

HOUSE No. 150

The Commonwealth of Massachusetts

PRESENTED BY:

Peter J. Koutoujian

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 passage of the accompanying bill:

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

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Peter J. Koutoujian	10th Middlesex
John W. Scibak	2nd Hampshire
Matthew C. Patrick	3rd Barnstable
Christine E. Canavan	10th Plymouth
Jennifer M. Callahan	18th Worcester
James B. Eldridge	Middlesex and Worcester
Bill Bowles	2nd Bristol
Robert L. Rice, Jr.	2nd Worcester
Denise Provost	27th Middlesex
Carl M. Sciortino, Jr.	34th Middlesex
Tom Sannicandro	7th Middlesex
Steven M. Walsh	11th Essex
Mary E. Grant	6th Essex
John P. Fresolo	16th Worcester
Stephen L. DiNatale	3rd Worcester
Allen J. McCarthy	7th Plymouth
Michael Brady	9th Plymouth
Barbara A. L'Italien	18th Essex
Bill Bowles	2nd Bristol

John J. Binienda	17th Worcester
Geraldine Creedon	11th Plymouth
Bruce E. Tarr	First Essex and Middlesex
Allen J. McCarthy	7th Plymouth
Paul McMurtry	11th Norfolk
Denis E. Guyer	2nd Berkshire
Robert P. Spellane	13th Worcester

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 106 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and 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 hereby amended by inserting
2 the following subsections:--
- 3 (a) The Department of Mental Retardation (Department of Developmental Services as of July 1, 2009) shall
4 develop a three-year plan to address all individuals waiting for community-based services including
5 residential, day, transportation and family support. The goal of said plan shall be to fund services for all
6 eligible individuals and families in need by 2013.
- 7 (b) The department shall: (1) require each area office to provide an updated list of names in priority order with
8 corresponding cost plan with additional dollars required, (2) identify service type needed for each eligible
9 participant, and (3) identify a number of people to serve per year in order to achieve the goal of said
10 legislation by 2013. Said plan shall include emergency allocations for those individuals not currently on the
11 department's current list but go into crisis, and said emergency allocation shall be based on historical data.
12 Said plan shall include annual allocations for family support funding for those not immediately served on
13 the residential waiting lists.
- 14 (c) In year one and thereafter, until no one is waiting for residential services, 300 people on said waiting list
15 for residential services shall receive \$20,000 in vouchers or allocations in additional dollars on an annual
16 basis to provide support while said individuals are waiting for services. The department shall utilize said
17 waiting list for services to determine distribution. Individuals or families may utilize the funds for private-
18 public partnerships and may choose to remove themselves from the residential waiting list.
- 19 (d) To minimize crisis driven services, the department shall include allocations or vouchers on an annual basis
20 for families who are in need of family support. These allocations shall range from \$3,000 to \$10,000 per
21 year based on the range of services required.

- 22 (e) To encourage public private partnership in the employment of individuals with disabilities, incentives shall
23 be established for employers: (1) a tax credit equal to 20% of any hired individuals' wages for the first two
24 years of employment shall be granted, and (2) Six-month subsidies to assist in job-coaching shall be
25 distributed on a case-by-case basis not to exceed \$12,000, these monies shall be allocated from a subsidy
26 line item funded by a one-time two million dollar allocation.
- 27 (f) To maximize community-based services and supports, the department shall update the Facilities
28 Consolidation plan to redirect resources as more individuals leave institutional care and enter community-
29 based homes. The plan shall include a projected schedule of facility closures. Any savings from said plan
30 once the needs of individuals moving from facilities have been addressed may be used to offset additional
31 monies required in this law.
- 32 (g) To ensure quality, 20% of savings from the closures of state institutions will be allocated to support
33 existing DMR services and supports funded through the purchase of the service system.
- 34 (h) To gain additional revenue, the department shall develop a plan which maximizes Medicaid funding received
35 through the Home and Community Based Waiver and other proposed Waivers. This plan shall include retained
36 revenue as one option to address the waiting list.