

# **Massachusetts Down Syndrome Congress State Legislative Priorities**



**For the 191st Session of the General Court  
2021-2022**

**Recommended by the  
MDSC Government Affairs Committee**

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# TABLE OF CONTENTS

## Priority Bills

**Higher Education Bill** *page 5*  
**HB.1331/1337, SB.846**— An Act creating higher education opportunities for students with intellectual disabilities, autism, and other developmental disabilities who have exited special education

**An Act Relative to Applied Behavioral Analysis** *page 10*  
**HB.1145, SB.690**— An Act relative to applied behavioral analysis therapy

## Support Bills

### Education

**An Act relative to the training, assessment, and assignment of qualified school interpreters in educational settings** *page 12*

**HB.552, SB.303**— An Act relative to the certification of interpreters in educational settings

**An Act to Improve Augmentative and Alternative Communications and Opportunities for Children with Disabilities** *page 14*

**HB.545, SB.377** – An Act that require training and preparation in the use of augmentative and alternative communication for students who are nonverbal or who have limited speech for certain educator licenses.

**An Act to ensure equitable access to education, including special education services, for all students in Massachusetts** *page 15*

**HB.565** – An Act to ensure equal access to education

**An Act addressing the needs of students with disabilities turning 22 during the COVID-19 emergency** *page 17*

**HB.601, SB.282**

### Safety

**Autism Spectrum & other Intellectual and DD Police Training Expansion** *page 18*

**HB.2531, SB.1628**— An Act relative to police training in appropriate interactions with persons on the autism spectrum and other intellectual and developmental disabilities

**Abuse Registry Expansion** *page 20*

**SB.137** — An Act to allow MassHealth Day Habilitation providers to use abuse registry

## Medical

**Operation House Call** *page 20*  
**HB.2279, SB.1466** — An Act supporting individuals with intellectual and developmental disabilities

**Dental Health** *page 22*  
**HB.1308, SB.743**— An Act to improve oral health for all Massachusetts residents

**An Act to protect medically fragile kids** *page 29*  
**HB.1266, SB.768**—An Act Relative to Critical Data Collection on the Medically Fragile Population

**Hospital Training** *page 30*  
**HB.219, SB.1469**— An Act to enhance hospital care for people with Intellectual and Developmental disabilities, including autism through training, standards of care and certification requirements.

**ABA MASSHealth for Adults** *page 31*  
**HB.184, SB.115** — An Act relative to applied behavior analysis services

## Transition

**Cueing and Supervision** *page 32*  
**HB.260, SB.129** — An Act relative to cueing and supervision in the Personal Care Attendant (PCA) Program

**Accessory Housing** *page 32*  
**HB.1370, SB.908**— An Act relative to accessory dwelling units

**Supported Decision Making** *page 33*  
**HB.272, SB.124** — An Act relative to supported decision-making agreements for certain adults with disabilities

**WorkAbility Tax Credit** *page 37*  
**HB. 2863**– An Act relative to the WorkAbility Tax Credit

## Human Services Workforce

**Loan Repayment (MCHSP) for Human Service Workers** *page 39*  
**HB.266, SB.120**— An Act relative to a loan repayment program for human service workers

**Fair Pay for Comparable Work** *page 40*  
**HB.237, SB.105** — An Act relative fair pay for comparable work

## General

### **An Act Relative to Persons with Disabilities**

*page 42*

**HB.261, SB.122** — An Act relative to persons with developmental disabilities

### **Katie's Law**

*page 42*

**HB.240, SB.114** — An Act relative to individuals with intellectual or developmental disabilities

### **Disability Commission on History of State Institutions**

*page 56*

**HB.2090**—An Act establishing special commission to study and report on the history of state institutions for people with intellectual and developmental and mental health in the Commonwealth.

# MASSACHUSETTS DOWN SYNDROME CONGRESS PRIORITY BILLS

## Higher Education Bill

**HB.1331/1337, SB.846** — An Act creating higher education opportunities for students with intellectual disabilities, autism, and other developmental disabilities who have exited special education

Representatives Sean Garballey and Patrica A. Haddad; and Senator Joan Lovely

*Overview: This bill allows persons with intellectual disabilities (ID), autism and other disabilities to access the Commonwealth's state colleges and universities to gain skills necessary to work and live as independently as possible as adults.*

*Bill Language:*

SECTION 1. Section 1 of chapter 15A of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by inserting after the word "opportunities", in line 14, the following words:– , including individuals with severe intellectual disabilities, severe autism spectrum disorders or other severe developmental disabilities.

SECTION 2. Said section 1 of said chapter 15A of the General Laws, as so appearing, is hereby further amended by striking out, in line 23, the word "and" the second time it appears.

SECTION 3. Said section 1 of said chapter 15A of the General Laws, as so appearing, is hereby further amended by striking out, in line 28, the word "levels." and inserting in place thereof the following words:– levels; and.

SECTION 4. The third paragraph of said section 1 of said chapter 15A, as so appearing, is hereby amended by adding the following clause:–

(d) to provide inclusive educational opportunities for individuals with severe intellectual disabilities, severe autism spectrum disorders or other severe developmental disabilities to improve academic achievement, develop employment and independent living skills and enhance the learning environment for all citizens.

SECTION 5. The fourth paragraph of section 7 of said chapter 15A, as so appearing, is hereby amended by inserting after the word "students", in line 35, the following words:– and students with severe intellectual disabilities, severe autism spectrum disorders or other severe developmental disabilities.

SECTION 6. The second sentence of subsection (b) of section 7A of said chapter 15A, as so appearing, is hereby amended by striking out clauses (8) and (9) and inserting in place thereof the following 3 clauses:– (8) supporting early childhood to grade 12 education programs; (9) maximizing fundraising from private sources; and (10) improving access for students with severe intellectual disabilities, severe autism spectrum disorders or other severe developmental disabilities.

SECTION 7. The second sentence of subsection (i) of said section 7A of said chapter 15A, as so appearing, is hereby amended by striking out clauses (8) and (9) and inserting in place thereof the following 3 clauses:– (8) to ensure cost-effective use of resources; (9) to maximize fundraising from

private sources; and (10) to improve access for students with severe intellectual disabilities, severe autism spectrum disorders or other severe developmental disabilities.

SECTION 8. Said chapter 15A is hereby further amended by inserting after section 30 the following section:–

Section 30A. (a) To ensure that individuals with severe intellectual disabilities, severe autism spectrum disorders or other severe developmental disabilities have opportunities to be included with non-disabled students in all aspects of higher education for the purpose of gaining academic, career, technical and independent living skills to prepare them for adult life, including, but not limited to, employment and civic engagement, such individuals shall not be required to: (i) take any standardized college entrance aptitude test; (ii) have a high school diploma or its equivalent; (iii) meet minimum academic course requirements; (iv) meet minimum grade point average requirements; or (v) obtain a passing score on the statewide assessment tests utilized as a basis for competency determination under section 1D of chapter 69, in order to participate in undergraduate academic courses, internships, work-based trainings, extracurricular activities that include non-disabled students and all other aspects of campus life in accordance with this section.

(b) Public institutions of higher education, in consultation with the department of higher education and consistent with the purposes of this section, may create guidelines to select students participating in higher education pursuant to this section, including, but not limited to, guidelines to determine campus capacity and to coordinate selection of students with relevant local, state or other public agencies serving students with severe intellectual disabilities, severe autism spectrum disorders or other severe developmental disabilities; provided, however, that these individuals shall not be denied opportunities to participate in higher education solely due to their intellectual disability, autism spectrum disorders or developmental disability. Public institutions of higher education, in consultation with the department of higher education and consistent with the purposes of this section, may also establish course selection guidelines to help ensure that participating individuals receive guidance in selecting courses that are appropriate to their individual strengths, needs, preferences and interests. Participating individuals shall be permitted to: (i) take a credit-bearing, undergraduate academic course for credit if they have met the course prerequisites and requirements; or (ii) audit a credit-bearing, undergraduate academic course, consistent with campus policies governing selection of students for audit participation, if they have not met the course prerequisites and requirements.

Nothing in this section shall require a public institution of higher education to provide course enrollment or audit preference for students with severe intellectual disabilities, severe autism spectrum disorders or other severe developmental disabilities, relative to other persons seeking to enroll or audit a course. Nothing in this section shall require a public institution of higher education to include students with severe intellectual disabilities, severe autism spectrum disorders or other severe developmental disabilities in graduate and continuing education courses.

(c) Individuals participating in higher education pursuant to subsection (a) shall have access to and be included with non-disabled students in all academic and non-academic opportunities at public institutions of higher education in order to have inclusive educational opportunities to acquire academic, career, technical and independent living skills that prepare them for adult life including, but not limited to, employment and civic engagement. Individual supports and services shall be made available to support inclusion in academic courses, extracurricular activities and other aspects of campus life; provided, however, that nothing in this subsection shall supersede subsections (b) and (d).

(d) Public institutions of higher education shall not be required to bear the costs of individual supports and services that exceed the kind of supports and services generally provided by public

institutions of higher education. Costs associated with supporting participation in public institutions of higher education under this section shall be: (i) an approved expense as a special education service pursuant to section 5 of chapter 71B and shall be considered secondary school education; provided, however, that a student's participation in higher education is addressed in the student's Individualized Education Program under section 3 of said chapter 71B for students ages 18 to 21 years old, inclusive; provided further, that such student is considered to have a severe intellectual disability, a severe autism spectrum disorder or other severe developmental disability; provided further, that in the case of students who are age 18 or 19, participation shall be limited to students with a severe intellectual disability, a severe autism spectrum disorder or other severe developmental disability who have been unable to obtain a passing score on the statewide assessment tests utilized as a basis for competency determination under section 1D of chapter 69; provided further, that in the case of students ages 20 or 21, participation shall be limited to students with a severe intellectual disability, a severe autism spectrum disorder or other severe developmental disability who have been unable to obtain a passing score on the statewide assessment tests utilized as a basis for competency determinations, under said section 1D of said chapter 69 or who have already been determined eligible for special education and have also been determined by the Individualized Education Program team to have severe functional delays impacting independent living, communication or behavioral skills resulting in skills that are significantly below chronological age; and provided further, that nothing in this section shall impose an additional cost on a school committee beyond the cost of what is required under state or federal special education law; (ii) subject to the availability of federal funding and appropriation provided under section 74 of chapter 6 for individuals who are determined eligible for vocational rehabilitation services; provided, however, that access to higher education assists in the attainment of an identified employment goal, as determined by the agency, consistent with all applicable regulations and subject to the development of an Individualized Plan for Employment; (iii) subject to appropriation under chapter 19B for individuals 22 years of age or older who are determined eligible for services; provided, however, that the individual supports and services are determined to be an appropriate support, of the type, frequency and duration identified in an assessment conducted by the department, and subject to the development of an annual individual support plan. Costs of participation may be covered by any other public or private sources available to the student.

(e) Participating individuals under this section shall be required to follow the public institution of higher education's student behavioral policies, including the student code of conduct, antidiscrimination and sexual violence policies; provided, however, that the public institution of higher education shall provide such policies in accessible formats and shall provide reasonable accommodations for participating individuals in any process instituted thereunder.

(f) Nothing in this section shall be construed to impose any liability against any school district or any public institution of higher education, including trustees, officers, administrators or employees of the school district or public institution of higher education.

(g) Nothing in this section shall be construed as creating or imposing a specific duty of care, nor shall this section create or impose a private right of action against any school district or any public institution of higher education, including trustees, officers, administrators or employees of a school district or public institution of higher education.

SECTION 9. Section 2 of chapter 71B of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by adding the following paragraph:-

Students who are 18 to 21 years old, inclusive, have severe intellectual disabilities, severe autism spectrum disorders or other severe developmental disabilities and are receiving special education services may also have program options including, but not limited to, continuing education, participation in credit and noncredit courses that include students without disabilities in an

institution of higher education, development of independent living skills, development of skills necessary for employment and development of skills to access community services. Participation of such students in institutions of higher education under this section shall be considered an approved expense as a special education service pursuant to section 5 and shall be considered secondary school education; provided, however, that this service is addressed in the student's Individualized Education Program.

SECTION 10. Said chapter 71B is hereby amended by adding the following section:-

Section 17. (a) Subject to appropriation, the department of higher education shall develop and administer a discretionary grant program, which shall include planning or implementation grants, to provide monies to school committees and public institutions of higher education partnering to offer inclusive concurrent enrollment initiative options for school-aged children who are 18 to 21 years old, inclusive, and are considered to have severe intellectual disabilities, severe autism spectrum disorders or other severe developmental disabilities. The program shall be limited to: (i) students who are 18 or 19 years old, to students with a severe intellectual disability, a severe autism spectrum disorder or other severe developmental disability who have been unable to achieve the competency determination necessary to pass the statewide assessment test pursuant to section 1D of chapter 69; and (ii) students who are 20 or 21 years old, to students with severe disabilities who have been unable to obtain a passing score on the statewide assessment tests utilized as a basis for competency determination under said section 1D of said chapter 69 or have been determined by the Individualized Education Program team to have severe functional delays impacting independent living, communication or behavioral skills resulting in skills that are significantly below chronological age; provided, however, that public institutions of higher education may also include students with severe intellectual disabilities, severe autism spectrum disorders or other severe developmental disabilities over the age of 21 who have been unable to obtain a passing score on the statewide assessment tests utilized as a basis for competency determination under said section 1D of said chapter 69.

(b) The grant program shall enable school committees to partner with public institutions of higher education to assist in meeting the transitional needs of eligible students pursuant to subsection (a), which shall include facilitating movement from school to post-school activities and competitive employment. The grant program shall be based on a results-oriented process focused on improving academic and functional achievement in accordance with the federal Individuals with Disabilities Education Act.

(c) The grant program shall support participation of any relevant state or other agency serving students with severe intellectual disabilities, severe autism spectrum disorders or other severe developmental disabilities, including, but not limited to, the department of developmental services, the Massachusetts rehabilitation commission or other vocational rehabilitation agency or organization to support student academic success, participation in student life of the college community and competitive employment.

(d) The grant program shall support partnerships that provide: (i) participation in credit-bearing and non-credit courses that include students without disabilities, including participation in credit-bearing courses in audit status for students who may not meet course prerequisites; (ii) participation in on-campus student life activities; (iii) preparation for competitive employment; (iv) the waiver of tuition for courses by the public institution of higher education; (v) the provision of supports and services necessary to facilitate a student's participation and support inclusion in academic courses, extracurricular activities, internships, work experiences and other aspects of the institution's postsecondary program; (vi) education, training and technical assistance for teachers, faculty and personnel regarding strategy and teaching methodology to achieve successful inclusion of individuals with severe intellectual disabilities, severe autism spectrum disorders or other severe

developmental disabilities; (vii) full inclusion of students with severe intellectual disabilities, severe autism spectrum disorders or other severe developmental disabilities with nondisabled students in all aspects of higher education including, but not limited to, academic and social activities; and (viii) the utilization of person-centered planning in the development of the course of study for each participating student. Partnerships with institutions of higher education that offer dormitory living may also include opportunities for students with severe intellectual disabilities, severe autism spectrum disorders or other severe developmental disabilities to live in residential housing offered to nondisabled students.

(e) The department of higher education shall establish an inclusive concurrent enrollment advisory board to advise the department on efforts to implement inclusive concurrent enrollment and to participate in educational outreach efforts related to inclusive concurrent enrollment. The inclusive concurrent enrollment advisory board shall include the following members or their designees, who shall serve without compensation: the inclusive concurrent enrollment coordinator, who shall serve as chair; the secretary of education; the commissioner of higher education; the commissioner of elementary and secondary education; the commissioner of developmental services; the commissioner of the Massachusetts rehabilitation commission; a representative of the Massachusetts Administrators for Special Education; a representative of the Massachusetts Association of School Committees, Inc.; a representative of the Massachusetts Association of School Superintendents, Inc.; a representative of Massachusetts Advocates for Children, Inc.; a representative of the Federation for Children with Special Needs, Inc.; a representative of the Institute for Community Inclusion; not less than 2 representatives of school districts and public institutions of higher education that have successfully implemented inclusive concurrent enrollment initiatives, to be appointed by the chair; and 2 students who are participating or have participated in an inclusive concurrent enrollment program, to be appointed by the chair. The inclusive concurrent enrollment advisory board shall meet not less than quarterly. If an inclusive concurrent enrollment coordinator is not designated pursuant to subsection (f), the commission of the department of higher education shall select another chair.

(f) Subject to appropriation, the department of higher education shall designate an inclusive concurrent enrollment coordinator to manage grant administration and coordinate reporting.

(g) Annually, not later than December 1, the executive office of education shall file a report with the joint committee on education, the joint committee on higher education and the house and senate committees on ways and means on the status of the inclusive concurrent enrollment grant program established pursuant to subsection (a). The report shall include, but not be limited to:

(i) enrollment data detailing the number of students enrolled in inclusive concurrent enrollment each semester and the unduplicated count of total students served at each institution of higher education;

(ii) a list of all full-time and part-time employment positions supported by the grant program that are dedicated to supporting students participating in the inclusive concurrent enrollment program and the average salary for those positions including, but not limited to: (A) educational coaches; (B) educational specialists; (C) job coaches and vocational specialists; (D) program specialists; (E) program directors; (F) peer mentors, note-takers and tutors; (G) contracted employees and; (H) parent and school committee liaisons;

(iii) a list of all courses taken by students participating in the inclusive concurrent enrollment program during the academic year indicating whether the student participated in the course for credit or for audit and whether the student passed or completed the course;

(iv) a summary of innovative strategies and practices implemented at each institution of higher

education that helped foster relationships with school committees;

(v) employment data for students participating in the inclusive concurrent enrollment program, obtained to the best of the ability of participating school committees and institutions of higher education; and

(vi) the total funding received for the program, including amounts allocated to each grantee and any executive agency or participating state board, department or institute of higher education.

SECTION 11. The secretary of education and the secretary of health and human services shall, as necessary, develop inter-agency agreements, policies and practices with the department of higher education, the department of elementary and secondary education, public institutions of higher education, school committees, the department of developmental services, the Massachusetts rehabilitation commission and other relevant agencies in order to maximize federal financial participation through Medicaid, maximize federal financial aid, support institutions of higher education offering opportunities to include individuals with severe intellectual disabilities, severe autism spectrum disorders or other severe developmental disabilities who are more than 22 years old pursuant to section 30A of chapter 15A of the General Laws or section 17 of chapter 71B of the General Laws and address any other issues necessary for successful inclusion of students with severe intellectual disabilities, severe autism spectrum disorders or other severe developmental disabilities in higher education.

SECTION 12. The department of higher education and the department of elementary and secondary education, in consultation with the inclusive concurrent enrollment initiative advisory board, the executive officer of the Council of Presidents of the Massachusetts State University System or a designee, the president of the University of Massachusetts or a designee and the executive director of Massachusetts Community Colleges Executive Office or a designee shall issue guidelines to implement section 17 of chapter 71B of the General Laws not later than March 15, 2022.

## **An Act Relative to Applied Behavioral Analysis**

**HB.1145, SB.690**– An Act relative to applied behavioral analysis therapy

Representatives Jack Patrick Lewis and Peter J. Durant and Senator Eric. P. Lesser

*Overview: This bill is for all private and public insurance to cover the costs of ABA services for people with Down syndrome.*

*Bill Language:*

SECTION 1. Chapter 32A of the General Laws is hereby amended by adding the following section:–  
Section 25A. The commission shall provide to any active or retired employee of the commonwealth who is insured under the group insurance commission coverage for the treatment of Down syndrome through speech therapy, occupational therapy, physical therapy and applied behavior analysis services. For purposes of this section, “Down syndrome” means a chromosomal condition caused by an error in cell division that results in the presence of an extra whole or partial copy of chromosome 21.

SECTION 2. Chapter 118E of the General Laws is hereby amended by inserting after section 10L the following section:–

Section 10H1/2 The division and its contracted health insurers, health plans, health maintenance organizations, behavioral health management firms and third-party administrators under contract to

a Medicaid managed care organization or primary care clinician plan shall provide coverage for the treatment of Down syndrome through speech therapy, occupational therapy, physical therapy and applied behavior analysis services. For purposes of this section, "Down Syndrome" means a chromosomal condition caused by an error in cell division that results in the presence of an extra whole or partial copy of chromosome 21.

SECTION 3. Chapter 175 of the General Laws is hereby amended by inserting after section 47KK the following section:-

Section 47AA1/2. Any policy, contract, agreement, plan or certificate of insurance issued, delivered or renewed within the commonwealth, which is considered creditable coverage under section 1 of chapter 111M, shall provide coverage for the treatment of Down syndrome through speech therapy, occupational therapy, physical therapy and applied behavior analysis services. For purposes of this section, "Down syndrome" means a chromosomal condition caused by an error in cell division that results in the presence of an extra whole or partial copy of chromosome 21.

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

Section 8NDD1/2 Any contract between a subscriber and the corporation under an individual or group hospital service plan that is delivered, issued or renewed within the commonwealth shall provide coverage for the treatment of Down syndrome through speech therapy, occupational therapy, physical therapy and applied behavior analysis services. For purposes of this section, "Down syndrome" means a chromosomal condition caused by an error in cell division that results in the presence of an extra whole or partial copy of chromosome 21.

SECTION 5. Chapter 176B of the General laws is hereby amended by inserting after section 4MM the following section:-

Section 4DD1/2. Any subscription certificate under an individual or group medical service agreement delivered, issued or renewed within the commonwealth shall provide coverage for the treatment of Down syndrome through speech therapy, occupational therapy, physical therapy and applied behavior analysis services. For purposes of this section, "Down syndrome" means a chromosomal condition caused by an error in cell division that results in the presence of an extra whole or partial copy of chromosome 21.

SECTION 6. Chapter 176G of the General Laws is hereby amended by inserting after section 4EE the following section:-

Section 4V1/2. An individual or group health maintenance contract that is issued or renewed shall provide coverage for the treatment of Down syndrome through speech therapy, occupational therapy, physical therapy and applied behavior analysis services. For purposes of this section, "Down syndrome" means a chromosomal condition caused by an error in cell division that results in the presence of an extra whole or partial copy of chromosome 21.

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

# MASSACHUSETTS DOWN SYNDROME CONGRESS SUPPORT BILLS

## Education

### An Act Relative to Certification of Interpreters in Educational Settings

HB.552, SB.303– An Act relative to the certification of interpreters in educational settings

Representatives Antonio Cabral and Brendan P. Crighton

*Overview: This legislation directs the Department of Elementary and Secondary Education (DESE) to create standards and competencies for the training, hiring and use of interpreters in educational settings in order to provide limited English proficient (LEP) parents and students with competent interpretation services, as required by federal and state law. Implementation of the bill would be phased in, focusing initially on school districts designated as chronically underperforming, in order to enhance the ability to reach the goals of the districts' turnaround plans. Implementation in other districts would be delayed until the department determines appropriate.*

*Bill Language:*

SECTION 1. Chapter 69 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by inserting the following section:

Section 37. Training, assessment, and assignment of qualified school interpreters in educational settings

(1) The following words, unless the context clearly indicates otherwise, shall have the following meanings:

“Department” the department of elementary and secondary education

“Person with Limited English Proficiency (Person with LEP)” an individual who has a limited ability to read, write, speak or understand English because the person uses primarily a language other than English. This includes parents or guardians of minor children with LEP, regardless of the children’s LEP status.

“Interpretation” the immediate oral rendering of an utterance from a source language into a target language

“Interpreter” a person who has demonstrated language proficiency in English and at least one other language and is readily able to interpret spoken language from English to the target language and from the target language to English, and who also has knowledge and understanding of the pertinent subject matter to be translated, the role of the interpreter in school settings, and ethics and confidentiality with respect to interpretation.

“Parent” a natural, adoptive, or foster parent of a child, a guardian, or an individual acting in the place of a natural or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child’s welfare.

“Specialized meeting” a meeting requiring a high level of interpretation skills including but not limited to discussion regarding: an Individualized Education Program (IEP); a safety plan or behavioral intervention plan (BIP); matters regarding school discipline; matters regarding special education due process; placement in an English Learner Education (ELE) program; development of or changes to an Individual 504 plan; addressing bullying complaints; or the use of physical restraint or seclusion of students;

“standard meeting” a parent conference, community meeting, or other school gathering that does not have legal context.

“Tier 1 Interpreter” an interpreter whose language proficiency need not be formally assessed.

“Tier 2 Interpreter” an interpreter who, after a formal assessment process to be determined by the department, demonstrates an understanding of basic educational terminology used in school settings, participates in ongoing professional development in interpreting, and exhibits tier-2 competency pursuant to subsection 2 of this section and department regulations.

“Tier 3 Interpreter” an interpreter who, after a formal assessment process to be determined by the department, understands specialized educational terminology used in school settings, participates in ongoing professional development in interpreting, and exhibits tier-3 competency pursuant to subsection 2 of this section and department regulations.

(2) Consistent with the recommendations of the School Interpreters Task Force, as authorized by Section 81 of Chapter 154 of the Acts of 2018, the department shall:

(A) develop and administer a system for training, assessing, and determining qualifications of interpreters in educational settings with assurance that tier 3 interpreters shall be used for all specialized meetings, tier 2 or 3 interpreters may be used for all standard meetings and Tier 1 interpreters may be used during spontaneous, unannounced meetings or communication scenarios that occur in schools when a tier 3 or 2 interpreter is not available;

(B) develop and make available an educational course of sufficient duration that includes coursework and field experience to support development of the key competencies and knowledge required of interpreters in schools; and

(C) create a publicly accessible mechanism to identify tier-3 interpreters for scheduled specialized meetings.

(3) The department shall adopt regulations necessary to administer a system for training, assessing, and determining qualifications of interpreters in school settings to improve access for parents with LEP. Said regulations shall be consistent with the recommendations of the School Interpreters Task Force, as authorized by Section 81 of Chapter 154 of the Acts of 2018, and shall include but not be limited to:

(A) a process for assessing the language proficiency of interpreters seeking to interpret in school settings, including required levels of competency necessary to obtain tier-2 and tier-3 interpreting status, with grandfathering allowed for school employees whose primary job responsibility has been to serve as an interpreter for one or more years;

(B) required hours of supervised field experience for tier-3 interpreters;

(C) procedures for implementation of the publicly accessible mechanism created pursuant to subsection 1 of this section to identify and secure tier-3 interpreters for scheduled specialized meetings.

SECTION 2. This act shall take effect upon its passage, provided that the department may administer a phased implementation of the provisions of subsection 2 of this act to a diverse number of school districts, subject to appropriation, and provided further that final implementation of all sections of this act shall take effect statewide when certified as appropriate by the commissioner of elementary and secondary education in a report to the general court.

## **An Act to Improve Augmentative and Alternative Communications and Opportunities for Children with Disabilities**

**HB.545, SB.377** – An Act that require training and preparation in the use of augmentative and alternative communication for students who are nonverbal or who have limited speech for certain educator licenses.

Representative Christine Barber and Senator Patrick M. O'Connor

*Overview: This legislation amends teacher license regulations to require that all teachers who apply for an initial Massachusetts educator license receive instruction on the appropriate use of augmentative and alternative communication devices for children with disabilities who are nonverbal or who have limited speech. This bill will help improve outcomes for students as well as reduce costs for school districts by facilitating inclusion and supporting placement of children with disabilities who are nonverbal or who have limited speech in the least restrictive environment.*

*Bill Language:*

SECTION 1. Chapter 71 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by inserting at the end of section 38G the following paragraph:–

All teachers who apply for an initial Massachusetts educator license on or after December 31, 2022 shall receive training and preparation in the use of augmentative and alternative communication for students who are nonverbal or who have limited speech, as a requirement for such licensure. Such training and preparation shall include coursework in augmentative and alternative communication and practical experience in the classroom with children who use augmentative and alternative communication, including but not limited to children with Autism Spectrum Disorder, acquired brain injury, cerebral palsy and other disabilities that result in limited or no verbal abilities; provided that practical experience for regular education teachers shall include experience in the classroom with students who use augmentative and alternative communication, and if classroom settings are unavailable practical experience may include other types of interactions with and observations of individuals who use augmentative and alternative communication. Teacher and specialist teacher licensure requirements, subject matter knowledge requirements, professional standards for teachers, and educator preparation program approval requirements shall adequately address augmentative and alternative communication competencies to educate students with disabilities who are nonverbal or have limited verbal abilities; provided that a teacher shall not be subject to such requirements if they are applying for a second or subsequent licenses. The board shall require that the individual professional development plans required under section 38G of Chapter 71 address the learning needs of students who are nonverbal or have limited speech.

# **An Act to ensure equitable access to education, including special education services, for all students in Massachusetts**

**HB.565**– An Act to ensure equal access to education, including special education services, for all students in Massachusetts.

Representative Marjorie C. Decker

*Overview: This bill will make information available to the public in order to assist the Commonwealth and local communities address barriers to education that students may face due to bias and discrimination on the basis of race, ethnicity, disability, English learner status, and/or sex.*

*This legislation directs DESE to publish data on the delivery of educational opportunities to students in a manner that will help ensure equity regardless of a student's race, primary language, disability, or sex. With this information, educators will be better positioned to address identified disparities. In the future, this legislation will require that DESE publish data in a similar manner regarding access to special education services for students throughout the Commonwealth.*

*Bill Language:*

Whereas COVID-19 has disproportionately impacted communities of color, with Black and Latino residents in Massachusetts infected with COVID-19 at rates three times higher than White residents, and with age-adjusted death rates for Black and Latino residents three times that of White residents.

Whereas COVID-19 is dramatically widening opportunity and achievement gaps in education, because low-income Black and Latinx students are far more likely to be offered remote-only instruction, are less likely to have the requisite devices and high-speed internet to access remote learning, and are more likely to experience additional barriers to learning related to family illness, death, and other COVID-19 stressors.

Whereas Latinx and Black students with disabilities are significantly less likely to be included in general education classes as compared to their White disabled peers.

Whereas Black boys are estimated to have the highest rate of suspension of any race-gender combination. And whereas Black males with disabilities are estimated to be disciplined at an even higher and alarming rate, over 3 times the rate of White males with disabilities.

Whereas Black girls in Massachusetts are 3.9 times more likely to face school discipline than White girls. And whereas Black girls with disabilities are estimated to be suspended at a rate over twice as high as that for all Black girls.

Whereas the Department of Elementary and Secondary Education is responsible for addressing educational inequities and providing a high-quality public education to every child in the Commonwealth.

Whereas, the data currently collected by the department is not reported in a manner that provides important information about the range of demographic subgroups facing the most significant inequities, such as low-income Black students, Black males with disabilities, or Latino English Learners with disabilities.

Whereas, educational inequities cannot be effectively identified and addressed during the COVID-19 recovery until student data is made available in a manner that focuses on the most vulnerable subgroups of students.

SECTION 1. Section 1I of Chapter 69 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by inserting after the fifth paragraph the following paragraph: –

In order for the department to: address educational inequities through a data-driven approach; report data in a manner that specifies the demographics of students facing the most significant inequities; and ensure that educational inequities can be effectively identified and addressed during the COVID-19 recovery and beyond; The department shall annually analyze and publish in an easily accessible and user friendly manner the student-specific data provided by school committees and charter schools pursuant to: section 1I of Chapter 69; sections 37G, 37H, 37O, 37P, and 89 of Chapter 71 of the General Laws; sections 3 and 7 of Chapter 71A of the General Laws; section 6 of Chapter 71B of the General Laws; section 2A of Chapter 72 of the General Laws; statewide assessment data utilized as a basis for competency determinations pursuant to section 1D of chapter 69 of the General Laws; and any other data required by the federal office of education, provided that said data required by the federal department of education is also student-specific data and can be cross-tabulated. The department shall provide said data in a manner that can be easily cross-tabulated by, at a minimum, the following: each major racial and ethnic group; sex; economic status; high needs status; English learner status; and category of disability, if applicable. The information shall be presented statewide and also disaggregated by school committee, charter school, and individual school in a manner that is anonymized and does not reveal personally identifiable information about an individual student. Publication shall include, but need not be limited to, availability on the department's worldwide web site.

SECTION 2. The sixteenth paragraph of said Section 1I of Chapter 69 of the General Laws, as so appearing, is further amended by striking out, in clause (g), the word “and” the seventh time it appears.

SECTION 3. The sixteenth paragraph of said Section 1I of Chapter 69 of the General Laws, as so appearing, is hereby further amended by inserting after the word “learners” in clause (h), the following words: – ; and

(i) The number of children, by grade level, within each disability category receiving specific special education services, including but not limited to: each related service; assistive technology, including but not limited to augmentative and alternative communication; supplementary aids and services; positive behavioral interventions and supports; behavioral intervention plans; vocational education; travel training; and community-based transition services; provided further that school districts and charter schools shall only be required to provide said information regarding number of children receiving specific special education services when the department provides school committees with an online web-based IEP application aligned with the special education services requiring reporting under this section.

SECTION 4. Section 6 of Chapter 71B of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by inserting after the first sentence the following sentences: – School committees shall also annually report to the department, pursuant to regulations promulgated by the department, delivery of specific special education services by each major racial and ethnic group, sex, economic status, and English learner status of children by age level, including but not limited to delivery of: each related service; assistive technology, including but not limited to augmentative and alternative communication; supplementary aids and services; positive behavioral interventions and supports; behavioral intervention plans; vocational education; travel training; and community-based transition services. This annual reporting by school committees to the

department shall only be required when the department provides school committees with an online web-based IEP application aligned with the special education services requiring reporting under this section. This information shall be cross-tabulated by, at a minimum, the following: each major racial and ethnic group; sex; economic status; and English learner status. The information shall be presented statewide and also disaggregated by school committee, charter school, and individual school in a manner that is anonymized and does not reveal personally identifiable information about an individual student.

SECTION 5. The second sentence of said section 6 of Chapter 71B of the General Laws, as so appearing, is hereby amended by inserting after the word “assignment” the following words: – or pattern of delivery of the aforementioned specific special education services.

SECTION 6. The second sentence of said section 6 of Chapter 71B of the General Laws, as so appearing, is hereby further amended by inserting after the words “substantially disproportionate from the distribution” the following words: – or if there is a statistically significant increase in the rates of assignment of students with disabilities to substantially separate classrooms for any racial or ethnic group in any of the five years following the Governor’s Declaration of a State of Emergency due to COVID-19 in March 2020, as compared to the 2018-19 school year,

## **An Act addressing the needs of students with disabilities turning 22 during the COVID-19 emergency**

**HB.601, SB.282**—An Act addressing the needs of students with disabilities turning 22 during the COVID-19 pandemic

Representative Carmine Lawrence Gentile and Senator Michael J. Barrett

*Overview:*

*Bill Language:*

SECTION 1. The second sentence of subsection (a) of section 5A of chapter 71B of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by inserting after the word “chapter” the following words: --; provided that said program shall also reimburse municipalities for the eligible instructional costs associated with providing compensatory special education services for students who turn 22 or who otherwise become ineligible for special education services in the period between the governor’s declaration of a state of emergency due to

SECTION 2. Subsection (b) of said section 5A of said chapter 71B of the General Laws, as so appearing, is hereby amended by adding the following sentence:--“Instructional costs” shall also include those costs directly attributable to providing compensatory special education services for students who turn 22 or who otherwise become ineligible for special education services in the period between the governor’s declaration of a state of emergency due to COVID-19 on March 10, 2020 and three months after the date that the governor gives notice that the state of emergency has ended, provided that municipalities may be reimbursed for the eligible costs associated with providing compensatory special education services for said students for a period of time up to two years following the notice that the state of emergency has ended.

## Safety

# Autism spectrum and other intellectual and developmental disabilities Police Training

**HB.2531, SB.1628** — An Act relative to police training in appropriate interactions with persons on the autism spectrum and other intellectual and developmental disabilities

Representatives Paul Tucker, Kay Khan and Senator Michael Moore

*Overview: This bill will require training of law enforcement officers and correction officers in the commonwealth in appropriate and safe interactions with persons on the autism spectrum and other intellectual and developmental disabilities.*

*Bill Language:*

Chapter 6 of the General Laws is hereby amended by inserting after section 116I the following section:–

Section 116I ½. (a) For the purposes of this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:–

“Agency”, the ability to make independent decisions and act in one’s own best interests.

“Autism spectrum”, a disorder or disability on the autism spectrum, including but not be limited to: autistic disorder, Asperger's disorder, pervasive developmental disorder – not otherwise specified, childhood disintegrative disorder, nonverbal learning disorder or Rhett's Syndrome, as defined in the most recent edition of the Diagnostic and Statistical Manual of the American Psychiatric Association.

“Correction officer”, any officer employed by a correctional facility who is tasked with the custody, care, or transport of incarcerated or detained persons.

“Correctional facility”, as defined in section 1 of chapter 125.

“Intellectual and developmental disabilities”, an intellectual or developmental disability, as defined in the most recent edition of the Diagnostic and Statistical Manual of the American Psychiatric Association.

“Law enforcement agency”, (i) a state, county, municipal or district law enforcement agency, including, but not limited to: a city, town or district police department, the office of environmental law enforcement, the University of Massachusetts police department, the department of the state police, the Massachusetts Port Authority police department, also known as the Port of Boston Authority police department, and the Massachusetts Bay Transportation Authority police department; (ii) a sheriff’s department in its performance of police duties and functions; or (iii) a public or private college, university or other educational institution or hospital police department.

“Law enforcement officer” or “officer”, any officer of an agency, including the head of the agency; a special state police officer appointed pursuant to section 58 or section 63 of chapter 22C; a special sheriff appointed pursuant to section 4 of chapter 37 performing police duties and functions; a deputy sheriff appointed pursuant to section 3 of said chapter 37 performing police duties and functions; a constable executing an arrest for any reason; or any other special, reserve or intermittent police officer.

(b) The municipal police training committee shall establish an in-service training curriculum on or before January 1, 2022 for the training of law enforcement officers and correction officers in appropriate interactions with persons on the autism spectrum and persons with other intellectual and developmental disabilities; provided, that this training shall not increase the currently required hours of in-service training. The municipal police training committee shall develop guidelines for law enforcement response to persons on the autism spectrum and persons with other intellectual and developmental disabilities who are victims or witnesses to crime, or suspected or convicted of crime. The course of instruction and the guidelines shall emphasize: (1) positive responses to persons on the autism spectrum and persons with other intellectual and developmental disabilities, (2) de-escalating potentially dangerous situations, (3) understanding of the different manner by which persons on the autism spectrum and persons with other intellectual and developmental disabilities process sensory stimuli and language and (4) appropriate methods of interrogation. The training shall address the best practices for interactions with the broad range of persons on the autism spectrum and persons with other intellectual and developmental disabilities, including those with intersecting marginalized identities.

The training presenters shall include presentations from adults on the autism spectrum. Where appropriate, the training presenters shall also include experts on autism spectrum disorders who also have expertise in the law enforcement or correction field.

(c) The in-service training for law enforcement officers and correction officers shall include not less than 2 hours of instruction in the procedures and techniques described below:

(1) The nature and manifestations of autism spectrum disorders and other intellectual and developmental disabilities.

(2) Appropriate techniques for interviewing or interrogating persons on the autism spectrum and persons with other intellectual and developmental disabilities, including techniques to ensure legality of statements made, and techniques to protect the rights of the interviewee.

(3) Techniques for locating persons on the autism spectrum and persons with other intellectual and developmental disabilities who runs away and are in danger, and returning the person while causing as little stress as possible to the person.

(4) The legal duties imposed on police officers to offer protection and assistance, including guidelines for making felony and misdemeanor arrests, and appropriate techniques for arrest and restraint of persons on the autism spectrum and persons with other intellectual and developmental disabilities.

(5) Techniques for de-escalating a potentially dangerous situation to maximize the safety of both: (i) law enforcement officers or correction officers and (ii) persons on the autism spectrum and persons with other intellectual and developmental disabilities.

(6) Techniques for differentiating between persons on the autism spectrum and persons with other intellectual and developmental disabilities from a person who is belligerent, uncooperative or otherwise displaying traits similar to the characteristics of a person on the autism spectrum and persons with other intellectual and developmental disabilities.

(7) Procedures to ensure the safety and wellbeing of persons on the autism spectrum and persons with other intellectual and developmental disabilities in a correctional facility.

# Abuse Registry Expansion

## SB.137– An Act to allow MassHealth Day Habilitation providers to use abuse registry

Senator Michael Moore

*Overview: This bill will expand the abuse registry to MassHealth day program providers to ensure individuals substantiated of abuse will not be hired in other DDS day or residential programs or MassHealth day programs.*

*Bill Language:*

Section 2 of chapter 19 of the acts of 2020 is hereby amended by striking the definition for “employer” and inserting in place thereof the following definition:–

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

## Medical

# Operation House Call

## HB.2279, SB.1466 — An Act supporting individuals with intellectual and developmental disabilities

Representative Carolyn Dykema and Senator Jason Lewis

*Overview: This bill established voluntary training programs for medical and nursing schools in best practices for the care of individuals with intellectual and developmental disabilities*

*Bill Language:*

SECTION 1. Chapter 17 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by adding the following section:–

Section 21.

(a) As used in this section, the following words shall have the following meanings, unless the context clearly requires otherwise:

“Certified training program”, a voluntary training and accreditation program, accredited by the department pursuant to this section, for medical professionals focusing on instruction of best practices for the treatment and care of patients with intellectual and developmental disabilities, including autism spectrum disorders.

“Department”, the department of public health,

“Director”, the director of the department of family health and nutrition, within the department.

“Operation House Call”, an existing program, developed by The Arc of Massachusetts, which teaches

young medical professionals essential skills to enhance the health care of persons with autism and other intellectual and developmental disabilities that shall serve as the baseline training model.

“School”, any institution of higher education providing a course of study for students in medicine or related fields.

(b) In conjunction with the department of developmental services, and the Arc of Massachusetts, the department shall establish and provide for the administration of a voluntary certified training program for:

(i) medical schools seeking certification under subsection (d);

(ii) nursing schools seeking certification under subsection (d);

(iii) dental schools seeking certification under subsection (d);

(iv) other institutions of higher education with a course of study for medical practitioners, including but not limited to physicians assistants, dieticians, nutritionists, physical therapists, dental hygienists, allied mental health and human service professionals seeking certification under subsection (d).

(c) The certified program established pursuant to this section shall:

(i) be structured based upon Operation House Call;

(ii) be offered to participating students on a voluntary basis that is separate from their required course of study;

(iii) maintain recognized standards and practices that:

(A) uphold industry standards for instructing healthcare professionals on best practices for the treatment and care for patients with intellectual and developmental disabilities, including but not limited to autism spectrum disorders;

(B) include didactic classroom instruction, experiential learning and online learning, totaling not less than 6 hours;

(C) address the health care needs of patients with intersecting marginalized identities, including those belonging to minority race or ethnic groups, through training content and recruitment of diverse program participants.

(d) The department shall certify that a school offers a certified training program, as described in subsection (c), upon receipt and review that:

(i) the school has successfully delivered the certified training program to a sufficient number of participating students as mutually agreed upon by the institution and the provider of the training; and

(ii) that the program meets the minimum standards and practices, as provided in subsection (c).

(e) The director shall periodically evaluate the quality of training being provided to schools seeking certification and the integrity and efficacy of the accreditation program.

(f) The department shall prepare, publish and disseminate a list of schools certified pursuant to this

section; provided, however, that the list shall be updated annually. The list shall be published in a location that is accessible to prospective students seeking to apply to attend schools in the medical field or related fields.

## Dental Health

**HB.1308, SB.743**— An Act to improve oral health for all Massachusetts residents

Representatives Smitty Pignatelli and Kate Hogan and Senator Harriette Chandler

*Overview: This bill would establish the position of advanced dental hygiene practitioner and require training about best practices for people with autism and I/DD. The DHP will perform dental services in settings as community centers, nursing homes and schools.*

*Bill Language:*

SECTION 1. Chapter 71 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by inserting after Section 34H the following new section:—

Section 34I. A public school shall notify the parent or legal guardian of a pupil described in the second paragraph of section 57 of chapter 71 concerning the importance of oral health screenings. The department of public health in, consultation with the board of registration in dentistry, shall develop a standard form of notice containing at minimum the following: 1) information on the importance of primary teeth; 2) information on the importance of oral health to overall health as it relates to learning; 3) contact information for local public health departments; 4) information about programs and services to access affordable dental care.

SECTION 2. Section 7 of chapter 94C of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by striking out, in lines 80 and 81, the words "practical nurse or a licensed dental hygienist", and inserting in place thereof the following words:— practical nurse, or a licensed dental therapist under the supervision of a practitioner as defined in section 1 for the purposes of administering analgesics, anti-inflammatory and antibiotics only, or a licensed dental hygienist.

SECTION 3. Paragraph (a) of section 9 of said chapter 94C, as so appearing, is hereby amended by adding the following paragraph:—

A practitioner, as defined in section 1, may cause controlled substances to be administered under his direction by a licensed dental therapist, for the purposes of administering non-narcotic analgesics, anti-inflammatory and antibiotics only.

SECTION 4. Paragraph (c) of said section 9 of said chapter 94C, as so appearing, is hereby amended by adding the following paragraph:—

A licensed dental therapist who has obtained a controlled substance from a practitioner, as defined in section 1, for dispensing to an ultimate user pursuant to paragraph (a) shall return to such practitioner any unused portion of the substance which is no longer required by the patient.

SECTION 5. Subsection (a) of section 40 of chapter 111 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by inserting after the word "disparities", in line 9, the following:—

The dental director shall be responsible for recruiting, monitoring progress of, and supporting dental health providers. The dental director shall aim to increase the delivery of preventative dental services to underserved and vulnerable populations, including but not limited to, those residing in dental health provider shortage communities and pediatric and geriatric patients.

SECTION 6. Said section 40 of said chapter 111 is hereby further amended by inserting after the word "to", in line 32, the following word:– "annual".

SECTION 7. Section 43A of chapter 112, as appearing in the 2016 Official Edition, is hereby amended by inserting after the definition of "Appropriate supervision" the following 2 definitions:–

"Board", the board of registration in dentistry or a committee or subcommittee thereof established in the department of public health pursuant to sections 9 and 19 of chapter 13, chapter 30A and sections 43 to 53, inclusive.

"Collaborative management agreement", a written agreement that complies with section B between a dental therapist and a supervising dentist, as defined in section 43A, who holds a valid license issued pursuant to section 45, who agrees to provide the appropriate level of communication and consultation with a licensed dental therapist to ensure patient health and safety.

SECTION 8. Said section 43A of said chapter 112, as so appearing, is hereby further amended by inserting after the definition of "Dental hygienist" the following definition:–

"Dental therapist", a person who has been licensed by the board to practice dental therapy under section 51B, and who has the appropriate training and works pursuant to a collaborative management agreement as provided in section 51B.

SECTION 9. Said section 43A of said chapter 112, as so appearing, is hereby further amended by adding the following definition:–

"Supervising dentist", a dentist licensed in Massachusetts who is a provider enrolled in the division of medical assistance, or who works for an entity that is a provider enrolled in division of medical assistance, who maintains an active patient list and routinely provides care, and who enters into a collaborative management agreement with a licensed dental therapist.

SECTION 10. Said chapter 112, as so appearing, is hereby further amended by inserting after section 51A the following section:–

Section 51B. (a) Any person of good moral character, who: (i) is a graduate of a master's level dental therapist education program that includes both dental therapy and dental hygiene education, or an equivalent combination of both dental therapy education and dental hygiene education, if all education programs are accredited by the Commission on Dental Accreditation and provided by a post-secondary institution accredited by the New England Association of Schools and Colleges, Inc.; (ii) passes a comprehensive, competency-based clinical examination that is approved by the board and administered by a recognized national or regional dental testing service that administers testing for dentists and other dental professionals or equivalent examination administered by another entity approved by the board; and (iii) obtains a policy of professional liability insurance and shows proof of such insurance as required by rules and regulations shall, upon payment of a fee to be determined annually by the commissioner of administration under the provision of section 3B of chapter 7, be licensed as a dental therapist and be given a certificate to practice in this capacity. A licensed dental therapist shall have practiced under the direct supervision of a supervising dentist for a minimum of 2 years or 2,500 hours, whichever is longer, before practicing under general supervision pursuant to a collaborative management agreement.

For the purposes of this section, "general supervision" shall mean supervision of procedures and services based on a written collaborative management agreement between a licensed dentist and a licensed dental therapist but not requiring a prior exam or diagnosis by a supervising dentist or the physical presence of a supervising dentist during the performance of those procedures and services unless required by the supervising dentist in the collaborative management agreement.

(b) Any person licensed as a dental therapist under this section may also be registered as a dental hygienist and be given a certificate to practice in this capacity.

(c) An applicant for licensure as a dental therapist educated in the commonwealth must graduate from a master's level dental therapy education program that is accredited by the Commission on Dental Accreditation provided by a post-secondary institution accredited by the New England Association of Schools and Colleges, Inc. All dental therapy educational programs in the commonwealth must include at least one licensed dentist as an instructor. The board shall provide guidance for any educational entity or institution that may operate all or some portion of a master's level program, or may collaborate with other educational entities, including but not limited to universities, colleges, community colleges, and technical colleges, to operate all or some portion of a master's level program. The board may also provide guidance to develop mechanisms to award advanced standing to students who have completed coursework at other educational programs accredited by the Commission on Dental Accreditation. All education programs must prepare students to perform all procedures and services within the dental therapy scope of practice as set forth in this section.

The educational curriculum for a dental therapist educated in the commonwealth shall include training on serving patients with special needs including, but not limited to, people with developmental disabilities including autism spectrum disorders, mental illness, cognitive impairment, complex medical problems, significant physical limitations and the vulnerable elderly.

Not later than January 1, 2020, the board shall approve a comprehensive, competency-based clinical dental therapy examination that includes assessment of technical competency in performing the procedures and services within the scope of practice as set forth in this section, to be administered by a recognized national or regional dental testing service that administers testing for dentists and other dental professionals. The examination shall be comparable to the examination given to applicants for a dental license but only for the limited scope of dental services in the dental therapy scope of practice as set forth in this section.

(d) The board shall grant a dental therapy license by examination to an applicant, upon payment of a fee as determined annually by the secretary of administration and finance under section 3B of chapter 7, provided the applicant is of good moral character and has: (i) met the eligibility requirements as defined by the board; (ii) submitted documentation to the board of a passing score on a comprehensive, competency-based clinical examination, or combination of examinations, that includes both dental therapy and dental hygiene components and is approved by the board and administered by a recognized national or regional dental testing service that administers testing for dentists and other dental professionals; and (iii) submitted to the board documentation of a passing score on the Massachusetts Dental Ethics and Jurisprudence Examination or any other successor examination. An applicant failing to pass the examination shall be entitled to re-examination pursuant to the rules and guidelines established by the Commission on Dental Competency Assessments, for which the applicant shall pay a fee as determined annually by the secretary of administration and finance under section 3B of chapter 7.

The board shall require as a condition of granting or renewing a license under this section, that the dental therapist apply to participate in the medical assistance program administered by the secretary of health and human services in accordance with chapter 118E and Title XIX of the Social Security

Act and any federal demonstration or waiver relating to such medical assistance program for the limited purposes of ordering and referring services covered under such program, provided that regulations governing such limited participation are promulgated under said chapter 118E. A dental therapist practicing in a dental therapist role who chooses to participate in such medical assistance program as a provider of services shall be deemed to have fulfilled this requirement.

The board shall grant a license by credentials, without further professional examination, to a dental therapist licensed in another jurisdiction, upon payment of a fee as determined annually by the secretary of administration and finance under section 3B of chapter 7, provided the applicant is of good moral character and has: (i) met the eligibility requirements as defined by the board; (ii) furnished the board with satisfactory proof of graduation from an education program, or combination of education programs, providing both dental therapy and dental hygiene education that meets the standards of the Commission on Dental Accreditation, provided, however, that an applicant who graduated from a dental therapy education program established before the Commission on Dental Accreditation established a dental therapy accreditation program is eligible notwithstanding the lack of accreditation of the program at the time the education was received; (iii) submitted documentation of a passing score on a dental therapy examination administered by another state or testing agency that is substantially equivalent to the board-approved dental therapy examination for dental therapists as defined in this section; (iv) submitted documentation of a passing score on the Massachusetts Dental Ethics and Jurisprudence Examination or any other successor examination; and (v) submitted documentation of completion of 2 years or 2,500 hours, whichever is longer, of practice. If such practice requirement is not met, a dental therapist shall be required to complete the remaining hours or years, whichever is longer, under direct supervision in the Commonwealth prior to practicing under general supervision.

(e) Pursuant to a collaborative management agreement, a dental therapist licensed by the board may perform: (i) all acts of a public health dental hygienist as set forth in regulations of the board and (ii) all acts in the Commission on Dental Accreditation's dental therapy standards. Dental therapists shall have the authority to perform an oral evaluation and assessment of dental disease and formulate an individualized treatment plan as authorized by the supervising dentist in the collaborative management agreement. A dental therapist may dispense and administer the following medications within the parameters of the collaborative management agreement and with the authorization of the supervising dentist: non-narcotic analgesics, anti-inflammatory and antibiotics. The authority to dispense and administer shall extend only to the categories of drugs identified in this paragraph and may be further limited by the collaborative management agreement. A dental therapist is prohibited from dispensing or administering narcotic analgesics. A dental therapist may oversee not more than 2 dental hygienists and 2 dental assistants, but shall not oversee public health dental hygienists.

After entering into a collaborative management agreement with a supervising dentist, dental therapists shall practice under direct supervision for not less than 2,500 clinical hours or two years, whichever is longer. After completing 2,500 clinical hours or two years, whichever is longer, of practice under direct supervision, dental therapists are authorized to perform all procedures and services listed in the Commission on Dental Accreditation's dental therapy standards and all procedures and services within the scope of a public health dental hygienist, as set forth in regulations by the board, under general supervision if authorized by a supervising dentist pursuant to a written collaborative agreement. In addition, the following procedures, referred to in this section as advanced procedures, may be performed under direct supervision: (i) preparation and placement of direct restoration in primary and permanent teeth; (ii) fabrication and placement of single-tooth temporary crowns; (iii) preparation and placement of preformed crowns on primary teeth; (iv) indirect and direct pulp capping on permanent teeth; (v) indirect pulp capping on primary teeth; and (vi) simple extractions of erupted primary teeth, provided however that the advanced procedures may be performed under general supervision if authorized by the board pursuant to

subsection (f) of this section.

Pursuant to a collaborative management agreement, a dental therapist may provide procedures and services permitted under general supervision when the supervising dentist is not on-site and has not previously examined or diagnosed the patient provided the supervising dentist is available for consultation and supervision if needed through telemedicine or by other means of communication. If the supervising dentist will not be available, arrangements shall be made for another licensed dentist to be available to provide timely consultation and supervision.

A dental therapist may not operate independently of, and may not practice or treat any patients without, a supervising dentist. A dental therapist is prohibited from practicing without entering into a collaborative management agreement with a supervising dentist.

(f) By January 1, 2020, the department of public health, in consultation with the board and any other entity they deem appropriate, shall begin an evaluation assessing the impact of dental therapists practicing under general supervision in Massachusetts and the rest of the United States, specifically on: (i) dental therapists' progress in expanding access to safe and effective dental services for vulnerable populations including, at a minimum, Medicaid beneficiaries and individuals who are underserved as defined in this section; (ii) an appropriate geographic distance limitation between the dental therapist and supervising dentist that permits the dental therapist to expand access to vulnerable populations including, at a minimum, Medicaid beneficiaries and individuals who are underserved as defined in this section; and (iii) the number of dental hygienists and dental assistants a dental therapist may oversee.

Not before January 1, 2021 and no later than December 1, 2022, the department of public health, in consultation with the board and any other entity they deem appropriate, shall make a recommendation, based on its assessment of whether dental therapists should be authorized to perform one or more of the advanced procedures, as defined in subsection (e) under general supervision pursuant to a collaborative management agreement. The department shall also make a recommendation on an appropriate geographic distance limitation between the dental therapist and supervising dentist that permits the dental therapist to expand access to vulnerable populations including, at a minimum, individuals receiving benefits through the division of medical assistance and individuals who are underserved as defined in this section. After the department completes its assessment and submits its recommendations to the board, the board shall make a determination, with consideration to how authorizing general supervision will expand access to safe and effective dental services for vulnerable populations including, at a minimum, individuals receiving benefits through the division of medical assistance and individuals who are underserved as defined in this section, whether to authorize performance of one or more of the procedures as identified in subsection (e), under general supervision pursuant to a collaborative management agreement.

Should the board, in consultation with the department and any other appropriate entity, determine that dental therapists shall have the authority to perform one or more of the procedures and services as identified in subsection (e) in their scope of practice under general supervision, then the board shall establish regulations no later than six months following the recommendation, authorizing dental therapists to perform one or more procedures as identified in subsection (e) under general supervision pursuant to a collaborative management agreement after receiving advanced practice certification.

The board shall grant advanced practice certification for a dental therapist licensed by the board to perform all services under general supervision pursuant to a collaborative management agreement if the dental therapist provides documentation of completion of at least two years or 2,500 hours, whichever is longer, of direct supervision pursuant to subsection (a) of this section, and satisfying any other criteria established by regulation adopted by the board as authorized in this section.

Should the board determine that dental therapists shall continue to perform one or more of the advanced procedures under direct supervision, the department, in consultation with the board, shall re-evaluate annually the impact of dental therapists practicing under general supervision in Massachusetts and the rest of the United States, and the board shall annually reassess whether to authorize general supervision for the advanced procedures in order to improve dental therapists' progress in expanding access to safe and effective dental services for vulnerable populations including, at a minimum, individuals receiving benefits through the division of medical assistance and individuals who are underserved as defined in this section.

(g) The board shall establish appropriate guidelines for a written collaborative management agreement. A collaborative management agreement shall be signed and maintained by the supervising dentist and the dental therapist and shall be submitted annually to the board.

The agreement may be updated as necessary. The agreement shall serve as standing orders from the supervising dentist and shall address: (i) practice settings; (ii) any limitation on services established by the supervising dentist; (iii) the level of supervision required for various services or treatment settings; (iv) patient populations that may be served; (v) practice protocols; (vi) record keeping; (vii) managing medical emergencies; (viii) quality assurance; (ix) administering and dispensing medications; (x) geographic distance limitations; (xi) oversight of dental hygienists and dental assistants; and (xii) referrals for services outside of the dental therapy scope of practice. The collaborative management agreement shall include specific protocols to govern situations in which the dental therapist encounters a patient who requires treatment that exceeds the authorized scope of practice of the dental therapist. The supervising dentist is responsible for directly providing, or arranging for another dentist or specialist within an accessible geographic distance to provide, any necessary additional services outside of the dental therapy scope of practice needed by the patient. A supervising dentist may have a collaborative management agreement with not more than 3 dental therapists at the same time. Not more than 2 of the dental therapists may practice under general supervision with certification to perform one or more of the advanced procedures. A practice or organization with more than one practice location listed under the same business name may not employ more than six dental therapists, provided, however, that this requirement shall not apply if such an organization or practice is a federally qualified health center or look-alike, a community health center, a non-profit practice or organization, public health setting as defined by 234 CMR 2.02, or as otherwise permitted by the board.

(h) No medical malpractice insurer shall refuse primary medical malpractice insurance coverage to a licensed dentist on the basis of whether they entered into a collaborative management agreement with a dental therapist or public health dental hygienist. A dental therapist may not bill separately for services rendered; the services of the dental therapist are the services of the supervising dentist and shall be billed as such.

(i) Not less than 50% of the patient panel of a dental therapist, as determined in each calendar year, shall consist of patients who receive coverage through the division of medical assistance or are considered underserved provided, however, that this requirement shall not apply if the dental therapist is operating in a federally qualified health center or look-alike, community-health center, non-profit practice or organization, or other public health setting as defined by 234 CMR 2.02, or as otherwise permitted by the board. As used in this section, "underserved" means individuals who: (i) receive, or are eligible to receive, benefits through the division of medical assistance; (ii) receive, or are eligible to receive, social security disability benefits, supplemental security income, and/or Massachusetts state supplement program; (iii) live in a dental health professional shortage area as designated by the federal department of health and human services; (iv) reside in a long-term care facility licensed under section 71 of chapter 111; (v) receive dental services at a public health setting as defined by 234 CMR 2.02; (vi) receive benefits, or are eligible to receive subsidized insurance through the commonwealth health insurance connector authority;; (viii) receive benefits, or are

eligible to receive benefits, through the Indian Health Service, tribal or urban Indian organizations, or through the contract health service program; (ix) receive benefits, or are eligible to receive benefits, through the federal department of veterans affairs or other organization serving veterans; (x) are elderly and have trouble accessing dental care due to mobility or transportation challenges; (xi) meet the Commission on Dental Accreditation's definition of people with special needs; (xii) are uninsured have an annual income at or below 305% of the federal poverty level; or (xiii) as otherwise permitted by the board.

An employer of a dental therapist shall submit quarterly reports to the board that provide information concerning the makeup of the dental therapist's patient panel, including the percentage of underserved in the patient panel. No later than January 1, 2020, the secretary of health and human services may establish by regulation penalties for employers who fail to meet the requirements pertaining to the percentage of underserved in the dental therapist's patient panel.

(j) Not later than January 1, 2020, the board, in consultation with the department shall establish regulations to implement the provisions of this section for the practice of dental therapy to protect the public health, safety and welfare, including, but not limited to: requirements for approval of educational programs; guidelines for collaborative management agreements, continuing education requirements, license renewal, standards of conduct, and the investigation of complaints, conduct of disciplinary proceedings and grounds for discipline.

SECTION 11. Section 259 of chapter 112 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by inserting after the word "skills", in line 51, the following:

(j) Oral health education;

SECTION 12. Section 260 of chapter 112 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by inserting after the number 7, in line 21, the following:– As a condition for licensure or renewal of licensure, the board shall require community health workers to receive education or training in oral health.

SECTION 13. Section 79L of chapter 233, as appearing in the 2016 Official Edition, is hereby amended by inserting after the word "dentist," the following words:– dental therapist.

SECTION 14. The department of public health, in consultation with the executive office of health and human services, shall perform a 5-year evaluation of the impact of dental therapists, as established under section 51B of chapter 112 of the General Laws, on patient safety, cost-effectiveness and access to dental services. The department may enter into an inter-agency agreement with the health policy commission, established under chapter 6D of the General Laws, to provide assistance to the department in conducting such evaluation, as it deems necessary. The department shall ensure effective measurements of the following outcomes and file a report of its findings, which shall include the:

(i) Number of dental therapists in the commonwealth each year;

(ii) Number of licensed dental therapists in the commonwealth each year;

(iii) Number of new and total patients served each year;

(iv) Impact on wait times for needed services;

(v) Impact on travel time for patients;

(vi) Impact on emergency room usage for dental care; and

(vii) Costs to the public health care system.

The report shall be submitted not later than five years after the date of graduation of the first graduating class of dental therapists educated in the commonwealth to the joint committee on public health, the joint committee on health care financing and the senate and house committees on ways and means.

The center for health information and analysis shall, by the first day of January of each year, submit a report including information on:

(i) Number of dental therapists in the commonwealth;

(ii) Number of licensed dental therapists practicing in the commonwealth;

(iii) Number of new and total patients served;

(iv) Number of new and total pediatric patients served, including geographic location and insurance type;

(v) Practice settings; and

(vi) Commonly performed procedures and services

The first annual report shall be submitted not later than three years after the date of graduation of the first graduating class of dental therapists educated in the commonwealth to the joint committee on public health, the joint committee on health care financing and the senate and house committees on ways and means.

## **An Act to protect medically fragile kids**

**HB.1266, SB.768**—An Act Relative to Critical Data Collection on the Medically Fragile Population

Representative Denise C. Garlick and Senator Cindy F. Friedman

*Overview: This bill allows for a meaningful review of nursing hours, rates, utilization, and nurses registered with Masshealth/Medicaid every two years to increase access to home care nurses and maintain an adequate workforce to care for medically fragile children in their family home.*

### *Bill Language:*

SECTION 1. Chapter 118E of the General Laws is hereby amended by adding the following section:—  
Section 79. (a) Notwithstanding any general or special law to the contrary, and subject to appropriation, the executive office of health and human services shall increase the budget for continuous skilled nursing care, as defined in 101 CMR 361 and 130 CMR 403.402, by an amount that ensures:

(1) At least 75 percent of continuous skilled nursing hours authorized by MassHealth are filled on or before July 1, 2021;

(2) At least 80 percent of continuous skilled nursing hours authorized by MassHealth are filled on or before July 1, 2022; and

(3) At least 85 percent of continuous skilled nursing hours authorized by MassHealth are filled on or before July 1, 2023, and shall remain at 85 percent or above thereafter.

(b) The executive office of health and human services may require any portion of the budget increases provided for in this section to be used exclusively to increase the wage payment rate of nurses providing continuous skilled nursing care.

(c) To satisfy the requirements in subsection (a), the executive office of health and human services shall require MassHealth to submit an annual report no later than January 1 that:

(1) demonstrates that MassHealth has not changed its authorization criteria for continuous skilled nursing services in a way that is more restrictive and results in a reduction in the amount of authorized hours that would have been authorized previously; and

(2) includes the following information from the immediately preceding calendar year: (i) the number of filled and unfilled continuous skilled nursing hours authorized by MassHealth; (ii) the number of appeals received by MassHealth for the denial or modification of continuous skilled nursing hours and the number of patients that filed an appeal; (iii) the number of patients that received a reduction in the amount of authorized continuous skilled nursing hours; and (iv) the number of authorized continuous skilled nursing hours reduced from the immediately preceding calendar year, if any.

(d) The executive office of health and human services, in collaboration with MassHealth and after consultation with the Massachusetts Pediatric Nursing Care Campaign, shall promulgate regulations to implement this section.

(e) Nothing in this section shall be construed to prohibit filling 85 percent of the continuous skilled nursing hours authorized by MassHealth prior to July 1, 2023.

SECTION 2. Notwithstanding any general or special law to the contrary, the office of Medicaid shall review the wage payment rates established by home health agencies that provide continuous skilled nursing care, as defined in 101 CMR 350.02 and 130 CMR 403.402, for the providers of those services. The office shall provide: (i) an aggregated overview of the wage payment rates paid by home health agencies to staff or contracted nurses providing continuous skilled nursing care, including any increases in said wage rates resulting from increases in Medicaid rates paid to home health agencies for continuous skilled nursing care in state fiscal years 2017 and 2018; (ii) an aggregated breakdown of said wage rates as applied to the acuity level of patients receiving continuous skilled nursing care; (iii) an aggregated breakdown of said wage rates as applied to the licensure level of the providers of continuous skilled nursing care; (iv) recommendations on criteria to be included in any future reporting by home health agencies receiving an increase of continuous skilled nursing care rates provided by the office. The office shall provide this report not later than March 1, 2022 to the clerks of the senate and house of representatives, the joint committee on health care financing and the senate and house committees on ways and means. Home health agencies providing continuous skilled nursing care shall provide all information and documentation requested by the office of Medicaid to compile the required report under this section.

## Hospital Training

**HB.219, SB.1469**— An Act creating autism teams in hospitals

Representative Sean Garballey and Senator Jason Lewis

*Overview: This bill will expand current hospital based medical providers' knowledge about autism and I/DD, in order to improve the treatment individuals receive in medical settings.*

*Bill Language:*

Notwithstanding any general or special law to the contrary, within one year of the date of enactment, the executive office of health and human services shall create and maintain an integrated state plan to develop training and education as well as standards of care by appropriate healthcare providers related to the diagnosis, treatment, and care of patients with intellectual and developmental disabilities, including autism spectrum disorders and those with intersecting marginalized identities.

The plan should include implementation steps and recommendations from the advisory committee on intellectual and developmental disabilities that includes, but is not limited to: (1) continuing education requirements for applicable healthcare providers related to diagnosis, treatment, and care of patients with intellectual and developmental disabilities, including autism spectrum disorders and those with intersecting marginalized identities; (2) implementation of a strategy for the adoption of standards for improving assessment and diagnosis of intellectual and developmental disabilities, including autism spectrum disorders and those with intersecting marginalized identities, for patients during routine outpatient primary care examinations; and (3) coordination with applicable state licensure boards, as recommended by the advisory committee on intellectual and developmental disabilities, the adoption of appropriate continuing education requirements related to intellectual and developmental disabilities, including autism spectrum disorders and those with intersecting marginalized identities, as part of licensure renewals.

Within six months of the date of enactment, there is hereby established an advisory committee on intellectual and developmental disabilities, including autism spectrum disorders and those with intersecting marginalized identities. Said advisory committee shall be comprised of the following experts: (i) a designee of the secretary of health and human services; (ii) a designee of the commissioner of public health; (iii) two health care providers with expertise in the diagnosis, treatment, and care of patients with intellectual and developmental disabilities, including autism spectrum disorders and those with intersecting marginalized identities; (iv) two patient advocates or family members of those with intellectual and developmental disabilities, including autism spectrum disorders and those with intersecting marginalized identities; and (v) five statewide trade organizations that include the Arc of Massachusetts, the Massachusetts Health and Hospital Association, the Massachusetts Medical Society, and Massachusetts Psychiatric Society, and the Massachusetts Psychological Association. The advisory council shall develop recommendations for statewide standards for healthcare professionals regarding diagnosis, treatment, and care for patients with intellectual and developmental disabilities, including but not limited to, autism spectrum disorders and those with intersecting marginalized identities. Said standards shall include recommendations for training of healthcare providers, including but not limited to, physicians, psychologists, psychiatrists, physician assistants, registered nurses, and advanced practice registered nurses.

## **ABA MassHealth for Adults**

**HB.184, SB.115** An Act relative to applied behavior for analysis services

Representative Christine Barber and Senator John Keenan

*Overview: This bill will require MassHealth to cover medically necessary Applied Behavior Analysis services for adults with intellectual and developmental disabilities, also includes language for AT coverage.*

Chapter 118E of General Laws, as appearing in the 2018 Official Edition is hereby amended by inserting after section 62 the following section:–

Section 63. The Division shall cover the cost of habilitative and rehabilitative medically necessary treatments for individuals aged 21 and older who are receiving coverage under this chapter and who have been diagnosed with any of the following disorders as defined in the most recent version of the Diagnostic and Statistical Manual of Mental Disorders (DSM): developmental disability, an intellectual disability, or autism spectrum disorder. The diagnoses must be made by a licensed physician or a

licensed psychologist who determines the care to be medically necessary. Treatments shall include, but shall not be limited to, applied behavior analysis provided or supervised by a licensed behavior analyst that is necessary to develop, maintain or restore, to the maximum extent practicable, the functioning of an individual. In addition, the Division shall cover the cost of both dedicated and non-dedicated augmentative and alternative communication devices, including, but not limited to, medically necessary tablets.

## Transition

# Cueing and Supervision

**HB.260, SB.129** — An Act relative to cueing and supervision in the Personal Care Attendant (PCA) Program

Representative James O'Day and Senator Joan Lovely

*Overview: This bill amends Ch. 7 of the general law to allow the PCA program to include cueing and prompting as a covered services for those eligible members who need it.*

*Bill Language:*

SECTION 1. Section 12 of chapter 118E of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by inserting at the end thereof the following paragraph:–

Notwithstanding the provisions of any general or special law to the contrary, the division shall develop or amend any standards and regulations applicable to the personal care attendant program to include as eligible members those individuals who are otherwise eligible for said program, but who require supervision and cueing in order to perform two or more activities of daily living.

# Accessory Housing

**HB.1370, SB.908** — An Act relative to accessory dwelling units

Representative Christine Barber and Senator Bruce Tarr

*Overview: This bill would allow the development and preservation of affordable housing for persons with disabilities and the elderly. It is designed to encourage creation accessory dwelling units in the form of 2 bedroom accessory apartments for people with disabilities and the elderly. the bill would make creating an accessory apartment (an in-law apartment, for example) added to a single family home for the benefit of a person with a disability, or an elderly person, a right.*

*Bill Language:*

SECTION 1. Section 3 of chapter 40A of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by inserting after the last paragraph the following 3 paragraphs:–

No zoning ordinance or by-law shall prohibit or require a special permit for the use of land or structures for an accessory dwelling unit, or the rental thereof, in a single-family residential zoning district on a lot with 5,000 square feet or more or on a lot of sufficient area to meet the requirements of title 5 of the state environmental code established by section 13 of chapter 21A, if applicable; provided, however, that the single-family dwelling or the accessory dwelling unit is

occupied by at least 1 person with disabilities or 1 person who is elderly.

As used in this section, “accessory dwelling unit” shall mean a self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities, incorporated within the same structure as a single-family dwelling or in a detached accessory structure and that: (i) maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the single dwelling; (ii) shall not be sold separately from the single family dwelling; (iii) is not smaller in floor area than 450 square feet; (iv) may include up to two bedrooms; and (v) is not larger in floor area than ½ the floor area of the single family dwelling or 900 square feet, whichever is smaller; “person with disabilities” shall mean a person who has been determined to be disabled (i) in accordance with criteria established by local by-law or ordinance, if any, or (ii) by the Social Security Administration or MassHealth, notwithstanding any local by-law or ordinance; and “elderly” shall mean a person sixty-five years of age or older.

The zoning ordinance or by-law may require that the single-family dwelling or the accessory dwelling unit be owner-occupied and may limit the total number of accessory dwelling units in the municipality to a percentage not lower than 5 percent of the total non-seasonal housing units in the municipality. The use of land or structures for an accessory dwelling unit may be subject to reasonable regulations concerning dimensional setbacks and the bulk and height of structures. Not more than 1 additional parking space shall be required for an accessory dwelling unit but, if parking is required for the single family dwelling, that parking shall either be retained or replaced. An accessory dwelling unit allowed under this section is considered owner-occupied upon transfer of title of the single-family dwelling in whole or in part to a trust in which at least 1 beneficiary is a person with disabilities or a person who is elderly; provided, however, that either the single-family dwelling or the accessory dwelling unit remains occupied by that beneficiary. Nothing in this paragraph shall authorize an accessory dwelling unit to violate the building, fire, health or sanitary codes, historic or wetlands laws, or ordinances or by-laws.

## Supported Decision Making

**HB.272, SB.124**— An Act relative to supported decision-making agreements for certain adults with disabilities

Representative Paul Tucker and Senator Joan Lovely

*Overview: This bill, allows certain adults, including those with disabilities and elders, to maintain their rights, dignity, and independence by choosing one or more trusted supporters to provide assistance making decisions about their lives.*

*Bill Language:*

SECTION 1. Chapter 190B is hereby amended, after section 5-507, by inserting the following new section:–

Section 5-508. Supported Decision-Making Agreements

(a) As used in this section, the following words shall have the following meanings unless the context clearly requires otherwise:–

"Adult" means an individual 18 years of age or older.

“Coercion” means use of force or threats to persuade someone to do something.

"Decision-maker" means an adult who seeks to execute, or has executed, a supported decision-making agreement with one or more supporters under this chapter.

"Supported decision-making" means the process of supporting and accommodating the decision-maker, without impeding the self-determination of the decision-maker, in making life decisions, including, but not limited to, decisions related to where the decision-maker wants to live; the services, supports, financial decisions, and medical care the decision-maker wants to receive; whom the decision-maker wants to live with; or where the decision-maker wants to work.

"Supported decision-making agreement" is an agreement a decision-maker enters into with one or more supporters under this section to use supported decision-making.

"Supporter" means an adult who has entered into a supported decision-making agreement with a decision-maker.

(b) A decision-maker may voluntarily, without undue influence or coercion, enter into a supported decision-making agreement with a supporter or supporters. The decision-maker may change or terminate a supported decision-making agreement at any time, per the procedure(s) outlines in section (e).

(c) Except as limited by a supported decision-making agreement, a supporter may provide to the decision-maker the following decision-making assistance with the decision-maker's affairs with the consent of the individual with the disability:

(1) assisting with making decisions, communicating decisions, and understanding information about, options for, the responsibilities of, and the consequences of decisions;

(2) accessing, obtaining, and understanding information that is relevant to decisions necessary for the decision-maker to manage his or her affairs, including medical, psychological, financial, and educational information; and medical and other records;

(3) ascertaining the wishes and decisions of the decision-maker; assisting in communicating those wishes and decisions to other persons; and advocating to ensure their implementation; and

(4) accompanying the decision-maker and participating in discussions with other persons when the decision-maker is making decisions or attempting to obtain information for decisions.

(d) A supporter may exercise only the authority granted to the supporter in the supported decision-making agreement.

(e) The supported decision-making agreement shall remain in effect until it is revoked, suspended, or terminated in accordance with the provision of this section.

(1) If the agreement sets forth a termination date, the supported decision-making agreement shall not be effective after the termination date.

(2) The decision-maker may revoke a supported decision-making agreement by notifying the supporters orally or in writing or by any other act evidencing a specific intent to revoke the agreement.

(3) Supporter may terminate participation in the agreement by written or oral notice to the decision-maker and the remaining supporters. If the supported decision-making agreement includes more

than one supporter, the supported decision-making agreement shall survive for supporters who have not terminated their participation unless it is otherwise terminated or revoked in a manner set forth by this section.

(4) The disabled persons protection commission, an elder protective services agency, the department of developmental services, the department of mental health, or an interested person may petition the probate and family court to terminate, revoke, or suspend the operation of a supported decision-making agreement. If, after notice to decision-maker and a hearing at which the decision-maker shall have the right to be present and to be heard, the Court finds by clear and convincing evidence that that the decision-maker has been abused, neglected, or exploited by a supporter or supporters, the court may revoke, terminate, or suspend for a time to be determined by the court, the supported decision-making agreement. The agreement may survive if one or more supporters who were not found to have abused, neglected, or exploited the adult with a disability continues to be willing to serve as a supporter and the decision-maker agrees. If the decision-maker is indigent, the court shall forthwith appoint counsel for the decision-maker upon the filing of any petition under this paragraph.

(f)(1) A supporter is only authorized to assist the decision-maker in accessing, collecting, or obtaining information that is relevant to a decision authorized under the supported decision-making agreement and to which the decision-maker agrees that the supporter should have access.

(2) If a supporter assists the decision-maker in accessing, collecting, or obtaining personal information, including protected health information under the Health Insurance Portability and Accountability Act of 1996 (Pub. L. No. 104-191) or educational records under the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. section 1232g), the supporter shall ensure the information is kept privileged and confidential, as applicable, and is subject to neither unauthorized access, nor use, nor disclosure.

(g) The existence of a supported decision-making agreement does not preclude a decision-maker from seeking personal information without the assistance of a supporter.

(h) A supported decision-making agreement must be signed voluntarily, without coercion or undue influence, by the decision-maker and the supporter or supporters in the presence of two or more witnesses who are at least 18 years of age, and unrelated to the decision-maker and who are not supporters of the decision-maker, or a notary public.

(i)(1) A supported decision-making agreement is intended to be personalized by the decision-maker to reflect his or her personal circumstances.

(2) A supported decision-making agreement shall be in writing and shall:

(i) identify the decision-maker and the supporters;

(ii) describe the kinds of decisions with which the decision-maker wants assistance from each respective supporter;

(iii) indicate that the supporters agree to assist the decision-maker to make decisions, to respect the decision-maker's decisions, and, if necessary, to assist the decision-maker to communicate decisions, and, further, agree not to make decisions for the decision-maker;

(iv) indicate that the decision-maker may change, amend, or revoke the supported decision-making agreement at any time for any reason subject to the requirements of section (g);

(v) include a statement that if any person suspects the decision-maker has been abused, neglected

or exploited by a supporter or supporters, the person may report the suspicion to, as applicable, the disabled persons protection commission or an elder protective services agency and shall include the contact information for the disabled persons protection commission, the elder abuse hot line, and, the human rights officer of any program providing services to the decision-maker; and

(vi) be signed by the decision-maker and the supporters, the decision-maker's signature to be attested to by a notary public or, in the alternative, by two witnesses who are unrelated to the decision-maker and who are not supporters of the decision-making.

(j)(A) A person who receives the original or a copy of a supported decision-making agreement shall rely on the agreement and recognize a decision or request made or communicated with the decision-making assistance of a supporter under this chapter as the decision or request of the decision-maker.

(B) A person who, in good faith, acts in reliance on an authorization in a supported decision-making agreement is not subject to civil or criminal liability or to discipline for unprofessional conduct for relying on a decision made in accordance with a supported decision-making agreement.

(k) Execution of a supported decision-making agreement may not be a condition of participation in any activity, service, or program.

(l) If a person who receives a copy of a supported decision-making agreement or is aware of the existence of a supported decision-making agreement has cause to believe that the decision-maker is being abused, neglected, or exploited by the supporter, the person may report the alleged abuse, neglect, or exploitation to the disabled persons protection commission in accordance with chapter 19D or the Elder Abuse Prevention Hotline in accordance with chapter 19C.

(m) Nothing in this section shall be interpreted to limit or restrict any individual's right to execute a health care proxy pursuant to chapter 201D or a power of attorney pursuant to sections 5-501 through 5-507 of chapter 190B.

SECTION 2. Chapter 190B of the General Laws is hereby amended in section 5-303, paragraph (b)(10) by inserting at the end thereof the following:-

whether alternatives to guardianship and available supports and services to avoid guardianship, including a supported decision-making agreement, were considered; and why such alternatives to guardianship and supports and services are not feasible or would not avoid the need for guardianship.

SECTION 3. Chapter 6A of the General Laws is hereby amended by inserting after section 16F the following section:-

Section 16F ½. The executive office of health and human services shall establish a training program on supported decision-making. The training program shall include instruction by state agencies including the department of developmental services, the department of mental health, the executive office of elder affairs and a non-profit corporation or corporations.

The training program on supported decision-making shall be provided to a supporter or a decision-maker receiving decision-making assistance, and shall include the rights and obligations contained in section 5-508 of chapter 190B. The training shall be in any format accessible to the individuals receiving such training. Such training shall include trainers with disabilities and adults who receive or might receive supported decision-making assistance.

SECTION 4. Section 2 of chapter 71B of the General Laws is hereby amended by inserting at the

thereof the following:–

The department of elementary and secondary education shall promulgate regulations requiring school districts and charter schools to be part of the transitional planning process to inform students and families of the availability of supported decision-making as an alternative to guardianship in such cases where adult guardianship is being contemplated.

SECTION 5. Section 3 of chapter 71B of the General Laws is hereby amended by inserting the following at the end thereof:–

For any student for whom adult guardianship is being considered at the Individual Educational Program (IEP) team meeting, the IEP team shall inform the student and family (or guardian if there is a guardian of the minor) at the earliest possible meeting of the availability of supported decision-making as an alternative to guardianship. The IEP team shall assist the child and his or her family or minor guardian in locating resources to assist in establishing a supported decision-making plan if the child and family are interested in supported decision-making. If a supported decision-making agreement is executed, the IEP team shall abide by decisions made by the student pursuant to the supported decision-making agreement.

SECTION 6. This act shall take effect six months from the date of its passage.

## **An Act Relative to the WorkAbility Tax**

**HB.2863**—An Act relative to the WorkAbility Tax

Representative Josh S. Cutler

*Overview: This bill This would create a tax credit for eligible small businesses for the hiring of individuals with disabilities: up to \$5,000 for the first taxable year, and then \$2,500 in subsequent taxable years. Gov. Baker has filed a similar provision in his FY22 budget; however, this bill targets the tax benefits to smaller business, where a recent reports shows it can have more impact.*

SECTION 1. Section 6 of chapter 62 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by adding the following subsection:–

(x)(1) For the purposes of this subsection, the following words shall, unless the context clearly requires otherwise, have the following meanings:

“Employer”, a person who employs no more than 50 employees.

“Qualified employee with a disability”, a resident of the commonwealth, who is certified by the Massachusetts rehabilitation commission as meeting the definition of disability in the 42 U.S.C. § 12102 and has a primary place of employment in the commonwealth.

(2) An employer shall be allowed a credit against the tax liability imposed by this chapter equal to \$5,000 or 30 per cent of the wages paid to each qualified employee with a disability in the first taxable year of employment, whichever is less. An employer shall be allowed a credit against the tax liability imposed by this chapter equal to \$2,500 or 30 per cent of the wages paid to each qualified employee with a disability in any subsequent taxable year of employment, whichever is less.

(3) To be eligible for the credit allowed by this subsection the employer shall receive certification from the Massachusetts rehabilitation commission that the employee qualifies not later than the day the employee begins work; provided, however, that the commissioner may establish reasonable exceptions to this paragraph by regulation.

(4) An employer that is eligible for and claims the credit allowed under this section in a taxable year with respect to a qualified employee with a disability shall be eligible for the credit in the subsequent taxable year with respect to such qualified employee. No credit allowed pursuant to this subsection shall be transferable.

(5) The secretary of health and human services, in consultation with the commissioner, shall promulgate regulations establishing an application process for the credit.

(6) The credit under this subsection shall be attributed on a pro rata basis to the owners, partners or members of the person allowed the credit under this subsection, and shall be allowed as a credit against the tax due pursuant to this chapter of such owners, partners or members, in a manner determined by the commissioner.

SECTION 2. Chapter 63 of the General Laws is hereby amended by inserting after section 35HH the following section:–

Section 35II. (a) For the purposes of this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:

“Employer”, a person who employs no more than 50 employees.

“Qualified employee with a disability”, a resident of the commonwealth, who is certified by the Massachusetts rehabilitation commission as meeting the definition of disability in the 42 U.S.C. § 12102 and has a primary place of employment in the commonwealth.

(b) An employer shall be allowed a credit against the tax liability imposed by this chapter equal to \$5,000 or 30 per cent of the wages paid to each qualified employee with a disability in the first taxable year of employment, whichever is less. An employer shall be allowed a credit against the tax liability imposed by this chapter equal to \$2,500 or 30 per cent of the wages paid to each qualified employee with a disability in any subsequent taxable year of employment, whichever is less.

(c) To be eligible for the credit allowed by this section the employer shall receive certification from the Massachusetts rehabilitation commission that the employee qualifies not later than the day the employee begins work; provided, however, that the commissioner may establish reasonable exceptions to this section by regulation.

(d) An employer that is eligible for and claims the credit allowed under this section in a taxable year with respect to a qualified employee with a disability shall be eligible for the credit in the subsequent taxable year with respect to such qualified employee. No credit allowed pursuant to this section shall be transferable.

(e) The secretary of health and human services, in consultation with the commissioner, shall promulgate regulations establishing an application process for the credit.

(f) The credit under this section shall be attributed on a pro rata basis to the owners, partners or members of the person allowed the credit under this section, and shall be allowed as a credit against the tax due pursuant to this chapter of such owners, partners or members, in a manner determined by the commissioner.

SECTION 3. Sections 1 and 2 shall be effective for tax years beginning on or after January 1, 2022.

SECTION 4. This bill shall be designated as the Workability Tax Credit Bill.

## Human Services Workforce

### Loan Repayment (MCHSP) for Human Service Workers

**HB.266, SB.120** — An Act relative to a loan repayment program for human service workers

Representatives Jeffrey N. Roy and Smitty Pignatelli and Senator Eric Lesser

*Overview: This bill encourages direct care workers to enter and continue working in community-based human services programs through loan reimbursement opportunities.*

#### *Bill Language:*

Chapter 6A of the general laws, as so appearing in the 2016 official edition, is hereby amended by inserting after section 16Z the following new section:–

Section 16AA. (a) As used in this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:

“qualified education loan,” any indebtedness, including interest on such indebtedness, incurred to pay tuition or other direct expenses incurred in the connection with the pursuit of a certificate, undergraduate or graduate degree by an applicant. It shall not include loans made by any person related to the applicant.

“human service provider,” a community-based human services organization with a human services program funded by the executive office of health and human services, the executive office of elder affairs, the department of housing and community development or the department of early education and care.

“human services worker,” an employee of a human service provider who provides treatment, support, or services to clients or their families.

(b) There shall be a student loan repayment program for human service workers to encourage individuals to enter the field and maintain employment at human service programs. The Executive Office of Health and Human Services shall administer the program in accordance with guidelines promulgated by the Department of Higher Education.

(c) To be eligible for this program, a participant must be working a minimum of 35 hours per week as a human service worker and have an individual income of no more than \$50,000 per year. Further, individuals must have maintained 12 consecutive months of employment as a human service worker at a minimum of 35 hours per week to be eligible for this program. This program will help defray costs from previously incurred student loans for graduates holding certificate, undergraduate or graduate degrees.

Eligible participants in this program can be reimbursed up to \$1,800 per year based on the amount of loan payments made by the participant. The Commonwealth shall repay the eligible participant’s student loan at a rate not to exceed \$150 per month for a period not to exceed 48 months.

Payments by the Commonwealth shall cover loan payments by the eligible participant only during the months in which the human service workers provides services in the Commonwealth, and the payments shall be made directly to the lender.

## Fair Pay for Comparable Work (MCHSP)

**HB.237, SB.105**— An Act relative fair pay for comparable work

Representative Kay Khan and Senator Cindy F. Friedman

*Overview: This bill seeks to have staff at private providers be paid the same as those in state-operated programs in the same fields. Providers would be given higher reimbursements to address the salary disparity while allowing the elderly and those individuals with disabilities, to maintain their rights, dignity, and independence by choosing their support staff.*

*Bill Language:*

SECTION 1. Chapter 6A of the General Laws, as so appearing in the 2018 Official Edition, is hereby amended by adding the following section:—

Section 105. (a) As used in this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:

“Human services provider,” a community-based human services organization with a human services program funded by the executive office of health and human services, the executive office of elder affairs or the department of housing and community development.

“Human services worker,” an employee of a human services provider who provides treatment, support, or services to clients or their families.

“Disparity amount,” the monetary calculation of the average difference in salary between human service workers and direct support workers or other comparable employees employed by the commonwealth’s state-operated programs for human services.

“Rate,” the reimbursement rate paid by the executive office of health and human services, the executive office of elder affairs, the department of housing and community development or the department of early education and care to a human service provider to deliver services to clients on the commonwealth’s behalf.

(b) Notwithstanding any general or special law to the contrary, the executive office of health and human services, the executive office of elder affairs and the department of housing and community development shall increase shall increase the rate of reimbursement for human services providers by an amount that reduces the disparity amount, as defined by subsection (a), to:

- (1) 50 percent on or before July 1, 2023;
- (2) 35 percent on or before July 1, 2024;
- (3) 20 percent on or before July 1, 2025;
- (4) 5 percent on or before July 1, 2026; and

(5) 0 percent on or before July 1, 2027, and shall remain at 0 percent thereafter.

(c) All increases in the rate of reimbursement provided for in this section shall be used to increase the compensation of human services workers.

(d) The executive office of health and human services, the executive office of administration and finance, the executive office of elder affairs, the department of housing and community development, and the department of early education and care shall adopt regulations to implement this section.

(e) Nothing in this section shall be construed to prohibit the elimination of the disparity amount prior to July 1, 2027.

SECTION 2. On or before January 1, 2022, the executive office of health and human services in conjunction with the executive office of administration and finance, the executive office of elder affairs and the department of housing and community development, in collaboration with the Massachusetts Council of Human Service Providers, Inc., shall provide a report to the senate and house committees on ways and means that includes recommendations to strengthen recruitment and retention of human services workers, as defined in subsection (a) of section 105 of chapter 6A of the General Laws, employed by human services providers, as defined in subsection (a) of section 105 of chapter 6A of the General Laws, that have contracts with the state.

SECTION 3. On or before July 1, 2022, and annually thereafter until the disparity amount is eliminated for human service workers under contract with each agency, respectively, the executive office of health and human services, the executive office of elder affairs and the department of housing and community development, in collaboration with the Massachusetts Council of Human Service Providers, Inc., shall each provide a report to the senate and house committees on ways and means, the joint committee on children, families and persons with disabilities, the joint committee on elder affairs, the joint committee on health care financing, the joint committee on mental health, substance use, and recovery, the joint committee on public health, and the joint committee on state administration and regulatory oversight that includes the following information:

(1) the current disparity amount, as defined in subsection (a) of section 105 of chapter 6A of the General Laws, between the salaries of human services workers, as defined in subsection (a) of section 105 of chapter 6A of the General Laws, employed by human service providers under contract with their department, as defined in subsection (a) of section 105 of chapter 6A of the General Laws, and direct support workers or other comparable employees employed by the commonwealth's state-operated programs for human services;

(2) the amount of annual increases in the rate of reimbursement, as defined in subsection (a) of section 105 of chapter 6A of the General Laws, to human service providers under contract with their department necessary to reduce and eliminate the disparity amount by July 1, 2027 pursuant to the schedule articulated in subsection (b) of section 105 of chapter 6A of the General Laws;

(3) the amount needed to be appropriated annually to achieve the reductions in the disparity amount described in paragraphs (1)–(5) of subsection (b) of section 105 of chapter 6A of the General Laws by July 1, 2027; and

(4) the implementation of rates necessary to eliminate the disparity amount by agency, job description and start date of implementation.

## General

# An Act Relative to Persons with Disabilities

**HB.261, SB.122**— An Act relative to persons with developmental disabilities

Representative James O’Day and Senator Joan Lovely

*Overview: This bill adopts the federal definition of developmental disability in place of the current state definition of developmental disability and will amend the definition to include all adult individuals with a developmental disability, e.g. cerebral palsy and fetal alcohol syndrome.*

*Bill Language:*

SECTION 1: Section 1 of Chapter 123B of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking lines 18 through 37 and inserting in place thereof the following:–

“Person with a developmental disability,” (1) an individual 5 years of age or older with a severe, chronic disability that: (i) is attributable to a mental or physical impairment or combination of mental and physical impairments; (ii) is manifested before the individual attains age 22; (iii) is likely to continue indefinitely; (iv) results in substantial function limitations in 3 or more of the following areas of major life activity: (1) self-care; (2) receptive and expressive language; (3) learning; (4) mobility; (5) self-direction; (6) capacity for independent living; and (7) economic self-sufficiency; and (v) reflects the individual’s need for a combination and sequence of special, interdisciplinary or generic services, individualized supports or other forms of assistance that are of a lifelong or extended duration and are individually planned and coordinated; or (2) an individual under the age of 5 who has a substantial developmental delay or specific congenital or acquired condition with a high probability that the condition will result in developmental disability if services are not provided. A person who has a developmental disability may be considered to be mentally ill; provided, however, that no person with a developmental disability shall be considered to be mentally ill solely by the reason of the person’s developmental disability.

SECTION 2: This act shall take effect on January 1, 2022.

## Katie’s Law

**HB.240, SB114** — An Act relative to individuals with intellectual or developmental disabilities

Representatives Kay Khan and Mindy Domb and Senator Patricia D. Jehlen

*Overview: This bill (Katie's Law) would strike out certain phrases/words and outdated language (mentally retarded, handicap)*

*Bill Language:*

SECTION 1. This act may be referred to as Katie's Law.

SECTION 2. Section 15F of chapter 6 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out, in lines 2 and 3, the words “Employ Handicapped Persons Week” and inserting in place thereof the following words:– Persons with Disabilities Employment Week.

SECTION 3. Section 15LLLL of said chapter 6, as so appearing, is hereby amended by striking out, in

line 2, the word “Autistic” and inserting in place thereof the following words:- Autism .

SECTION 4. Section 1500000 of said chapter 6, as so appearing, is hereby amended by striking out, in lines 4 and 5, the words “on behalf of all disabled individuals” and inserting in place thereof the following words:- and all people with disabilities.

SECTION 5. Section 56 of said chapter 6, as so appearing, is hereby amended by striking out, in lines 47 and 48, the words “and handicapped persons” and inserting in place thereof the following words:- persons and persons with disabilities.

SECTION 6. Section 74 of said chapter 6, as so appearing, is hereby amended by striking out, in lines 2, 6 and 9, the words “handicapped persons” and inserting in place thereof, in each instance, the following words:- persons with disabilities.

SECTION 7. Section 76 of said chapter 6, as so appearing, is hereby amended by striking out, in line 7, the word “handicaps” and inserting in place thereof the following words:- disabilities.

SECTION 8. Section 77 of said chapter 6, as so appearing, is hereby amended by striking out, in line 5, 34 and 58, the words “handicapped individual” and inserting in place thereof the following words:- individual with disabilities.

SECTION 9. Said section 77 of said chapter 6, as so appearing, is hereby further amended by striking out, in line 17, the words “handicapped individual’s family” and inserting in place thereof the following words:- family of the individual with disabilities.

SECTION 10. Section 78 of said chapter 6, as so appearing, is hereby amended by striking out, in lines 3 and 4 and 23, the words “handicapped individual” and inserting in place thereof the following words:- individual with disabilities.

SECTION 11. Said section 78 of said chapter 6, as so appearing, is hereby further amended by striking out, in lines 8 and 9, 15 and 16 and 17, the words “handicapped individuals” and inserting in place thereof the following words:- individuals with disabilities.

SECTION 12. Section 78A of said chapter 6, as so appearing, is hereby amended by striking out, in line 3 and 13, the words “handicapped persons” and inserting in place thereof the following words:- persons with disabilities.

SECTION 13. Section 79 of said chapter 6, as so appearing, is hereby amended by striking out, in lines 20 and 27, the words “handicapped individuals” and inserting in place thereof, in each instance, the following words:- persons with disabilities.

SECTION 14. Said section 79 of said chapter 6, as so appearing, is hereby further amended by striking out, in line 25, the words “handicapped persons” and inserting in place thereof the following words:- persons with disabilities.

SECTION 15. Said section 79 of said chapter 6, as so appearing, is hereby further amended by striking out, in line 28, the word “handicapped individual” and inserting in place thereof the following words:- person with disabilities.

SECTION 16. Section 81 of said chapter 6, as so appearing, is hereby amended by striking out, in lines 8, 10, 14 and 17, the words “handicapped persons” and inserting in place thereof, in each instance, the following words:- persons with disabilities.

SECTION 17. Section 84 of said chapter 6, as so appearing, is hereby amended by striking out, in

line 24, the words “handicapped person” and inserting in place thereof the following words:– person with disabilities.

SECTION 18. Section 172C of chapter 6 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out, in line 5, the words “is mentally retarded” and inserting in place thereof the following words:– “has an intellectual or developmental disability”.

SECTION 19. Section 172C of said chapter 6, as so appearing, is hereby amended by striking out, in line 5, the words “Disabled person” and inserting in place thereof the following words:– Person with disabilities.

SECTION 20. Said section 172C of said chapter 6, as so appearing, is hereby further amended by striking out, in lines 6 and 7, the words “is otherwise mentally or physically disabled” and inserting in place thereof the following words:– otherwise has a mental or physical disability.

SECTION 21. Said section 172C of said chapter 6, as so appearing, is hereby further amended by striking out, in lines 17 and 33 and 34, the words “disabled person” and inserting in place thereof, in each instance, the following words:– person with disabilities.

SECTION 22. Said section 172C of said chapter 6, as so appearing, is hereby further amended by striking out, in lines 18 and 20 and 21, the words “disabled persons” and inserting in place thereof, in each instance, the following words:– persons with disabilities.

SECTION 23. Said section 172C of said chapter 6, as so appearing, is hereby further amended by striking out, in line 36, the words “the disabled” and inserting in place thereof the following words:– a person with disabilities.

SECTION 24. Section 172E of said chapter 6, as so appearing, is hereby amended by striking out, in line 10, the words “or disabled person” and inserting in place thereof the following words:– person or person with disabilities.

SECTION 25. Said section 172E of said chapter 6, as so appearing, is hereby further amended by striking out, in line 13, the words “or disabled persons” and inserting in place thereof the following words:– persons or persons with disabilities.

SECTION 26. Said section 172E of said chapter 6, as so appearing, is hereby further amended by striking out, in line 21, the words “the disabled” and inserting in place thereof the following words:– persons with disabilities.

SECTION 27. Section 178C of said chapter 6, as so appearing, is hereby amended by striking out, in line 60 and in line 138, the words “mentally retarded person” and inserting in place thereof the following words:– “person with an intellectual or developmental disability”.

SECTION 28. Section 178K of said chapter 6, as so appearing, is hereby amended by striking out, in line 236, the words “the mentally retarded” and inserting in place thereof the following words:– “people with intellectual disabilities”; and by striking out, in line 259, the words “mentally retarded person” and inserting in place thereof the following words:– “person with an intellectual or developmental disability”.

SECTION 29. Section 22N of chapter 7 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out, in lines 13–14, the words “mental retardation” and inserting in place thereof the following words:– “developmental services”.

SECTION 30. Section 38 of chapter 10 of the General Laws, as appearing in the 2018 Official Edition,

is hereby amended by striking out, in line 9, the words “retarded children” and inserting in place thereof the following words:- “children with an intellectual disability”.

SECTION 31. Section 38 of chapter 10 of the General Laws, as so appearing, is hereby amended by striking out, in line 133, the words “handicapped person” and inserting in place thereof the following words:- person with disabilities.

SECTION 32. Section 15B of chapter 15 of the General Laws, as so appearing, is hereby amended by striking out, in line 4, the words “visually-handicapped children” and inserting in place thereof the following words:- children with visual impairments.

SECTION 33. Section 5 of chapter 18 of the General Laws, as so appearing, is hereby amended by striking out, in line 18, the words “the disabled and the handicapped resident” and inserting in place thereof the following words:- residents with a disability.

SECTION 34. Section 21 of chapter 19 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out, in line 16, the words “mentally retarded” and inserting in place thereof the following words:- “intellectually or developmentally disabled”.

SECTION 35. Section 4 of chapter 19A of the General Laws, as so appearing, is hereby amended by striking out, in line 9, the words “adult handicapped” and inserting in place thereof the following words:- adults with disabilities.

SECTION 36. Section 7 of chapter 19B of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out, in line 2, the words “mental retardation”.

SECTION 37. Section 8 of said chapter 19B, as so appearing, is hereby amended by striking out, in line 3, the words “mental retardation”; and further amended by striking out, in lines 6-7, the words “the mentally retarded” and inserting in place thereof the following words:- “people with intellectual or developmental disabilities”.

SECTION 38. Section 2 of chapter 21H of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out, in lines 73-74, the word “retarded” and inserting in place thereof the following words:- “intellectually or developmentally disabled”.

SECTION 39. Section 13A of chapter 22 of the General Laws, as so appearing, is hereby amended by striking out, in line 12, the words “the physically handicapped” and inserting in place thereof the following words:- persons with physical disabilities.

SECTION 40. Said section 13A of said chapter 22, as so appearing, is hereby further amended by striking out, in lines 41, 47, 48, 50, 53 and 80 and 81, the words “handicapped persons” and inserting in place thereof, in each instance, the following words:- persons with disabilities.

SECTION 41. Said section 13A of said chapter 22, as so appearing, is hereby further amended by striking out, in lines 102 and 103, 109 and 110, 116 and 117, 126, 177, 179 and 187, the words “physically handicapped persons” and inserting in place thereof, in each instance, the following words:- persons with physical disabilities.

SECTION 42. Said section 13A of said chapter 22, as so appearing, is hereby further amended by striking out, in lines 200 and 204, the words “Physically handicapped persons” and inserting in place thereof the following words:- Persons with physical disabilities.

SECTION 43. Section 32 of chapter 22C of the General Laws, as so appearing, is hereby amended by striking out, in line 13, the word “handicap” and inserting in place thereof the following word:-

disability.

SECTION 44. Section 3 of chapter 23B of the General Laws, as so appearing, is hereby amended by striking out, in line 49, the words “the handicapped” and inserting in place thereof the following words:– people with disabilities.

SECTION 45. Section 6 of chapter 23H of the General Laws, as so appearing, is hereby amended by striking out, in line 7, the words “handicapped persons” and inserting in place thereof the following words:– persons with disabilities.

SECTION 46. Section 5 of chapter 31 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out, in line 30, the words “handicapped persons” and inserting in place thereof the following words:– persons with disabilities.

SECTION 47. Said section 5 of said chapter 31, as so appearing, is hereby further amended by striking out, in line 33, the word “handicapped” and inserting in place thereof the following words:– persons with disabilities.

SECTION 48. Section 16 of said chapter 31, as so appearing, is hereby amended by striking out, in line 10 and 13, the words “handicapped person” and inserting in place thereof, in each instance, the following words:– person with disabilities.

SECTION 49. Section 47 of chapter 31 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out, in lines 32–33, the words “such mentally retarded person” and inserting in place thereof the following words:– “a person with an intellectual disability”.

SECTION 50. Section 47A of said chapter 31, as so appearing, is hereby amended by striking out, in line 50, the words “is handicapped” and inserting in place thereof the following words:– has a disability.

SECTION 51. Clause (e) of subsection 1 of Section 1 of chapter 31A of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out, in line 24, the word “handicap” and inserting in place thereof the following word:– “disability”.

SECTION 52. Section 1 of chapter 31A of the General Laws, as so appearing, is hereby amended by striking out, in line 24, the words “handicap” and inserting in place thereof the following words:– disability.

SECTION 53. Section 23 of chapter 32 of the General Laws, as amended by section 8 of chapter 86 of the acts of 2015, is hereby amended by striking out, in subsection (b) of paragraph (5), in line 418, the words “physical handicap” and inserting in place thereof the following word:– “disability”.

SECTION 54. Section 23 of chapter 32 of the General Laws, as so appearing, is hereby amended by striking out, in line 418, the words “physical handicap” and inserting in place thereof the following words:– physical disability.

SECTION 55. Section 2 of chapter 32A of the General Laws, as so appearing, is hereby amended by striking out, in line 70, the words “handicapped child” and inserting in place thereof the following words:– child with a disability.

SECTION 56. Section 14B of chapter 34 of the General Laws, as so appearing, is hereby amended by striking out, in line 3, the words “handicapped person” and inserting in place thereof the following words:– person with disabilities.

SECTION 57. Said section 14B of said chapter 34, as so appearing, is hereby further amended by striking out, in line 4, the words “handicapped persons” and inserting in place thereof the following words:- persons with disabilities.

SECTION 58. Said section 14B of said chapter 34, as so appearing, is hereby further amended by striking out, in line 9, the words “the handicapped” and inserting in place thereof the following words:- persons with disabilities.

SECTION 59. Section 3 of chapter 38 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out, in line 21, the words “mental retardation” and inserting in place thereof the following words:- “developmental services”.

SECTION 60. Section 21 of chapter 40 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out, in lines 137, 139-140, 142, 152-153, 155,157, 182, 192-193 and 197 the words “handicapped person(s)” and inserting in place thereof the following words:- “person(s) with disabilities”.

SECTION 61. Section 21 of chapter 40 of the General Laws, as appearing in the 2018 Official Edition, is hereby further amended by striking out, in line 177 the word “Handicapped” and inserting in place thereof the following word:- “Disability”.

SECTION 62. Section 21 of chapter 40 of the General Laws, as appearing in the 2018 Official Edition, is hereby further amended by striking out, in line 185 the word “handicapped” and inserting in place thereof the following word:- “disability”.

SECTION 63. Section 22 of chapter 40 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out, in lines 17-18, the words “disabled veterans and handicapped persons” and inserting in place thereof the following words:- “veterans with disabilities and persons with disabilities”.

SECTION 64. Section 22A of chapter 40 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out, in lines 32-33 and 53 the words “disabled veteran” and inserting in place thereof the following words:- “veteran with disabilities”.

SECTION 65. Section 22A of chapter 40 of the General Laws, as appearing in the 2018 Official Edition, is hereby further amended by striking out, in lines 37, 55 and 68-69 the words “handicapped person” and inserting in place thereof the following words:- “person with a disability”.

SECTION 66. Section 22A of chapter 40 of the General Laws, as appearing in the 2018 Official Edition, is hereby further amended by striking out, in line 61 the words “handicapped persons” and inserting in place thereof the following words:- “persons with disabilities”.

SECTION 67. Section 22A of chapter 40 of the General Laws, as appearing in the 2018 Official Edition, is hereby further amended by striking out, in line 41 the word “Handicapped” and inserting in place thereof the following word:- “Disability”.

SECTION 68. Section 22D of chapter 40 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out, in lines 15, 17 and 20 the words “handicapped person” and inserting in place thereof the following words:- “person with a disability”.

SECTION 69. Section 22D of chapter 40 of the General Laws, as appearing in the 2018 Official Edition, is hereby further amended by striking out, in line 17 the words “disabled veteran” and inserting in place thereof the following words:- “veteran with a disability”.

SECTION 70. Section 3 of chapter 40A of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out, in line 96 the words “disabled person” and inserting in place thereof the following words:- “person with disability”.

SECTION 71. Section 3 of chapter 40A of the General Laws, as appearing in the 2018 Official Edition, is hereby further amended by striking out, in line 119 the words “handicapped access ramps” and inserting in place thereof the following words:- “access ramps for persons with disabilities”.

SECTION 72. Section 3 of chapter 40A of the General Laws, as appearing in the 2018 Official Edition, is hereby further amended by striking out, in line 121 the words “physically handicapped person” and inserting in place thereof the following words:- “person with a physical disability”.

SECTION 73. Section 98F of chapter 41 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out, in lines 13-14 the words “handicapped individual” and inserting in place thereof the following words:- “individual with a disability”.

SECTION 74. Section 6 of chapter 64H of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out, in line 351 the words “to be permanently disabled” and inserting in place thereof the following words:- “to have a permanent disability”.

SECTION 75. Section 6 of chapter 64H of the General Laws, as appearing in the 2018 Official Edition, is hereby further amended by striking out, in line 353 the words “disabled veteran” and inserting in place thereof the following words:- “veteran with a disability”.

SECTION 76. Section 6 of chapter 64H of the General Laws, as appearing in the 2018 Official Edition, is hereby further amended by striking out, in line 437 the words “developmentally disabled individuals” and inserting in place thereof the following words:- “individuals with developmental disabilities”.

SECTION 77. Section 3 of chapter 71B of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out, in lines 175 and 217, the words “mental retardation” and inserting in place thereof, in each instance, the following words:- “developmental services”.

SECTION 78. Section 12B of chapter 76 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out, in line 197 the words “physical handicap” and inserting in place thereof the following words:- “physical disability”.

SECTION 79. Section 19E of chapter 78 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out, in line 40 the words “to the handicapped” and inserting in place thereof the following words:- “to persons with disabilities”.

SECTION 80. Section 19E of chapter 78 of the General Laws, as appearing in the 2018 Official Edition, is hereby further amended by striking out, in lines 51-52 the words “persons who are visually impaired, mentally, physically or emotionally handicapped” and inserting in place thereof the following words:- “persons with visual, mental, physical or emotional disabilities”.

SECTION 81. Section 2 of chapter 85 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out, in line 95 the words “otherwise handicapped children” and inserting in place thereof the following words:- “other children with disabilities”.

SECTION 82. Section 2 of chapter 90 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out, in lines 185 and 257-258 the words “or handicap” and inserting on place thereof the following words “or disability”.

SECTION 83. Section 2 of chapter 90 of the General Laws, as appearing in the 2018 Official Edition, is hereby further amended by striking out, in lines 307 and 310 the words “handicapped persons” and inserting in place thereof the following words:- “persons with disabilities”.

SECTION 84. Section 2 of chapter 90 of the General Laws, as appearing in the 2018 Official Edition, is hereby further amended by striking out, in lines 322, 339 and 355 the words “handicapped person” and inserting in place thereof the following words:- “person with a disability”.

SECTION 85. Section 2 of chapter 90 of the General Laws, as appearing in the 2018 Official Edition, is hereby further amended by striking out, in lines 321 and 333 the word “handicapped ” and inserting in place thereof the following words:- “disabled”.

SECTION 86. Section 2 of chapter 90 of the General Laws, as appearing in the 2018 Official Edition, is hereby further amended by striking out, in lines 325 and 352, 358, 363, 374, 375, 376-377, 378-379, 380, 383-385, 387 and 389 the word “handicapped ” and inserting in place thereof the following words:- “disability”.

SECTION 87. Section 41 of chapter 92 of the General Laws, as appearing in the 2018 Official Edition, is hereby further amended by striking out, in lines 4-5 the words “disabled veteran or handicapped person” and inserting in place thereof the following words:- “veteran with a disability or person with a disability”.

SECTION 88. Section 4 of chapter 92B of the General Laws, as appearing in the 2018 Official Edition, is hereby further amended by striking out, in line 28 the words “physical handicap” and inserting in place thereof the following words:- “physical disability”.

SECTION 89. Subsection (a) of section 103 of chapter 93 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out, in line 2, the word “handicap” and inserting in place thereof the following word:- “disability”.

SECTION 90. Section 295CC of chapter 94 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out in lines 5-6, the words “handicapped person or disabled veteran number plates” and inserting in place thereof the following words:- “person with a disability or veteran with a disability number plates”.

SECTION 91. Section 2A of chapter 111 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out in line 4, the words “handicapped person” and inserting in place thereof the following words:- “person with a disability”.

SECTION 92. Section 4O of chapter 111 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out, in line 24, the words “mental retardation” and inserting in place thereof the following words:- “developmental services”.

SECTION 93. Section 24E of said chapter 111 of the General Laws, as so appearing, is hereby amended by striking out, in line 9, the word “handicap” and inserting in place thereof the following word:- “disability”.

SECTION 94. Section 62J of said chapter 111, as so appearing, is hereby amended by striking out, in line 14, the words “mental retardation” and inserting in place thereof the following words:- “intellectual or developmental disability”.

SECTION 95. Section 67E of said chapter 111, as so appearing, is hereby amended by striking out, in lines 40 to 41, the words “mental retardation” and inserting in place thereof the following words:- “intellectual disability”.

SECTION 96. Section 69E of said chapter 111, as so appearing, is hereby amended by striking out, in line 9, the words “mental retardation” and inserting in place thereof the following words:– “intellectual or developmental disability”.

SECTION 97. Section 71 of said chapter 111, as so appearing, is hereby amended by striking out, in lines 10, 24–25, 80, 92, 137, 183, 186 and 226, the words “the mentally retarded” and inserting in place thereof, in each instance, the following words:– “persons with intellectual disabilities”; and further amended by inserting after the word “mental”, in line 192, the word:– “health”.

SECTION 98. Section 72 of said chapter 111, as so appearing, is hereby amended by striking out, in lines 3–4, the words “the mentally retarded” and inserting in place thereof the following words:– “persons with intellectual disabilities”; and further amended by striking out, in line 17, the words “mentally retarded and”.

SECTION 99. Section 72Y of said chapter 111, as so appearing, is hereby amended by striking out, in lines 11–12, the word “retarded” and inserting in place thereof the following words:– “persons with intellectual or developmental disabilities”.

SECTION 100. Section 193 of said chapter 111, is hereby amended by striking out, in lines 12–13, the words “or retarded”.

SECTION 101. Section 23A of chapter 112 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out in line 38, the words “for the handicapped” and inserting in place thereof the following words:– “for persons with disabilities”.

SECTION 102. Section 163 of chapter 112 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out in line 31, the words “physically or mentally handicapped individuals” and inserting in place thereof the following words:– “individuals with physical disabilities or mental health issues”.

SECTION 103. Section 23 of chapter 119 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out, in lines 49–50, the words “mental retardation” and inserting in place thereof the following words:– “intellectual or developmental disabilities”.

SECTION 104. Section 10 of chapter 121A of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out in line 153, the words “handicapped persons” and inserting in place thereof the following words:– “persons with disabilities”.

SECTION 105. Section 10 of chapter 121A of the General Laws, as appearing in the 2018 Official Edition, is hereby further amended by striking out in line 154, the words “learning disabled children” and inserting in place thereof the following words:– “children with learning disabilities”.

SECTION 106. Section 38 of chapter 121B of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out in lines 30 and 39 the words “handicapped persons” and inserting in place thereof the following words:– “persons with disabilities”.

SECTION 107. Section 38A of chapter 121B of the General Laws, as appearing in the 2018 Official Edition, is hereby further amended by striking out in lines 2, 8, and 16 the word “handicapped” and inserting in place thereof the following words:– “persons with disabilities”.

SECTION 108. Section 38A of chapter 121B of the General Laws, as appearing in the 2018 Official Edition, is hereby further amended by striking out in lines 11, 18, 21, 25, and 28 the words “handicapped persons” and inserting in place thereof the following words:– “persons with disabilities”.

SECTION 109. Section 38A of chapter 121B of the General Laws, as appearing in the 2018 Official Edition, is hereby further amended by striking out in line 30 the words “physically handicapped” and inserting in place thereof the following words:- “physical disabilities”.

SECTION 110. Section 38A of chapter 121B of the General Laws, as appearing in the 2018 Official Edition, is hereby further amended by striking out in lines 31–32 the words “mental retardation, emotional deficiencies” and inserting in place thereof the following words:- “mental or emotional disabilities”.

SECTION 111. Section 38A of chapter 121B of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out, in line 31, the words “mental retardation” and inserting in place thereof the following words:- “intellectual or developmental disabilities”.

SECTION 112. Section 1 of chapter 121B of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out in line 96 the words “handicapped persons” and inserting in place thereof the following words:- “persons with disabilities”.

SECTION 113. Section 1 of chapter 121B of the General Laws, as appearing in the 2018 Official Edition, is hereby further amended by striking out in line 109 the words “handicapped person” and inserting in place thereof the following words:- “person with a disability”.

SECTION 114. Section 1 of chapter 121B of the General Laws, as appearing in the 2018 Official Edition, is hereby further amended by striking out in line 110 the word “handicap” and inserting in place thereof the following words:- “disability”.

SECTION 115. Section 32 of chapter 121B of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out in lines 130 and 136 the words “disabled veterans” and inserting in place thereof the following words:- “veterans with disabilities”.

SECTION 116. Section 32 of chapter 121B of the General Laws, as appearing in the 2018 Official Edition, is hereby further amended by striking out in lines 150, 153 and 155 the word “handicap” and inserting in place thereof the following word:- “disability”.

SECTION 117. Section 32 of chapter 121B of the General Laws, as appearing in the 2018 Official Edition, is hereby further amended by striking out in line 181 the words “disabled veteran” and inserting in place thereof the following words:- “veteran with a disability”.

SECTION 118. Section 38B of chapter 121B of the General Laws, as appearing in the 2018 Official Edition, is hereby further amended by striking out in line 156 the words “handicapped persons” and inserting in place thereof the following words:- “persons with disabilities”.

SECTION 119. Section 39 of chapter 121B of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out in lines 3, 38–39, 44, 48, 50, 52, 63, 68, 73 and 76 the words “handicapped persons” and inserting in place thereof the following words:- “persons with disabilities”.

SECTION 120. Section 40 of chapter 121B of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out in its title and in lines 2, 6, 12, 19–20 and 62 the words “handicapped persons” and inserting in place thereof the following words:- “persons with disabilities”.

SECTION 121. Section 40 of chapter 121B of the General Laws, as appearing in the 2018 Official Edition, is hereby further amended by striking out in lines 13, 24 and 26 the word “handicapped” and inserting in place thereof the following words:- “disabled”.

SECTION 122. Section 40 of chapter 121B of the General Laws, as appearing in the 2018 Official Edition, is hereby further amended by striking out in lines 27 and 41 the words “handicapped person” and inserting in place thereof the following words:– “person with a disability”.

SECTION 123. Section 41A of chapter 121B of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out in lines 5, 7, 18 and 19 the words “handicapped persons” and inserting in place thereof the following words:– “persons with disabilities”.

SECTION 124. Section 42 of chapter 121B of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out in lines 6 and 19 the words “handicapped persons” and inserting in place thereof the following words:– “persons with disabilities”.

SECTION 125. Section 42 of chapter 121B of the General Laws, as appearing in the 2018 Official Edition, is hereby further amended by striking out in lines 7 and 20 the word “handicapped” and inserting in place thereof the following word:– “disabled”.

SECTION 126. Section 44 of chapter 121B of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out in line 10 the words “handicapped persons” and inserting in place thereof the following words:– “persons with disabilities”.

SECTION 127. Section 44 of chapter 121B of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out in line 11 the word “handicapped” and inserting in place thereof the following words:– “disabled”.

SECTION 128. Section 1 of chapter 122 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out, in line 11, the words “mental retardation” and inserting in place thereof the following:– “intellectual or developmental disability”.

SECTION 129. Section 14 of said chapter 122, as so appearing, is hereby amended by striking out, in lines 3–4, the words “mental retardation” and inserting in place thereof the following words:– “intellectual or developmental disability”.

SECTION 130. Section 1 of chapter 123A of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out, in lines 45–46, the words “mentally retarded person” and inserting in place thereof the following words:– “person with an intellectual or developmental disability”.

SECTION 131. Chapter 123B of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out the title and inserting in place thereof the following title:– “Developmental Services” and further amended in Section 3 by striking out, in line 5, the phrase “the mentally retarded” and inserting in place thereof the following:– “persons with intellectual disabilities”.

SECTION 132. Section 133E of chapter 127 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out, in line 14, the words “mentally retarded person” and inserting in place thereof the following words:– “person with an intellectual or developmental disability”.

SECTION 133. Said section 13 of chapter 131 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out, in lines 49–50, the words “mentally retarded” and inserting in place thereof, in each instance, the following words:– “intellectually or developmentally disabled”.

SECTION 134. Section 2D of chapter 132A of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out in line 17 the words “handicapped person” and inserting

in place thereof the following words:- “persons with disabilities”.

SECTION 135. Section 3W of chapter 143A of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out in line 16 the words “physically handicapped” and inserting in place thereof the following words:- “persons with a physical disability”.

SECTION 136. Section 30A of chapter 149 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out, in line 22, the words “mental retardation” and inserting in place thereof the following words:- “developmental services”.

SECTION 137. Section 1A of chapter 151 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out in line 32 the words “handicapped person” and inserting in place thereof the following words:- “person with a disability”.

SECTION 138. Section 9 of chapter 151 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out in line 5 the words “physical or mental deficiency” and inserting in place thereof the following words:- “physical or mental disability”.

SECTION 139. Section 9 of chapter 151 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out in line 7 the words “handicapped person” and inserting in place thereof the following words:- “person with a disability”.

SECTION 140. Section 1 of chapter 151B of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out in lines 138 and 155 the word “handicap” and inserting in place thereof the following word:- “disability”.

SECTION 141. Section 1 of chapter 151B of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out in line 154 the words “handicapped person” and inserting in place thereof the following words:- “person with a disability”.

SECTION 142. Section 3 of chapter 151B of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out in line 56 the words “handicapped persons” and inserting in place thereof the following words:- “persons with disabilities”.

SECTION 143. Section 4 of chapter 151B of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out in lines 191, 207, 214 and 338 and 421 the words “handicapped person” and inserting in place thereof the following word:- “person with a disability”.

SECTION 144. Section 4 of chapter 151B of the General Laws, as appearing in the 2018 Official Edition, is hereby further amended by striking out in lines 190, 267, 296, 303, 315, 329, 364, 371, 381, and 401 the words “handicap” and inserting in place thereof the following word:- “disability”.

SECTION 145. Section 28 of chapter 152 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out, in lines 13-14, the words “mentally retarded persons” and inserting in place thereof the following words:- “persons with intellectual or developmental disabilities”.

SECTION 146. Section 75B of chapter 152 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out in line 5 the words “handicapped person” and inserting in place thereof the following words:- “person with a disability”.

SECTION 147. Subsection(a) of section 5 of chapter 161A of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out, in line 11, the word “handicap” and inserting in place thereof the following word:- “disability”.

SECTION 148. Section 25 of said chapter 161A, as so appearing, is hereby amended by striking out, in lines 22–23, the words “handicapping condition” and inserting in place thereof the following words:– “disability”.

SECTION 149. Section 120A of chapter 175 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out, in line 3, the words “mental retardation” and inserting in place thereof, in each instance, the following words:– “intellectual or developmental disability”.

SECTION 150. Section 17A of chapter 186 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out, in line 72, the words “mentally retarded persons” and inserting in place thereof the following words:– “persons with an intellectual or developmental disability”.

SECTION 151. Section 5–101 of chapter 190B of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out paragraph (12).

SECTION 152. Section 5–304 of said chapter 190B, as so appearing, is hereby amended by striking out, in line 16, the words “mentally retarded” and inserting in place thereof the following words:– “intellectually or developmentally disabled”.

SECTION 153. Section 5–309 of said chapter 190B, as so appearing, is hereby amended by striking out, in line 57, the words “mental retardation” and inserting in place thereof the following words:– “developmental services.”

SECTION 154. Section 32 of chapter 209 of the General Laws, of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out, in line 6, the words “mental retardation” and inserting in place thereof the following words:– “intellectual disability.”

SECTION 155. Section 9 of chapter 221A of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out in line 22 the words “handicapped individuals” and inserting in place thereof the following words:– “persons with disabilities”.

SECTION 156. Section 16 of chapter 224 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out in lines 5–6, 42 and 53 the words “handicapped person” and inserting in place thereof the following words:– “person with a disability”.

SECTION 157. Section 85V of chapter 231 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out in lines 23–24 the words “physically handicapped or mentally retardation” and inserting in place thereof the following words:– “physical or mental disability”.

SECTION 158. Section 85V of chapter 231 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out, in line 24, the words “mentally retarded” and inserting in place thereof the following words:– “persons with intellectual or developmental disabilities.”

SECTION 159. Section 23E of chapter 233 of the General Laws, of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out, in lines 36 and 50, the words “mental retardation” and inserting in place thereof, in each instance, the following words:– “an intellectual disability”.

SECTION 160. Section 3 of chapter 234A of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out in lines 10–11 the words “physically handicapped persons” and inserting in place thereof the following words:– “persons with a physical disability”.

SECTION 161. Section 56 of chapter 234A of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out in line 9 the word “handicapped” and inserting in place thereof the following words:- “disabled”.

SECTION 162. Section 34 of chapter 235 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out in line 56 the words “handicapped persons” and inserting in place thereof the following words:- “persons with physical disabilities”.

SECTION 163. Section 9 of chapter 239 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out in line 13 the words “physically handicapped person” and inserting in place thereof the following words:- “person with a disability”.

SECTION 164. Section 9 of chapter 239 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out in line 32 the words “handicapped persons” and inserting in place thereof the following words:- “persons with disabilities”.

SECTION 165. Section 5B of chapter 260 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out, in line 5, the word “handicap” and inserting in place thereof the following word:- “disability”.

SECTION 166. Section 13F of chapter 265 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out, in lines 2, 3, 12-16, the words “an intellectual disability” and inserting in place thereof, in each instance, the following words:- “an intellectual or developmental disability”; and further amended by striking out, in lines 21-22, the words “mentally retarded” and inserting in place thereof, in each instance, the following words:- “person with an intellectual or developmental disability”.

SECTION 167. Section 39 of chapter 265 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out in line 11 the words “handicap” and inserting in place thereof the following words:- “disability”.

SECTION 168. Section 45 of said chapter 265, as so appearing, is hereby amended by striking out, in line 3, the words “mentally retarded person” and inserting in place thereof the following words:- “person with an intellectual or developmental disability”.

SECTION 169. Section 7 of chapter 268A of the General Laws, as appearing in the 2018 Official Edition, is thereby amended by striking out, in line 66, the words “mentally retarded” and inserting in place thereof the following words:- “intellectually or developmentally disabled”.

SECTION 170. Section 98A of chapter 272 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out in line 2 the words “handicapped person” and inserting in place thereof the following words:- “person with a disability”.

SECTION 171. Section 98A of chapter 272 of the General Laws, as appearing in the 2018 Official Edition, is hereby further amended by striking out in lines 9 and 14 the words “handicapped” and inserting in place thereof the following words:- “disabled”.

SECTION 172. Section 98A of chapter 272 of the General Laws, as appearing in the 2018 Official Edition, is hereby further amended by striking out in lines 10 and 15 the words “physically handicapped person” and inserting in place thereof the following words:- “person with a physical disability”.

## Disability Commission on History of State Institutions

**HB.2090** — An Act establishing special commission to study and report on the history of state institutions for people with intellectual and developmental and mental health in the Commonwealth.

Representatives Sean Garballey and Senator Mike Barrett

*Overview: This bill will establish a commission that will present a human rights framework for public recognition of citizens who lived in institutions, including recommendations for memorialization and public education.*

*Bill Language:*

Section 1. There is hereby established a special commission to study and report on the history of state institutions for people with developmental and mental health disabilities in the Commonwealth. The commission shall be independent of supervision or control by any executive agency and shall provide objective perspectives on the matters before it.

In fulfillment of its responsibility the commission shall (1) review existing records in the possession of the commonwealth from, and related to, the network of state institutions for people with developmental disabilities and mental health issues; (2) examine the current availability of, and barriers to, accessing those records for former residents, their descendants, relatives, and the general public; (3) assess the quality of life of former residents now living in the community; (4) assess and compile records of burial locations for all residents who died while in the care of the commonwealth, (5) determine the likelihood and possible location of unmarked graves at former state institutions (6) present a human rights framework for public recognition of the commonwealth's guardianship of citizens with disabilities throughout history, including recommendations for memorialization and public education; (7) collect testimonials from former residents of state institutions as part of a human rights report (8) and submit its findings and recommendations to the secretary of the commonwealth, the clerks of the senate and the house of representatives, the chairs of the joint committee on children families and persons with disabilities not later than January 1, 2023. The secretary shall make the report publicly available.

Section 2. The commission shall consist of 18 members, 1 of whom shall be a designee of the department of health and human services; 1 of whom shall be a designee of the department of developmental services; 1 of whom shall be a designee of the department of mental health; 1 of whom shall be a designee of the secretary of the commonwealth archives; 1 of whom shall be a designee of the secretary of the commonwealth office of the state archaeologist; 2 of whom shall be the chairs of joint committee on persons with disabilities or their designee; 1 of whom shall be a representative of the disabled persons protection commission; 1 of whom shall be a representative of the centers for independent living in Massachusetts; 1 of whom shall be a former resident of a state institution for people with mental illness appointed by the governor; 1 of whom shall be a former resident of a state institution for people with cognitive and developmental disabilities appointed by the governor; 1 of whom shall be designee of the Arc of Massachusetts; 1 of whom shall be a designee of the Disability Law Center; 1 of whom shall be a designee of Mass Advocates Standing Strong; 1 of whom shall be a designee of Mass Advocates Organizing for Change. 1 of whom shall be a community member designated by the governor; 1 of whom shall be a community member designated by the senate president; and 1 of whom shall be a community member designated by speaker of the house of representatives. A majority of the members of the commission must identify as persons with disabilities. In making appointments, the chairperson shall, to the maximum extent feasible, ensure that the commission represents a broad distribution of perspectives and geographic regions.