HOUSE DOCKET, NO. 1596 FILED ON: 1/15/2015

HOUSE . . . . . No. 71

The Commonwealth of Massachusetts

PRESENTED BY:

Jennifer E. Benson

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 adoption of the accompanying bill:

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

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Jennifer E. Benson	*37th Middlesex*
Carolyn C. Dykema	*8th Middlesex*
Kimberly N. Ferguson	*1st Worcester*
Angelo M. Scaccia	*14th Suffolk*
Jennifer L. Flanagan	*Worcester and Middlesex*
Jonathan Hecht	*29th Middlesex*
Elizabeth A. Malia	*11th Suffolk*
Denise Provost	*27th Middlesex*

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HOUSE . . . . . No. 71

By Ms. Benson of Lunenburg, a petition (accompanied by bill, House, No. 71) of Jennifer E. Benson and others relative to the public disclosure of quality indicators for the developmentally disabled. Children, Families and Persons with Disabilities.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *72* OF 2013-2014.]

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

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:

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

32 members with developmental disabilities, the number of agency consumers who, during the
33 preceding calendar year, have moved from an agency residence to a private residence and the
34 agency's plans, if any, with respect to self directed services, and information pertaining to the
35 private agency's provision of sheltered workshop services, including the total percentage of
36 agency expenditures devoted to supporting sheltered workshop services, the number of
37 consumers in sheltered workshops , the number of consumers who receive less than the federal
38 minimum wage, number of consumers who moved during the preceding calendar year from the
39 sheltered workshops to supported employment, the total revenues from goods and services
40 produced in the sheltered workshop, and the names and addresses all businesses contracting of
41 with the private agency for goods and services produced in the sheltered workshop. In the event
42 the department determines that a private agency has failed to furnish the information required by
43 this section, it may withhold payments due to the agency pending receipt of the required
44 information, impose a penalty and/or make the agency's non-compliance a consideration in
45 future contract awards."

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

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