



The Commonwealth of Massachusetts *Disabled Persons Protection Commission*

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June 8, 2011

The Honorable Cynthia Stone Creem
Senate Chair
Joint Committee on the Judiciary
State House, Room 405
Boston, MA 02133

The Honorable Eugene L. O'Flaherty
House Chair
Joint Committee on the Judiciary
State House, Room 136
Boston, MA 02133

RE: Testimony in Support of House 523

Dear Chairperson Creem, Chairperson O'Flaherty and members of the Judiciary Committee:

I am writing in support of House Bill 523. House Bill 523 requires both public and private employees providing services to persons with developmental disabilities through the Department of Developmental Services (DDS) to have a national criminal offender background check. Currently, all employees, both public and private, employed by agencies within the Executive Office of Health and Human Services and their private contract providers are required to have only a Massachusetts criminal offender background check.

The Disabled Persons Protection Commission (DPPC), the Commonwealth's independent agency that responds to abuses committed against persons with disabilities, receives reports of abuse in which the victim is a Massachusetts resident but the alleged abuser/employee resides in another state. Another common scenario is that the alleged abuser/employee currently resides in Massachusetts but previously lived in another state. These situations are especially common in areas of Massachusetts abutting the five neighboring states.

Looking back over the past ten years DPPC has received numerous reports in which the alleged victim lived in Massachusetts and the alleged abuser/employee, although working for a Massachusetts entity, resided in a neighboring state. DPPC received almost 1,000 cases in which the employee worked in Massachusetts but resided in one of the five bordering states. Highlighted below are reports of this type received within the past ten years.

- Rhode Island: 548 cases
- New Hampshire: 210 cases
- New York: 63
- Vermont: 23
- Connecticut: 70

Looking beyond our five neighboring states and as far away as California and Florida, the number of cases in which the alleged abuser/employer resided outside of Massachusetts are also dramatic and of concern as depicted below:

- Florida: 60
- California: 24

None of these numbers include employees who currently reside in Massachusetts but who previously lived out of state. In all of these cases, a Massachusetts criminal background check is not effective in discovering whether or not the employee has a criminal record in his/her home state or another state.

Unless the alleged abuser/employee has a criminal record in Massachusetts, the current system will not reveal at the time of hire if the employee has a criminal record in the state in which he/she resides or in another state. The only way to conduct a complete criminal record background check is to utilize the Integrated Automated Fingerprint Identification System as envisioned by House Bill 523.

The DPPC considers House Bill 523 a good next step in the Commonwealth's continuing efforts to do everything possible to prevent abuse from occurring in the first place. If a national criminal background check had been completed for the abusers/employees in DPPC cases 48224 and 73815, two persons with disabilities would not have had to suffer from being abused and being seriously injured. House Bill 523 will ensure that all potential abusers with criminal records will be identified and that DDS, provider agencies and individuals are well informed when making hiring decision.

For these reasons, DPPC supports House Bill 523. Therefore, I respectfully request that the Committee report favorably on House Bill 523.

Sincerely,

Nancy A. Alterio
Executive Director