

**SENATE . . . . . No. 70**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Nine**  
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An Act to Provide Habilitative Services to the Children of the Commonwealth ..

*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. Chapter 32A of the General Laws is hereby amended by inserting after  
2 section 17H the following section:

3           Section 17I. (A)The commission shall provide to any active or retired employee of the  
4 Commonwealth who is insured under the group insurance commission under a policy, contract,  
5 or plan delivered, issued for delivery, or renewed in the Commonwealth, coverage for medically  
6 necessary habilitative services for persons younger than 19 years.

7           (B) For the purposes of this section "Habilitative services" means health and social  
8 services directed toward increasing and maintaining the physical, intellectual, communicative,  
9 emotional, and social functioning of developmentally delayed individuals, including  
10 occupational, physical, and speech therapy; assistance, training, supervision, and monitoring in  
11 the areas of self-care, sensory and motor development, interpersonal skills, communication, and  
12 socialization; and reduction or elimination of maladaptive behavior; "Medically necessary  
13 habilitative services" mean habilitative services that are designed to help an individual attain or

14 retain the capability to function age appropriately within the individual's environment and shall  
15 include habilitative services that enhance functional ability without effecting a cure.

16 C. The commission shall provide notice annually to its insured and enrollees about the  
17 coverage required under this section.

18 SECTION 2. Chapter 118E of the General Laws is hereby amended by inserting after  
19 section 10A the following section:

20 Section 10B. (A) The division shall provide coverage under any such policy, contract, or  
21 plan delivered, issued for delivery, or renewed in the Commonwealth for medically necessary  
22 habilitative services for persons younger than 19 years.

23 (B) For the purposes of this section "Habilitative services" means health and social  
24 services directed toward increasing and maintaining the physical, intellectual, communicative,  
25 emotional, and social functioning of developmentally delayed individuals, including  
26 occupational, physical, and speech therapy; assistance, training, supervision, and monitoring in  
27 the areas of self-care, sensory and motor development, interpersonal skills, communication, and  
28 socialization; and reduction or elimination of maladaptive behavior; "Medically necessary  
29 habilitative services" mean habilitative services that are designed to help an individual attain or  
30 retain the capability to function age appropriately within the individual's environment and shall  
31 include habilitative services that enhance functional ability without effecting a cure.

32 C. The division shall provide notice annually to its insured and enrollees about the  
33 coverage required under this section

34 SECTION 3. Chapter 175 of the General Laws is hereby amended by inserting after  
35 section 110I the following section:

36 Section 110M.(A) Any policy, contract, agreement, plan, or certificate of insurance  
37 issued, delivered, or renewed within the Commonwealth shall provide coverage for medically  
38 necessary habilitative services for persons younger than 19 years.

39 (B) For the purposes of this section "Habilitative services" means health and social  
40 services directed toward increasing and maintaining the physical, intellectual, communicative,  
41 emotional, and social functioning of developmentally delayed individuals, including  
42 occupational, physical, and speech therapy; assistance, training, supervision, and monitoring in  
43 the areas of self-care, sensory and motor development, interpersonal skills, communication, and  
44 socialization; and reduction or elimination of maladaptive behavior; "Medically necessary  
45 habilitative services" mean habilitative services that are designed to help an individual attain or  
46 retain the capability to function age appropriately within the individual's environment and shall  
47 include habilitative services that enhance functional ability without effecting a cure.

48 C. Any provider of a policy, contract, agreement, plan, or certificate of insurance shall  
49 provide notice annually to its insured and enrollees about the coverage required under this  
50 section.

51 SECTION 4. Chapter 176A of the General Laws is hereby further amended by inserting  
52 after section 8V the following section:-

53 Section 8W.( A) Any policy, contract, agreement, plan, or certificate of insurance issued,  
54 delivered, or renewed within the Commonwealth shall provide coverage for medically necessary  
55 habilitative services for persons younger than 19 years.

56 (B) For the purposes of this section "Habilitative services" means health and social  
57 services directed toward increasing and maintaining the physical, intellectual, communicative,  
58 emotional, and social functioning of developmentally delayed individuals, including  
59 occupational, physical, and speech therapy; assistance, training, supervision, and monitoring in  
60 the areas of self-care, sensory and motor development, interpersonal skills, communication, and  
61 socialization; and reduction or elimination of maladaptive behavior; "Medically necessary  
62 habilitative services" mean habilitative services that are designed to help an individual attain or  
63 retain the capability to function age appropriately within the individual's environment and shall  
64 include habilitative services that enhance functional ability without effecting a cure.

65 C. Any provider of a policy, contract, agreement, plan, or certificate of insurance shall  
66 provide notice annually to its insured and enrollees about the coverage required under this  
67 section.

68 SECTION 5. Chapter 176B of the General Laws is hereby amended by inserting after  
69 section 4V the following section:-

70 Section 4W. (A) Any policy, contract, agreement, plan, or certificate of insurance issued,  
71 delivered, or renewed within the Commonwealth shall provide coverage for medically necessary  
72 habilitative services for persons younger than 19 years.

73 (B) For the purposes of this section "Habilitative services" means health and social  
74 services directed toward increasing and maintaining the physical, intellectual, communicative,  
75 emotional, and social functioning of developmentally delayed individuals, including  
76 occupational, physical, and speech therapy; assistance, training, supervision, and monitoring in  
77 the areas of self-care, sensory and motor development, interpersonal skills, communication, and

78 socialization; and reduction or elimination of maladaptive behavior; “Medically necessary  
79 habilitative services" mean habilitative services that are designed to help an individual attain or  
80 retain the capability to function age appropriately within the individual's environment and shall  
81 include habilitative services that enhance functional ability without effecting a cure.

82 . C. Any provider of a policy, contract, agreement, plan, or certificate of insurance shall  
83 provide notice annually to its insured and enrollees about the coverage required under this  
84 section.

85 SECTION 6. Chapter 176G of the General Laws is hereby amended by inserting  
86 after section 4N the following section:-

87 Section 4O. (A) Any policy, contract, agreement, plan, or certificate of insurance issued,  
88 delivered, or renewed within the Commonwealth shall provide coverage for medically necessary  
89 habilitative services for persons younger than 19 years.

90 (B) For the purposes of this section "Habilitative services" means health and social  
91 services directed toward increasing and maintaining the physical, intellectual, communicative,  
92 emotional, and social functioning of developmentally delayed individuals, including  
93 occupational, physical, and speech therapy; assistance, training, supervision, and monitoring in  
94 the areas of self-care, sensory and motor development, interpersonal skills, communication, and  
95 socialization; and reduction or elimination of maladaptive behavior; “Medically necessary  
96 habilitative services" mean habilitative services that are designed to help an individual attain or  
97 retain the capability to function age appropriately within the individual's environment and shall  
98 include habilitative services that enhance functional ability without effecting a cure.

99           C. Any provider of a policy, contract, agreement, plan, or certificate of insurance shall  
100 provide notice annually to its insured and enrollees about the coverage required under this  
101 section.