**§ 16.35 Developmental disabilities services quality improvement demonstration program.**

(a) For purposes of this section "facility" means any not-for-profit or public agency regulated by the office that provides services funded in whole or in part by the state.

(b) Notwithstanding any law, rule or regulation to the contrary, the commissioner shall, within amounts appropriated, including federal financial participation if available, establish a demonstration program to improve the quality of care for facility clients through the increase or improvement of direct care staff at such facilities. In furtherance of such demonstration program for facilities selected through a competitive process, rates of payment or state aid shall be adjusted accordingly. Requests for proposals for eligible projects shall be issued by the commissioner.

(c) Such eligible projects shall be designated by the commissioner and may include:

(1) an increase in direct care staff, either facility wide or targeted at a particular area of care or shift;

(2) increased training and education of direct care staff, including allowing direct care staff to increase their level of licensure or certification relevant to facility care;

(3) efforts to decrease staff turn-over through wage, employee benefit improvements, or other means; and

(4) other efforts related to the recruitment and retention of direct care staff that will effect the quality of care at such facility.

(d) The commissioner shall consider, in selecting projects, the likelihood that such project will improve the care for the residents of the facility, the financial need of the facility and such other matters as the commissioner deems appropriate.

(e) Adjustments to rates of payment or state aid made pursuant to this section shall be subject to available appropriations and shall not, in aggregate, exceed five million dollars annually. The program shall commence on April first, two thousand seven and end on March thirty-first, two thousand ten.

(f) On or before June thirtieth, two thousand ten, the commissioner shall contract with an independent consultant to evaluate and report to the commissioner, the speaker of the assembly and the temporary

president of the senate on the impact that the demonstration project has had upon direct care staff recruitment, retention and quality of services provided.