

HOUSE No. 4488

The Commonwealth of Massachusetts

In the Year Two Thousand Ten

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
3 also be

4 placed on the commonwealth’s official website in a format which is retrievable and
5 printable,

6 that contains the information obtained pursuant to paragraph 9 of section 13 of this
7 chapter or provide links to this information if already posted on another website.”

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

10 “Notwithstanding any provision of law to the contrary, on or before March 31, 2011 and
11 thereafter each year on or before March 31, all private agencies, group care facilities as defined
12 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 the following information: 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 wage or salary of direct care and professional staff and the average percentage increase over the previous year's average, a list of the 5 highest salaries or wages and the percentage increase over the previous year's wages or salaries; the number of employees on industrial accident leave during the preceding calendar year; service quality information which shall include the level of licensure and certification and by whom granted, 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 agency with the department, all information gathered through Quality Enhancement Survey Tool (QUEST) and Individual Support Services Tool (ISST) reporting; programmatic information including 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, the number of consumers in sheltered workshops, and the number of consumers who moved during the preceding calendar year from sheltered workshops to supported employment. When necessary, as applied to publicly operated programs, the information may be listed by area and region.

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

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