

# Senate, No. 2541

[Senate, July 12, 2010 – Substituted by amendment by the Senate (Ways and Means) for Senate, No. 46.]

## The Commonwealth of Massachusetts



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IN THE YEAR OF TWO THOUSAND AND TEN

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### **RESOLVE** PROVIDING FOR A SPECIAL COMMISSION ON BEHAVIOR MODIFICATION.

*Be it enacted by the Senate and House of Representatives in General Court assembled,*

*And by the authority of the same, as follows:*

1           *Resolved*, That a special commission is hereby established to investigate and make legislative  
2 recommendations relative to the adequacy and effectiveness of laws and regulations governing the use of  
3 behavior modification techniques, including aversive procedures and the principles of applied behavior  
4 analysis, in public or private agencies in the commonwealth that receive public funding or subsidy  
5 through the commonwealth, any of its political subdivisions, or another state or political subdivision  
6 thereof. The commission shall consist of the governor or designee thereof, the senate president or  
7 designee thereof, the speaker of the house or designee thereof, the senate and house chairs of the joint  
8 committee on children and families, the chief justice of the probate and family court or designee thereof,  
9 the commissioner of developmental services or designee thereof, the commissioner of mental health or

10 designee thereof, the commissioner of early education and care or designee thereof, the commissioner of  
11 elementary and secondary education or designee thereof, the commissioner of children and families or  
12 designee thereof, the commissioner of youth services or designee thereof, the executive director of the  
13 disabled persons protection commission or designee thereof, the chairman of the governor's commission  
14 on mental retardation or designee thereof, the Executive Director of the Massachusetts Psychological  
15 Association or designee thereof and a licensed applied behavior analyst or certified behavior analyst to  
16 be appointed by the governor. The governor shall also appoint to the commission at least 1 disability  
17 advocate and 1 service provider whose agency conducts behavioral intervention programming.

18 The commission's investigation shall include, but not be limited to, the scope of techniques  
19 permissible under current statutes and regulations, the existent classification system of behavioral  
20 interventions, the format and content of behavioral plans, the policies and procedures governing the  
21 development, review, approval, implementation and monitoring of aversive interventions and the  
22 adequacy of procedural safeguards to ensure the health, safety, privacy, dignity and human rights of  
23 individuals with behavior plans in place.

24 The commission shall review and evaluate the status and appropriateness of a sample of current  
25 behavioral plans within state agencies as well as contracted providers.

26 The commission shall develop and recommend a unified set of standards relative to the use of  
27 behavior modification procedures in all agencies and programs licensed, funded or regulated by the  
28 commonwealth. These standards shall include the minimum qualifications for staff involved in the  
29 development and direct implementation of aversive procedures and the review and monitoring  
30 requirements for such interventions.

31 The commission may hold public hearings and site visits to assist in the collection and  
32 evaluation of data and testimony from providers, family members and the general public.

33           The membership of the special commission shall be appointed not later than September 1, 2010.  
34   The commission shall submit a report of the results of its investigation and recommendations with the  
35   clerks of the senate and house of representatives not later than March 1, 2011.