

**HOUSE . . . . . No. 183**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Steven S. Howitt*

*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 ensuring the appropriate and timely payment and residential service placement for children deemed to be a safety risk.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Steven S. Howitt</i>	<i>4th Bristol</i>	<i>1/11/2023</i>
<i>F. Jay Barrows</i>	<i>1st Bristol</i>	<i>2/13/2023</i>

**HOUSE . . . . . No. 183**

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By Representative Howitt of Seekonk, a petition (accompanied by bill, House, No. 183) of Steven S. Howitt and F. Jay Barrows relative to at-risk children and their proper placement and establishing a special commission (including members of the General Court) to make an investigation of such placements. Children, Families and Persons with Disabilities.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 230 OF 2021-2022.]

**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-Third General Court  
(2023-2024)**  
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An Act ensuring the appropriate and timely payment and residential service placement for children deemed to be a safety risk.

*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. Notwithstanding any other general or special law to the contrary, the public  
2 school department shall put 24/7 residential treatment placement and or out-of-school district  
3 placement in the individuals IEP, once it has been determined by the professional mental health  
4 care facility that he or she is eligible to receive treatment at a 24/7 residential treatment facility  
5 and or out-of-school-district placement. This IEP shall be held within 10 days once it has been  
6 determined by the professional mental health care facility that he or she is eligible to receive this  
7 needed treatment. The parents an or guardians will be involved in the selection of placement for  
8 their child and will have the final authority as to which residential treatment placement and or

9 out-of-school district placement their child will attend upon acceptance from the residential  
10 treatment placement and or out-of-school district placement.

11 SECTION 2. Notwithstanding any general or special law to the contrary, the school  
12 department, department of developmental services shall coordinate funding with the department  
13 of children and families and the department of mental health to ensure residential service  
14 placement and or out-of-school district placement within 30 days for children with intellectual  
15 disabilities once it has been determined by the professional mental health care facility that he or  
16 she is eligible to receive this needed treatment. These departments will determine the funding of  
17 the residential placement and or out-of-school district placement and will have no bearing and or  
18 delay on the child from receiving 24/7 residential placement and or out-of-school district  
19 placement for his or her medical needed treatment and their rights to receive a proper education.

20 There shall be an established special commission to examine and report on the feasibility  
21 of creating an emergency fund for timely placement and payment of a disabled child in a  
22 residential care and or out-of-school district placement. This commission shall evaluate options  
23 and prepare policy recommendations necessary to address payment and placement delays in the  
24 current health care system, to reform the current determination of payment process, and to  
25 establish a more efficient and timely means of providing the proper care to children with  
26 developmental disabilities. Such recommendations shall include policy options concerning the  
27 following:

28 (i) Potential savings to the Commonwealth and improvements to care delivery that could  
29 be realized by reducing the lag time between payment and placement; (ii) improvements to the  
30 Mass Health reimbursement system for residential care facilities; and (iii) any other

31 recommendations as needed to more effectively care for developmentally disabled children in the  
32 payment and transfer processes in the Commonwealth.

33           The commission shall consist of 6 members; 1 of whom shall be the secretary of health  
34 and human services or a designee, the 2 chairs of the joint committee on children, families, and  
35 persons with disabilities, or their designees who shall serve as co-chairs; 1 of whom shall be the  
36 director of Mass Health or a designee, 1 of whom shall be the senate chair of the joint committee  
37 on health care financing or a designee, 1 of whom shall be the house chair of the joint committee  
38 on health care financing or a designee.

39           The commission shall meet within 60 days of passage of this Act, and not less than  
40 quarterly thereafter, and shall release final recommendations