

SENATE No. 50

The Commonwealth of Massachusetts

PRESENTED BY:

Brian A. Joyce

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 behavior modification..

PETITION OF:

NAME:

Brian A. Joyce
Patricia D. Jehlen

DISTRICT/ADDRESS:

Norfolk, Bristol, and Plymouth

SENATE No. 50

By Mr. Joyce, a petition (accompanied by bill, Senate, No. 50) of Brian A. Joyce and Patricia D. Jehlen for legislation to create a special commission on behavior modification. Children, Families and Persons with Disabilities.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 46 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act creating 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 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 use
3 of behavior modification techniques, including aversive procedures and the principles of applied
4 behavior analysis across all public or private agencies in the commonwealth receiving public
5 funding or subsidy through the commonwealth, any of its political subdivisions, or another state
6 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 and monitoring of

11 aversive interventions, and the adequacy of procedural safeguards to ensure the health, safety,
12 privacy, dignity and human rights of individuals with behavior plans in place.

13 SECTION 3. The commission shall also review and evaluate the status and
14 appropriateness of a sample of current behavioral plans within state agencies as well as
15 contracted providers.

16 SECTION 4. The commission shall develop and recommend a unified set of
17 standards regarding the use of behavior modification procedures in all agencies and programs
18 licensed, funded and/or regulated by the Commonwealth. These standards shall include, the
19 minimum qualifications for staff who are involved in the development and direct implementation
20 of aversive procedures and the review and monitoring requirements for such interventions.

21 SECTION 5. The commission shall consist of the Governor or designee, the
22 Senate President or designee, the Speaker of the House or designee, the Senate and House Chairs
23 of the Joint Committee on Children and Families, the Chief Justice of the Probate and Family
24 Court or designee, the Commissioner of the Department of Developmental Services or designee,
25 the Commissioner of the Department of Mental Health or designee, the Commissioner of the
26 Department of Early Education and Care or designee, the Commissioner of the Department of
27 Elementary and Secondary Education or designee, the Commissioner of the Department of
28 Children and Families or designee, the Commissioner of the Department of Youth Services or
29 designee, the Executive Director of the Disabled Persons Protection Commission, or designee,
30 the Chairman of the Governor's Commission on Mental Retardation or designee, the Executive
31 Director of the Massachusetts Psychological Association or designee, and a Licensed Applied
32 Behavior Analyst or Certified Behavior Analyst to be appointed by the governor. The governor

33 will also appoint Commission at least one disability advocate and one service provider whose
34 agency conducts behavioral intervention programming.

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

38 SECTION 7. The special commission shall be appointed no later July 1, 2009
39 and shall file a report of the results of its investigation and recommendations with the clerks of
40 the senate and house of representatives on or before January 1, 2010.