

**SENATE . . . . . No. 2541**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Ten**  
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Resolve providing for a Special Commission on Behavior Modification.

1           **Resolved**, That a special commission is hereby established to investigate and make  
2 legislative recommendations relative to the adequacy and effectiveness of laws and regulations  
3 governing the use of behavior modification techniques, including aversive procedures and the  
4 principles of applied behavior analysis, in public or private agencies in the commonwealth that  
5 receive public funding or subsidy through the commonwealth, any of its political subdivisions, or  
6 another state or political subdivision thereof. The commission shall consist of the governor or  
7 designee thereof, the senate president or designee thereof, the speaker of the house or designee  
8 thereof, the senate and house chairs of the joint committee on children and families, the chief  
9 justice of the probate and family court or designee thereof, the commissioner of developmental  
10 services or designee thereof, the commissioner of mental health or designee thereof, the  
11 commissioner of early education and care or designee thereof, the commissioner of elementary  
12 and secondary education or designee thereof, the commissioner of children and families or  
13 designee thereof, the commissioner of youth services or designee thereof, the executive director  
14 of the disabled persons protection commission or designee thereof, the chairman of the  
15 governor’s commission on mental retardation or designee thereof, the Executive Director of the  
16 Massachusetts Psychological Association or designee thereof and a licensed applied behavior

17 analyst or certified behavior analyst to be appointed by the governor. The governor shall also  
18 appoint to the commission at least 1 disability advocate and 1 service provider whose agency  
19 conducts behavioral intervention programming.

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

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

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

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

35 The membership of the special commission shall be appointed not later than September 1,  
36 2010. The commission shall submit a report of the results of its investigation and  
37 recommendations with the clerks of the senate and house of representatives not later than March  
38 1, 2011.