

**SENATE . . . . . No. 1373**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Karen E. Spilka***

*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 to make habilitative services available to the children of the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Karen E. Spilka</i>	
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Frederick E. Berry</i>	

**SENATE . . . . . No. 1373**

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By Ms. Spilka, petition (accompanied by bill, Senate, No. 1373) of Khan, Berry and Spilka for legislation to make habilitative services available to the children of the Commonwealth [Joint Committee on Public Service].

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Eleven**  
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An Act to make habilitative services available 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. Subsection (a) of section 25 of chapter 32A of the General Laws,  
2 as amended by chapter 207 of the acts of 2010, is hereby amended by adding the following  
3 definitions:

4                   “Developmental delay”, a disability in a person diagnosed by licensed physician which  
5 results in a delay in attaining the capacity to achieve age appropriate physical, intellectual,  
6 communicative, emotional, and social functioning within the person's environment

7                   “Treatment of developmental delay” includes the following care when prescribed,  
8 provided or ordered by a licensed physician or a licensed psychologist who determines the care  
9 to be medically necessary: habilitative or rehabilitative care; pharmacy care; psychiatric care;  
10 psychological care; and therapeutic care.

11                   SECTION 2. Subsection (b) of said section 25 is hereby amended at the end  
12 thereof by inserting after the word “individuals” the following:

13            “and for the diagnosis and treatment of developmental delay in a child below the age of  
14 19.”

15            SECTION 3. Subsection (c) of said section 25 is hereby amended by inserting  
16 after the word “disorders” the following:

17            “and for the diagnosis and treatment of developmental delay in a child below the age of  
18 19.”

19            SECTION 4. Subsection (e) of said section 25 is hereby amended by inserting  
20 after the word “provider” the following:

21            “or provider of services to treat developmental delay”

22            SECTION 5. Subsection (f) of said section 25 is hereby amended by inserting  
23 after the word “disorder” the following:

24            “and developmental delay.”

25            SECTION 6 Subsection (a) of section 47AA of chapter 175, as amended by  
26 chapter 207 of the acts of 2010, is hereby amended by adding the following definitions:

27            “Developmental delay”, a disability in a person diagnosed by licensed physician which  
28 results in a delay in attaining the capacity to achieve age appropriate physical, intellectual,  
29 communicative, emotional, and social functioning within the person's environment

30            “Treatment of developmental delay” includes the following care when prescribed,  
31 provided or ordered by a licensed physician or a licensed psychologist who determines the care

32 to be medically necessary: habilitative or rehabilitative care; pharmacy care; psychiatric care;  
33 psychological care; and therapeutic care.

34 SECTION 7. Subsection (b) of said section 47AA is hereby amended at the end  
35 thereof by inserting after the word “individuals” the following:

36 “and for the diagnosis and treatment of developmental delay in a child below the age of  
37 19.”

38 SECTION 8. Subsection (c) of said section 47AA is hereby amended by  
39 inserting after the word “disorders” the following:

40 “and for the diagnosis and treatment of developmental delay in a child below the age of  
41 19.”

42 SECTION 9. Subsection (e) of said section 47AA is hereby amended by  
43 inserting after the word “provider” the following:

44 “or provider of services to treat developmental delay”

45 SECTION 10. Subsection (f) of said section 47AA is hereby amended by  
46 inserting after the word “disorder” the following:

47 “and developmental delay.”

48 SECTION 11. Subsection (a) of section 8DD of chapter 176A, as amended by  
49 chapter 207 of the acts of 2010, is hereby amended by adding the following definitions:

50 “Developmental delay”, a disability in a person diagnosed by licensed physician which  
51 results in a delay in attaining the capacity to achieve age appropriate physical, intellectual,  
52 communicative, emotional, and social functioning within the person's environment

53 “Treatment of developmental delay” includes the following care when prescribed,  
54 provided or ordered by a licensed physician or a licensed psychologist who determines the care  
55 to be medically necessary: habilitative or rehabilitative care; pharmacy care; psychiatric care;  
56 psychological care; and therapeutic care.

57 SECTION 12. Subsection (b) of said section 8DD is hereby amended at the end  
58 thereof by inserting after the word “individuals” the following:

59 “and for the diagnosis and treatment of developmental delay in a child below the age of  
60 19.”

61 SECTION 13. Subsection (c) of said section 8DD is hereby amended by  
62 inserting after the word “disorders” the following:

63 “and for the diagnosis and treatment of developmental delay in a child below the age of  
64 19.”

65 SECTION 14. Subsection (e) of said section 8DD is hereby amended by  
66 inserting after the word “provider” the following:

67 “or provider of services to treat developmental delay.”

68 SECTION 15. Subsection (f) of said section 8DD is hereby amended by  
69 inserting after the word “disorder” the following:

70 “and developmental delay.”

71 SECTION 16. Subsection (a) of section 4DD of chapter 176B, as inserted  
72 chapter 207 of the acts of 2010, is hereby amended by adding the following definitions:

73 “Developmental delay”, a disability in a person diagnosed by licensed physician which  
74 results in a delay in attaining the capacity to achieve age appropriate physical, intellectual,  
75 communicative, emotional, and social functioning within the person's environment

76 “Treatment of developmental delay” includes the following care when prescribed,  
77 provided or ordered by a licensed physician or a licensed psychologist who determines the care  
78 to be medically necessary: habilitative or rehabilitative care; pharmacy care; psychiatric care;  
79 psychological care; and therapeutic care.

80 SECTION 17. Subsection (b) of said section 4DD is hereby amended at the end  
81 thereof by inserting after the word “individuals” the following:

82 “and for the diagnosis and treatment of developmental delay in a child below the age of  
83 19.”

84 SECTION 18. Subsection (c) of said section 4DD is hereby amended by by  
85 inserting after the word “disorders” the following:

86 “and for the diagnosis and treatment of developmental delay in a child below the age of  
87 19.”

88 SECTION 19. Subsection (e) of said section 4DD is hereby amended by  
89 inserting after the word “provider” the following:

90 “or provider of services to treat developmental delay”

91 SECTION 20. Subsection (f) of said section 4DD is hereby amended by  
92 inserting after the word “disorder” the following:

93 “and developmental delay.”

94 SECTION 21. Subsection (a) of section 4V of chapter 176G, as inserted by  
95 chapter 207 of the acts of 2010, is hereby amended by adding the following definitions:

96 “Developmental delay”, a disability in a person diagnosed by licensed physician which  
97 results in a delay in attaining the capacity to achieve age appropriate physical, intellectual,  
98 communicative, emotional, and social functioning within the person's environment

99 “Treatment of developmental delay” includes the following care when prescribed,  
100 provided or ordered by a licensed physician or a licensed psychologist who determines the care  
101 to be medically necessary: habilitative or rehabilitative care; pharmacy care; psychiatric care;  
102 psychological care; and therapeutic care.

103 SECTION 22. Subsection (b) of said section 4V is hereby amended at the end  
104 thereof by inserting after the word “individuals” the following:

105 “and for the diagnosis and treatment of developmental delay in a child below the age of  
106 19.”

107 SECTION 23. Subsection (c) of said section 4V is hereby amended by inserting  
108 after the word “disorders” the following:

109            “and for the diagnosis and treatment of developmental delay in a child below the age of  
110 19.”

111                    SECTION 24. Subsection (e) of said section 4V is hereby amended by inserting  
112 after the word “provider” the following:

113            “or provider of services to treat developmental delay”

114                    SECTION 25. Subsection (f) of said section 4V is hereby amended by inserting  
115 after the word “disorder” the following:

116            “and developmental delay.”