

HOUSE No. 185

The Commonwealth of Massachusetts

PRESENTED BY:

Robert P. Spellane

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

PETITION OF:

NAME:

Robert P. Spellane

DISTRICT/ADDRESS:

13th Worcester

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 869 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

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 five:

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

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

8 “Notwithstanding any provision of law to the contrary, on or before March 31 of each calendar
9 year, all private agencies, group care facilities as defined in section 9 of chapter 28A and group
10 residences as defined in section 1 of chapter 143, as a condition of their contracts for services,
11 shall provide in a format determined by the department their identifying information, including
12 official name, provider state identification number, name of contact person, business address and
13 telephone; financial information including the total annual operating budget which shall set forth

14 annual expenditures for personnel, administrative , and equipment expenses; personnel
15 compensation information which shall include the average annual wages or salary of direct care
16 and professional staff and the average percentage increase over the previous year's average, the
17 names , annual wages or salaries, and percentage increase over the previous year's annual
18 wages or salaries of the five highest paid employees; health care information which shall include
19 the percentage of direct care, professional and managerial personnel who receive health care
20 insurance through the employer and the numbers of employees on industrial accident leave
21 during the preceding calendar year; service quality information which shall include the turnover
22 rate, which shall be defined as the percentage of positions in the agency which were
23 vacated during the preceding calendar year, the number of abuse and neglect claims
24 substantiated by the private agency, the department or the disabled persons protection
25 commission during the preceding calendar year, the numbers and types of medication errors, the
26 number of incident reports filed by the private agency with the department, and copies of reports
27 by all accrediting and licensing agencies; any other information and/or reports concerning family
28 and community supports; all information gathered through Quality Enhancement Survey Tool
29 (QUEST) and Individual Support Services Tool (ISST) reporting; programmatic information
30 which shall include the names of the members of the board of directors and the percentage who
31 have family members with developmental disabilities, the number of agency consumers who,
32 during the preceding calendar year, have moved from an agency residence to a private residence
33 and the agency's plans, if any, with respect to self directed services, and information pertaining
34 to the private agency's provision of sheltered workshop services, including the total percentage
35 of agency expenditures devoted to supporting sheltered workshop services, the number of
36 consumers in sheltered workshops , the number of consumers who receive less than the federal

37 minimum wage, the number of consumers who moved during the preceding calendar year from
38 sheltered workshops to supported employment, the total revenues from goods and services
39 produced in the sheltered workshop, and the names and addresses of all businesses contracting
40 with the private agency for goods and services produced in the sheltered workshop. In the event
41 the department determines that a private agency has failed to furnish the information required by
42 this section, it may withhold payments due to the agency pending receipt of the required
43 information, impose a penalty and/or make the agency's non-compliance a consideration in
44 future contract awards.”

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

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