



The Commonwealth of Massachusetts
Executive Office of Health & Human Services
Department of Developmental Services
500 Harrison Avenue
Boston, MA 02118

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Marylou Sudders
Secretary

Elin M. Howe
Commissioner

Area Code (617) 727-5608
TTY: (617) 624-7590

DEPARTMENT OF DEVELOPMENTAL SERVICES

NOTICE OF PUBLIC HEARING AND OPPORTUNITY FOR PUBLIC COMMENT

Pursuant to the authority of G.L. c. 19B, §§ 1 and 14, and G. L. c. 123B, § 2 and in accordance with G.L. c. 30A, the Department of Developmental Services will hold public hearings and accept public comments pertaining to proposed amendments to its regulations at: **115 CMR 1.00: Scope and Authority; 115 CMR 9.00: Investigations and Reporting Responsibilities; and 115 CMR 13.00: Incident Reporting.**

Proposed amendments to the Department's Scope and Authority regulations at 115 CMR 1.00 et seq. are intended to reflect the amendments to G.L. c. 19B and c. 123B implemented by Chapter 226 of the Acts of 2014, *An Act Assisting Individuals with Autism*, which broadened the scope of eligibility for Department services and supports to include individuals with diagnoses of autism, Prader-Willi Syndrome, and Smith-Magenis Syndrome effective November 3, 2014.

Proposed amendments to the Department's Investigation and Reporting regulations at 115 CMR 9.00 promote the reporting, review, investigation and remediation of complaints alleging abuse, serious risk of harm, or other matter(s) within the scope of 115 CMR 9.00 that involve individuals supported by the Department. The proposed revisions establish the standards and procedures for the Department's Investigation Division and will ensure that all allegations that pose a risk of harm or the potential to impact an individual's welfare are addressed in a timely and effective manner.

The Department's Incident Reporting regulations at 115 CMR 13.00 are proposed for promulgation to set forth the standards and procedures for the reporting of incidents, occurrences, or events to the Department. The proposed regulations will apply to all DDS offices, providers, programs and supports operated, licensed, contracted, or funded by the Department. The requirement to report incidents to the Department pursuant to the proposed Incident Reporting regulations at 115 CMR 13.00 is separate and in-addition to the obligation to report instances of suspected abuse, serious risk of harm, or other matters within the scope of 115 CMR 9.00 et seq. to the Disabled Persons Protection Commission.

Public hearings will be held on:

August 2, 2016, 10:00 a.m. to 2:00 p.m. at: John W. McCormack Building
21st Floor, Conference Room 3
One Ashburton Place
Boston, MA 02108

August 4, 2016, 10:00 a.m. to 2:00 p.m. at: Worcester Public Library
Main Library Saxe Room
3 Salem Square
Worcester, MA 01608

The Department encourages all interested parties to submit testimony electronically to the Department at the following address: DDS.regs.comments@massmail.state.ma.us. Submissions should include the sender's full name, mailing address, and organization or affiliation, if any. Individuals who are unable to submit testimony by email should mail written testimony to the Office of the General Counsel, 500 Harrison Avenue, Boston, MA 02118. All written comments submitted to the Department may be posted on the Department's website and released in response to a request for public records. All written testimony must be submitted by 5:00 p.m. on August 4, 2016.

A current draft of the proposed amendments may be viewed on the Department's website at: www.mass.gov/DDS or obtained from the Office of the General Counsel at (617) 624-7702. Special accommodation requests may be made by telephone to the Office of the General Counsel at (617) 624-7702 or TTY: (617) 624-7590 (for persons who are deaf, hard of hearing or speech disabled). Requests for a sign language or other interpreter must be made at least two weeks in advance of the hearing.

The Department may adopt a revised version of the proposed regulations taking into account relevant comments and other practical alternatives that come to its attention.

By Order of the Department of Developmental Services,
ELIN M. HOWE, COMMISSIONER

July 15, 2016