

HOUSE No. 150

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to sufficient services within the department of mental retardation..

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. Section 14 of Chapter 19B, as appearing in the 2004 Official Edition, is
2 hereby amended by inserting the following subsections:--

3 (a) The Department of Mental Retardation (Department of Developmental Services as
4 of July 1, 2009) shall develop a three-year plan to address all individuals waiting for community-
5 based services including residential, day, transportation and family support. The goal of said
6 plan shall be to fund services for all eligible individuals and families in need by 2013.

7 (b) The department shall: (1) require each area office to provide an updated list of
8 names in priority order with corresponding cost plan with additional dollars required, (2) identify
9 service type needed for each eligible participant, and (3) identify a number of people to serve per
10 year in order to achieve the goal of said legislation by 2013. Said plan shall include emergency
11 allocations for those individuals not currently on the department’s current list but go into crisis,
12 and said emergency allocation shall be based on historical data. Said plan shall include annual
13 allocations for family support funding for those not immediately served on the residential
14 waiting lists.

15 (c) In year one and thereafter, until no one is waiting for residential services, 300
16 people on said waiting list for residential services shall receive \$20,000 in vouchers or
17 allocations in additional dollars on an annual basis to provide support while said individuals are
18 waiting for services. The department shall utilize said waiting list for services to determine
19 distribution. Individuals or families may utilize the funds for private-public partnerships and
20 may choose to remove themselves from the residential waiting list.

21 (d) To minimize crisis driven services, the department shall include allocations or
22 vouchers on an annual basis for families who are in need of family support. These allocations
23 shall range from \$3,000 to \$10,000 per year based on the range of services required.

24 (e) To encourage public private partnership in the employment of individuals with
25 disabilities, incentives shall be established for employers: (1) a tax credit equal to 20% of any
26 hired individuals' wages for the first two years of employment shall be granted, and (2) Six-
27 month subsidies to assist in job-coaching shall be distributed on a case-by-case basis not to
28 exceed \$12,000, these monies shall be allocated from a subsidy line item funded by a one-time
29 two million dollar allocation.

30 (f) To maximize community-based services and supports, the department shall update
31 the Facilities Consolidation plan to redirect resources as more individuals leave institutional care
32 and enter community-based homes. The plan shall include a projected schedule of facility
33 closures. Any savings from said plan once the needs of individuals moving from facilities have
34 been addressed may be used to offset additional monies required in this law.

35 (g) To ensure quality, 20% of savings from the closures of state institutions will be
36 allocated to support existing DMR services and supports funded through the purchase of the
37 service system.

38 (h) To gain additional revenue, the department shall develop a plan which maximizes
39 Medicaid funding received through the Home and Community Based Waiver and other proposed
40 Waivers. This plan shall include retained revenue as one option to address the waiting list.