

REAL LIVES LAW WORK PLAN

September 9 2015 Meeting Update – Completed Items Removed

SECTION	TASK	STATUS	COMMENTS/NOTES
1.(b)	DDS shall offer SD to all individuals eligible through the DDS. SD shall be based on the participant’s judgment and preferences set for in their PCP. ...not Mass Health eligible but otherwise eligible for DDS may participate.	The Implementation Group to develop standard process. Regional Liaisons to oversee implementation.	<p>DDS Posts a document titled “The Individual Choice, Portability and Provider Selection 2010 User Guide for Individuals and Families” on the DDS internet site. The document was distributed to all individuals and guardians at the Annual ISP in 2010, and offered at each subsequent ISP meeting. Comprehensive information about self-directed service options needs to be further developed to distribute to individuals and guardians at service junctures.</p> <p>All services provided in Autism Waiver program are self- directed. SD services are also an option for people participating the in Department of Elementary and Secondary Education Program.</p> <p>All of the waiver services available on the 3 DDS Home and Community Based Waivers are posted on the DDS website.</p> <p>The <i>Choosing Which Service Method is Best for Me</i> brochure can be found on the DDS website and was presented to the SDAB at the March 4th meeting. The Implementation Group is currently revising this document.</p>
1.(c)	Establish [Self Determination] Advisory Board (SDAB) to advise DDS on efforts to implement, publicize, evaluate, improve, and develop information regarding SD. The SDAB shall compile and continually update a list of participants chosen planning teams who are willing to volunteer to discuss their experiences in SD with individuals considering the SD option in their ISP and shall provide said list to DDS. The composition of the SDAB is detailed in this section.	SDAB established. Implementation Group is responsible for the development of a list of volunteers. This	The advisory board shall consist of: the longest serving member of the disabled persons protection commission, or a designee, who shall serve as chair; 19 individuals appointed by the commissioner; 1 of whom shall be a member of the department,1 of whom shall be a member of an advocacy organization, 1 of whom shall represent taxpayers, 1 of whom shall have experience with consumer protection, 1 of whom shall have experience with self -determination models, 1 of whom shall have experience with non-profit and for-profit services markets and competition and services for persons with disabilities, 1 of whom shall have experience with

REAL LIVES LAW WORK PLAN

September 9 2015 Meeting Update – Completed Items Removed

SECTION	TASK	STATUS	COMMENTS/NOTES
		list of names and examples of recent presentations will be provided to the SDAB at the Sept. 9 meeting. This item will then be noted as Completed.	<p>financial management services, 1 of whom shall be an independent facilitator; 1 of whom shall be a provider of direct services, supports or goods and 10 of whom shall be a participant or family member, legal representative or guardian of a participant; 1 individual appointed by the disabled persons protection commission; 1 individual appointed by the office of the inspector general; and 1 individual appointed by the office of the state auditor.</p> <p>All members were seated by December 2014. Members shall serve a term of three years.</p> <p>The scheduled meetings for 2015 are: January 9, 2015, March 4, 2015, May 6, 2015, July 15, 2015, September 9, 2015, and November 4, 2015.</p>
1.(d)	The DDS and the SDAB shall develop informational materials and training for the DDS staff regarding SD. Training to include concept and practice of SD, inform DDS staff about the mechanics of SD, including, but not limited to, the development of individual budget selection, purchase and use of services, supports and goods by participants; information regarding the types of services that may be utilized; about the selection and supervision of the vendors; the respective roles of independent facilitator, financial management service and the DDS.; methods of identifying and reporting instances of suspected waste, fraud and abuse. DDS to educate all staff except janitorial, maintenance, secretarial, on all service options including, but not limited to, SD annually.	<p>Training program developed with review and input from self-advocates and the full SDAB on May 6.</p> <p>It was posted on PACE in June for staff to be trained. It has also been posted on the DDS SD</p>	<p>Materials handed out at the 1/9/15 meeting were: DDS Self Determination Policy; Implementing the Principles of Participant Direction in Everyday Lives –State Advisory Committee Presentation, November 14, 2008; Summary of DDS Report to the Governor and Legislature, Implementation of a Self Determination Model at the Department of Developmental Services, July 2009; The Massachusetts Medicaid Home and Community Based Waiver Program “Choice Portability, Provider Selection” June 23, 2010; DDS Self-Directed Supports Pilot 2012 – 2013; Real Lives Law August 6, 2014.</p> <p>Additional informational materials provided at 3/4/15 meeting include: Choosing Which Service Method is Best for Me Brochure; SDAB appointed member list; DDS ISP forms and End Notes; DDS Waiver Services Definitions; MA Participant Directed Program</p>

REAL LIVES LAW WORK PLAN

September 9 2015 Meeting Update – Completed Items Removed

SECTION	TASK	STATUS	COMMENTS/NOTES
		web site. An update on the status of staff trained will be provided at the Sept. meeting.	Required Packets Forms per Service; MA Participant Directed Program New Provider Paperwork Matrix; PPL on line budget as seen through the portal; DDS ISP appeal documents; PPL Timesheet/invoice; PPL Monthly Budget Expenditure Report; Agency with Choice Qualified Providers; and CORI form. The PACE training module has been posted on the DDS SD website. The module will be updated in the coming months and DDS staff will be trained annually thereafter.
1.(e)	DDS shall		
	(6) ensure value of individual budget is equivalent to amount DDS would have spent through a traditional service model... DDS shall develop an appeals process for decisions re individual budgets;	Appeal process is in place.	If there is disagreement around an allocation, DDS would utilize the existing ISP appeal process. Appeal Forms were provided to the SDAB at the March 4 th meeting.
	(11) make efforts to ensure participant are reasonably representative of diversity of people eligible for services from DDS;		
	(14) provide information in (13) to individuals upon: (A) notify to an individual of priority for services; (B) at commencement of development support plan; (C) commencement of renewal of support plan; (D) annual notification to person who declined a support plan of their option to participant in the individual support plan: (E) entry to DDS turning 22 program;	The Implementation Group will develop a standard process and Regional Liaisons will oversee local implementation.	DDS Posts a document titled “The Individual Choice, Portability and Provider Selection 2010 User Guide for Individuals and Families” on the DDS website. The document was distributed to all individuals and guardians at the Annual ISP in 2010 and is offered at each subsequent ISP meeting. Comprehensive information about self-directed service options needs to be further developed to distribute to individuals and guardians at service junctures. All services provided in the Autism Waiver program are self-directed. All of the waiver services available on the waiver are

REAL LIVES LAW WORK PLAN

September 9 2015 Meeting Update – Completed Items Removed

SECTION	TASK	STATUS	COMMENTS/NOTES
			posted on the DDS website.
	(15) provide information on providers of SD services, supports and goods through its website or another means as determined by DDS;	See Section 2	Comprehensive information specific to providers of SD services supports and goods is being developed to be posted on the website per Section 2 of this statute. Please see comments in Section 2.
	(16) hold meetings, briefings, as necessary, with providers, organizations and businesses to offer intro and on-going information on SD and discuss ways DDS can work with parties to establish and improve services, supports and goods that facilitate SD;		Implementation group will develop a plan to provide training to providers. The Regional Liaisons will develop strategies to support and train a large variety of providers (including individual providers, organizations, businesses and non-profit agencies) with the goal to improve services, supports and goods that facilitate self-direction.
1.(m)	(1) Any chosen planning team member, SDAB, mandated reporter of DPPC, and other persons involved in the preparation or implementation of SD plan who suspects, by action or inaction, financial abuse, including, but not limited to, mismanagement, misappropriation or waste of participants SD funds or individual budget shall immediately report such actions or inactions to the DPPC. DPPC shall evaluate and forward the report to the appropriate law enforcement or state agencies and forward all reports of suspected financial abuse to the State Auditor. DPPC shall provide an annual itemization to the Chairs of the Joint Committee on Families, Children and Persons with Disabilities detailing the number, types, geographic locations of specific reports and the agency (or agencies) to which the complaint was referred.	DPPC is working with State Auditor and DDS to implement most efficient system for sending & receiving reports of financial abuse. Annual Report will be sent to committee chairs on/about September 15, 2015.	DPPC's current practice is to forward reports of financial abuse to the appropriate law enforcement or state agency. DPPC has coordinated with the State Auditor's Office and forwarded all reports of financial abuse received by DPPC for November & December of 2014 and January through June 2015. DDS reviewed these reports of suspected financial abuse and determined that none of the reports received by the DPPC during this time period involved DDS self-determination participants' funds.
1.(f)	Participation in SD shall be available to anyone who receives services	The	Information about the self-direction process (to prospective

REAL LIVES LAW WORK PLAN

September 9 2015 Meeting Update – Completed Items Removed

SECTION	TASK	STATUS	COMMENTS/NOTES
	from DDS and agrees to the following: (1) the person and their chosen team are responsible for implementation of the PCP and ISP including hiring or purchasing necessary services, supports and goods; (2) the person will use financial management service unless an exception applies; and (3) the person, their planning team and their ISP team members attend orientation prior to enrollment to including, but not limited to, concept and practice, budgeting, planning, service and provider selection, staff and employee selection and the roles of independent facilitators, financial management service and DDS; provided that no person is required to attend more than 1 orientation per year if working with multiple participants.	Implementation Group to develop a process and Regional Liaisons to oversee consistent implementation.	participants/families) is currently available largely in the Metro and Northeast Regions of DDS through individual, group and family meetings. The Regional Liaisons are working to develop standard practices in all areas and regions. Individual orientation is provided to all participants and providers by the broker as part of the enrollment process in the Participant Directed Program.
1.(n)	DDS shall adopt and modify regulations to implement this section.		
1.(o)	The State Auditor, pursuant to..., shall audit the SD option as the Auditor determines necessary and shall make recommendations to DDS, the House and Senate Ways and Means Committee and Joint Committee on Children, Families and Persons with Disabilities about changes in law or regulation that may improve the efficiency of the SD option, decrease costs, improve services or prevent waste, fraud or abuse.		

REAL LIVES LAW WORK PLAN

September 9 2015 Meeting Update – Completed Items Removed

SECTION	TASK	STATUS	COMMENTS/NOTES
SEC 2	<p>DDS shall submit a report to Chairs of House and Senate Ways and Means Committee and of the Joint Committee on Children, Families and Persons with Disabilities on the feasibility and cost of facilitating participant access to comparative information by making available searchable online repository of providers of SD services, supports and goods, not later than 6 months from effective date of act. Report may be limited to providers serving multiple participants, who receive \$75k or more of SD funds per year, within the 2 years preceding the year in which DDS requires said info, or any other provider that voluntarily submits information to DDS. Said report shall also include a proposed method to establish standardized units and descriptive categories for the searchable website. Such standard units and descriptive categories may include:</p> <ul style="list-style-type: none"> (i) organization structure, history and performance, including, but not limited to, (A) the complete legal name of the provider, vendor or supplier, (B) legal structure and org type, (C) accreditation and licensure status, (D) web address location and recent formal audits, reports and investigations and (E) contact info and website information; (ii) services, supports and goods offered at each geographic location by provider including, but not limited to, (A) hours and schedules of availability of each service, support or good; (B) populations served, (C) provisions regarding the supervision, storage and dispensation of prescription meds and (D) any special non-standard eligible or requirements or restrictions; (iii) facilities available and in good operating condition at each 	<p>February Report submitted to committee Chairs.</p> <p>Additional work on the repository is in progress. The projected August field testing has been delayed to the fall due to the additional work needed.</p> <p>Families on SDAB will do initial testing.</p>	<p>The Department of Developmental Services completed a legislative report in response to the reporting requirements specified in the Real Lives Law. The Department is soon ready to pilot, with the INDEX program of the UMASS Medical School, a data repository system. The INDEX is a web based data search engine that gathers and delivers information about programs, providers, and services for people with disabilities throughout Massachusetts. They have developed the DisabilityInfo.org and the Massachusetts Network of Information Providers (MNIP) websites both of which provide disability-related information to the public free of charge.</p> <p>The data system developed by INDEX includes modifying INDEX's existing technology to capture the information specified in the law such as: Organization Name, Address, Contact Email, Website, Transportation Options, Accessibility Features, Hours of Operation, Services offered, Populations served, Accreditation, etc. The proposal also includes as part of Index's standard service the commitment of accessibility, compatibility with assistive technologies, support of the application and its users as part of INDEX's existing support structure, purchase and management of the domain name and hosting the system in INDEX's datacenter.</p>

REAL LIVES LAW WORK PLAN

September 9 2015 Meeting Update – Completed Items Removed

SECTION	TASK	STATUS	COMMENTS/NOTES
	<p>geographic location including , but not limited to, (A) precise street address of each geographic location (B) availability or proximity of public transportation (C) hours of operation and (D) accessibility by mobility impaired individuals;</p> <p>(iv) medical and non-medical professional staff at each geographic location including, but not limited to, (A) number of staff in each category, (B) education and professional attainments of staff, (C) ratio of staff to client for each shift and (D) average tenure in yrs. and mo., of staff who work at least 16 hr/wk; and</p> <p>(v) characteristics of individuals receiving services, supports and goods at each geographic location including, but not limited to, number of clients, age range and gender distribution. If DDS finds a form or alternative form of the searchable online repository is not cost prohibitive, DDS shall develop and implement the repository within 18 mo. of the date of this act.</p>		

REAL LIVES LAW WORK PLAN

September 9 2015 Meeting Update – Completed Items Removed

SECTION	TASK	STATUS	COMMENTS/NOTES
SEC 3	Subject to appropriation, DDS shall contract with an independent research organization or academic institution not later than 8/1/19 to evaluate SD authorized in Section 19.... and recommend improvements to the SD option.	Discussion item on Sept agenda	
Sec 4	Notwithstanding.... to the contrary, DDS shall only approve 1 qualified financial management service provider under clause (9) subsection (e) of Sec 19 of Chap 19B. DDS shall hold a meeting, briefing or orientation at least annually under clause (16) of subsection (e) of Section 19 and 19B.		
SEC 5	Section 4 is repealed. <i>[See Section 8]</i>		
SEC 7	The State Auditor, pursuant to..., shall audit the SD option established under..., at least once during the first 4 years of its operation. <i>[By 8/18]</i>		
SEC 8	Effective date of Section 5 is 3 years from date of this act. <i>[8/6/17]</i>		

ONGOING ITEMS			
1.(e)	(12) facilitate individual and family understanding of SD and related issues of budgeting, planning, service and provider selection and staff and employee management;	Ongoing	DDS Support Brokers work individually with participants and families to plan and budget based on their vision and needs. Support Brokers provide guidance, support and facilitation to increase learning & comfort with the

REAL LIVES LAW WORK PLAN

September 9 2015 Meeting Update – Completed Items Removed

SECTION	TASK	STATUS	COMMENTS/NOTES
			<p>process based on the participant/family’s experience. Support Brokers provide guidance around recruitment and employee management. The Regional Liaisons will develop: 1) training for participant/family & Support Brokers on tools for employee management such as developing job descriptions, advertising etc., 2) Peer & Family support opportunities to share learning and best practice.</p> <p>Additional specific information detailing sessions held and planned in the future will be added to this section for the Sept 9, SDAB meeting.</p>
	<p>(18) provide in consult with SDAB an annual report to chairs of the House and Senate Ways and Means and to the Chairs of the Joint Committee on Children, Families, and Persons w/ Disabilities not later than September 1; (i) any modification or improvements made by DDS on the administration of SD, (ii) recommended legislation, (iii) assessment of performance of providers, vendors and persons who received funds for services, supports and goods(iv) number of participants using SD in previous year, (v) number of participants per region, (vi) types and amounts of services, supports and goods purchased under SD in a manner that facilitates year to year comparisons, (vii) ranges and averages for expenditures from all individual budgets, including adjustments made (pursuant to subsection (i), and (viii) the number who withdrew voluntarily from the option;</p>	<p>Draft FY 2015 report was sent to committee members on July 27. Input incorporated in the final report sent to EHS. Report submitted to committee Chairs Sept. 1.</p>	<p>Data collection completed. Report was drafted in July, reviewed by SDAB and EHS in July/early August, final edits and data updates was drafted in August. Report to be submitted to committee Chairs Sept. 1.</p>
<p>1.(e)</p>	<p>(19) provide except as necessary to comply with privacy laws, any information requested by Attorney General, State Auditor, Inspector General, senate or house committees on post audit and oversight, DPPC, any DDS, agency or law body investigating suspected neglect or physical, emotion or financial abuse. The Superior Court to have jurisdiction over disputed requests for information.</p>	<p>Ongoing</p>	<p>DDS will comply and provide as requested.</p> <p>DDS has received information requests from the IG, has responded and will continue to do so.</p>

REAL LIVES LAW WORK PLAN

September 9 2015 Meeting Update – Completed Items Removed

SECTION	TASK	STATUS	COMMENTS/NOTES
1.(p)	The Attorney General or the DDS may independently investigate any allegations of mistreatment, waste, abuse, fraud or breach of any explicit or implied duties under this section. The Attorney General or DDS, on behalf of the participant, may seek to recover any monies lost due to mismanagement, waste, abuse, fraud or breach of any explicit or implied duties under this section in the superior court.	Ongoing	All complaints regarding mistreatment and abuse are filed with DPPC. When a complaint is screened out due to being outside the scope and authority of DPPC, (e.g. waste, fraud), DDS will refer the matter to other authorities, or if appropriate, conduct an investigation of the matter. DDS will seek to recover money lost based on the outcome of the investigation.