

**HOUSE . . . . . No. 95**

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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:

*Steven S. Howitt*

DISTRICT/ADDRESS:

*4th Bristol*

**HOUSE . . . . . No. 95**

By Mr. Howitt of Seekonk, a petition (accompanied by bill, House, No. 95) of Steven S. Howitt relative to at-risk children and their proper placement . Children, Families and Persons with Disabilities.

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court  
(2015-2016)

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  
2 department of developmental services shall coordinate with the department of children and  
3 families and the department of mental health to ensure residential service placement within 30  
4 days for children with intellectual disabilities once it has been determined by the professional  
5 mental health care facility that he or she is eligible to receive treatment.

6 SECTION 2. Notwithstanding any general or special law to the contrary, there shall be  
7 established a special commission to examine and report on the feasibility of creating an  
8 emergency fund for timely placement and payment of a disabled child in a residential care  
9 facility. This commission shall evaluate options and prepare policy recommendations necessary  
10 to address payment and placement delays in the current health care system, to reform the current  
11 determination of payment process, and to establish a more efficient and timely means of

12 providing the proper care to children with developmental disabilities. Such recommendations  
13 shall include policy options concerning the following:

14 (i) Potential savings to the Commonwealth and improvements to care delivery that  
15 could be realized by reducing the lag time between payment and placement; (ii) improvements to  
16 the MassHealth reimbursement system for residential care facilities; and (iii) any other  
17 recommendations as needed to more effectively care for developmentally disabled children in the  
18 payment and transfer processes in the Commonwealth.

19 The commission shall consist of 6 members; 1 of whom shall be the secretary of health  
20 and human services or a designee, the 2 chairs of the joint committee on children, families and  
21 persons with disabilities, or their designees who shall serve as co-chairs; 1 of whom shall be the  
22 director of MassHealth or a designee, 1 of whom shall be the senate chair of the joint committee  
23 on health care financing or a designee, 1 of whom shall be the house chair of the joint committee  
24 on health care financing or a designee.

25 The commission shall meet within 60 days of passage of this Act, and not less than  
26 quarterly thereafter, and shall release final recommendations to the Senate President, the Speaker  
27 of the House, the Joint Committee on Children, Families and Persons with Disabilities no later  
28 than one year from passage of this Act.