

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:

John F. Keenan

DISTRICT/ADDRESS:

Norfolk 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 Massachusetts

**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:

1 SECTION 1. Chapter 123B of the General Laws is hereby amended by inserting after
2 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.

10 No final determination to deny services shall be based solely on, (1) intelligence quotient
11 testing and/or (2) education testing.

12 All further evaluation must be considered before denial of disability services is finalized.