
By Mr. Olver, a petition (accompanied by bill, Senate, No. 814) of John W. Olver for legislation to provide for the improvement of services contracted by or provided directly by human services agencies. Human Services and Elderly Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-three.

AN ACT PROVIDING FOR THE IMPROVEMENT OF SERVICES CONTRACTED FOR OR PROVIDED DIRECTLY BY HUMAN SERVICES AGENCIES.

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. The general court hereby determines: that an
2 increasing number of human services programs funded by
3 the Commonwealth are being provided each year by contract-
4 ing with private agencies; that such increase of purchased
5 services has been occurring without consistent statewide
6 standards of performance among state agencies and programs;
7 that such inconsistency or lack of standards threaten the
8 quality of such services; that the Commonwealth lacks ade-
9 quate mechanisms to judge the quality of such services; that
10 providers of such services lack consistent guidelines to which
11 they can be held accountable; that the resulting uncertainty
12 results in wasted time and resources of the state agencies and
13 providers of the state agencies and provider involved, and that
14 the current lack of consistent standards inhibits rational rate
15 setting decisions.

16 It is, therefore, the purpose of this legislation to create a
17 framework and mandate for the establishment of consistent
18 program standards among all human service programs funded
19 by the Commonwealth.

1 SECTION 2. In this chapter, the following words and phrases
2 have the following meanings: —

3 "EOHS," the Executive Office of Human Services.

4 "Lead agency," the department, board or commission which
5 is an agency with EOHS and which has the task of developing

6 the standards for certain assigned human service programs or
7 services.

1 SECTION 3. The secretary of EOHS is hereby required to
2 establish a consistent standard for all human service programs
3 which are administered or funded by agencies under its con-
4 trol.

5 In order to implement this requirement, the secretary of
6 EOHS or his designee shall: —

- 7 a. develop a classification system for all human service
8 programs which shall function both for program review
9 and rate setting purposes;
- 10 b. assign delegate program standards development duties
11 to each lead agency.
- 12 c. mediate among lead agencies in situations in which pro-
13 grams overlap;
- 14 d. evaluate the impact of federal and state law on the de-
15 velopment of such standards; and
- 16 e. review and approve or disapprove proposed standards
17 developed by each lead agency.

1 SECTION 4. Each commissioner of a lead agency will be re-
2 sponsible for developing the program standards including
3 those for services purchased from private providers by the
4 Commonwealth. Each agency in EOHS shall conform its own
5 programs and purchased services to the standards developed
6 by the lead agency and approved by EOHS. Each agency in
7 EOHS shall include specific references to such approved stand-
8 ards for appropriate services or programs in developing re-
9 quests for proposals, contracts, and agreements. Such stand-
10 ards shall also be the basis for programmatic and quality re-
11 view by such agencies.

12 Each agency in EOHS shall provide a review and appeals
13 procedure for aggrieved private providers regarding the ap-
14 plication of such standards. Nothing in this chapter shall be
15 interpreted as preventing the commissioner of an agency in
16 EOHS from developing demonstration programs which are
17 not specifically incorporated in the approved classification
18 system.

1 SECTION 5. An advisory commission on human services

2 standards and monitoring is hereby created. The commission
3 shall consist of ten members to be appointed by the governor,
4 two of whom shall be representatives of the general public;
5 two of whom shall be representatives of clients receiving state
6 funded human services; two of whom shall represent state
7 human services contracted providers; two of whom shall rep-
8 resent appropriate professional groups; and one of whom shall
9 represent a union of human service workers. The commission
10 shall be appointed on or before October first, nineteen hun-
11 dred and eighty-one and shall meet at least monthly. The
12 commission shall review and comment on proposed standards
13 developed by lead agencies. In addition, the commission shall
14 study and make recommendations for the adoption of these
15 standards by non-EOHS agencies. The commission shall file
16 a copy of a report of such study with the secretary of EOHS
17 and with the house and senate committees on ways and means
18 on or before December thirty-first, nineteen hundred and
19 eighty-two. The commission shall also review, recommend
20 and file a report regarding changes to such standards every
21 three years thereafter with the said secretary and with the
22 said committees.

1 SECTION 6. Each commissioner of a lead agency shall ap-
2 point technical advisory boards on standards. Such boards
3 shall consist of not more than ten members who shall be
4 knowledgeable experts in particular service fields, some of
5 whom shall be currently engaged in the provision of state
6 funded contracted services.

1 SECTION 7. The secretary of human services shall designate
2 lead agencies within thirty days of the effective date of this
3 act. Each lead agency shall develop proposed standards within
4 ninety days of the date of its designation. Such proposed
5 standards shall be considered to be rules and regulations and,
6 therefore, subject to the procedures of chapter thirty A.
7 EOHS shall approve, amend, or disapprove the proposed
8 standards within sixty days after such standards are devel-
9 oped by the lead agency. EOHS shall submit such proposed
10 standards to the advisory commission on human services
11 standards and review and consider any recommendations by
12 said commission. EOHS shall also hold a public hearing and

13 promulgate the final standards as rules and regulations in ac-
14 cordance with chapter thirty A.

1 SECTION 8. The secretary of EOHS, with the advice of ad-
2 visory commission on human services standards and monitor-
3 ing, the attorney general, and the auditor shall establish a
4 joint task force to study the feasibility of establishing a uni-
5 form auditing procedure for public charities which provide
6 state contracted human services. Said task force shall deter-
7 mine the feasibility of developing a single audit form that
8 would be utilized by all three agencies. No procedure adopted
9 upon the recommendation of such task force shall be inter-
10 preted to limit the discretion of the attorney general, the audi-
11 tor, or any other legally authorized agency from conducting
12 audits or investigations for the purpose of uncovering fraud or
13 abuse.