HOUSE DOCKET, NO. 2761 FILED ON: 1/18/2013

# HOUSE . . . . . No. 1817

## 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: |
|---|---|
| *John W. Scibak* | *2nd Hampshire* |
| *Cory Atkins* | *14th Middlesex* |
| *Carolyn C. Dykema* | *8th Middlesex* |
| *Danielle W. Gregoire* | *4th Middlesex* |

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# HOUSE . . . . . No. 1817

By Mr. Scibak of South Hadley, a petition (accompanied by bill, House, No. 1817) of John W. Scibak and others for an investigation by a special commission (including members of the General Court) relative to the use of applied behavior analysis and behavior modification procedures. Mental Health and Substance Abuse.

## The Commonwealth of Massachusetts

**In the Year Two Thousand Thirteen**

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:*

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. There shall be a special commission to investigate and make legislative recommendations on the adequacy and effectiveness of laws and regulations governing the right to effective treatment and the use of applied behavior analysis and behavior modification procedures techniques across all public agencies in the commonwealth or private agencies receiving public funding or subsidy through the commonwealth, any of its political subdivisions, or another state or political subdivision, thereof.

SECTION 2. The investigation shall include, but not be limited to, the scope of techniques permissible under current statutes and regulations, the existent classification system of behavioral interventions, the format and content of behavioral plans, the policies and procedures governing the development, review, approval, implementation, monitoring and review of behavior plans across all public agencies where applied behavior analysis and behavior modification procedures are permissible.

SECTION 3. The commission shall also determine whether agencies which are licensed or regulated by multiple state agencies are currently subjected to conflicting statutes and regulations regarding the use of applied behavior analysis and behavior modification procedures and recommend, where appropriate, a unified set of standards regarding the use of applied

behavior analysis behavior procedures in all agencies and programs licensed, funded and/or regulated by the Commonwealth.

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

SECTION 5. The commission shall consist of 2 members of the Senate, 1 of whom shall be appointed by the Minority Leader; 2 members of the House of Representatives, 1 of whom shall be appointed by the Minority Leader; the Commissioner of the Department of Developmental Services or designee, the Commissioner of the Department of Mental Health or designee, the Commissioner of the Department of Early Education and Care or designee, the Commissioner of the Department of Elementary and Secondary Education or designee, the Commissioner of the Department of Children and Families or designee, the Commissioner of the Department of Youth Services or designee, the Chief Justice of the Probate and Family Court or designee, the Executive Director of the Disabled Persons Protection Commission or designee, the Chairman of the Governor's Commission on Intellectual Disability or designee; the President of the Berkshire Association of Behavior Analysis and Therapy or designee, the President of the Massachusetts Association of Behavior Analysis or designee; and 9 persons to be appointed by the Governor, 3 of whom shall be individuals who are members of licensed as Behavior Analysts or who meet the statutory qualifications for such licensure; 3 of whom shall be service providers whose agency conducts behavioral intervention programming; and 3 of whom shall be consumers, parents, or family members of individuals who have been recipients of applied behavior analysis services.

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

SECTION 7. The commission shall report to the general court the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect by filing them with the Clerk of the Senate and the Clerk of the House of Representatives on or before June 30, 2014. The commission may issue preliminary or interim reports to the general court before that date.