

By Mr. Jakubowicz of Pittsfield, petition of Robert F. Jakubowicz and Byron Rushing relative to establishing a commission for client advocacy for the purpose of assisting citizens to obtain available services from the Commonwealth. State Administration.

The Commonwealth of Massachusetts

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

AN ACT ESTABLISHING THE COMMISSION FOR CLIENT ADVOCACY.

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. Section 17 of Chapter 6 of the General Laws as
2 found in the 1986 Official Edition is hereby amended by insert-
3 ing after the word "nutrition board," in line 23, the following
4 words: — and the commission for client advocacy.

1 SECTION 2. Definitions:

2 "commission", the commission for client advocacy.

3 "client services", any service offered, or potentially offered, by
4 the commonwealth directly or through an agent thereof, to
5 individual or small groups of related residents of the common-
6 wealth, that deal with basic human needs such as, but not limited
7 to, food, health care, shelter, clothing, mental health and
8 employment.

9 "client", any resident of the commonwealth who qualifies, or
10 potentially qualifies for client services or has unmet needs that
11 could be met by potential client services.

12 "agency", any entity of the executive of the commonwealth that
13 provides, directly or indirectly, client services.

14 There shall be a commission to be known as the Commission
15 on Client Advocacy.

16 Such commission shall consist of three members, to be known
17 as commissioners, who shall be appointed by the governor.

18 Each commissioner shall devote his full time to the duties of

19 his office. The governor shall from time to time designate one
20 commissioner as chairman. Each commissioner shall be appointed
21 for a term coterminous with that of the governor.

22 Any commissioner chosen to fill a vacancy occurring other than
23 by expiration of a term shall be appointed for the unexpired term
24 of the commissioner whom he is to succeed. Two commissioners
25 shall constitute a quorum for the purpose of conducting the
26 business of the commission. A vacancy shall not impair the right
27 of the remaining commissioners to exercise all the powers of the
28 commission.

29 The positions of commission members shall be classified in
30 accordance with section forty-five of chapter thirty and the
31 salaries shall be determined in accordance with section forty-six
32 C of said chapter thirty. Any commissioner may be removed by
33 the governor for inefficiency, neglect of duty, misconduct or mal-
34 feasant in office, after being given a written statement of the
35 charges and an opportunity to be heard thereon.

36 The mandate of the commission shall be to assist people who
37 reside in the Commonwealth who: are in need of client services
38 but don't know where to turn, are in the competing jurisdictions
39 of more than one agency or are not in the jurisdiction of any
40 agency.

41 In order to meet this mandate the commission shall have the
42 following responsibilities and functions:

43 1) Assist clients to understand what client services they may
44 qualify for.

45 2) advocate for clients needs.

46 3) mediate and make determinations in interagency client
47 jurisdictional disputes.

48 4) make ongoing investigations into the areas of (a) unmet
49 needed client services be it because of lack of resources or lack
50 of applicable programs, and (b) the consistency and comprehen-
51 sibility of rules and regulations that affect clients or client services
52 throughout the commonwealth, and the compatibility of said
53 investigations shall be reported to the Secretary of the Executive
54 Office of Human Services, the Joint Committee on Human
55 Services and the House and Senate Ways and Means Committees
56 at least every three months.

Functions, Powers and Duties of Commission.

57
58 The commission shall have the following functions, powers and
59 duties:

60 To establish and maintain a principal office.

61 To meet and function at any place within the commonwealth.

62 To appoint such attorneys, clerks, and other employees and
63 agents as it may deem necessary, fix their compensation within
64 the limitations provided by law, and prescribe their duties.

65 To obtain upon request and utilize the services of all executive
66 departments and agencies.

67 To issue such publication and such results of investigations and
68 research as will promote the policy and purpose of the
69 commission.

70 To adopt an official seal.

71 To adopt, promulgate, amend, and rescind rules and regula-
72 tions suitable to carry out the provisions of this action, and the
73 policies and practice of the commission in connection therewith.

74 To render each year to the governor and to the general court
75 a full written report of its activities and of its recommendations.

76 Each agency of the commonwealth that provides client serv-
77 ices shall designate a representative to the commission. Said repre-
78 sentative shall be empowered to represent and act on the behalf
79 of its designating agency in all matters that may come before the
80 commission under this section.

81 The commission, by rules and regulations, shall institute a
82 process to be known as the "interagency mediation process" or
83 IMP. When the commission finds that an individual client or class
84 of clients are not receiving services because of a jurisdictional
85 dispute the commission shall act in the first step by calling a
86 meeting of the representatives of the agencies involved and
87 mediating an interagency agreement to resolve the disputed matter
88 under the IMP.

89 If the commission finds that there exists an impasse in a case
90 under the IMP it shall send the case to a determination hearing
91 before the full commission. Such hearing shall include in the
92 participation thereof the representatives of the agency affected,
93 the clients and/or representatives of the clients in question, and
94 any advocates or interested parties as the commission may allow

95 for by rule. The determination by the commission shall be binding
96 on all agencies unless modified by the governor.

97 All determinations and interagency agreements derived under
98 this section shall be a public record. All determinations and inter-
99 agency agreements derived under this section that affect a class
100 of client instead of solely an individual shall be deemed to have
101 the force of rule or regulation on the affected agencies and shall
102 be deemed persuasive in future actions of the commission.

103 All clients who request client services from any agency under
104 the Executive Office of Human Services shall be informed in writ-
105 ing by said agency of the advocacy function of the commission
106 and of the Office for Children under Chapter 28A section 6A of
107 the General Laws. Such information shall include the address and
108 telephone number of the closest applicable office of the
109 commission and the OFC, and further, shall include a pamphlet,
110 if provided to said agency, by the commission or the OFC. All
111 other agencies not under the EOHS that are so designated by the
112 commission or the OFC shall be subject to the provisions of this
113 paragraph.

114 The commission shall maintain an incoming toll free telephone
115 line that can be accessed from any location in the Commonwealth
116 for the convenience of clients dealings with the commission.