**2017 OMHDD Changes to empowering legislation**

**HF1229/SF 1004 and Amendments[[1]](#footnote-1)**

This bill is to make technical changes to outdated language in the empowering legislation of the MN Office of Ombudsman for Mental Health and Developmental Disabilities to bring the agency into alignment with the current service delivery system that has evolved over the past 20 years. Some old language serves to confuse clients and providers as the system changes.

Section 1: refines the definition of a facility or program to cover the evolving nature of the service delivery system away from congregate and corporate settings to flexible services which may only require a certification or registration to serve vulnerable populations.

Section 2: makes minor changes to the definition of a reportable Serious Injury

Section 3: Moves the section of statute that empowers the agency as a HIPAA Oversight Organization from one section to another part of the statute. The OMHDD has carried this designation for several years but based on where it was placed created confusion among providers. This is meant to clarify those sections that relate to data and are consistent with a Health Oversight Agency. It also clarifies that during the course of an investigation the ombudsman may collect photographic evidence with consent of the client. We have done so in the past but want to clarify in law that ability. It adds MSOP to the programs where we have open access to records. The DHS has agreed to this language.

Also cleans up language that clarifies that client can be singular or plural.

Item (l) adds language that covers the work that was authorized in 1997 but the language got missed in the final bill. No funding is required for this section

Section 4: Corrects the statutory citation that the Advisory Committee is governed by. The Committee has no fiduciary responsibilities.

1. In consultation with stakeholders. [↑](#footnote-ref-1)