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Members' Marathon team participants running on emotion

Parker Wellington and his wife were two and a half blocks past the finish line on April 15, 2013, near the area where their daughter Laura Wellington – part of Morgan Memorial Goodwill Industries fundraising team – would receive a medal for finishing her first Boston Marathon.

But at about 2:49 p.m., when Laura should have been coming down Boylston Street, the Wellingtons instead heard what sounded like a cannon, saw a puff of smoke, and then another, before chaos ensued.

It was nearly an hour – and felt like forever – before the Wellingtons were able to talk to Laura, who had been slowed by an injury and was stopped along with thousands of runners a couple miles short of the finish, and learn she was safe.

This year, Parker and Laura Wellington will tackle the Boston Marathon together as part of the 23-member Goodwill team – one of eight Providers' Council members participating through John Hancock's Nonprofit Partners Program.

"The biggest thing is to finish; to show Laura she can finish," said Parker, who prefers triathlons to road races. "For me, part of it is to show the rest of the world we will not allow this to stop us; we'll continue to move forward."

In addition to the Wellingtons, three other members of the Goodwill team were directly affected by the Marathon bombing, as were members of the teams running for other Council members, including Casa Myrna and Bay Cove.

Casa Myrna's seven-member marathon team for 2014 features three runners who participated last year, including Christophe Courchesne, who was stopped short of the

MARATHON, Page 7

'I gained the utmost strength from this experience'

(Editor's Note: I asked Ms. Rathje a couple of questions for a quote via email. Her response was so compelling, we felt it should run in its entirety.)

By Elizabeth Rathje

I am currently a junior at Boston University, age 20, and studying both athletic training and physical therapy in an accelerated 6-year AT/DPT program. My hometown is Voorhees, N.J.

Last year I was an athletic training student volunteer working about 100 yards from the finish line area on the wheelchair sweep team. The day started off incredible as I felt like I had found my place as a medical professional "in making" you could say ... it was truly remarkable to help runners fulfilling dreams and journeys. The day took a frightening and tragic turn about half way through and it has truly impacted me in so many ways. It took some innocence from me and was certainly something I never thought could or would happen. That

STRENGTH, Page 8



Report: Economic impact 'significant'

A new report from the University of Massachusetts Donahue Institute and commissioned by the Providers' Council shows dramatic growth in human service jobs over the last decade, but also indicates the sector will experience greater and greater challenges in employing enough people to meet the rising need for services.

The findings of the report, *Beyond Social Value – Massachusetts Human Services Economic Impact*, were presented during an April 2 forum at the Beechwood Hotel in Worcester. Co-authors Christina Citino, the senior research manager at the UMass Donahue Institute, and Michael Goodman, the chair of the Department of Public Policy at UMass Dartmouth, presented the data and comprised a panel with David Jordan, president and CEO of Seven Hills Foundation, and Michael Widmer, president of the Massachusetts Taxpayers Foundation.

"We are defining our sector as a workforce, a political force and an economic force," said Providers' Council President and CEO Michael Weekes.



The panel for the presentation of the *Beyond Social Value – Massachusetts Human Services Economic Impact* report on April 2 included, from left, Michael Widmer, David Jordan, Michael Goodman and Christina Citino.

Among the findings:

- Human services industry employment grew 47.9 percent in Massachusetts between 2003 and 2011, the most recent year for which data was available, far exceeding the 38 percent growth projected by the U.S. Bureau of Labor Statistics (BLS);
- The sector contributes at least \$3.4 billion to the state economy annually, and accounts for approx-

imately 5 percent of all jobs in the Commonwealth;

- As the economy improves, it will be increasingly difficult to recruit and retain workers in low-wage jobs such as personal care aides (PCAs) and home health aides – two areas that contributed to the largest growth (267.7 percent) in services for elderly and disabled persons;

VALUE, Page 7

FTSS rates announced; may be insufficient

In March, the state issued the final adoption for two different human services subsectors which received public hearings under Chapter 257 last year, but several providers still believe rates may be insufficient to cover the complete costs of providing services.

The Executive Office of Health and Human Services issued final rates for Family Transitional Support Services and Placement and Support Services on March 14 and March 28, respectively. Placement and Support Services rates went into effect on March 28,

while Family Transitional Support Services rates went into effect on April 1.

FTSS rates govern payment of domestic violence services throughout the Commonwealth, including emergency housing. Placement and Support Services include intensive foster care, family residential, adoption management support services and additional support services.

While a majority of FTSS providers will see their

RATES, Page 8



Members of The Caring Force filled Gardner Auditorium March 7 for the last Joint Ways & Means Committee budget hearing. In all, more than 400 members of The Caring Force attended budget hearings across the state and several members testified for adequate funding for programs, fair wages and a Salary Reserve.

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PROVIDERS' NEWS AND NOTES

Brooks tapped to lead White House AIDS policy

Douglas M. Brooks has been named director of the White House Office of National AIDS Policy (ONAP). A leading HIV/AIDS policy expert, Brooks most recently served as senior vice president for Community, Health, and Public Policy at **Justice Resource Institute** (JRI) in Needham. As the director of ONAP, he will lead the Administration's work to reduce new HIV infections, improve health outcomes for people living with HIV and eliminate HIV health disparities in the United States.



Douglas Brooks

A component of the White House Domestic Policy Council, ONAP coordinates the ongoing implementation of the National HIV/AIDS Strategy and the HIV Care Continuum initiative, while working together with public and private partners to advance the federal response to HIV/AIDS.

UWPV adds senior vice president for development

United Way of Pioneer Valley has hired Carin Savel as the senior vice president of Development and Strategic Communications. Savel has worked in the nonprofit and government arenas for more than 25 years, bringing with her a broad understanding of the changing social and economic environments. Her leadership skills include cause-related marketing, corporate development and board and volunteer relations.

People, Incorporated adds Politano to staff

People, Incorporated in Fall River

announced Kathryn (Kate) Politano has been hired as director of Community, Child and Family Services. Politano

comes to **People, Incorporated** with a diverse background in human services, higher education and workforce development. Over the last 12 years, she has managed the Educational Opportunities Centers in New Bedford and Brockton, assisting underrepresented low-income and first-generation college students and their families with college admissions and financial aid.



Kate Politano

Wayside Youth and Family names Smith HR director

Wayside Youth & Family Support Network announced the hiring of Jacqueline Smith as director of human resources. A Massachusetts native,



Jacqueline Smith

Smith previously worked at Milestone Counseling Services in Richmond, Va., as the human resources director. She holds a master's of Human Resource Management from the Keller Graduate School of Management and is a member of the Society for Human Resources Management.

UWPV adds senior vice president for development

United Way of Pioneer Valley has hired Carin Savel as the senior vice president of Development and Strategic Communications. Savel has worked in the nonprofit and government arenas for more than 25 years, bringing with her a broad understanding of the

Men pledge to end violence



Men from across the state united on March 6 at the State House for Jane Doe, Inc.'s annual White Ribbon Day event. Gov. Deval Patrick was the chairman of the 2014 event.

changing social and economic environments. Her leadership skills include cause-related marketing, corporate development and board and volunteer relations.

IR Cares scholarship grant available; deadline May 2

The IR Cares Scholarship Grant, offered by Council Endorsed Business Partner **Interior Resources**, is a \$1,000 award of unrestricted funds to direct care and/or support-level workers in nonprofit organizations.

It is intended to recognize non-management employees' hard work and dedication, and can be used for continuing education, personal development, equipment, and so forth.

Three winners from three different organizations will be selected, based on a nomination submitted by another em-

ployee from his/her organization. Written nominations must be submitted by email, fax or mail by Friday, May 2.

The nomination form and complete rules can be found at www.interiorresourcesusa.com.

Berkshire County Arc launches mentoring program

Berkshire County Arc is seeking volunteer mentors over age 18 to participate in its new mentoring program for youths ages 14-25. Mentors may participate in recreational activities, such as going to the movies and out to eat, and social and creative activities, including dances, arts-and-crafts and field trips.

For information about the program or to be a mentor, contact Maryann Hyatt at 413-499-4241, x227 or mhyatt@bcarc.org.



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PROVIDER PROFILES

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About the Agency

Thirty years ago, a few parents of young children with Down syndrome began gathering in a living room to share information about their children, provide support for each other and strategize on how to educate their friends, schools and communities. The Massachusetts Down Syndrome Congress was born.

Today, the MDSC has more than 3,500 members, an energetic board of directors, dynamic management team and a vision to ensure that every person with Down syndrome has the opportunity to reach his/her full potential. The MDSC is on the cutting edge of Down syndrome advocacy, providing innovative, forward-thinking leadership.

New non-invasive prenatal tests are changing the way Down syndrome is diagnosed. More expectant parents than ever are finding out early in their pregnancies that they are having a child with Down syndrome. This and other medical and technological advances pose difficult ethical issues and raise questions about the future for the Down syndrome community.

The MDSC – with three decades of experience and a wealth of connections and expertise – has positioned itself to tackle these dilemmas. For new and expectant families, MDSC provides the necessary support and guidance to help them make informed decisions. For everyone else – parents of school-age children, grandparents, educators, self-advocate teens or adults, medical professionals, families of children with a dual diagnosis or complex needs – MDSC is there to support them and provide resources so they can advocate on behalf of all people with Down syndrome.

With proven programs and innovative new initiatives, the MDSC is prepared to meet the needs of every person with Down syndrome in the Commonwealth and everyone who loves and supports them.

Programs focus on education, advocacy

The MDSC offers a broad array of programs to serve people with Down syndrome and their families:

Parents First Call

For new and expectant parents of babies with Down syndrome, any opportunity to connect with other parents who have had a similar experience can be invaluable. The MDSC Parents First Call Program is a statewide volunteer force of more than 50 trained parentmentors available 24/7 to listen, share, answer questions and provide critical information. This program has become a national model in the field.

Educational Programming

The MDSC educates and informs its membership in a variety of ways, including two annual conferences, an educational webinar series and fielding individual inquiries. At its conferences, participants gather to hear the latest research findings and important information from national and regional experts on a range of topics related to Down syndrome.

Public Awareness Initiatives

The anchor of the MDSC's public awareness initiative is the Buddy Walk® Program, which gives individuals, schools, community groups and local businesses across the state an opportunity to get involved in fundraising and public awareness campaigns year-round. The statewide campaign includes the signature Buddy Walk & Family Festival in Wakefield, the Buddy Walk by the Sea in Falmouth and the recently launched Buddy Walk & Harvest Fair in Uxbridge. The MDSC also hosts or supports other community events around the state throughout the year.

Medical Outreach

The MDSC offers a range of programs and resources to guide health care professionals and help them better serve people with Down syndrome. This includes "Grand Rounds" trainings,



Youths perform during the 2013 Buddy Walk Family Festival.

continuing education opportunities and a wealth of information about delivering a Down syndrome diagnosis, health risks and recommendations for newborns, and referrals for new parents.

Public Policy

The MDSC is at the forefront of legislative policy, both at the state and national levels. The Legislative Advocacy Task Force works with the management team to mobilize membership to advocate for policies and bills that benefit people with Down syndrome.

Self-Advocate Programs

The MDSC's Self-Advocate programs provide opportunities for teens and adults with Down syndrome, making empowerment a central component. The Advocates in Motion (AIM) program provides fun, inclusive, interactive events each month for teens and young adults ages 13 to 22. The Self-Advocate Advisory Council (SAAC), for adults 21 and up, helps direct the MDSC on how the organization can best serve the teen and adult population.

Other programs include Diversity Outreach & Support, Grandparent Group and affiliate programs including Dads Appreciating Down Syndrome (D.A.D.S.) and the Down Syndrome-Autism Connection serve the entire Down syndrome community.

Executive Director

Maureen Gallagher has more than 25 years' experience in developing award-winning programs for individuals with disabilities and their families, and managing nonprofit organizations. She holds a B.S. in management from Babson College, an M.S. in human services from University of Massachusetts at Boston and a Certificate in Performance Measurement for Effective Management of Nonprofit Organizations from the JFK School of Government at Harvard University.



Maureen Gallagher

Since joining the MDSC in 2007, Gallagher has led the organization through a critical growth period, transforming the MDSC from a small grassroots organization to the largest and most successful regional Down syndrome organization in the country.

Key accomplishments during this time include: passing historic Down syndrome legislation in the state to address advances in prenatal testing and to ensure new and expectant parents receive accurate up-to-date information and supports after diagnosis; hosting the first Northeast Down Syndrome Education Conference to train educators and parents on best practices in including children with Down syndrome in regular education, with people attending from 26 states and five countries; and leading the state's largest public awareness campaign to promote acceptance and inclusion of people with Down syndrome through the Buddy Walk program.

Gallagher's top priority in 2014 is passage of the National Background Check bill to require national checks for employees working for the Department of Developmental Services.

SALUTING THE CARING FORCE

Coolong always puts the kids first

Becca Coolong is the Youth and Family Services Director at the Springfield Jewish Community Center. She has been with the JCC for eight years. Her motivation stems from past experiences.

"I come from a long line of educators who instilled in me the importance of developing strong communities to raise healthy families and children," said Coolong, who holds a bachelor's degree in Classical Civilization from Oberlin College in Ohio.

At the JCC, Coolong creates out-of-school programs for teen, middle school, elementary and kindergarten age groups. This includes managing kindergarten/elementary student transportation to and from local schools, snow day and vacation camp options, youth theater and volunteer opportunities. She also oversees all youth, family and teen programs, and confers with parents regarding the needs of their children.

Coolong has been a liaison to JCC staff as one of 18 members of the first cohort of the Jewish Experiential Leadership Institute (JELI). JELI was created to educate families on the importance of participation in out-of-school programs for the social and emotional development of children. She also trains JCC staff in CPR and First Aid.

In recent years, the JCC created a sustainable garden. Coolong worked with staff and volunteers in making the garden come to life, and now hosts "Grow Our Garden" family dinners that include vegetables from the JCC garden.

The fall of 2013 brought about an unexpected staff transition period during



Mike Corvin, a former JCC camper, hugs Youth and Family Services Director Becca Coolong, who is now his supervisor.

which time Coolong managed several major community engagement programs that connect the JCC with the Greater Springfield community, including youth theater and the Adopt A Village teen program.

As she continues to network to create new opportunities for families in the Greater Springfield area, the admiration from current and past students who participated in the programs she oversees grows.

"Becca is a kind, generous person who cares for us JCC kids," says Michael Corvin, who was a JCC camper and now works for Coolong. "She is always smiling."

Knowles helps kids get through trauma

Ask Leslie Powell Knowles why she works on behalf of child victims and she'll tell you she never wanted to do anything else.

Knowles established the Child & Adolescent Trauma Program (CATP) at The Women's Center, in New Bedford in 1997, and has served as program manager for the past 16 years. CATP provides innovative and evidence-based treatment to child victims of sexual, physical and domestic violence.

"Leslie is an exceptional child trauma therapist who has a dedication to the work that is unparalleled," said Pamela MacLeod-Lima, executive director of the Women's Center. "She began work 16 years ago and has built the Child & Adolescent Trauma Program into a model program that has been recognized throughout the area for its excellence."

Since its inception, the CATP program has supported more than 1,400 victims, ages 1-18 and their non-offending caregivers. Knowles and her colleagues choreograph treatment to address symptoms of each individual child regardless of age, gender or type of victimization. Her team is constantly seeking new avenues to address the myriad issues that traumatized children present.

Knowles has published articles on treatment issues in art therapy journals and has presented at numerous conferences, workshops and trainings around the country, and she was among the founding members of community leaders to form the Children's Advocacy Center



Leslie Powell Knowles established the innovative Children & Adolescent Trauma Program to help young victims.

of Bristol County (CAC). The 10-year journey that led to the doors of the CAC opening is one of her proudest accomplishments; the center has brought together professionals from many different disciplines that are now closely collaborating to support child victims and to prevent child abuse in the country.

Knowles continues to attend trainings, monitor trends and current research to improve services and bring new skills to her work with both shelter and community clients. She also serves as board chair for the Children's Advocacy Center and plans to stay involved "forever."

EDITORIAL



Michael Weekes
President / Publisher

Our double bottom line

The community-based human services sector that was birthed in Massachusetts during the deinstitutionalization period continues to grow and provide significant social value to our Bay State communities.

The so-called social experiment of the '70s – when training schools and orphanages were beginning to be shuttered and the often-referred-to warehouses for people with developmental disabilities started to be closed – proved to be a remarkable success. Led by advocates for community human services and providers, federal and state courts affirmed through the Olmsted decision, the Americans with Disabilities Act and other rulings that people have a right to live in the community.

This seismic shift in social policy served as an impetus for the creation of human service provider organizations – principally volunteer-governed nonprofits – that focused on a unique and somewhat challenging-to-measure fiscal “bottom line” for our collective social value.

Thousands of residents every day are kept safe from abuse and neglect, violence and hunger, homelessness and threats to their health and other situations by a dynamic and diverse group of community providers. No just society can have a greater measure of its value than how we treat each other.

Hubert Humphrey remarked, “It was once said that the moral test of government is how that government treats those who are in the dawn of life, the children; those who are in the twilight of life, the elderly; and those who are in the shadows of life, the sick, the needy and the handicapped.”

We think that’s right, and we continue to strive toward getting it right in Massachusetts. Recent work released by the University of Massachusetts Donahue Institute, however, suggests an economic value as well. A “double bottom line” in our mind.

The presentation is quite aptly titled – *Beyond Social Value – Massachusetts Human Services Economic Impact* – and this academic research focused on a growing workforce and its relationship to our overall economy. Following seminal work in 2006 titled *Help Wanted*, the findings in this report were surprising and also concerning. Previously, based on information from the U.S. Bureau of Labor Statistics, the Census Bureau and other government reports, it was predicted that the growth in human services would be 37.5 percent by 2014. However, by 2011, three years earlier, the actual growth was 47.9 percent to an astounding 145,181. While health care

grew by nearly 15 percent, all other industries had a slight decline in the Commonwealth. This growth is most notable in the subsector of caring for our elderly and persons with disabilities. This subsector alone experienced a nine-year growth of an incredible 267.9 percent. It is concerning, however, that a disproportionate number of those jobs are part-time positions. In fact, 41 percent of those working in the Social Assistance and residential categories are part-timers. Undoubtedly, they are likely working two or three jobs to make ends meet.

The report also gives insight as to how our workforce is – or more accurately is not – making ends meet. Twelve percent of this workforce – compared to 8 percent of the general workforce – earn below 150 percent of the poverty line. We can do better and should.

These workers are contributing to the economic vitality of cities and towns throughout the Commonwealth. It is estimated that on payroll figures alone, human service workers are generating nearly \$900 million of additional economic activity, as well as creating more than 24,000 other jobs like teachers, retailers, nurses, police officers and others.

Therein lies the second part of the bottom line: economic value. This 81 percent-female workforce is not only providing recognized social value, but also a measured economic value. It’s a win-win for the Commonwealth and its residents.

But where does that lead us? Perhaps it provides a better understanding that investing in human services is a benefit for all of us. Further, if we invested more financial resources, we could better help to lift many of these workers from poverty; in turn they would generate more economic activity in other sectors, essentially increasing their bottom line.

We can start by finishing the work on the Chapter 257 reform, funding it adequately. We can also ensure that we understand that this growth is unsustainable in our current workforce, and as the economy improves, so too is it more likely that those in the field will leave for greener pastures unless they receive better salaries in our sector. Investing in our Commonwealth is an investment in human services and our workforce. It isn’t the bottom line on Wall Street, but the double bottom line on Main Street that requires our attention.



Want additional copies of *The Provider*? Interested in writing a letter to the editor? Have a topic that would make a good subject for *Viewpoints from across the State*?

Let Michelle know: 617.428.3637 or mmckenzie@providers.org

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Access, tools, collaboration all key to treating brain injuries

By Dr. Kathleen M. Jordan and Dr. Katharine Cleary

Anytime, anywhere and at any age, a brain injury can occur – and lives can be changed dramatically. Only through a comprehensive array of brain injury supports can hope be restored and the road to independence begun. Each year 2.4 million people, including 475,000 children, sustain an injury to the brain in the U.S., and more than 5.3 million individuals live with life-long disability as a result of their injury.

Cathy Hutchinson, the lead plaintiff in the Hutchinson v. Patrick settlement, led the way for 1,200 individuals with brain injury to develop a rich, community-based life. The Hutchinson Settlement Agreement gives providers in Massachusetts an opportunity to develop community-based supports over the next six years for those transitioning from long-term care facilities. The collaboration of DDS, MRC and UMass also enables providers to partner across agency lines, which is critical if we are to provide the full array of supports necessary for this population.

The needs of those with Traumatic Brain Injury (TBI) or Acquired Brain Injury (ABI) must be met through a combination of supports. The recovery and rehabilitation processes differ greatly and are affected by age, the disease-specific determinants, and complications as well as any existing pre-morbid conditions as well as access to diagnostic and treatment services. Individuals with brain injury need access to an array of day and residential supports to maximize independence and recovery in the community. Often that access is provided through the expertise of direct support professionals and clinical teams that work together to integrate evidence-based practices which maximize outcomes for individuals with brain injury.

Providers engaged in this work must have the tools to develop supports that can meet the needs of this population; needs that vary widely between individuals. Organizations supporting people in the brain injury community must have highly qualified and trained personnel who can demonstrate competency in all services and supports that are accessed by individuals with brain injury.

The challenges of mental health issues, substance abuse and social isolation are endemic. As community-based

providers, our challenge is to develop partnerships to support these needs. These partnerships include transition supports designed to work with the individual and their families to design a program that takes into consideration the life and relationships that the individual had before the injury. Especially critical are the evaluation and medical specialties such as neuropsychology and psychiatry supports, both of which are in tremendous demand. These varied clinical services and community-based supports are essential to a rehabilitation pathway that might require access to lifelong support. These services and supports then must be fluid and dynamic, changing as the needs of each individual change.

In order to be truly community-based, individuals with brain injury must be provided with real opportunities during the day. Day programs have historically been prescriptive, but this population demands flexibility and creativity in determining how they would like to spend their day. Their access to social and leisure opportunities and assistance with maintaining the relationships that were formed prior to their injury are critical to their well-being. And we should not forget about their family members and include a broad definition of family. They too suffered a loss with these injuries and their psychological stress and the concomitant stress placed on family members can include not only grief, but also financial stressors when dealing with an injury for which no one was prepared, sometimes resulting in social isolation or the disintegration of these primary relationships.

Fortunately, we have a number of resources from which we can take advantage. The Brain Injury Association of America, Massachusetts Chapter has resources and trainings as well as the Traumatic Brain Injury Models Systems of Care program through the U.S. Department of Education, National Institute on Disability and Rehabilitation Research. Access to evidence-based practices, as well as collaborations among providers and stakeholder groups will provide best practices among programs, resulting in stronger systems of care for those with traumatic brain injury.

Dr. Kathleen Jordan is the senior vice president/CPO for Seven Hills Foundation. Dr. Katharine Cleary is VP of Seven Hills Clinical Associates, director of Brain Injury Supports.

Working behind the scenes as Mass. prepares for casinos

By Marlene D. Warner

Gambling has quickly become a hot topic in the Commonwealth. The Expanded Gambling Act of 2011 will bring one slot parlor and as many as three resort-style casinos to Massachusetts. In addition, discussions about legalizing Internet gambling have been happening here and across the country.

The Massachusetts Council on Compulsive Gambling (the Council) has been advocating for and dedicated to helping those impacted by the disorder for 30 years, but our knowledge and experience has never been in as much demand as it is right now.

The Council exists to help build and provide services to prevent, intervene and treat gambling disorder. We remain neutral on the issue of expanded gambling in order to be accessible to the people in need, and because gambling is only a problem for a small percentage of people.

So what does this mean as gambling expands in Massachusetts? For one, it means that the Council has become the convener of all things problem gambling in Massachusetts.

While the casino applicants, cities, towns and legislators have been hammering out the Act's logistics publicly, the Council and many others have been working hard behind the scenes to ensure these provisions are in play before ground is broken on the new casinos.

The Massachusetts Gaming Commission (MGC) has been at the forefront of all new gambling in the Commonwealth. MGC was formed to create a fair, transparent and participatory process for implementing the expanded gaming law and is working to prevent problems with its appointment of a director of research and problem gambling. The position oversees all research efforts and serves as the head of its Office of Compulsive and Problem Gambling to research, develop and recommend the most effective and innovative programs to prevent, educate and treat compulsive and problem gambling in the Commonwealth.

Our two groups have established a strong relationship, which has been important in influencing how the state views and addresses problem gambling. We provided critical work in the area of problem gambling for the Commission. We sponsored an all-day educational forum for the commissioners, helped to facilitate a research forum and served on

multiple advisory groups.

The Department of Public Health, Bureau of Substance Abuse Services (DPH/BSAS) is also committed to the issue of gambling disorder as gambling expands in Massachusetts. It has recently created the position of director of the prevention and treatment of problem gambling and tapped Steve Keel for the role. Steve served for 15 years as the Bureau of Substance Abuse's director of prevention services. He brings a track record of strong collaboration that will be essential in his new position.

And collaboration is the name of the game. Massachusetts is unique in that we are systematically working on the issue of problem gambling and on building comprehensive problem-gambling services. Earlier in the year, we brought stakeholder groups together to build a common agenda: a short-term plan for problem gambling services in the Commonwealth. The meeting focused on problem gambling services in the state and on determining the work ahead, including who will complete the work and how success will be measured.

This is a shared responsibility. It involves a commitment to research, which MGC is leading with the establishment of its *Social and Economic Impacts of Gambling in Massachusetts* study, the first-of-its-kind research agenda mandated by the legislation. The group is attempting to do what no jurisdiction in the U. S. has done before: conduct a baseline population assessment before new gambling venues are introduced to the state. Over time, the findings from this unprecedented work will be used to improve problem gambling services and advance the overall quality, effectiveness, and efficacy of prevention and treatment of gambling disorders.

It also involves getting industry buy in and cooperation, which the Council is leading through its work with the Massachusetts Partnership for Responsible Gambling (MPRG), an alliance of gambling industry leaders, regulators and gambling disorder experts committed to responsible gambling practices.

Our collective responsibility is to work together to keep the impact of expanded gambling on problem gambling to the barest possible minimum.

Marlene D. Warner is the executive director of the Massachusetts Council on Compulsive Gambling.

Provision of workers comp law protects individual board members

By Anita Lichtblau, Esq.

For more than a hundred years, the workers' compensation law in Massachusetts has guaranteed workers payment for any workplace injuries they suffered, regardless of fault. In exchange, workers give up any right to sue their employers for those injuries under tort law.

The Massachusetts Supreme Judicial Court, the Commonwealth's highest court, recently ruled in *Estate of Stephanie Moulton v. Puopolo* that the individual members of the board of directors of the corporation that employed the worker are – like the corporation itself – considered the employer under the workers' compensation law. Therefore, the Court held, the directors may not be sued for any injuries the employee sustained while acting within the course of her employment. The Court also held that the directors, as the employer, had no fiduciary duties to their employee and that only the Attorney General may seek corrective action for an alleged breach of the directors' duties to the corporation.

This important decision arose from the tragic death of an employee of North Suffolk Mental Health Association. While at work as a counselor at a North Suffolk

residential treatment facility, the employee was fatally assaulted by a resident. The estate of the employee attempted to hold the individual directors liable in a wrongful death action. The estate alleged that the directors' adoption and enforcement of certain admissions and operations policies – and their failure to adopt or enforce other such policies – had resulted in the North Suffolk employees who evaluated clients for residential placement being unaware of the resident's violent history. It claimed that the disclosure of the individual's history would have prevented his admission to the North Suffolk facility or, if admitted, employees at the facility would have received adequate workplace safety training and equipment and the decedent employee would not have been left alone with him.

The Court held that even though individual board members vote to adopt and enforce corporate policies, the vote is the action of the board of directors as a collective whole and does not, without more, cause the directors to be treated as third parties separate from the employer corporation. A corporation exercises its authority through and under its board of directors. In this case, there was no allegation that the individual directors acted

outside of their roles as members of the board or that the board took any action without a formal board meeting or vote.

The estate attempted to distinguish the directors from North Suffolk itself by claiming that the directors' conflicts of interest caused them to manipulate North Suffolk's corporate policies to further their personal interests, but the Court rejected that attempt both because the estate did not back up those claims with any specific facts and because the workers' compensation exclusivity provision does not exempt self-dealing. The Court also held that its determination that the individual defendants should be treated as the employer was supported by allegations of the estate establishing that the directors acted, or had the ability to act, in the capacity of employer.

What does this decision mean for nonprofit providers and their boards? It certainly provides protection to individual directors who could face claims for workplace injuries. As the Court said, "[e]xposing corporate directors to personal liability for claimed injuries to employees, where the corporation is not itself liable under the exclusivity provision of the act, might well discourage well-qualified individuals from serving as directors of charitable organizations at-

tempting to further the public interest."

The decision could go beyond that, however, to impact other types of claims against directors by its emphasis on treating directors as part of the corporation itself, rather than independent actors, so long as they are acting in good faith and with due care within the scope of the performance of their duties as board members. The decision therefore indicates the importance of the nonprofit board acting consistently with its bylaws – in taking votes on policies, for example – and in ensuring that individual directors/members do not undertake individual actions on behalf of the nonprofit unless such actions have been delegated by the board as a whole through bylaws or resolutions.

Finally, it is worth noting that although the defendants were successful in this case, undoubtedly significant legal expenses were incurred. It is therefore essential that adequate insurance and/or indemnification provisions cover directors' legal expenses in these situations.

Anita Lichtblau is a partner in the non-profit law practice at the Boston law firm of Casner & Edwards, LLP.

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13072-INS (10/12)

A VIEW FROM THE HILL

A commentary from a
legislator on human services



Committee taking close look at addiction treatment options

By Sen. Joan Lovely

Over the past decade, instances of substance abuse have increased throughout the country and in Massachusetts. According to a 2010 United States Substance Abuse and Mental Health Services Administration (SAMHSA) report, the number of people pursuing treatment for pain reliever dependence doubled between 2002 and 2010.

In Massachusetts, Senate President Therese Murray recently cited that the state has seen a 47 percent rise in overdose deaths since 1999 and that the state might have the highest rate of heroin users in New England. Additionally, it's a worsening problem that significantly impacts the communities surrounding my district.

According to the Massachusetts Health Council, Eastern Massachusetts had the highest rate of emergency room visits involving illicit drugs of any metropolitan region in the United States in 2011.

To combat the pervasive problem of drug addiction here in Massachusetts, the Senate formed a special committee tasked with studying the effectiveness of drug addiction treatment options within the Commonwealth.

Senate President Murray appointed Senator Jennifer Flanagan to serve as the Chair of the committee and assigned Senators William Brownsberger, Linda Dorcea Forry, John Keenan, Richard Ross and me to serve on this committee.

While the committee will be comprehensive in its review, the focus will be on the state's current practices under Section 35 of Chapter 123 of the General Laws, which allows the courts to commit an individual whose alcohol or drug addiction puts themselves or others at risk to inpatient substance abuse treatment for a period of up to 90 days.

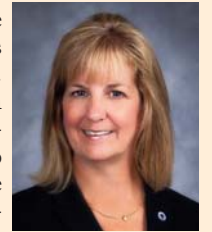
If no beds are available at a licensed treatment facility, men are sent to the correctional facility at Bridgewater and women are sent to the correctional facility in Framingham.

The Women's Addiction Treatment Center in New Bedford and the Men's Addiction Treatment Center in Brockton also provide treatment for individuals committed under Section 35.

The formation of the special Sen-

ate committee demonstrates the Legislature's commitment to improving the current policies for addressing addiction.

After listening to testimony at the initial committee hearing, most of the state departments involved with the Section 35 process seemed to agree that improvements can still be made. With that idea in mind, the committee's role will be to work with the stakeholders to facilitate those improvements.



Sen. Joan Lovely

By bringing all interested parties to the table, the committee will be able to accomplish its goal of recommending ways that the Commonwealth can improve the efficacy and accessibility of drug addiction treatment to people seeking recovery.

As Senate Chair of the Joint Committee on Mental Health and Substance Abuse, I see how addiction has adversely affected the lives of far too many residents here in the Commonwealth.

In meetings and at committee hearings, I've heard too many heart-breaking stories from mothers, fathers, sons and daughters, who share their personal experiences with drug addiction and the pains it has caused.

In addition to the committee hearings, I've listened to constituents express their concerns about treatment options and observed support groups for parents and children who have dealt with drug addiction. After hearing these stories it is apparent that addiction impacts every community in the state and that Massachusetts should continue to examine the ways it seeks to help those recovering from drug addiction.

Through the collective efforts of the Legislature, law enforcement, local and school officials, and public health agencies, I'm hopeful that the Senate committee will submit recommendations that will connect people with the critical treatment they need.

I'm looking forward to the series of public hearings across the state and listening to the ways Massachusetts can support treatment options that are designed for real recovery.

Sen. Joan Lovely is a Democrat representing Salem.

Council, partners polling members on energy use, interest in savings program

The Energy Efficiency Advisory Council (EEAC) is teaming with the Providers' Council and Mass. Nonprofit Network to gauge nonprofits' energy usage and interest in potential cost-saving programs.

"We're aiming to work with nonprofits across the state to research how the utilities can help nonprofits save money by saving energy," said MassEnergy Executive Director Larry Chretien, who represents Mass. Nonprofit Network on the EEAC.

The Providers' Council will be distributing a short survey this month to members to start gathering data on energy usage.

It includes general questions about the nonprofit, such as size, number of sites, number of employees, what type of energies are used (gas, oil, electric or

other), which utilities service the organization and if properties are owned or rented.

"We're trying to get a better handle on what this group needs," Chretien said. "We have some data that tells us that (organizations in the small commercial category) are the least likely to participate in cost-saving programs, and we'll be looking hard to see if this is true."

"We also have data that says small commercial organizations – when they do participate – save a higher percentage of the energy costs than those in the large commercial category."

The survey link can be found here: www.massenergy.org/survey.

Members are encouraged to respond.

VALUE: Human services holds significant economic value for state

Continued from page 1

- About 41 percent of employees in the sector are working part-time, 35 hours a week or less;
- About 12 percent are living at 150 percent of the federal poverty level, meaning they could qualify for many of the social programs in which they work.
- An overwhelming majority of employees in the sector, nearly 81 percent, are women.

"What we can't figure out is how many of these people have multiple jobs and how many of them have multiple jobs within the industry," Citino said.

"We found that this sector has a substantial financial impact on the economy," said Goodman, who also noted that the findings suggest that the economic impact is hindered by the low wages earned by many workers.

"This is a report that cries for advocacy," said Widmer. "In the past, you have upped your game and it has paid off. Take this report and use this in a major way. (It) demonstrates the social value you provide, but it also shows the value to the taxpayer. Take that message and sustain it."

Jordan acknowledged that getting out that message to legislators and other elected officials, as well as having the data to back it up, was precisely the purpose of commissioning the report.



The Council added four new board members, three of whom attended the meeting: (standing, from left) Kevin Washington, Michael Vance and Diane Gould.

"Three point four billion dollars is not chump change," Jordan said. "We are a significant force economically, and we need to share that information widely. That amount could be even greater if those 12 percent of workers were paid a living wage."

During the Annual Business Meeting in the morning, the Council elected new directors and officers, with Nancy Munson, CEO of Bristol Elder Services, being elected board clerk, the only new officer. The Council also welcomed four new board members:

- Diane Gould, CEO of Advocates, Inc. in Framing-

ham;

- Joan Kagan, CEO of Square One in Springfield;
- Michael Vance, Director of Field Operations for Action for Boston Community Development in Boston;
- Kevin Washington, CEO of YMCA of Greater Boston.

During his remarks, Board Chair Andy Pond called for greater collaboration with the Executive Office of Health and Human Services and its departments.

"We are here to assist, not just when things go bad, but as they are being developed and when things are brought in," said Pond, the president and CEO of Justice Resource Institute. "The Council sees this as a partnership with state government. We want to help figure things out. The problem is, if they only reach out in times of crisis, they're not taking advantage of all the skills in this room. They know we can help. It needs to be the norm, not the exception."

The Council also announced a new educational opportunity: *The Providers' Council Graduate Scholarship*, an initiative designed to further the education of a future leader in the sector. The \$10,000 award is intended to be used by one person selected from a member agency and put toward a master's program. The deadline for applications is May 2. The winner will be selected based on his or her commitment to the human service sector, academic performance and financial need.

MARATHON: Members' teams share inspiration, commitment

Continued from page 1

finish. The team also includes two board members and a survivor of domestic violence.

"We know that last year was marred by horrific violence; there would seem no more fitting response, this year, than to support the staff of Casa Myrna as they answer the epidemic of violence within homes by providing affected families with safety, healing, legal services, and other assistance, day in and day out," Courchesne wrote on his blog.

The Casa Myrna marathon team engages new people in the organization's community and educates people about domestic violence.

"This is incredibly important as we strive to increase our outreach and education efforts about our organization and the issues of dating and domestic vio-

lence," said Raquel Rosenblatt, public policy director for Casa Myrna. "Team Casa Myrna participated in a two-hour training session on domestic violence led by our SafeLink and Outreach manager, and attended a number of Casa Myrna events where they met survivors, staff and board members and visited our residential programs and main office. Learning about domestic violence has motivated the runners to stay committed to their rigorous training schedule and fundraising efforts.

This year, the organization's team training sessions also included emergency planning for the runners, as well as the people who will be along the route cheering on the team, said Rosenblatt.

"The Casa Myrna Marathon Safety Plan includes capturing emergency contact information for our seven runners;

ascertaining if the runners will be running with a cell phone; monitoring our runners' progress and location on the course by electronically tracking their bib numbers; knowing the location of our runners' cheering sections," Rosenblatt said, adding that one spot was designated on the route for survivors, staff and board to be positioned; and all phone numbers of our cheering section are in the possession of the CEO, Director of Development and other key staff, including those who are not on the route that day.

Parker Wellington said there hasn't been any formal counseling or safety planning yet, but he and Laura have talked a lot about it over the last eight or nine months since they decided to run. Wellington's voice still chokes with emotion as he talks about last year's race and

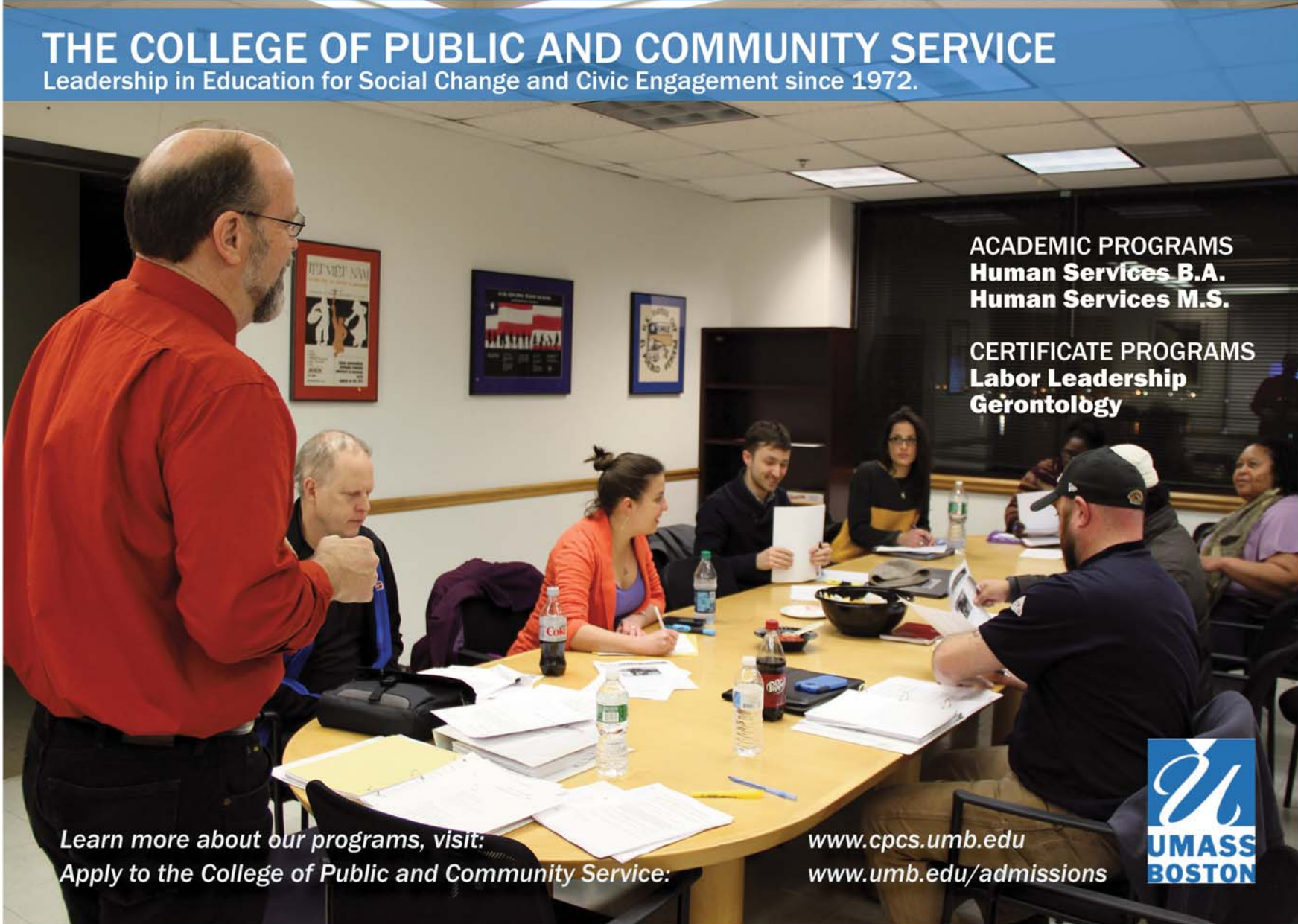
tells Laura's story. Whatever their emergency plan is, you know she will not be out of her father's sight on April 21 until long after they have finished the race.

In addition to Casa Myrna and Goodwill, Council members that have received bibs this year through John Hancock's Nonprofit Partners Program include The Home for Little Wanderers, the Walker School, YMCA of Greater Boston, Bay Cove Human Services, Massachusetts Down Syndrome Congress and Pine Street Inn. The 2013 all nonprofit program participants raised more than \$7.8 million combined.

Links to the organizations' and runners' fundraising pages are available through their websites.

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- What:** Coaching for Success
- Date:** Tuesday, May 6
- Where:** Seven Hills Foundation, 81 Hope Ave., Worcester
- When:** 9 a.m. to 12:30 p.m.
- Trainer:** Donna Jenson, Jenson Consultations
- Fee:** \$55 members; \$85 non-members

- What:** Employment Law 101- Members Only
- Date:** Wednesday, May 14
- Where:** Justice Resource Institute, 160 Gould St., Needham
- When:** 9 a.m. to 12:30 p.m.
- Trainers:** Catherine E. Reuben and Laurie R. Bishop, Hirsch Roberts Weinstein LLP
- Fee:** \$55 members

- What:** Free Members-Only HR Roundtable: Employee Benefits & Retention
- Date:** Thursday, May 22
- Where:** North Suffolk Mental Health Association, 37 Hawthorn Street, Chelsea
- When:** 12:30 p.m. to 2 p.m.

- What:** Conducting Effective Internal Investigations
- Date:** Friday, June 6
- Where:** Advocates, Inc., 1881 Worcester Rd., Framingham
- When:** 9 a.m. to 12:30 p.m.
- Trainer:** Jean Haertl, Safety & Respect at Work, LLC
- Fee:** \$55 members; \$85 non-members

Pre-registration for all of these events is required unless otherwise noted. Online registration is available for most events. No login or password is required. Simply visit <http://www.providers.org> and look on the page's left-hand side for the event you wish to attend.

Questions? Call 617.428.3637 or email Lore Stevens at lstevens@providers.org with any questions.

STRENGTH: Boston lifts Rathje

Continued from page 1

day and weeks to follow were most definitely difficult for many people who were both directly and indirectly affected, there or not. Yet what I have seemed to take out of all of this is the positivity and strength that came from the city and people surrounding me. It was just incredible to see how positive those who were most impacted were. It was incredible to see everyone in Boston grow stronger together and everyone was there for each other. I received emails every day in support from family, friends, the BAA, or professors. I gained the utmost strength from this experience and have taken that to a new level by training for this marathon.

The first person I got through to on the phone that day was my brother, Jason Rathje, and as soon as we were able to exchange coherent thoughts, we decided we wanted to fight back against all the fear that was in Boston that day. We decided we wanted to fight back the only way we knew how and that was through running. We decided that we were going to take the strength that was gained from the day and run the 2014 Boston Marathon for those whose lives were lost and those whose quality of life was taken and for the heroes who helped save lives that day.

The BAA offered me a special invitational entry to run as one of those who were profoundly impacted by the 2013 race. Honored by this privilege, I also

wanted to find a way to give back to this incredible city. About the same time, I learned about Goodwill's Running for Great Kids Marathon Team running in support of Goodwill's Youth Initiative. This charity and initiative that helps students in underserved Boston communities bridge into adulthood while emphasizing academic achievement, community service and leadership development was incredible.

Jason and I were instantly hooked by the good they do. We applied to be on this charity team to raise money for such an incredible cause, and both my brother and I were honored and accepted with invitations to run this marathon in support of Goodwill and their youth initiative.

I am 100 percent emotionally, 100 percent mentally and 100 percent physically involved in this race and so it is very difficult for me to be short in summary of the whole event! It was life changing for me ... I did not know Lingzi Liu (the BU exchange student), Krystle Campbell, Martin Richard or Sean Collier, yet they along with their families are in my prayers and constantly in my thoughts, as well as those who were injured and affected by last year's events. I wish I could have helped more and been there for them. I cannot fathom what was done and never will but I can take the strength and positivity that has been shown by those affected and continue to strive off of that, Boston Strong.

RATES: Adequacy questioned

Continued from page 1

funding increase under the new rates, several Council members will see significant losses. YWCA of Western Mass., the largest provider of domestic violence services in that region of the state, will also absorb some of the largest cuts - 23 percent based on the new rates - which will directly affect the services the organization is able to provide.

The Women's Center in New Bedford will see cuts estimated at 10 percent.

The final adoption of the rates for Placement and Support Services have an

average increase of about 5 to 7 percent, relative to the rates originally proposed in 2013. Members are reviewing the rates to determine whether they are sufficient to fairly fund programs and workers' salaries.

Both rates are being set under Chapter 257, which allows providers to appeal within 30 days if they feel the rates are insufficient to meet the standards of program requirements. Rates for Clubhouse Services are currently being appealed by The Collaborative.



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