

SENATE No. 116

The Commonwealth of Massachusetts

PRESENTED BY:

John F. Keenan

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 relative to eligibility for disability services.

PETITION OF:

NAME:

John F. Keenan

DISTRICT/ADDRESS:

Norfolk and Plymouth

SENATE No. 116

By Mr. Keenan, a petition (accompanied by bill, Senate, No. 116) of John F. Keenan for legislation relative to eligibility for disability services. Children, Families and Persons with Disabilities.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 52 OF 2019-2020.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to eligibility for disability services.

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 21 of chapter 19 of the General Laws, as appearing in the 2018
2 Official Edition, is hereby amended by striking out, in lines 16 and 17, the words "mentally
3 retarded individuals with common needs for care and treatment" and inserting in place thereof
4 the following:- "individuals with a developmental or intellectual disability with common needs
5 for care and treatment, provided that a need for care and treatment shall not be evaluated or
6 denied solely by the use of intelligence quotient testing or educational testing"

7 SECTION 2. Section 1 of chapter 123B of the General Laws, as appearing in the 2018
8 Official Edition, is hereby amended by inserting after the word "disability" in line 57 the
9 following:- "; and provided further, that no person shall be evaluated or denied services for an

10 intellectual disability based solely on the use of intelligence quotient testing or educational
11 testing.

12 SECTION 3. Said chapter 123B of the General Laws, as so appearing, is hereby further
13 amended by inserting after section 2 the following section:-

14 Section 2A. If the department intends to deny a person applying for services, the
15 department shall notify that applicant not less than 45 days prior to making a final determination.
16 The department shall provide a description of the reasons the department intends to deny the
17 services and shall advise the applicant of the opportunity to request the department to conduct
18 further evaluations. Further evaluations shall include, but not be limited to: (i) an additional in-
19 person interview; (ii) school or work observation conducted by the department; and (iii)
20 testimony from non-guardianship teachers or supervisors.

21 No final determination to deny services shall be based solely on intelligence quotient
22 testing or educational testing.

23 The further evaluation shall be considered before a denial of disability services is
24 finalized.