

SENATE No. 617

The Commonwealth of Massachusetts

PRESENTED BY:

Julian Cyr

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 applied behavioral analysis therapy.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Julian Cyr</i>	<i>Cape and Islands</i>	
<i>Michael D. Brady</i>	<i>Second Plymouth and Norfolk</i>	<i>2/7/2023</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>2/7/2023</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/22/2023</i>
<i>Anne M. Gobi</i>	<i>Worcester and Hampshire</i>	<i>2/22/2023</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>3/7/2023</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>3/21/2023</i>

SENATE No. 617

By Mr. Cyr, a petition (accompanied by bill, Senate, No. 617) of Julian Cyr, Michael D. Brady, Joanne M. Comerford, James B. Eldridge and other members of the Senate for legislation relative to applied behavioral analysis therapy. Financial Services.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 690 OF 2021-2022.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act relative to applied behavioral analysis therapy.

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 32A of the General Laws is hereby amended by adding the
2 following section:-

3 Section 25A. The commission shall provide to any active or retired employee of the
4 commonwealth who is insured under the group insurance commission coverage for the treatment
5 of Down syndrome through speech therapy, occupational therapy, physical therapy and applied
6 behavior analysis services. For purposes of this section, “Down syndrome” means a
7 chromosomal condition caused by an error in cell division that results in the presence of an extra
8 whole or partial copy of chromosome 21.

9 SECTION 2. Chapter 118E of the General Laws is hereby amended by inserting after
10 section 10L the following section:-

11 Section 10H1/2 The division and its contracted health insurers, health plans, health
12 maintenance organizations, behavioral health management firms and third-party administrators
13 under contract to a Medicaid managed care organization or primary care clinician plan shall
14 provide coverage for the treatment of Down syndrome through speech therapy, occupational
15 therapy, physical therapy and applied behavior analysis services. For purposes of this section,
16 “Down Syndrome” means a chromosomal condition caused by an error in cell division that
17 results in the presence of an extra whole or partial copy of chromosome 21.

18 SECTION 3. Chapter 175 of the General Laws is hereby amended by inserting after
19 section 47KK the following section:-

20 Section 47AA1/2. Any policy, contract, agreement, plan or certificate of insurance
21 issued, delivered or renewed within the commonwealth, which is considered creditable coverage
22 under section 1 of chapter 111M, shall provide coverage for the treatment of Down syndrome
23 through speech therapy, occupational therapy, physical therapy and applied behavior analysis
24 services. For purposes of this section, “Down syndrome” means a chromosomal condition
25 caused by an error in cell division that results in the presence of an extra whole or partial copy of
26 chromosome 21.

27 SECTION 4. Chapter 176A of the General Laws is hereby amended by inserting after
28 section 8MM the following section:-

29 Section 8NDD1/2 Any contract between a subscriber and the corporation under an
30 individual or group hospital service plan that is delivered, issued or renewed within the

31 commonwealth shall provide coverage for the treatment of Down syndrome through speech
32 therapy, occupational therapy, physical therapy and applied behavior analysis services. For
33 purposes of this section, “Down syndrome” means a chromosomal condition caused by an error
34 in cell division that results in the presence of an extra whole or partial copy of chromosome 21.

35 SECTION 5. Chapter 176B of the General laws is hereby amended by inserting after
36 section 4MM the following section:-

37 Section 4DD1/2. Any subscription certificate under an individual or group medical
38 service agreement delivered, issued or renewed within the commonwealth shall provide coverage
39 for the treatment of Down syndrome through speech therapy, occupational therapy, physical
40 therapy and applied behavior analysis services. For purposes of this section, “Down syndrome”
41 means a chromosomal condition caused by an error in cell division that results in the presence of
42 an extra whole or partial copy of chromosome 21.

43 SECTION 6. Chapter 176G of the General Laws is hereby amended by inserting after
44 section 4EE the following section:-

45 Section 4V1/2. An individual or group health maintenance contract that is issued or
46 renewed shall provide coverage for the treatment of Down syndrome through speech therapy,
47 occupational therapy, physical therapy and applied behavior analysis services. For purposes of
48 this section, “Down syndrome” means a chromosomal condition caused by an error in cell
49 division that results in the presence of an extra whole or partial copy of chromosome 21.

50 SECTION 7. This act shall take effect on January 1, 2024.