

**HOUSE . . . . . No. 3715**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Peter J. Durant***

*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:

*Peter J. Durant*

DISTRICT/ADDRESS:

*6th Worcester*

**HOUSE . . . . . No. 3715**

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By Mr. Durant of Spencer, a petition (accompanied by bill, House, No. 3715) of Peter J. Durant relative to insurance coverage of applied behavioral analysis therapy for certain patients with Down Syndrome. Financial Services.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
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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 29. 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 10M. 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 47LL. Any policy, contract, agreement, plan or certificate of insurance issued,  
21 delivered or renewed within the commonwealth, which is considered creditable coverage under  
22 section 1 of chapter 111M, shall provide coverage for the treatment of Down syndrome through  
23 speech therapy, occupational therapy, physical therapy and applied behavior analysis services.  
24 For purposes of this section, “Down syndrome” means a chromosomal condition caused by an  
25 error in cell division that results in the presence of an extra whole or partial copy of chromosome  
26 21.

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

29 Section 8NN. Any contract between a subscriber and the corporation under an individual  
30 or group hospital service plan that is delivered, issued or renewed within the commonwealth  
31 shall provide coverage for the treatment of Down syndrome through speech therapy,  
32 occupational therapy, physical therapy and applied behavior analysis services. For purposes of  
33 this section, “Down syndrome” means a chromosomal condition caused by an error in cell  
34 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 4NN. Any subscription certificate under an individual or group medical service  
38 agreement delivered, issued or renewed within the commonwealth shall provide coverage for the  
39 treatment of Down syndrome through speech therapy, occupational therapy, physical therapy and  
40 applied behavior analysis services. For purposes of this section, “Down syndrome” means a  
41 chromosomal condition caused by an error in cell division that results in the presence of an extra  
42 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 4FF. 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.