

HOUSE No. 1823

The Commonwealth of Massachusetts

PRESENTED BY:

John W. Scibak

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act creating a special commission on applied behavior analysis.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>John W. Scibak</i>	<i>2nd Hampshire</i>
<i>Tom Sannicandro</i>	<i>7th Middlesex</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>

HOUSE No. 1823

By Mr. Scibak of South Hadley, a petition (accompanied by bill, House, No. 1823) of John W. Scibak, Tom Sannicandro and Carolyn C. Dykema providing for an investigation and study by a special commission (including members of the General Court) relative to the right to effective treatment and the use of applied behavior analysis and behavior modification procedures techniques. Mental Health and Substance Abuse.

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act creating a special commission on applied behavior analysis.

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. There shall be a special commission to investigate and make legislative
2 recommendations on the adequacy and effectiveness of laws and regulations governing the right
3 to effective treatment and the use of applied behavior analysis and behavior modification
4 procedures techniques across all public agencies in the commonwealth or private agencies
5 receiving public funding or subsidy through the commonwealth, any of its political subdivisions,
6 or another state or political subdivision, thereof.

7 SECTION 2. The investigation shall include, but not be limited to, the scope of
8 techniques permissible under current statutes and regulations, the existent classification system
9 of behavioral interventions, the format and content of behavioral plans, the policies and
10 procedures governing the development, review, approval, implementation, monitoring and

11 review of behavior plans across all public agencies where applied behavior analysis and behavior
12 modification procedures are permissible.

13 SECTION 3. The commission shall also determine whether agencies which are licensed
14 or regulated by multiple state agencies are currently subjected to conflicting statutes and
15 regulations regarding the use of applied behavior analysis and behavior modification procedures
16 and recommend, where appropriate, a unified set of standards regarding the use of applied
17 behavior analysis behavior procedures in all agencies and programs licensed, funded and/or
18 regulated by the Commonwealth.

19 SECTION 4. The commission shall also review and evaluate the status and
20 appropriateness of a sample of current behavioral plans within state agencies as well as
21 contracted providers.

22 SECTION 5. The commission shall consist of 2 members of the Senate, 1 of whom shall
23 be appointed by the Minority Leader; 2 members of the House of Representatives, 1 of whom
24 shall be appointed by the Minority Leader; the Commissioner of the Department of
25 Developmental Services or designee, the Commissioner of the Department of Mental Health or
26 designee, the Commissioner of the Department of Early Education and Care or designee, the
27 Commissioner of the Department of Elementary and Secondary Education or designee, the
28 Commissioner of the Department of Children and Families or designee, the Commissioner of the
29 Department of Youth Services or designee, the Chief Justice of the Probate and Family Court or
30 designee, the Executive Director of the Disabled Persons Protection Commission or designee, the
31 Chairman of the Governor's Commission on Intellectual Disability or designee; the President of
32 the Berkshire Association of Behavior Analysis and Therapy or designee, the President of the

33 Massachusetts Association of Behavior Analysis or designee; and 9 persons to be appointed by
34 the Governor, 3 of whom shall be individuals who are members of licensed as Behavior Analysts
35 or who meet the statutory qualifications for such licensure; 3 of whom shall be service providers
36 whose agency conducts behavioral intervention programming; and 3 of whom shall be
37 consumers, parents, or family members of individuals who have been recipients of applied
38 behavior analysis services.

39 SECTION 6. The commission may hold public hearings and site visits to assist in the
40 collection and evaluation of data and testimony from providers, family members, and the general
41 public.

42 SECTION 7. The commission shall report to the general court the results of its
43 investigation and study, and its recommendations, if any, together with drafts of legislation
44 necessary to carry such recommendations into effect by filing them with the Clerk of the Senate
45 and the Clerk of the House of Representatives on or before June 30, 2016. The commission may
46 issue preliminary or interim reports to the general court before that date.