

HOUSE No. 150

The Commonwealth of Massachusetts

PRESENTED BY:
Peter J. Koutoujian

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 relative to sufficient services within the department of mental retardation.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Peter J. Koutoujian	10th Middlesex
John W. Scibak	2nd Hampshire
Matthew C. Patrick	3rd Barnstable
Christine E. Canavan	10th Plymouth
Jennifer M. Callahan	18th Worcester
James B. Eldridge	Middlesex and Worcester
Bill Bowles	2nd Bristol
Robert L. Rice, Jr.	2nd Worcester
Denise Provost	27th Middlesex
Carl M. Sciortino, Jr.	34th Middlesex
Tom Sannicandro	7th Middlesex
Steven M. Walsh	11th Essex
Mary E. Grant	6th Essex
John P. Fresolo	16th Worcester
Stephen L. DiNatale	3rd Worcester
Allen J. McCarthy	7th Plymouth
Michael Brady	9th Plymouth
Barbara A. L'Italien	18th Essex
Bill Bowles	2nd Bristol
John J. Binienda	17th Worcester
Geraldine Creedon	11th Plymouth
Bruce E. Tarr	First Essex and Middlesex
Allen J. McCarthy	7th Plymouth
Paul McMurtry	11th Norfolk
Denis E. Guyer	2nd Berkshire

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 106 OF 2007-2008.]

The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine
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AN ACT RELATIVE TO SUFFICIENT SERVICES WITHIN THE DEPARTMENT OF MENTAL RETARDATION.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 14 of Chapter 19B, as appearing in the 2004 Official Edition, is hereby amended by inserting the following subsections:--

- (a) The Department of Mental Retardation (Department of Developmental Services as of July 1, 2009) shall develop a three-year plan to address all individuals waiting for community-based services including residential, day, transportation and family support. The goal of said plan shall be to fund services for all eligible individuals and families in need by 2013.
- (b) The department shall: (1) require each area office to provide an updated list of names in priority order with corresponding cost plan with additional dollars required, (2) identify service type needed for each eligible participant, and (3) identify a number of people to serve per year in order to achieve the goal of said legislation by 2013. Said plan shall include emergency allocations for those individuals not currently on the department's current list but go into crisis, and said emergency allocation shall be based on historical data. Said plan shall include annual allocations for family support funding for those not immediately served on the residential waiting lists.
- (c) In year one and thereafter, until no one is waiting for residential services, 300 people on said waiting list for residential services shall receive \$20,000 in vouchers or allocations in additional dollars on an annual basis to provide support while said individuals are waiting for services. The department shall utilize said waiting list for services to determine distribution. Individuals or families may utilize the funds for private-public partnerships and may choose to remove themselves from the residential waiting list.
- (d) To minimize crisis driven services, the department shall include allocations or vouchers on an annual basis for families who are in need of family support. These allocations shall range from \$3,000 to \$10,000 per year based on the range of services required.
- (e) To encourage public private partnership in the employment of individuals with disabilities, incentives shall be established for employers: (1) a tax credit equal to 20% of any hired individuals' wages for the first two years of employment shall be granted, and (2) Six-month subsidies to assist in job-coaching shall be distributed on a case-by-case basis not to exceed \$12,000, these monies shall be allocated from a subsidy line item funded by a one-time two million dollar allocation.
- (f) To maximize community-based services and supports, the department shall update the Facilities Consolidation plan to redirect resources as more individuals leave institutional care and enter community-based homes. The plan shall include a projected schedule of facility closures. Any savings from said plan once the needs of individuals moving from facilities have been addressed may be used to offset additional monies required in this law.
- (g) To ensure quality, 20% of savings from the closures of state institutions will be allocated to support existing DMR services and supports funded through the purchase of the service system.

(h) To gain additional revenue, the department shall develop a plan which maximizes Medicaid funding received through the Home and Community Based Waiver and other proposed Waivers. This plan shall include retained revenue as one option to address the waiting list.