

**HOUSE . . . . . No.**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Tommy Vitolo*

*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 medically fragile students.

PETITION OF:

NAME:

*Tommy Vitolo*

DISTRICT/ADDRESS:

*15th Norfolk*

**HOUSE . . . . . No.**

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By Mr. Vitolo of Brookline, a petition (subject to Joint Rule 12) of Tommy Vitolo relative to special education costs for certain students with life-threatening impairments. Education.

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**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
\_\_\_\_\_

An Act relative to medically fragile students.

*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. Section 1 of chapter 71B of the General Laws, as appearing in the 2016  
2 Official Edition, is hereby amended by inserting after the definition of “Least restrictive  
3 environment” the following definition:-

4           “Medically fragile student”, a school age child with a disability with a life-threatening  
5 impairment.

6           SECTION 2. Section 5 of said chapter 71B, as so appearing, is hereby amended by  
7 striking out the first paragraph and inserting in place thereof the following paragraph:-

8           Any school committee which provides or arranges for the provision of special education  
9 pursuant to the provisions of section 3 shall pay for such special education personnel, materials  
10 and equipment, tuition, room and board, transportation, rent and consultant services as are  
11 necessary for the provision of special education; provided, however, that the school committee  
12 shall not be obligated to pay for health care goods or services to the extent that such goods or

13 services constitute medically necessary treatment for disease, illness, injury, or bodily  
14 dysfunction which would be covered by a third party payor but for a school-aged child's  
15 eligibility for such goods and services under this chapter; provided, further, that the  
16 determination of medical necessity shall be made by the third party payor under its standard  
17 program of utilization review, that the school-aged child with a disability or the child's parent or  
18 guardian if the child is a minor shall have the right to freedom of choice in the election of the  
19 provider of health care goods and services, and that the provider of health care goods and  
20 services does not have a direct or indirect financial relationship to the school committee;  
21 provided, further, that school committees may accept payment for health care goods and services  
22 provided by certified school committee employees from third party payors other than the  
23 program of medical care and assistance established under chapter 118E except as provided under  
24 section 72 of chapter 44; provided, however, that school committees may not accept payment  
25 from third party payors for health care goods and services provided to a medically fragile child  
26 and the medically fragile child or the child's parent or guardian if the child is a minor shall have  
27 the right to freedom of choice in the election of the provider of health care goods and services.  
28 Where no such third party payor is available or such payment is disallowed by this section,  
29 school committees are not relieved of their responsibilities under this chapter, and the school-  
30 aged child with a disability or the child's parent or guardian if the child is a minor shall have the  
31 right to freedom of choice in the election of the provider of health care goods and services.