

HOUSE No. 4488

The Commonwealth of Massachusetts

By Ms. Khan of Newton, for the committee on Children, Families and Persons with Disabilities, on House, No. 185, a Bill providing for the public disclosure of quality indicators for the developmentally disabled (House, No. 4488).

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

FOR THE COMMITTEE:

NAME:

Kay Khan

DISTRICT/ADDRESS:

11th Middlesex

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 5:

2 “At the end of each fiscal year, the commissioner shall make a document, which shall also be
3 placed on the commonwealth’s official website in a format which is retrievable and printable,
4 that contains the information obtained pursuant to paragraph 9 of section 13 of this
5 chapter or provide links to this information if already posted on another website.”

6 SECTION 2. M. G. L. c. 19B, section 13, is hereby amended by adding new paragraphs 6 and 7:

7 “Notwithstanding any provision of law to the contrary, on or before March 31, 2011 and thereafter each
8 year on or before March 31, all private agencies, group care facilities as defined in section 9 of chapter
9 28A and group residences as defined in section 1 of chapter 143, as a condition of their contracts for
10 services, shall provide in a format determined by the department the following information: identifying
11 information, including official name, provider state identification number, name of contact person,
12 business address and telephone; financial information including the total annual operating budget which
13 shall set forth annual expenditures for personnel, administrative, and equipment expenses; personnel
14 compensation information which shall include the average annual wage or salary of direct care and
15 professional staff and the average percentage increase over the previous year’s average, a list of the 5
16 highest salaries or wages and the percentage increase over the previous year’s wages or salaries; the
17 number of employees on industrial accident leave during the preceding calendar year; service quality
18 information which shall include the level of licensure and certification and by whom granted, the turnover
19 rate, which shall be defined as the percentage of positions in the agency which were vacated during the
20 preceding calendar year, the number of abuse and neglect claims substantiated by the private agency, the
21 department or the disabled persons protection commission during the preceding calendar year, the
22 numbers and types of medication errors, the number of incident reports filed by the agency with the

23 department, all information gathered through Quality Enhancement Survey Tool (QUEST) and Individual
24 Support Services Tool (ISST) reporting; programmatic information including the number of agency
25 consumers who, during the preceding calendar year, have moved from an agency residence to a private
26 residence and the agency's plans, if any, with respect to self-directed services, the number of consumers
27 in sheltered workshops, and the number of consumers who moved during the preceding calendar year
28 from sheltered workshops to supported employment. When necessary, as applied to publicly operated
29 programs, the information may be listed by area and region.

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

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