

**SENATE . . . . . No. 690**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Eric P. Lesser*

*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:	DISTRICT/ADDRESS:	
<i>Eric P. Lesser</i>	<i>First Hampden and Hampshire</i>	
<i>Anne M. Gobi</i>	<i>Worcester, Hampden, Hampshire and Middlesex</i>	<i>3/12/2021</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>3/12/2021</i>
<i>Adam J. Scanlon</i>	<i>14th Bristol</i>	<i>3/12/2021</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>3/16/2021</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>4/6/2021</i>

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By Mr. Lesser, a petition (accompanied by bill, Senate, No. 690) of Eric P. Lesser, Anne M. Gobi, Jason M. Lewis, Adam J. Scanlon and other members of the General Court for legislation relative to applied behavioral analysis therapy. Financial Services.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-Second General Court  
(2021-2022)**  
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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 25A. 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 10H1/2 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 47AA1/2. Any policy, contract, agreement, plan or certificate of insurance  
21 issued, delivered or renewed within the commonwealth, which is considered creditable coverage  
22 under section 1 of chapter 111M, shall provide coverage for the treatment of Down syndrome  
23 through speech therapy, occupational therapy, physical therapy and applied behavior analysis  
24 services. For purposes of this section, “Down syndrome” means a chromosomal condition  
25 caused by an error in cell division that results in the presence of an extra whole or partial copy of  
26 chromosome 21.

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

29 Section 8NDD1/2 Any contract between a subscriber and the corporation under an  
30 individual or group hospital service plan that is delivered, issued or renewed within the  
31 commonwealth shall provide coverage for the treatment of Down syndrome through speech  
32 therapy, occupational therapy, physical therapy and applied behavior analysis services. For  
33 purposes of this section, “Down syndrome” means a chromosomal condition caused by an error  
34 in cell 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 4DD1/2. Any subscription certificate under an individual or group medical  
38 service agreement delivered, issued or renewed within the commonwealth shall provide coverage  
39 for the treatment of Down syndrome through speech therapy, occupational therapy, physical  
40 therapy and applied behavior analysis services. For purposes of this section, “Down syndrome”  
41 means a chromosomal condition caused by an error in cell division that results in the presence of  
42 an extra 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 4V1/2. 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.

50 SECTION 7. This act shall take effect on January 1, 2022.