
By Mr. Backman, a petition (accompanied by bill, Senate, No. 702) of Jack H. Backman and John G. King for legislation relative to community residences and other mental health and retardation programs. Human Services and Elderly Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Five.

AN ACT RELATIVE TO COMMUNITY RESIDENCES AND OTHER MENTAL HEALTH AND RETARDATION PROGRAMS.

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 of Chapter 19 of the General Laws, as most re-
2 cently amended by section 2 of Chapter 1076 of the Acts of
3 1971, is hereby further amended by inserting after the second
4 paragraph, the following paragraphs: —

5 The department may enter into contracts for mental health
6 and retardation services, including but not limited to com-
7 munity residential programs, and shall provide whatever
8 assistance is required to implement and administer such con-
9 tracts. Notwithstanding any other provisions of law to the
10 contrary and subject to appropriation of state or other funds,
11 the department, in order to develop such mental health and
12 retardation services, may (1) develop such training programs
13 as it may deem appropriate (2) provide loans for initial costs
14 of residential programs (3) provide payments for any and all
15 operational costs of residential programs including but not
16 limited to payments in lieu of rent and (4) review existing
17 contracts for any unexpected expenditures and make appro-
18 priate revisions necessary to carry out the provisions of this
19 paragraph. After consultation with appropriate state agencies,
20 the department shall promulgate rules and regulations to
21 carry out the provisions of this paragraph.

22 The Department of Mental Health may request the comp-
23 troller to authorize payment to a contractor of complementary
24 mental health services no more than sixty days prior to the

25 provision of such services. When requested by the Depart-
26 ment of Mental Health the comptroller shall authorize such
27 prepayment under the terms of a contract in such an amount
28 as determined by the department, provided that:

29 (1) a contract governing the provision of such services and
30 specifying the payment schedule has been executed by the
31 department and the contractor;

32 (2) in the case of a request by the department, such
33 request and payment schedule has been approved by the
34 secretary of Human Services in accordance with rules and
35 regulations of the commissioner of administration; provided,
36 however, that such secretary shall grant such approval only
37 when funds are necessary for immediate use and for the
38 proper and effective provision of such services;

39 (3) the contractor of such services has agreed in writing to
40 provide in a timely fashion evidence satisfactory to the depart-
41 ment and the comptroller that the services have been
42 rendered;

43 (4) the contractor has agreed in writing to return within
44 ninety days of receipt any funds not expended in accordance
45 with the terms of the contract; and

46 (5) the contractor has agreed in writing to permit author-
47 ized representatives of the department or the comptroller
48 access to all its financial records at all reasonable times for
49 the purpose of auditing expenditures.

50 The comptroller shall authorize a deduction from any
51 future payments due the contractor in the amount of any
52 funds so advanced which have not been returned to the
53 commonwealth in accordance with the requirements of this
54 section.

55 The commissioner of administration shall promulgate such
56 rules and regulations governing requests for and approvals
57 of such advances as are necessary for the proper administra-
58 tion of this provision.