total Expenditures	578,695	620,923	630,982	632,932	646,303
Expenditures by Source of Funds					
General Revenue	578,695	620,923	630,982	632,932	646,303
Total Expenditures	578,695	620,923	630,982	632,932	646,303
FTE Authorization	4.0	4.0	4.0	4.0	4.0

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

	2018	2019	2020	2021	2022
Target	80.00	80.00	80.00	80.00	0.00
Actual	85.00	85.00	0.00	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

	2018	2019	2020	2021	2022
Target	20.00	20.00	20.00	0.00	0.00
Actual	15.00	14.00	0.00	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

	2018	2019	2020	2021	2022
Target	75.00	75.00	75.00	0.00	0.00
Actual	90.00	80.00	0.00	0.00	

Personnel

Agency: Office Of The Mental Health Advocate

Central Management

		FY 2022	
		FTE	Cost
Unclassified			
ADMINISTRATIVE ASSISTANT	00323A	1.0	61,915
MENTAL HEALTH ADVOCATE	00862F	1.0	115,031
STAFF ATTORNEY III	00832A	2.0	169,086
Subtotal Unclassified		4.0	346,032
Subtotal		4.0	346,032
Total Salaries			346,032
Benefits			
FICA			26,473
Health Benefits			66,021
Payroll Accrual			2,021
Retiree Health			18,271
Retirement			100,956
Subtotal			213,742
Total Salaries and Benefits		4.0	559,774
Cost Per FTE Position			139,944
Statewide Benefit Assessment			13,668
Payroll Costs		4.0	573,442
Purchased Services			
Clerical and Temporary Services			200
Medical Services			1,500
Other Contracts			500
Subtotal			2,200
Total Personnel		4.0	575,642
Distribution by Source of Funds			
General Revenue		4.0	575,642
Total All Funds		4.0	575,642