
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

	2018 Actuals	2019 Actuals	2020 Enacted Budget	2020 Revised Budget	2021 Recommended
Expenditures by Program					
Central Management	629,731	578,695	602,411	619,370	630,982
Total Expenditures	629,731	578,695	602,411	619,370	630,982
Expenditures by Object					
Salary And Benefits	536,204	515,771	536,313	553,906	563,631
Contract Professional Services	0	0	2,200	2,200	2,200
Operating Supplies And Expenses	91,536	62,923	62,898	62,264	64,151
Subtotal: Operating	627,740	578,695	601,411	618,370	629,982
Capital Purchases And Equipment	1,991	0	1,000	1,000	1,000
Subtotal: Other	1,991	0	1,000	1,000	1,000
Total Expenditures	629,731	578,695	602,411	619,370	630,982
Expenditures by Source of Funds					
General Revenue	629,731	578,695	602,411	619,370	630,982
Total Expenditures	629,731	578,695	602,411	619,370	630,982
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

	2017	2018	2019	2020	2021
Target	80.00	80.00	80.00	80.00	85.00
Actual	82.00	85.00	85.00	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

	2017	2018	2019	2020	2021
Target	20.00	20.00	20.00	20.00	20.00
Actual	15.00	15.00	14.00	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

	2017	2018	2019	2020	2021
Target	75.00	75.00	75.00	75.00	80.00
Actual	90.00	90.00	80.00	0.00	

Personnel

Agency: Office Of The Mental Health Advocate

Central Management

	FY 2020		FY 2021		
	FTE	Cost	FTE	Cost	
Unclassified					
ADMINISTRATIVE ASSISTANT	00323A	1.0	61,609	1.0	61,915
MENTAL HEALTH ADVOCATE	00862F	1.0	114,462	1.0	115,031
STAFF ATTORNEY III	00832A	2.0	161,380	2.0	165,174
Subtotal Unclassified		4.0	337,451	4.0	342,120
Subtotal		4.0	337,451	4.0	342,120
Total Salaries			337,451		342,120
Benefits					
FICA			25,816		26,173
Health Benefits			59,900		61,526
Payroll Accrual			1,968		2,001
Retiree Health			22,441		20,082
Retirement			93,000		98,215
Subtotal			203,125		207,997
Total Salaries and Benefits		4.0	540,576	4.0	550,117
Cost Per FTE Position			135,144		137,529
Statewide Benefit Assessment			13,330		13,514
Payroll Costs		4.0	553,906	4.0	563,631
Purchased Services					
Clerical and Temporary Services			200		200
Medical Services			1,500		1,500
Other Contracts			500		500
Subtotal			2,200		2,200
Total Personnel		4.0	556,106	4.0	565,831
Distribution by Source of Funds					
General Revenue		4.0	556,106	4.0	565,831
Total All Funds		4.0	556,106	4.0	565,831