

**HOUSE . . . . . No. 2413**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***John W. Scibak***

*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 creating a special commission on applied behavior analysis.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>John W. Scibak</i>	<i>2nd Hampshire</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>
<i>Barbara A. L'Italien</i>	<i>Second Essex and Middlesex</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>

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By Mr. Scibak of South Hadley, a petition (accompanied by bill, House, No. 2413) of John W. Scibak and others for an investigation by a special commission (including members of the General Court) relative to the right to effective treatment and the use of applied behavior analysis and behavior modification procedures techniques. Mental Health, Substance Use and Recovery.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1823 OF 2015-2016.]

**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninetieth General Court  
(2017-2018)**  
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An Act creating a special commission on applied behavior analysis.

*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. There shall be a special commission to investigate and make legislative  
2 recommendations on the adequacy and effectiveness of laws and regulations governing the right  
3 to effective treatment and the use of applied behavior analysis and behavior modification  
4 procedures techniques across all public agencies in the commonwealth or private agencies  
5 receiving public funding or subsidy through the commonwealth, any of its political subdivisions,  
6 or another state or political subdivision, thereof.

7           SECTION 2. The investigation shall include, but not be limited to, the scope of  
8 techniques permissible under current statutes and regulations, the existent classification system  
9 of behavioral interventions, the format and content of behavioral plans, the policies and

10 procedures governing the development, review, approval, implementation, monitoring and  
11 review of behavior plans across all public agencies where applied behavior analysis and behavior  
12 modification procedures are permissible.

13 SECTION 3. The commission shall also determine whether agencies which are licensed  
14 or regulated by multiple state agencies are currently subjected to conflicting statutes and  
15 regulations regarding the use of applied behavior analysis and behavior modification procedures  
16 and recommend, where appropriate, a unified set of standards regarding the use of applied  
17 behavior analysis behavior procedures in all agencies and programs licensed, funded and/or  
18 regulated by the Commonwealth.

19 SECTION 4. The commission shall also review and evaluate the status and  
20 appropriateness of a sample of current behavioral plans within state agencies as well as  
21 contracted providers.

22 SECTION 5. The commission shall consist of 2 members of the Senate, 1 of whom shall  
23 be appointed by the Minority Leader; 2 members of the House of Representatives, 1 of whom  
24 shall be appointed by the Minority Leader; the Commissioner of the Department of  
25 Developmental Services or designee, the Commissioner of the Department of Mental Health or  
26 designee, the Commissioner of the Department of Early Education and Care or designee, the  
27 Commissioner of the Department of Elementary and Secondary Education or designee, the  
28 Commissioner of the Department of Children and Families or designee, the Commissioner of the  
29 Department of Youth Services or designee, the Chief Justice of the Probate and Family Court or  
30 designee, the Executive Director of the Disabled Persons Protection Commission or designee, the  
31 Chairman of the Governor's Commission on Intellectual Disability or designee; the President of

32 the Berkshire Association of Behavior Analysis and Therapy or designee, the President of the  
33 Massachusetts Association of Behavior Analysis or designee; and 9 persons to be appointed by  
34 the Governor, 3 of whom shall be individuals who are members of licensed as Behavior Analysts  
35 or who meet the statutory qualifications for such licensure; 3 of whom shall be service providers  
36 whose agency conducts behavioral intervention programming; and 3 of whom shall be  
37 consumers, parents, or family members of individuals who have been recipients of applied  
38 behavior analysis services.

39 SECTION 6. The commission may hold public hearings and site visits to assist in the  
40 collection and evaluation of data and testimony from providers, family members, and the general  
41 public.

42 SECTION 7. The commission shall report to the general court the results of its  
43 investigation and study, and its recommendations, if any, together with drafts of legislation  
44 necessary to carry such recommendations into effect by filing them with the Clerk of the Senate  
45 and the Clerk of the House of Representatives on or before June 30, 2018. The commission may  
46 issue preliminary or interim reports to the general court before that date.