

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Robert P. Spellane

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:

Robert P. Spellane

DISTRICT/ADDRESS:

13th Worcester

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

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

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:*

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

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

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

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11 “Notwithstanding any provision of law to the contrary, on or before March 31 of
12 each calendar year, all private agencies, group care facilities as defined in section 9 of chapter
13 28A and group residences as defined in section 1 of chapter 143, as a condition of their contracts
14 for services, shall provide in a format determined by the department their identifying
15 information, including official name, provider state identification number, name of contact
16 person, business address and telephone; financial information including the total annual
17 operating budget which shall set forth annual expenditures for personnel, administrative , and
18 equipment expenses; personnel compensation information which shall include the average
19 annual wages or salary of direct care and professional staff and the average percentage increase
20 over the previous year’s average, the names , annual wages or salaries, and percentage increase
21 over the previous year’s annual wages or salaries of the five highest paid employees; health care
22 information which shall include the percentage of direct care, professional and managerial
23 personnel who receive health care insurance through the employer and the numbers of
24 employees on industrial accident leave during the preceding calendar year; service quality
25 information which shall include the turnover rate, which shall be defined as the percentage of
26 positions in the agency which were vacated during the preceding calendar year, the number of
27 abuse and neglect claims substantiated by the private agency, the department or the disabled
28 persons protection commission during the preceding calendar year, the numbers and types of
29 medication errors, the number of incident reports filed by the private agency with the
30 department, and copies of reports by all accrediting and licensing agencies; any other
31 information and/or reports concerning family and community supports; all information gathered
32 through Quality Enhancement Survey Tool (QUEST) and Individual Support Services Tool
33 (ISST) reporting; programmatic information which shall include the names of the members of

34 the board of directors and the percentage who have family members with developmental
35 disabilities, the number of agency consumers who, during the preceding calendar year, have
36 moved from an agency residence to a private residence and the agency's plans, if any, with
37 respect to self directed services, and information pertaining to the private agency's provision of
38 sheltered workshop services, including the total percentage of agency expenditures devoted to
39 supporting sheltered workshop services, the number of consumers in sheltered workshops , the
40 number of consumers who receive less than the federal minimum wage, the number of
41 consumers who moved during the preceding calendar year from sheltered workshops to
42 supported employment, the total revenues from goods and services produced in the sheltered
43 workshop, and the names and addresses of all businesses contracting with the private agency for
44 goods and services produced in the sheltered workshop.

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

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

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