

**HOUSE . . . . . No. 72**

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**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:	DATE ADDED:
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>	<i>1/11/2013</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>1/11/2013</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>	<i>1/11/2013</i>
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>	<i>1/11/2013</i>

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By Ms. Benson of Lunenburg, a petition (accompanied by bill, House, No. 72) of Jennifer E. Benson and others relative to providing the public disclosure of quality indicators for the developmentally disabled. Children, Families and Persons with Disabilities.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 975 OF 2011-2012.]

**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Thirteen**  
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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  
2 five:

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

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