

HOUSE No. 4483

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, March 5, 2020.

The committee on Children, Families and Persons with Disabilities, to whom was referred the petition (accompanied by bill, House, No. 93) of Daniel Cahill that the Department of Developmental Services make available certain information on corporate and state-operated provider agencies, reports recommending that the accompanying bill (House, No. 4483) ought to pass.

For the committee,

KAY KHAN.

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**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act regarding transparency for individuals and guardians.

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. Chapter 123B of the General Laws, as appearing in the 2016 Official
2 Edition, is hereby amended by inserting at the end thereof the following new section:-

3 Section 18. (a) The following words as used in this section, unless the context otherwise
4 requires, shall have the following meanings:

5 “Abuse,” any act or omission which results in serious physical injury or serious
6 emotional injury to a person with a disability, including an act constituting abuse per se, as such
7 terms are defined in the regulations of the Department, duly promulgated pursuant to section 2 of
8 this chapter 123B or the regulations of the Disabled Persons Protection Commission,
9 promulgated pursuant to section 3 of chapter 19C.

10 “Financial exploitation,” the illegal or improper use of another individual’s financial
11 resources in an amount over \$250 for personal profit or gain.

12 (b) Notwithstanding any general or special law or rule or regulation to the contrary, the
13 department of developmental services shall make available through its website easily accessible,
14 summarized, comparative information on each corporate and state-operated provider agency
15 regarding licensure and quality assurance survey results; licensure and contract status; a
16 description of the sub-population(s) served by each provider; and information provided by the
17 department by the disabled persons protection commission on the frequency of substantiated
18 findings of abuse or financial exploitation.

19 (c) Information concerning the frequency of substantiated findings provided by the
20 disabled persons protection commission shall itemize the rates of such occurrence for different
21 sub-types of substantiated abuse or financial exploitation, and shall be expressed in a form to
22 allow members of the public to compare programs of different size.

23 (d) The department of developmental services shall adopt rules regarding the posting of
24 this information and shall inform individuals and guardians of its availability. Such rules shall
25 also include suppression of disclosure of aggregate data sets containing four or fewer incidents,
26 or where otherwise determined by the department of developmental services to be necessary to
27 protect the identity and privacy of data subjects and to avoid the risk of identification of
28 individuals in small population groups.

29 SECTION 2. This act shall be effective one year from the acts passage.