

SENATE No. 2257

Senate, June 8, 2014– Text of the Senate amendment to the House Bill relative to assisting individuals with autism and other intellectual or developmental disabilities (House, No. 4047) (being the text of Senate, No. 2245, printed as amended)

The Commonwealth of Massachusetts

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In the Year Two Thousand Fourteen
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1 SECTION 1. Chapter 6 of the General Laws is hereby amended by adding the following
2 section:-

3 Section 217. (a) There shall be a commission on autism located within, but not subject to
4 the control of, the executive office of health and human services. The commission shall consist
5 of 35members and shall be comprised of: the secretary of health and human services or a
6 designee, who shall serve as chair; 1 member of the house of representatives appointed by the
7 speaker; 1 member of the house of representative appointed by the minority leader of the house;
8 1 member of the senate appointed by the senate president; 1 member of the senate appointed by
9 the minority leader of the senate; the commissioner of developmental services or a designee; the
10 commissioner of mental health or a designee; the secretary of education or a designee; the
11 director of housing and community development or a designee; the secretary of labor and
12 workforce development or a designee; the commissioner of the Massachusetts rehabilitation
13 commission or a designee; the commissioner of early education and care or a designee; the
14 commissioner of elementary and secondary education or a designee; the commissioner of higher
15 education or a designee; the secretary of elder affairs or a designee; the commissioner of
16 children and families or a designee; the commissioner of public health or a designee; the director
17 of the office of Medicaid or a designee; 1 person appointed by the secretary of education from
18 the community college system; the director of the division of autism or a designee; 1 person
19 appointed by the commissioner of developmental services who shall have clinical knowledge of
20 smith-magenis syndrome; and 14 persons to be appointed by the governor, 1 of whom shall have
21 a diagnosis of autism spectrum disorder, 1 of whom shall be a representative of Advocates for

22 Autism of Massachusetts, 1 of whom shall be a representative of the Autism Insurance Resource
23 Center, 1 of whom shall be a representative of Massachusetts Advocates for Children, 1 of whom
24 shall be a representative of the Arc of Massachusetts, 1 of whom shall be a representative of
25 Autism Speaks, Inc., 1 of whom shall be a representative of the Lurie Center and 1 of whom
26 shall be a representative of the Asperger's Association of New England, Inc. Members of the
27 commission shall be persons with demonstrated interest, experience and expertise in autism and
28 related services and shall serve for a term of 4 years, without compensation. Any member shall
29 be eligible for reappointment. Vacancies shall be filled for the remainder of the unexpired term.
30 Any member may be removed by the governor for cause.

31 (b) There shall be an executive director of the committee. The executive director shall be
32 appointed by the governor from candidates recommended by the committee. The executive
33 director may be removed by the governor for cause. The executive director shall promote the
34 goals of the commission and improve commission functions through the coordination and
35 standardization of programs, operations and procedures. The executive director shall have a
36 working knowledge of the autism service delivery system and agencies providing these services,
37 legislative advocacy experience and a personal connection to autism. The executive director
38 may: expend appropriated funds together with additional funds from federal grants and other
39 contributions, which may be made available for these purposes; and appoint other necessary
40 personnel for the efficient management of the office. Expenditures for salaries and for other
41 administrative functions shall be approved by the commission. Duties of the executive director
42 shall include, but not be limited to: (i) reporting on the progress of implementation of the 13
43 recommendations of the March 2013 Massachusetts autism commission report with periodic
44 benchmarks and cost estimates for a coordinated, system-wide response supporting people of all
45 ages on the autism spectrum; (ii) coordination of commission meetings; (iii) coordination with
46 relevant state agencies; and (iv) completion of the annual report.

47 (c) The commission shall make recommendations on policies impacting individuals with
48 autistic spectrum disorders, which shall include, but not be limited to, asperger's syndrome, high
49 functioning autism, smith-magenis syndrome and pervasive development disorder. The
50 commission shall investigate the range of services and supports necessary for such individuals to
51 achieve their full potential across their lifespan, including, but not limited to, investigating issues

52 related to public education, higher education, job attainment and employment, including
53 supported employment, provision of adult human services, post-secondary education,
54 independent living, community participation, housing, social and recreational opportunities,
55 behavioral services based on best practices to ensure emotional well-being, mental health
56 services and issues related to access for families of children with autism spectrum disorder and
57 adults who are from linguistically and culturally diverse communities. The commission shall
58 meet at least quarterly, or as frequently as the executive director recommends. The commission
59 shall file an annual report, on or before March 1, with the governor, the joint committee on
60 children, families and persons with disabilities and the joint committee on health care financing
61 outlining unmet needs and trends in autism services, supports and treatments for the autism
62 population, including any recommendations for regulatory and legislative action necessary to
63 provide or improve such services or supports. The commission shall monitor the implementation
64 of its recommendations and update recommendations to reflect current research and service
65 needs as necessary.

66 SECTION 2. Chapter 15C of the General Laws is hereby amended by adding the
67 following section:-

68 Section 29. (a) As used in this section the following words shall, unless the context
69 clearly requires otherwise, have the following meanings:-

70 “Achieving a better life experience account” or “ABLE account”, a savings and qualified
71 disabilities expense account established and maintained by the authority, or a designated
72 administrator, pursuant to this section and its implementing regulations for the purposes of
73 qualified disability expenses.

74 “Designated administrator”, any corporation whose powers and privileges are provided
75 for in any general or special law, whether for profit or not, designated by the authority for the
76 purpose of administering ABLE accounts.

77 “Disability verification”, a verification, to the authority or its designated administrator, by
78 the designated beneficiary or the parent or guardian of the designated beneficiary that: (i)
79 includes a copy of the designated beneficiary’s diagnosis, which shall specify that such person is
80 an individual with a disability and shall be signed by a physician or a licensed psychologist; and

81 (ii) the designated beneficiary is either (1) receiving benefits under the supplemental security
82 income program under Title XVI of the Social Security Act or whose benefits under such
83 program are suspended for a reason other than misconduct, (2) for purposes of Title XIX of the
84 Social Security Act, deemed to be or treated as, receiving benefits from the office of Medicaid
85 under the supplemental security income program under Title XVI of the Social Security Act or
86 whose benefits under such program are suspended for a reason other than misconduct or (3)
87 receiving disability benefits under Title II of the Social Security Act.

88 “Individual with a disability”, an individual who, regardless of age, has a medically
89 determinable physical or mental impairment, which results in marked and severe functional
90 limitations, and which can be expected to result in death or which has lasted or can be expected
91 to last for a continuous period of not less than 12 months, or is blind.

92 “Physician”, a medical or osteopathic doctor licensed to practice medicine in the
93 commonwealth.

94 “Qualified disability expenses”, expenses made for the benefit of an individual with a
95 disability or for the benefit of a special needs trust established for the benefit of such an
96 individual.

97 (b) There shall be within the authority, the achieving a better life experience program for
98 the purposes of administering ABLE accounts established to encourage and assist individuals
99 and families in saving private funds for the purpose of supporting individuals with disabilities.
100 Under the program, a person may make contributions to an ABLE account to meet the qualified
101 disability expenses of the designated beneficiary of the account.

102 (c) For the purposes of this section and subparagraph (17) of paragraph (a) of Part B of
103 section 3 of chapter 62 the following expenses shall be qualified disability expenses if such
104 expenses are made for the benefit of an individual with a disability who is a designated
105 beneficiary and the expenses are related to such disability:

106 (1) expenses for education, including tuition for pre-school through post-secondary
107 education, which shall include higher education expenses, as defined by 26 U.S.C.

108 §529(e)(3)(A), and expenses for books, supplies and educational materials related to preschool
109 and secondary education, tutors and special education services;

110 (2) expenses for a primary residence, including rent, purchase of a primary residence or
111 an interest in a primary residence, mortgage payments, real property taxes, and utility charges;

112 (3) expenses for transportation, including the use of mass transit, the purchase or
113 modification of vehicles and moving expenses;

114 (4) expenses related to obtaining and maintaining employment, including job-related
115 training, assistive technology and personal assistance supports;

116 (5) expenses for health and wellness, including premiums for health insurance, mental
117 health, medical, vision and dental expenses, habilitation and rehabilitation services, durable
118 medical equipment, therapy, respite care, long-term services and supports, nutritional
119 management, communication services and devices, adaptive equipment, assistive technology and
120 personal assistance;

121 (6) expenses for financial management and administrative services, legal fees, expenses
122 for oversight and monitoring;

123 (7) expenses for home improvements and modifications, maintenance and repairs at a
124 primary residence;

125 (8) expenses for a funeral or burial; and

126 (9) expenses for assistive technology and personal support with respect to any item
127 described in this section.

128 (d) A person may make contributions to an ABLE account to meet the qualified disability
129 expenses of the designated beneficiary of the account; provided that the account and
130 contributions meet the other requirements of this section and regulations promulgated by the
131 authority.

132 (e) An ABLE account shall be a qualified disabilities expense account if: (1) it provides
133 that purchases or contributions may only be made in cash; (2) provides separate accounting for

134 each designated beneficiary; (3) provides that any contributor to, or designated beneficiary
135 under, such program may not directly or indirectly direct the investment of any contributions to
136 the program or any earnings thereon; and (4) provides adequate safeguards to prevent
137 contributions on behalf of a designated beneficiary in excess of those necessary to provide for
138 the qualified disability expenses of the beneficiary.

139 (f) The authority, or its designated administrator, shall treat an individual as an individual
140 with a disability if the person files a disability verification with the authority or such designated
141 administrator.

142 (g) The authority shall file an annual report with the department of developmental
143 services, the joint committee on children, families and persons with disabilities and the house
144 and senate committees on ways and means on the usage of ABLE accounts. The report shall
145 include, but not be limited to: (1) the number of people with an ABLE account; (2) the total
146 amount of contributions to such accounts; (3) the total amount and nature of distributions from
147 such accounts; and (4) issues relating to the abuse of such accounts.

148 (h) The authority may promulgate regulations and enter into agreements to implement
149 this section.

150 SECTION 3. Section 1 of chapter 19B of the General Laws, as appearing in the 2012
151 Official Edition, is hereby amended by inserting after the word “disability”, in line 8, the
152 following words:- or persons with a developmental disability.

153 SECTION 4. Said section 1 of said chapter 19B, as so appearing, is hereby further
154 amended by striking out, in line 23, the words “mental retardation services” and inserting in
155 place thereof the following words:- services for persons with an intellectual disability.

156 SECTION 5. Said section 1 of said chapter 19B, as so appearing, is hereby further
157 amended by striking out, in lines 27 and 28, the words “intellectual disabilities services” and
158 inserting in place thereof the following words:- services for persons with an intellectual disability
159 or a developmental disability.

160 SECTION 6. Section 2 of said chapter 19B, as so appearing, is hereby amended by
161 striking out, in line 2, the words “mental retardation” and inserting in place thereof the following
162 words:- developmental services.

163 SECTION 7. Said section 2 of said chapter 19B, as so appearing, is hereby further
164 amended by striking out, in line 18, the words “mental retardation”.

165 SECTION 8. Said section 2 of said chapter 19B, as so appearing, is hereby further
166 amended by striking out, in line 31, the words “mental retardation” and inserting in place thereof
167 the following words:- persons with an intellectual disability or a developmental disability.

168 SECTION 9. Section 12 of said chapter 19B, as so appearing, is hereby amended by
169 striking out, in line 4, the words “mental retardation programs” and inserting in place thereof the
170 following words:- persons with an intellectual disability.

171 SECTION 10. Said chapter 19B is hereby further amended by inserting after section 12
172 the following section:-

173 Section 12A. The department, subject to appropriation, shall establish a comprehensive
174 program of community developmental disability services and shall establish standards for the
175 development of programs in appropriate geographic areas to ensure access to needed services.
176 The commissioner shall ensure citizen, consumer and family participation in the oversight of
177 community developmental disability services at all such levels, including the local level.

178 SECTION 11. Section 13 of said chapter 19B, as appearing in the 2012 Official Edition,
179 is hereby amended by inserting after the words, “disability services”, in line 3, the following
180 words:- and community developmental disability services.

181 SECTION 12. Said section 13 of said chapter 19B, as so appearing, is hereby further
182 amended by inserting after the word “disability”, in line 9, the following words:- and
183 developmental disability.

184 SECTION 13. Said section 13 of said chapter 19B, as so appearing, is hereby further
185 amended by inserting after the word “services”, in line 13, the following words:- and
186 developmental disability services.

187 SECTION 14. Said chapter 19B is hereby further amended by the inserting after section
188 15 the following section:-

189 Section 15A. (a) (1) The department shall issue a license, for a term of 2 years, to any
190 program that offers residential or day care services to the public and provides treatment for
191 persons with a developmental disability; provided, that prior to issuing or renewing a license the
192 department shall determine whether the program is responsible, suitable and meets applicable
193 licensure standards and requirements.

194 (2) Notwithstanding paragraph (1), the department may license programs that provide
195 care but not treatment for persons with a developmental disability.

196 (3) The department shall not require a license under this section where such residential or
197 day care treatment is provided within an institution or facility licensed by the department of
198 public health under chapter 111. The department may grant the type of license which it deems
199 suitable for a program. The department shall fix reasonable fees for licenses and the renewal
200 thereof. The department shall promulgate regulations for the operation of programs licensed
201 under paragraphs (1) and (2).

202 (b) Each program licensed pursuant to this section shall: (i) maintain and make available
203 to the department such statistical and diagnostic data as may be required by the department and
204 (ii) be subject to the supervision, visitation and inspection of the department.

205 (c) The department may refuse to grant or renew a license and may suspend, revoke, limit
206 or restrict the applicability of a license granted under this section, subject to the procedural
207 requirements of section 13 of chapter 30A for a violation of its regulations or standards
208 concerning such program. The department may temporarily suspend a license prior to a hearing
209 in cases of emergency, if it deems that such suspension would be in the public interest; provided,
210 however, that upon request of an aggrieved party, a hearing shall be held after the license is
211 suspended. Any party aggrieved by a decision of the department under this section may appeal
212 under section 14 of said chapter 30A.

213 (d) No program, for which a license is required under paragraph (a), shall provide
214 residential or day care services for the treatment or care of persons with a developmental

215 disability unless it has obtained a license under this section. The superior court sitting in equity
216 shall have jurisdiction, upon petition of the department, to restrain any violation of this section or
217 to take such other action as equity and justice may require. Whoever violates this section shall be
218 punished for the first offense by a fine of not more than \$1,000 or by imprisonment for not more
219 than 2 years in a house of correction.

220 (e) Each individual served by such a program shall be granted protection from
221 commercial and private exploitation. No person shall be video taped, audio taped, photographed,
222 interviewed or exposed to the public without express written consent from the individual or the
223 individual's legal guardian. Whoever violates this paragraph shall be punished by a fine of not
224 more than \$2,000 or by imprisonment for not more than 2½ years in a house of correction or by
225 imprisonment for not more than 5 years in the state prison.

226 (f) Notwithstanding paragraphs (a) to (e), inclusive, a child care center, family child care
227 home, family child care system, family foster care or group care facility, as defined in section 1A
228 of chapter 15D, shall not be subject to this section.

229 SECTION 15. Section 17 of said chapter 19B, as appearing in the 2012 Official Edition,
230 is hereby amended by striking out, in lines 1 and 2, the words "mentally retarded persons" and
231 inserting in place thereof the following words:- persons with an intellectual disability or a
232 developmental disability.

233 SECTION 16. Said section 17 of said chapter 19B, as so appearing, is hereby further
234 amended by striking out, in line 11, the words "any mentally regarded person competitively
235 employed," and inserting in place thereof the following words:- a competitively employed
236 individual with an intellectual disability or a developmental disability.

237 SECTION 17. Section 18 of said chapter 19B, as so appearing, is hereby amended by
238 striking out, in line 10, the words "mentally ill and persons with an intellectual disability" and
239 inserting in place thereof the following words:- persons with mental illness and persons with an
240 intellectual or developmental disability.

241 SECTION 18. Said section 18 of said chapter 19B, as so appearing, is hereby further
242 amended by striking out, in lines 14 and 15, the words "mentally ill and mentally retarded

243 individuals” and inserting in place thereof the following words:- persons with mental illness and
244 persons with an intellectual or developmental disability.

245 SECTION 19. Said section 18 of said chapter 19B, as so appearing, is hereby further
246 amended by striking out, in line 17, the words “disability and mentally ill” and inserting in place
247 thereof the following words:- or developmental disability and a mental illness.

248 SECTION 20. Said section 18 of said chapter 19B, as so appearing, is hereby further
249 amended by inserting after the word “disability”, in line 30, the following words:- or a
250 developmental disability.

251 SECTION 21. Paragraph (a) of Part B of section 3 of chapter 62 of the General Laws, as
252 so appearing, is hereby amended by adding the following subparagraph:-

253 (17) Distributions from a fund established pursuant to the ABLE program, under section
254 29 of chapter 15C, to the extent otherwise included in income, when such distributions are used
255 to pay qualified disability expenses.

256 SECTION 22. Section 38G of chapter 71 of the General Laws, as so appearing, is hereby
257 amended by inserting after the word “disabilities”, in line 266, the following words:- , including
258 children with autism.

259 SECTION 23. Section 38G ½ of said chapter 71, as so appearing, is hereby amended by
260 inserting before the definition of “board”, the following definition:-

261 “Autism or autism spectrum disorders” shall have the same meaning as the most recent
262 edition of the Diagnostic and Statistical Manual of Mental Disorders.

263 SECTION 24. Said section 38G ½ of said chapter 71, as so appearing, is hereby further
264 amended by adding the following paragraph:-

265 The board shall provide an endorsement in autism which shall include both coursework
266 and field experience for licensed special education teachers to acquire the competencies
267 necessary to conduct assessments, develop appropriate individualized education programs,
268 provide specially designed instruction and related services and consult and collaborate with other
269 educators, including general education teachers, in order to meet the unique and complex

270 educational needs of students with autism in the least restrictive environment. Competencies
271 shall also include, but not be limited to, the impact of autism on verbal and nonverbal
272 communication, social interaction, sensory experiences, behaviors, literacy and academic
273 achievement. All content taught as part of this specialization shall be consistent with the
274 requirements of the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq., for
275 evidence based practices. The requirements for the endorsement in autism, as promulgated by
276 the board, may also be used to satisfy course requirements necessary to obtain a professional
277 license. The board shall promulgate regulations specifying the subject matter knowledge, skills
278 and competencies required for such endorsement, including requirements to incorporate renewal
279 of the endorsement as part of the individual professional development plan required pursuant to
280 section 38G. Said regulations shall also specify components necessary for preparation programs
281 offering an endorsement in autism, which shall be included in the department’s process for
282 approving preparation programs.

283 SECTION 25. Chapter 118E of General Laws is hereby amended by inserting after
284 section 10G the following section:-

285 Section 10H. The division shall cover medically necessary treatments for persons
286 receiving medical coverage under this chapter who are diagnosed with an autism spectrum
287 disorder by a licensed physician or a licensed psychologist. Said coverage shall include, but shall
288 not be limited to, services for applied behavior analysis supervised by a board certified behavior
289 analyst and dedicated and non-dedicated augmentative and alternative communication devices,
290 including, but not limited to medically necessary tablets.

291 SECTION 26. Section 1 of chapter 123B of the General Laws, as appearing in the 2012
292 Official Edition, is hereby amended by inserting after the definition of “independent funds” the
293 following definition:-

294 “Person with a developmental disability”, (1) an individual 5 years of age or older with a
295 severe, chronic disability that: (i) is attributable to a mental or physical impairment resulting
296 from intellectual disability, autism, smith-magenis syndrome or Prader-Willi syndrome; (ii) is
297 manifested before the individual attains age 22; (iii) is likely to continue indefinitely; (iv) results
298 in substantial functional limitations in 3 or more of the following areas of major life activity: (1)

299 self-care; (2) receptive and expressive language; (3) learning; (4) mobility; (5) self-direction; (6)
300 capacity for independent living; and (7) economic self-sufficiency; and (v) reflects the
301 individual's need for a combination and sequence of special, interdisciplinary or generic services,
302 supports or other assistance that is of a lifelong or extended duration and is individually planned
303 and coordinated; or (2) an individual under the age of 5 who has a substantial developmental
304 delay or specific congenital or acquired condition with a high probability that the condition will
305 result in a developmental disability if services are not provided. A person who has a
306 developmental disability may be considered to be mentally ill; provided, however, that no person
307 with a developmental disability shall be considered to be mentally ill solely by reason of the
308 person's developmental disability.

309 SECTION 27. Section 2 of said chapter 123B, as so appearing, is hereby amended by
310 adding the following paragraph:-

311 The department shall, in accordance with section 2 of chapter 30A and subject to
312 appropriation, adopt regulations consistent with this chapter which establish procedures and the
313 highest practicable professional standards for community services for persons with
314 developmental disabilities.

315 SECTION 27A. The department of developmental services and the department of mental
316 health shall establish and implement a plan to provide services to individuals who have both a
317 mental illness and a developmental disability and are also eligible for services from both the
318 department of developmental services and the department of mental health. When developing the
319 plan, the departments shall consider (i) ways to facilitate communication between the
320 departments, (ii) protocols to determine which services shall be provided by which department
321 and (iii) ways to ensure that an individual who is eligible for services from both departments
322 receives all services for which an individual is eligible. The plan may include an interagency
323 agreement as permitted under section 21 of chapter 19 of the General Laws.

324 The departments shall jointly file a report on the plan with the clerks of the senate and
325 house of representatives, who shall forward the report to the house and senate chairs of the joint
326 committee on mental health and substance abuse, the house and senate chairs of the joint
327 committee on children, families and persons with disabilities, the house and senate chairs of the
328 joint committee on health care financing, the chair of the senate committee on ways and means
329 and the chair of the house committee on ways and means, not later than December 31, 2015.

330 SECTION 28. The department of developmental services shall file an annual report
331 reviewing its progress in the implementation of this act on or before the first business day of
332 February, and shall file the first such report not later than February 3, 2015. The report shall
333 include, but not be limited to: (1) the number of new clients with autism or Prader-Willi
334 syndrome; (2) the number of individuals, if any, on a waitlist for the services provided under
335 this act and the reasons for and the expected duration of the waitlist; (3) the number of additional
336 staff hired to assess and evaluate the clients and services; (4) the number of staff hired to deliver,
337 manage and administer the services; (5) challenges encountered and met in serving new clients;
338 (6) challenges that continue and those that are foreseen in the near future; (7) additional costs
339 incurred in serving these clients; and (8) savings if any realized.

340 SECTION 29. The commission on autism, established under section 217 of chapter 6 of
341 the General Laws, shall investigate and study the higher education opportunities, employment
342 training opportunities and employment opportunities available to persons with autism spectrum
343 disorder and shall make recommendations in regard thereto. The commission shall determine the
344 current status of such higher education opportunities, employment training opportunities and
345 employment opportunities including, but not limited to, vocational training programs for teen-
346 aged and young adult persons with autism spectrum disorder and shall make recommendations
347 for providing appropriate higher education, employment training and employment opportunities
348 for the population of residents in the commonwealth who have been diagnosed with autism
349 spectrum disorder. Additionally, the commission shall review the rise in the prevalence of
350 autism spectrum disorder diagnoses among children in the past 30 years and shall make estimates
351 of the number of children, aged 21 or younger, with autism spectrum disorder who will become

352 adults in the coming decades and the resulting need for employment training and employment
353 opportunities for those individuals and shall recommend a plan-of-action for the commonwealth
354 in regard thereto. The commission shall file its report with the clerks of the senate and house of
355 representatives and the chairs of the joint committee on children, families and persons with
356 disabilities on or before June 30, 2015.

357 SECTION 30. The commission on autism, established under section 217 of chapter 6 of
358 the General Laws, shall make an investigation and study of the present, and anticipated future,
359 statewide affordable supportive housing needs for the commonwealth's population of persons
360 with autism spectrum disorder. The commission shall develop and conduct a statewide housing
361 survey to determine the current status of affordable supportive housing stock for adults with
362 autism spectrum disorder and shall make recommendations in regard thereto. Additionally, the
363 commission shall review the rise in the prevalence of autism spectrum disorder diagnoses among
364 children in the past 30 years and shall make estimates of the number of children, aged 21 or
365 younger, with autism spectrum disorder who will become adults in the coming decades and the
366 resulting need for affordable supportive housing for those individuals and shall recommend a
367 plan-of-action for the commonwealth in regard thereto. The commission shall file its report with
368 the clerks of the senate and house of representatives and the chairs of the joint committee on
369 children, families and persons with disabilities on or before June 30, 2015.

370 SECTION 31. For 1 year after the board has promulgated regulations as required under
371 section 24, teachers who have previously been employed serving primarily students with autism
372 shall be eligible to receive an autism endorsement, provided that they demonstrate the
373 knowledge, skills and competencies necessary to receive such endorsement, subject to
374 regulations promulgated by the board of elementary and secondary education.

375 SECTION 32. The board of elementary and secondary education shall promulgate the
376 regulations required pursuant to section 24 on or before June 30, 2015.

377 SECTION 33. (a) The executive director of the commission on autism, appointed under
378 section 217 of chapter 6 of the General Laws, shall: request the United States Social Security
379 Administration to revise its rules and regulations so that ABLE accounts, as described in section
380 2, shall not be considered to be a countable resource of the beneficiary of the ABLE account for

381 the purposes of the Supplemental Security Income program; request the Office of Medicaid, to
382 revise its rules and regulations so that ABLE accounts, as described in section 2, shall not be
383 considered to be a countable resource of the beneficiary of the ABLE account for the purposes of
384 the MassHealth program; provided that the Office of Medicaid may seek a waiver so that ABLE
385 accounts shall not be considered a countable resource; and seek any other exemptions or waivers,
386 which shall be necessary to ensure that beneficiaries do not lose their benefits under the
387 Supplemental Security Income program as a result of assets contained in an ABLE account.

388 (b) Upon determining that beneficiaries of an ABLE account, as described in section 2,
389 will not lose their benefits under the Supplemental Security Income and MassHealth programs as
390 a result of assets contained in an ABLE account, the executive director shall file a report with the
391 clerks of the house of representatives and the senate certifying such determination.

392 SECTION 34. Sections 2 and 21 shall take effect upon the filing of the report by the
393 executive director of the commission on autism under subsection (b) of section 33.