

**SENATE . . . . . No. 119**

**The Commonwealth of Massachusetts**

PRESENTED BY:

***Michael O. Moore***

*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 to update Nicky's Law to protect individuals with disabilities in MassHealth day habilitation programs.

PETITION OF:

| NAME:                            | DISTRICT/ADDRESS:                 |                  |
|----------------------------------|-----------------------------------|------------------|
| <i>Michael O. Moore</i>          | <i>Second Worcester</i>           |                  |
| <i>Sal N. DiDomenico</i>         | <i>Middlesex and Suffolk</i>      | <i>1/30/2023</i> |
| <i>John F. Keenan</i>            | <i>Norfolk and Plymouth</i>       | <i>2/2/2023</i>  |
| <i>Hannah Kane</i>               | <i>11th Worcester</i>             | <i>2/2/2023</i>  |
| <i>Kimberly N. Ferguson</i>      | <i>1st Worcester</i>              | <i>2/22/2023</i> |
| <i>Donald R. Berthiaume, Jr.</i> | <i>5th Worcester</i>              | <i>2/22/2023</i> |
| <i>Jack Patrick Lewis</i>        | <i>7th Middlesex</i>              | <i>2/22/2023</i> |
| <i>Bradley H. Jones, Jr.</i>     | <i>20th Middlesex</i>             | <i>2/22/2023</i> |
| <i>F. Jay Barrows</i>            | <i>1st Bristol</i>                | <i>2/22/2023</i> |
| <i>Steven S. Howitt</i>          | <i>4th Bristol</i>                | <i>2/22/2023</i> |
| <i>Susannah M. Whipps</i>        | <i>2nd Franklin</i>               | <i>2/22/2023</i> |
| <i>Bruce E. Tarr</i>             | <i>First Essex and Middlesex</i>  | <i>2/22/2023</i> |
| <i>Ryan C. Fattman</i>           | <i>Worcester and Hampden</i>      | <i>3/2/2023</i>  |
| <i>Patrick M. O'Connor</i>       | <i>First Plymouth and Norfolk</i> | <i>3/2/2023</i>  |

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By Mr. Moore, a petition (accompanied by bill, Senate, No. 119) of Michael O. Moore, Sal N. DiDomenico, John F. Keenan, Hannah Kane and other members of the General Court for legislation to protect individuals with disabilities in MassHealth day habilitation programs. Children, Families and Persons with Disabilities.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 137 OF 2021-2022.]

**The Commonwealth of Massachusetts**

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

An Act to update Nicky's Law to protect individuals with disabilities in MassHealth day habilitation programs.

*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 15 of Chapter 19C of the General Laws, as appearing in the 2020 Official Edition  
2 is hereby amended by striking the definition for “employer” and inserting in place thereof the  
3 following definition:-

4           “Employer”, an entity that provides services or treatment to persons with intellectual or  
5 developmental disabilities pursuant to (i) a contract or agreement with the department; (ii)  
6 funding administered by the department; (iii) a license issued pursuant to section 15 or 15A of  
7 chapter 19B; or (iv) a contract with MassHealth to provide day habilitation services subject to  
8 130 CMR 419.000.