HOUSE DOCKET, NO. FILED ON: 1/13/2009

**HOUSE . . . . . . . . . . . . . . No.**

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The Commonwealth of Massachusetts

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PRESENTED BY:

**Robert P. Spellane**

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*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General
 Court assembled:*

 The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act providing for the public disclosure of quality indicators for the developmentally disabled.

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

PETITION OF:

|  |  |
| --- | --- |
| Name: | District/Address: |
| Robert P. Spellane | 13th Worcester |

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 869 OF 2007-2008.]

The Commonwealth of Massachusetts

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**In the Year Two Thousand and Nine**

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An Act providing for the public disclosure of quality indicators for the developmentally disabled.

 *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

SECTION 1.  M.G.L. c.19B, section 2 is hereby amended by inserting a new paragraph five:

                        “At the end of each fiscal year, the commissioner shall make a document which shall also be published on the commonwealth official website in a format which is retrievable and printable which contains the information obtained pursuant to paragraph six of section thirteen of this chapter.”

SECTION 2.  M. G. L. c. 19B, section 13, is hereby amended by adding new paragraphs six and seven:

                        “Notwithstanding any provision of law to the contrary, on or before March 31 of each calendar year, all private agencies, group care facilities as defined in section 9 of chapter 28A and group residences as defined in section 1 of chapter 143, as a condition of their contracts for services, shall provide in a format determined by the department their identifying information, including official name, provider state identification number, name of contact person, business address and telephone;  financial information including the total annual operating budget which shall set forth annual expenditures for personnel, administrative , and equipment expenses; personnel compensation information which shall include the average annual wages or salary of direct care and professional staff and the average percentage increase over the previous year’s average, the names ,  annual  wages or salaries, and percentage increase over the previous year’s annual wages or salaries of the five highest paid employees; health care information which shall include the percentage of direct care, professional and managerial personnel who receive health care insurance through the employer and the numbers of employees on industrial accident leave during the preceding calendar year;  service quality information which shall include the turnover rate, which shall be defined as the  percentage of positions in the agency which were vacated  during the preceding calendar year, the number of abuse and neglect claims substantiated by the private agency, the department or the disabled persons protection commission during the preceding calendar year, the numbers and types of medication errors,  the number of incident reports filed by the private agency with the department,  and copies of reports by all accrediting and licensing agencies; any other information and/or reports concerning family and community supports; all information gathered through Quality Enhancement Survey Tool (QUEST) and Individual Support Services Tool (ISST) reporting; programmatic information which shall include the names of the members of the board of directors and the percentage who have family members with developmental disabilities, the number of agency consumers who, during the preceding calendar year, have moved from an agency residence to a private residence and the agency’s plans, if any, with respect to self directed services, and information pertaining to the private agency’s provision of sheltered workshop services, including the total percentage of agency expenditures devoted to supporting sheltered workshop services, the number of consumers in sheltered workshops , the number of consumers who receive less than the federal minimum wage,  the number of consumers who moved during the preceding calendar year from sheltered workshops to supported employment, the total revenues from goods and services produced in the sheltered workshop, and the names and addresses  of all businesses contracting with the private agency for goods and services produced in the sheltered workshop.

                        In the event the department determines that a private agency has failed to furnish the information required by this section, it may withhold payments due to the agency pending receipt of the required information, impose a penalty and/or make the agency’s non-compliance a consideration in future contract awards.”

SECTION 3.  This act shall cover privately and publicly operated programs for the developmentally disabled.

SECTION 4.  This act shall take effect immediately upon passage.