SENATE No. 1043

The Commonwealth of Massachusetts

PRESENTED BY:

John F. Keenan

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 relative to eligibility for disability services.

PETITION OF:

NAME:DISTRICT/ADDRESS:John F. KeenanNorfolk and Plymouth

SENATE No. 1043

By Mr. Keenan, a petition (accompanied by bill, Senate, No. 1043) of John F. Keenan for legislation relative to eligibility for disability services. Mental Health and Substance Abuse.

The Commonwealth of Alassachusetts

In the One Hundred and Eighty-Ninth General Court (2015-2016)

An Act relative to eligibility for disability services.

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. Chapter 123B of the General Laws is hereby amended by inserting after section 2 the following new section:-
- 3 Section 2A. If the department intends to deny services to an applicant, the department
- 4 shall notify the applicant and the applicant's family not less than forty-five days prior to making
- 5 a final determination, shall provide a description of the reasons for their intent to deny, and shall
- 6 advise the applicant or the applicant's family the opportunity to request the department to
- 7 conduct further evaluations. Further evaluations shall include but not necessarily be limited to:
- 8 (1) an additional in-person interview; (2) school or work observation conducted by the
- 9 department; and (3) testimony from non-guardianship teachers or supervisors.
- No final determination to deny services shall be based solely on, (1) intelligence quotient testing and/or (2) education testing.
- All further evaluation must be considered before denial of disability services is finalized.