

HOUSE No. 00055

The Commonwealth of Massachusetts

PRESENTED BY:

Kay Khan

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 persons with developmental disabilities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>George Ross</i>	<i>2nd Bristol</i>

HOUSE No. 00055

By Ms. Kay Khan of Newton, petition (accompanied by bill, House, No. 00055) of George Ross and Kay Khan relative to public disclosure of quality indicators for the developmentally disabled. Joint Committee on Children, Families and Persons with Disabilities.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
□ HOUSE
□ , NO. 185 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act providing for the public disclosure of quality indicators for persons with developmental disabilities.

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 2 of chapter 19B, as appearing in the 2008 Official Edition, is hereby
- 2 amended by inserting a new paragraph after paragraph 4 as follows:-
- 3 “At the end of each fiscal year, the commissioner shall make a document, which shall also be
- 4 placed on the commonwealth’s official website in a format which is retrievable and printable,
- 5 that contains the information obtained pursuant to paragraph 9 of section 13 of this
- 6 chapter or provide links to this information if already posted on another website.”

7 SECTION 2. Section 13 of chapter 19B, as appearing in the 2008 Official Edition, is hereby
8 amended by inserting 2 new paragraphs after paragraph 5 as follows:-

9 “Notwithstanding any provision of law to the contrary, on or before March 31, 2012 and
10 thereafter each year on or before March 31, all private agencies, group care facilities as defined
11 in section 9 of chapter 28A and group residences as defined in section 1 of chapter 143, as a
12 condition of their contracts for services, shall provide in a format determined by the department
13 the following information: identifying information, including official name, provider state
14 identification number, name of contact person, business address and telephone; financial
15 information including the total annual operating budget which shall set forth annual expenditures
16 for personnel, administrative, and equipment expenses; personnel compensation information
17 which shall include the average annual wage or salary of direct care and professional staff and
18 the average percentage increase over the previous year’s average, a list of the 5 highest salaries
19 or wages and the percentage increase over the previous year’s wages or salaries; the number of
20 employees on industrial accident leave during the preceding calendar year; service quality
21 information which shall include the level of licensure and certification and by whom granted, the
22 turnover 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 substantiated
24 by the private agency, the department or the disabled persons protection commission during the
25 preceding calendar year, the numbers and types of medication errors, the number of incident
26 reports filed by the agency with the department, all information gathered through Quality
27 Enhancement Survey Tool (QUEST) and Individual Support Services Tool (ISST) reporting;
28 and, programmatic information including the number of agency consumers who, during the
29 preceding calendar year, have moved from an agency residence to a private residence and the

30 agency's plans, if any, with respect to self-directed services, the number of consumers in
31 sheltered workshops, and the number of consumers who moved during the preceding calendar
32 year from sheltered workshops to supported employment. When necessary, as applied to publicly
33 operated programs, the information may be listed by area and region.

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

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