

Massachusetts Down Syndrome Congress State Legislative Priorities



For the 193rd Session of the General Court
2023-2024

Recommended by the
MDSC Government Affairs Committee

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MASSACHUSETTS DOWN SYNDROME CONGRESS PRIORITY BILL

An Act Relative to Applied Behavioral Analysis

HB.1084, SB.617- An Act relative to applied behavioral analysis therapy

Representatives Jack Patrick Lewis and Sean Garballey and Senator Julian Cyr

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 to Improve Augmentative and Alternative Communications and Opportunities for Children with Disabilities

HB.433, SB.326 – 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 P. 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:

Notwithstanding any general or special law, rule, or regulation to the contrary, the board of elementary and secondary education shall repromulgate 603 CMR 7.03(3) as necessary to establish the requirement that all approved programs for teachers include instruction on the appropriate use of augmentative and alternative communication and other assistive technologies; provided further the board may require that individual professional development plans required by section 38G of chapter 71 address the learning needs of students who are nonverbal or have limited speech requiring augmentative and alternative communication.

An Act Relative to Certification of Interpreters in Educational Settings

HB.437, SB.253-

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

Representatives Antonio F.D 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 2020 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” is a parent conference, community meeting, or other school gatherings 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 ensure equitable access to education, including special education services, for all students in Massachusetts

HB.454, SB.249- An Act to ensure equal access to education, including special education services, for all students in Massachusetts.

Representative Marjorie C. Decker and Senator Cynthia Stone Creem

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:

SECTION 1. Section 1I of chapter 69 of the General Laws, as appearing in the 2020 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. Said section 1I of said chapter 69, as so appearing, is further amended by striking out, in line 239, the word “and”.

SECTION 3. Said section 1I of said chapter 69, as so appearing, is hereby further amended by inserting after the word “learners”, in line 241, 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 2020 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. Said section 6 of said Chapter 71B, as so appearing, is hereby further amended by inserting after the word “assignment”, in line 8, the following words:-- or pattern of delivery of specific special education services.

SECTION 6. Said section 6 of said Chapter 71B of the General Laws, as so appearing, is hereby further amended by inserting after the word “distribution”, in line 10, 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 10 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.

Safety

Autism spectrum and other intellectual and developmental disabilities Police Training

HB.2351, SB.1568 — An Act relative to police training in appropriate interactions with persons on the autism spectrum and other intellectual and developmental disabilities

Representative Kay Khan and Senator Michael O. 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:

SECTION 1. 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 limited to: autistic disorder, Asperger’s disorder, pervasive developmental disorder - not otherwise specified, childhood disintegrative disorder, nonverbal learning disorder or Rhetts’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, 2024 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 a crime, or suspected or convicted of a 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.

Supporting Nicky’s Law Implementation and Updating Terminology

HB.174, SB.96- An Act updating terminology and investigative practices related to the protection of persons with disabilities

Representative Sean Garballey and Senator John F. Keenan

Overview: This bill will update language and regulations for the DPPC statutes and align regulations with Nicky’s Law.

Bill Language:

SECTION 1. Section 4H of chapter 7 of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by striking out, in lines 84, 87 and 88, each time they appear, the words “disabled persons protection

commission” and inserting in place thereof, in each instance, the following words:-commission for the protection of persons with disabilities.

SECTION 2. Section 19 of chapter 19B is hereby amended by striking out, in lines 126, 139, 280 and 281, 305, 384, 390 and 391, each time they appear, and 394 and 395, the words “disabled persons protection commission” and inserting in place thereof, in each instance, the following words:- commission for the protection of persons with disabilities.

SECTION 3. Chapter 19C is hereby amended by striking out the title, as so appearing, and inserting in place thereof the following title:- COMMISSION FOR THE PROTECTION OF PERSONS WITH DISABILITIES.

SECTION 4. Said chapter 19C is hereby further amended by striking out section 1, and inserting in place thereof the following section:-

Section 1. As used in this chapter, the following words shall have the following meanings unless the context requires otherwise:-

“Abuse”, an act or omission of a caretaker that results in serious physical or serious emotional injury to a person with a disability; provided, however, that no person shall be considered to be abused for the sole reason that such person is being furnished or relies upon treatment in accordance with the tenets and teachings of a church or religious denomination by a duly accredited practitioner of the church or religious denomination. As used in this chapter, the term abuse includes abuse per se.

“Abuse per se”, an act or omission of a caretaker that, based upon its circumstances, is determined by the commission to be in and of itself abusive, regardless of the manifestation of a serious physical or serious emotional injury to a person with a disability.

“Caretaker”, a parent, guardian or other person or agency responsible for the health or welfare of a person with a disability, whether in the same home as the person with a disability, the home of a relative, a foster home or any other location where the caretaker renders assistance.

“Commission”, the commission for the protection of persons with disabilities established under section 2.

“Mandated reporter”, any physician, medical intern, hospital personnel engaged in the examination, care or treatment of persons, medical examiner, dentist, psychologist, nurse, chiropractor, podiatrist, osteopath, public or private school teacher, educational administrator, guidance or family counselor, day care worker, probation officer, social worker, foster parent, police officer, firefighter, paramedic, emergency medical technician, animal control officer, person employed by a state agency or person employed to provide assistance with a daily living need for a person with a disability who, in their professional capacity, shall have reasonable cause to believe that a person with a disability is suffering from a reportable condition.

“Person with a disability”, a person between the ages of 18 to 59, inclusive, who is a person with an intellectual disability or a person with a developmental disability as defined under section 1 of chapter 123B or who is otherwise mentally or physically disabled and, as a result of that mental or physical disability, is wholly or partially dependent on another to meet that person’s daily living needs.

“Recommendation”, a statement contained in an investigation report prepared pursuant to this chapter that sets forth specific action intended by the investigator to protect a particular person with a disability or similarly situated persons with disabilities from further abuse or risk of abuse and that responds to the specific protective needs of the person with a disability or persons with disabilities.

“Reportable condition”, a serious physical or serious emotional injury sustained by a person with a disability and for which there is reasonable cause to believe that the injury resulted from abuse; or reasonable cause to believe that abuse per se exists.

“State agency”, an agency of the commonwealth that provides services or treatment to persons with disabilities, including a private entity providing such services or treatment pursuant to a contract, license or agreement with an agency of the commonwealth.

SECTION 5. Section 2 of said chapter 19C is hereby amended by striking out the title, and inserting in place thereof the following title: Establishment of the commission for the protection of persons with disabilities; membership; terms; compensation; annual report.

SECTION 6: Section 2 of said chapter 19C is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- There shall be a commission for the protection of persons with disabilities.

SECTION 7. Said section 2 of said chapter 19C is hereby further amended by striking out, in line 5, the words “disabled persons” and inserting in place thereof the following words:- persons with disabilities.

SECTION 8. Said section 2 of said chapter 19C is hereby further amended by striking out the third, fourth, and fifth sentences and inserting in place thereof the following sentences:- The commission shall consist of 3 members to be appointed by the governor, 1 of whom the governor shall designate as chair. Members of the commission shall serve for a term of 5 years.

SECTION 9. Said section 2 of chapter 19C is hereby further amended by striking out the ninth sentence, and inserting in place thereof the following sentence:- A person appointed to fill a vacancy occurring other than by the expiration of a term of office shall be appointed for the unexpired term of the member succeeded.

SECTION 10. The first paragraph of section 3 of said chapter 19C is hereby amended by striking out clause (a) and inserting in place thereof the following clause:-

(a) to employ, subject to appropriation, the staff necessary to carry out its duties pursuant to this chapter; provided, however, that the commission shall establish written standards for the position of investigator and shall hire investigators whose education and training qualifies them for the position pursuant to the standards established by the commission; provided further, that the commission shall take the steps necessary to ensure that the conduct of each investigator meets or exceeds the standards; and provided further, that the staff shall serve at the pleasure of the commission and shall not be subject to chapter 31.

SECTION 11. Said section 3 of said chapter 19C is hereby further amended by striking out, in lines 20 and 21, the words “disabled persons” and inserting in place thereof the following words:- persons with disabilities.

SECTION 12. Said section 3 of said chapter 19C is hereby further amended by striking out, in line 22, the words “other state”.

SECTION 13. Said section 3 of said chapter 19C is hereby further amended by striking out, in line 27, the word “nine” and inserting in place thereof the following words:- 5 or section 9.

SECTION 14. Said section 3 of said chapter 19C is hereby further amended by striking out, in lines 28 and 29, the words “disabled persons” and inserting in place thereof the following words:- persons with disabilities.

SECTION 15. Said section 3 of said chapter 19C is hereby further amended by striking out, in lines 31 and 32, the words “the provisions of chapters sixty-six and sixty-six A” and inserting in place thereof the following words:- chapters 66 and 66A; provided, however, that, except as otherwise provided in this chapter, information that is created, collected, used, maintained or disseminated pursuant to this chapter and that is confidential or

personally identifiable information pursuant to state or federal law shall not be a public record pursuant to clause Twenty-six of section 7 of chapter 4 or chapter 66.

SECTION 16. The first paragraph of said section 3 of said chapter 19C is hereby amended by striking clauses (h) and (i) and inserting in place thereof the following 2 clauses:-

(h) to establish within the commission a special investigative unit that shall have sole responsibility for the initial evaluation or investigation of all reports of abuse received by the commission in connection with which there is an allegation of criminal conduct; provided, however, that the colonel of state police shall assign not less than 5 state police officers to the special investigative unit; and

(i) to promulgate rules and regulations establishing procedures to exclude personally identifiable information regarding the subjects of investigations and to carry out the responsibilities of this chapter in such a way as to disclose as little personally identifiable information as possible.

SECTION 17. Section 4 of said chapter 19C is hereby amended by striking out, in line 1, the words “disabled person” and inserting in place thereof the following words:- person with a disability, and subject to the commission’s authority to conduct its own investigation.

SECTION 18. The first paragraph of said section 4 of said chapter 19C is hereby amended by striking out clauses (b) and (c) and inserting in place thereof the following 3 clauses:-

(b) refer immediately any such report that alleges the occurrence of abuse of a person with a disability whose caretaker is a state agency to the state agency within the executive office of health and human services that is the primary service providing agency for the disability manifested by the person with a disability; provided, however, that as assigned by the commission, the commission or the referral agency subject to the oversight of the commission shall investigate the abuse as provided in section 5; and provided further, that, if a commission investigation is being conducted, the referral agency shall take reasonable steps to avoid unnecessary, unwarranted or counterproductive duplication of the commission’s investigation through an internal investigation or inquiry by the referral agency and shall, when there is duplication, utilize the commission’s investigation in lieu of an internal investigation or inquiry.

(c) refer immediately any such report that alleges the occurrence of abuse of a person with a disability whose caretaker is not a state agency to the agency within the executive office of health and human services that the commission determines, based on the person’s reported disability, would most likely provide, license an entity to provide or contract with or enter into an agreement to provide services or treatment to the person with a disability; provided, however, that, as assigned by the commission, the commission or the assigned referral agency subject to the oversight of the commission shall investigate such abuse as provided in section 5.

(d) in accordance with subsections (b) and (c), refer immediately reports that the commission determines present imminent risk of substantial harm to a person with a disability, regardless of whether any serious injury is alleged, for the provision of protective services; provided, however, that the commission may oversee the provision of protective services until such time that the commission determines the risk has been adequately addressed.

SECTION 19. Said section 4 of said chapter 19C is hereby further amended by striking out, in lines 35 and 36, the words “disabled person where the screener” and inserting in place thereof the following words:- person with a disability where the commission staff.

SECTION 20. Said section 4 of said chapter 19C is hereby further amended by striking out, in line 38, the word “screener” and inserting in place thereof the following words:- commission staff.

SECTION 21. Said section 4 of said chapter 19C is hereby further amended by striking out, in line 40, the first time it appears, the word “and” and inserting in place thereof the following word:- or.

SECTION 22. Said section 4 of said chapter 19C is hereby further amended by striking out, in lines 40 to 42, inclusive, the words “and, upon completion of such evaluation and investigation, shall report the results of such evaluation and investigation to the commissioners who” and inserting in place thereof the following word: . Upon completion of such evaluation or investigation, the special investigative unit shall report the results of such evaluation or investigation to the commission that.

SECTION 23. Said section 4 of said chapter 19C is hereby further amended by inserting after the word “initial,” in line 46, the following words:- evaluation or.

SECTION 24. Said section 4 of said chapter 19C is hereby further amended by striking out, in lines 56 and 57, the words “clients of state agencies or of contract providers” and inserting in place thereof the following words:- persons with disabilities.

SECTION 25. Said section 4 of said chapter 19C is hereby further amended by striking out, in line 58, the words “commission’s or department’s”.

SECTION 26. Said section 4 of said chapter 19C is hereby further amended by inserting after the word “investigation”, in lines 58 and 59, the following words:- by the commission or referral agency.

SECTION 27. Section 5 of said chapter 19C is hereby amended by striking out, in lines 1, 13, 50, 63, 73 and 75, the words “disabled person” and inserting in place thereof, in each instance, the following words:- person with a disability.

SECTION 28. Said section 5 of said chapter 19C is hereby further amended by inserting after the word “designated”, in line 2, the following words:- and assigned.

SECTION 29. Said section 5 of said chapter 19C is hereby further amended by striking out, in lines 2 to 4, inclusive, the words “, the general counsel, or a department within the executive office of health and human services”.

SECTION 30. Said section 5 of said chapter 19C is hereby further amended by striking out, in lines 7 and 8, the words “counsel or department of mental health or department of public health” and inserting in place thereof the following words:- department of developmental services, department of mental health or Massachusetts rehabilitation commission.

SECTION 31. Said section 5 of said chapter 19C is hereby further amended by striking out, in line 9, the words “disabled person’s health or safety” and inserting in place thereof the following words:- health or safety of a person with a disability.

SECTION 32. Said section 5 of said chapter 19C is hereby further amended by striking out, in line 12, the words “the disabled person’s residence and day program, if any” and inserting in place thereof the following words:- any sites relevant to the alleged abuse, which may include, but shall not be limited to, the residence and day program of the person with a disability.

SECTION 33. Said section 5 of chapter 19C is hereby further amended by inserting, in line 14, after the word “injuries” the following words:- or abuse per se.

SECTION 34. Said section 5 of said chapter 19C is hereby further amended by striking out, in lines 17 to 19, inclusive, the words “, to the general counsel and to the department of mental health and the department of

public health” and inserting in place thereof the following words:- and to the department of developmental services, the department of mental health or the Massachusetts rehabilitation commission, as appropriate.

SECTION 35. Said section 5 of said chapter 19C is hereby further amended by striking out, in line 22, the word “ten” and inserting in place thereof the following words:- 10, or the employer of the mandated reporter.

SECTION 36. Said section 5 of said chapter 19C is hereby further amended by inserting after the word “the”, in line 24, the first time it appears, the following word:- assigned referral.

SECTION 37. Said section 5 of said chapter 19C is hereby further amended by striking out, in line 30, the word “neither” and inserting in place thereof the following word:- not.

SECTION 38. Said section 5 of said chapter 19C is hereby further amended by striking out, in lines 31 to 33, inclusive, the words, “nor prevent the admission of such documents in any civil or disciplinary proceeding arising out of the alleged abuse or neglect of the disabled person”.

SECTION 39. Said section 5 of said chapter 19C, as so appearing, is hereby further amended by striking out, in lines 43 and 44, the words “the facility named in the report, if any,” and inserting in place thereof the following words:- any sites relevant to the report.

SECTION 40. Said section 5 of said chapter 19C is hereby further amended by striking out, in line 45, the words “residents or clients in the same facility” and inserting in place thereof the following words:- persons with disabilities.

SECTION 41. Said section 5 of said chapter 19C is hereby further amended by striking out, in lines 46 and 47, the words “, the general counsel, the department of mental health and the department of public health within” and inserting in place thereof the following words:- and to the department of developmental services, the department of mental health or the Massachusetts rehabilitation commission, as appropriate, within.

SECTION 42. Said section 5 of said chapter 19C is hereby further amended by striking out, in line 52, the words “, the general counsel, the attorney general”.

SECTION 43. Said section 5 of said chapter 19C is hereby further amended by striking out, in line 54, the words “six of chapter thirty-eight” and inserting in place thereof the following words:- 3 of chapter 38.

SECTION 44. Said section 5 of said chapter 19C is hereby further amended by striking out, in line 55, the word “ten” and inserting in place thereof the following words:- 10 business.

SECTION 45. Said section 5 of said chapter 19C is hereby further amended by striking out, in lines 56, 58 and 61, the word “misconduct” and inserting in place thereof, in each instance, the following word:- abuse.

SECTION 46. Said section 5 of said chapter 19C is hereby further amended by striking out, in lines 59 and 60, the words “ respond in writing prior to the issuance of said report” and inserting in place thereof the following words:- petition for review.

SECTION 47. Said section 5 of said chapter 19C is hereby further amended by striking out, in line 67, the word “shall” and inserting in place thereof the following words:- may refer any matters for which there is reason to believe that a violation of any statute, regulation or rule has occurred to the agency of the commonwealth that has jurisdiction over the alleged violation. In addition, the commission, notwithstanding any provisions of chapter 66A regarding personal data to the contrary, shall.

SECTION 48. Said section 5 of said chapter 19C is hereby further amended by striking out, in lines 77 to 79, inclusive, the words “or (c) a disabled person has suffered serious bodily injury as a result of a pattern of

repetitive actions or inactions by a caretaker” and inserting in place thereof the following words:- (c) a person with a disability has suffered serious bodily injury as a result of a pattern of repetitive acts or omissions by a caretaker; or (d) any other criminal offense has occurred that has caused harm to a person with a disability.

SECTION 49. Said chapter 19C is hereby further amended by striking out section 6 and inserting in place thereof the following section:-

Section 6. The commission, acting through agencies within the executive office of health and human services designated by the commission to provide protective services and as necessary to prevent further abuse in cases investigated pursuant to this chapter and subject to the oversight of the commission, shall:

- (i) furnish protective services to a person with a disability with the consent of the person or the person’s guardian;
- (ii) petition the court for appointment of a conservator or guardian or for issuance of an emergency order for protective services as provided in section 7; or
- (iii) furnish protective services to a person with a disability on an emergency basis as provided in said section 7.

SECTION 50. Section 7 of said chapter 19C is hereby amended by striking out, in lines 1 and 2, the words “the general counsel, the department of mental health or the department of public health,” and inserting in place thereof the following words:- the department of developmental services, the department of mental health or the Massachusetts rehabilitation commission.

SECTION 51. Said section 7 of said chapter 19C is hereby further amended by striking out, in lines 4, 6 and 7, 12, 13, 16, 17 and 18, each time they appear, 20 and 21, 22, 29, 35, 39 and 40, 46, 47 and 48, 59, each time they appear, 61, 65, 67 and 68, the words “disabled person” and inserting in place thereof, in each instance, the following words:- person with a disability.

SECTION 52. Said section 7 of said chapter 19C is hereby further amended by striking out, in lines 5 and 6, 9, 33 and 34, 37 and 62, the words “, counsel or department” and inserting in place thereof, in each instance, the following words:- or agency.

SECTION 53. Section 8 of chapter 19C is hereby amended by striking out, in the section title, the words “disabled persons” and inserting in place thereof the following words: - persons with disabilities.

SECTION 54. Said section 8 of said chapter 19C is hereby further amended by striking out, in line 2, the words “disabled person” and inserting in place thereof the following words:- person with a disability.

SECTION 55. Said section 8 of said chapter 19C is hereby further amended by striking out, in line 6, the words “disabled persons” and inserting in place thereof the following words:- a person with a disability.

SECTION 56. Section 9 of said chapter 19C is hereby amended by striking out clause (d), as so appearing, and inserting in place thereof the following clause:-

(d) refer any matters for which there is reason to believe that abuse has occurred by a state agency or its employee to the agency of the commonwealth funding, contracting or under agreement with, or licensing such party for termination of the funding, agreement, contract, or license or for such other action that the agency of the commonwealth deems appropriate.

SECTION 57. Section 10 of said chapter 19C is hereby amended by striking out, in line 3, the word “orally”.

SECTION 58. Section 10 of said chapter 19C is hereby further amended by striking out, in lines 4 and 5, the words “and shall report in writing within forty-eight hours after such oral report”.

SECTION 59. Said section 10 of said chapter 19C is hereby further amended by striking out, in lines 7, 13, 19 and 29, the words “disabled person” and inserting in place thereof the following words:- person with a disability.

SECTION 60. Said section 10 of said chapter 19C is hereby further amended by striking out, in lines 10 and 11, the words “six of chapter thirty-eight” and inserting in place thereof the following words:- 3 of chapter 38.

SECTION 61. Said section 10 of said chapter 19C is hereby further amended by inserting after the word “file”, in line 12, the following word:- a.

SECTION 62. Said section 10 of said chapter 19C is hereby further amended by striking out, in lines 27 and 28, the words “in any civil action arising out of a report made pursuant to this chapter” and inserting in place thereof the following words:- participation in an investigation, hearing, or other proceeding conducted pursuant to this chapter.

SECTION 63. Said section 10 of said chapter 19C is hereby further amended by striking out, in lines 32 and 33, the words “oral and written reports, who fails to do so,” and inserting in place thereof the following words:- a report and who fails to do so.

SECTION 64. Section 11 of said chapter 19C is hereby amended by striking out, in line 6, the words “the general counsel or”.

SECTION 65. Said section 11 of said chapter 19C is hereby further amended by striking out, in line 9, the words “disabled person” and inserting in place thereof the following words:- person with a disability.

SECTION 66. The third paragraph of said section 11 of said chapter 19C, as so appearing, is hereby amended by inserting after the first sentence the following sentence:- The commission may investigate any allegation under this section pursuant to section 5 or 9.

SECTION 67. Section 12 of said chapter 19C is hereby amended by striking out, in lines 10 and 11, the words “, in consultation with the secretary of health and human services,”.

SECTION 68. Said section 12 of said chapter 19C is hereby further amended by striking out, in line 11, the word “formal”.

SECTION 69. Said section 12 of said chapter 19C is hereby further amended by striking out, in lines 12 and 13, the words “, in consultation with the secretary of health and human services,”.

SECTION 70. Said section 12 of said chapter 19C is hereby further amended by striking out, in line 13, the words “a formal” and inserting in place thereof the following word:- an.

SECTION 71. Section 13 of said chapter 19C is hereby amended by striking the title, inserting in place thereof the following title:- Notification by caretaker agency of the death of a person with a disability.

SECTION 72. Section 13 of said chapter 19C is hereby further amended by striking out, in lines 1 and 8, the words “disabled person” and inserting in place thereof, in each instance, the following words:- person with a disability.

SECTION 73. Said section 13 of said chapter 19C is hereby further amended by striking out, in line 6, the word “a” and inserting in place thereof the following word:- any.

SECTION 74. Said section 13 of said chapter 19C is hereby further amended by striking out, in line 4, the word “orally”.

SECTION 75. Said section 13 of said chapter 19C is hereby further amended by striking out, in lines 5, 6 and 7, the following words “, and shall forward to the commission and local law enforcement officials a written report of such death”.

SECTION 76. Section 14 of said chapter 19C is hereby amended by striking out, in lines 2, 3, and 4, the words “the general counsel, or a department within the executive office of health and human services” and inserting in place thereof the following words:- department of developmental services, department of mental health, or the Massachusetts rehabilitation commission,.

SECTION 77. Section 15 of said chapter 19C is hereby amended by inserting, in line 17, after the term “or” as first appearing, the following word:- serious.

SECTION 78. Section 15 of said chapter 19C is hereby further amended, by striking, in line 28, the word “respond”, and inserting in place thereof the following words:- petition for review.

SECTION 79. Section 15 of said chapter 19C is hereby further amended, by striking, in line 31, the word “include”, and inserting in place thereof the following word:- enter.

SECTION 80. Section 15 of said chapter 19C is hereby further amended, by striking, in line 32, the words “name and date of birth” and inserting in place thereof the following words:- name, date of birth, and any other personally identifying information as determined necessary by the commission to confirm the identity of the care provider.

SECTION 81. Section 15 of said chapter 19C is hereby further amended by inserting, in lines 37, 40, 50, 124, 125, 127, 129, 131, and 132, after the word “name”, in each instance, the following words:- and personally identifying information.

SECTION 82. Section 15 of said chapter 19C is hereby further amended by striking out, in lines 65 and 66, 68, and 74 the words “date of birth” and inserting in place thereof, in each instance, the following words:- personally identifying information.

SECTION 83. Section 15 of said chapter 19C is hereby further amended, by striking out, in lines 84 and 85, the words “including the records of its proceedings” and inserting in place thereof the following words:- including the records of the registrable abuse investigation and records of any hearing or other proceeding at the division or judicial appeal, including the personally identifying information of all parties and witnesses.

SECTION 84: Section 15 of said Chapter 19C is hereby further amended by inserting after the word “shall”, in line 85, the following words:- be confidential and shall.

SECTION 85: Section 15 of said Chapter 19C is hereby further amended, by inserting after the word “registry”, in lines 88 and 94, in each instance, the following words:-and any registrable abuse investigation or proceeding at the division or judicial appeal.

SECTION 86. Section 15 of said Chapter 19C is hereby further amended, by striking, in lines 89 and 90, the word “anyone” and inserting in place thereof the following:- any person or entity.

SECTION 87. Section 15 of said Chapter 19C is hereby further amended, by inserting, after the word “registrable”, in line 109, the following words:- in the last fiscal year.

SECTION 88. Section 15 of said Chapter 19C is hereby further amended, by inserting, after the word “registry”, in line 109, the following words:- as of the last day of the last fiscal year.

SECTION 89. Section 220 of chapter 111 is hereby amended by striking out, in lines 20 and 21, the words “disabled persons protection commission” and inserting in place thereof the following words:- commission for the protection of persons with disabilities.

Medical

Operation House Call

HB.2221, SB.1398 — An Act improving health care for patients with intellectual and developmental disabilities including autism

Representative John J Lawn JR. and Senator Jason Lewis

Overview: this bill petitions that the Department of Public Health establish a voluntary certification training program for care of certain patients with intellectual and developmental disabilities including autism.

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.

Preventing Discrimination in Healthcare

HB.1180/SB.753 - An Act relative to preventing discrimination against persons with disabilities in the provision of health care

Representative Josh S. Cutler and Senator Adam Gomez

Bill overview: This bill would protect people with disabilities from life-threatening discrimination in our healthcare system. It would prohibit any healthcare entity from denying or deprioritizing a patient for a healthcare service based on the presumption that their disability made their life less worthwhile. It would put critical protections in place to prevent disabled patients from being pressured to sign Do Not Resuscitate Orders, and it would ensure that decisions about the cost-effectiveness of treatments do not use metrics that discriminate against people with disabilities. Finally, it would ensure that, in any future public health crisis, the rules that dictate who gets access to lifesaving care cannot discriminate against people with disabilities.

Bill language –

SECTION 1. Section 1 of chapter 151B of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by striking out, in line 138, the word “handicap” and inserting in place thereof the following word:- disability.

SECTION 2. Section 4 of said chapter 151B, as so appearing, is hereby amended by adding the following subsection:-

20. (a) As used in this subsection, the following words shall have the following meaning unless the context clearly requires others:

“Disability”, shall have the same meaning as defined in section 1 of chapter 151B.

“Short-term survival”, an individual’s assessed probability of surviving an acute illness from which they are presently suffering and being successfully discharged from a hospital or other inpatient medical facility.

(b) It shall be an unlawful practice:

(i) For any public or private entity or agency of the commonwealth, to approve or implement a plan for the distribution of scarce healthcare resources during a crisis, including, but not limited to, crisis standards of care implemented during a public health emergency, that deny an individual lifesaving treatment or place an individual at reduced priority for lifesaving treatment if such a determination is based on: (A) a presumption that an individual has a reduced quality of life due to a disability or chronic health condition; (B) a presumption that an individual’s life is less worth saving due to a disability or chronic health condition; or (C) any measure, metric, or third party analysis which has the effect of setting a value for the life of an individual or individuals with a specific disability or medical diagnosis that is less than the value given to the life of an individual or individuals without a disability; provided however that this subsection shall not prohibit such a plan from considering an individual’s prospects for short-term survival in determining whether they are prioritized for care.

(ii) For any public or private entity or agency of the commonwealth, to withhold any medical treatment to an individual based on: (A) a presumption that an individual has a reduced quality of life due to a disability or chronic health condition; (B) a presumption that an individual’s life is less worth saving due to a disability or chronic health condition; or (C) any measure, metric, or third party analysis which has the effect of setting a value for the life of an individual or individuals with a specific disability or medical diagnosis that is less than the value given to the life of an individual or individuals without a disability.

(iii) For any public or private entity or agency of the commonwealth, when determining whether a healthcare treatment should be available within a formulary, or determining the value of a healthcare treatment, to employ a measure or metric which assigns a reduced value to the life extension provided by a treatment based on a pre-existing disability or chronic health condition of the individuals whom the treatment would benefit.

(iv) For a hospital or other entity engaged in the provision of healthcare to: (A) condition the provision of treatment on an individual having an order to not resuscitate, advance directive or any instruction relating to the administration, withholding or withdrawing of life-sustaining procedures or artificially administered nutrition and hydration; (B) communicate to any individual or person acting on behalf of the individual, before or after admission to the hospital, that treatment is conditioned on the individual having an order to not resuscitate, an advance directive or any instruction relating to the administration, withholding or withdrawing of life-sustaining procedures or artificially administered nutrition and hydration; (C) suggest to any individual, or person acting on behalf of the individual, who contacts the hospital regarding treatment for the individual that admission or treatment is conditioned on the individual having an order to not resuscitate, an advance directive or any instruction relating to the administration, withholding or withdrawing of life-sustaining procedures or artificially administered nutrition and hydration; or (D) discriminate in any other way against an individual based on

whether the individual has an order to not resuscitate, an advance directive or any instruction relating to the administration, withholding or withdrawing of life-sustaining procedures or artificially administered nutrition and hydration.

(c) This subsection shall not prohibit a hospital from providing written materials and information about advance directives to an individual or prohibit a licensed health care professional from engaging in a discussion with an individual about the written materials and information, so long as the professional does not disproportionately advise an individual to sign an advanced directive based on the race, ethnicity, gender, sexuality, or disability status of said individual.

(d) Nothing in this subsection shall prevent healthcare practitioners, hospitals or other healthcare entities from providing a medically appropriate course of treatment to an individual that they believe will extend that individual's life, improve their symptoms or alleviate pain and suffering.

(e) The secretary of health and human services shall promulgate regulations to implement this subsection.

SECTION 3. The secretary of health and human services shall promulgate regulations for the implementation of subsection 20 of section 4 of chapter 151B not later than 60 days after the effective date of this act.

Dental Health

HB.2253, SB.1379— An Act to improve oral health for all Massachusetts residents

Representatives Smitty Pignatelli and Senator Adam Gomez

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 2020 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 2020 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-inflammatories 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-inflammatories 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 2020 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 the 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 2020 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, 2023, the board shall approve a comprehensive, competency-based clinical dental therapy examination that includes an 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-inflammatories 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, 2023 and no later than December 1, 2024, 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 the 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 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 settings 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, 2023, 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 2020 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 2020 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 2020 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 children

HB.1192, SB.748-An Act to Protect Medically Fragile Children

Representative Denise C. Garlick and Senator Cindy F. Friedman

Overview: This bill addresses the lack of Continuous Nursing for those who have medically complex conditions, resolves the inequity in rate setting for these positions, and maintains 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 80. (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, 2023;
- (2) At least 80 percent of continuous skilled nursing hours authorized by MassHealth are filled on or before July 1, 2024; and
- (3) At least 85 percent of continuous skilled nursing hours authorized by MassHealth are filled on or before July 1, 2025, 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, 2025.

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 361.00 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 2020, 2021 and 2022; (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; and (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, 2025 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.172, SB.1401—An Act to enhance hospital care for those with autism and intellectual and developmental disabilities

Representatives Sean Garballey and Ryan Hamilton, Senator Jason Lewis

Overview: This bill will enhance hospital care for people with intellectual and developmental disabilities, including autism through training, standards of care and certification requirements.

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.128, SB.97 - An Act ensuring equal access to medical treatments essential for people with a developmental disability, intellectual disability, or autism

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.

Bill Language:

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.206, SB.107 — 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 will require the allowance of cueing and supervision, in the PCA program, as a covered service for those eligible members who need it.

Bill Language:

Section 12 of chapter 118E of the General Laws is hereby amended in the first paragraph by inserting at the end thereof the following new sentence:-

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.1296, SB.904 — 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.1485, SB.109— An Act relative to supported decision-making agreements for certain adults with disabilities

Representatives Mike Finn and Sean Garballey, 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, as appearing in the 2020 Official Edition, is hereby amended by inserting after section 5-507 the following 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.

“Executed” means the date on which a supported decision-making agreement is signed; if the decision-maker and the supporters, sign the supported decision-making agreement on different dates, the supported decision-making agreement shall be considered to be executed on the last date it was signed.

"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 decision-maker:

(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 assisting to ensure the decision-maker's wishes and decisions are implemented; 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 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 any person may petition the probate and family court to terminate, revoke, or suspend the operation of a supported decision-making agreement on the grounds of abuse, neglect or exploitation by a supporter or supporters. 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 a preponderance

of the 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 because of a finding of abuse, neglect, or exploitation. 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. The court may not order a supported decision-making agreement to remain in effect over the objection of the decision-maker. 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 health information, financial records or information, or educational records, 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 a mandated reporter under the provisions of chapter 19A section 15(a) or chapter 19C has reasonable cause to believe the decision-maker has been abused, neglected or exploited by a supporter or supporters, the person shall report to, as applicable, the disabled persons protection commission or an elder protective services agency in accordance with the provision of the applicable chapter; and in addition any other person may make such a report to the appropriate agency if any such person has reasonable cause to believe the decision-maker has been abused, neglected or exploited by a supporter or supporters; and the supported decision-making agreement 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;

(vi) be signed with the date of the signature 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 or entity which, 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, by inserting after paragraph (b)(9) the following paragraph (b)(9½)

The petitioner shall file with the petition a copy of any supported decision-making agreement executed by the person alleged to be incapacitated, if available.

SECTION 3: Chapter 190B of the General Laws is hereby amended in section 5-303 (b)(10) by inserting at the end thereof the following:-

whether alternatives to guardianship and available supports and services to prevent the need for 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 prevent the need for guardianship.

SECTION 4. 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 5. 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 6. 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 7. This act shall take effect six months from the date of the Governor's signature. A supported decision-making agreement executed before the effective date of the act shall be valid for one year from the effective date of the act. Thereafter, only those supported decision-making agreements which conform to the requirements of the act and which are executed after the effective date of the act shall be valid.

Human Services Workforce

Family Members Serving as Caregivers

HB.1232, SB.775 - An Act relative to family members serving as caregivers

Representative James O'Day, Senator Joan Lovely

Overview: This bill allows guardians, caregivers, and others with legal standing to be paid for providing AFC and PCA services.

Bill language -

Section 12 of chapter 118E of the general laws is hereby amended by inserting, after paragraph 4, the following paragraph:-

Notwithstanding the provisions of any general or special law to the contrary, any program of home and community based services funded pursuant to the provisions of this chapter, in which family members are permitted to serve as caregivers paid by MassHealth, shall include legally liable family members, including but not limited to biological, adoptive, foster or step parents, legal guardians, powers of attorney, healthcare powers of attorney, and adult children of care recipient, within the definition of family member; provided further, the executive office of health and human services shall file a state plan amendment or waiver application, as may be required, to allow legally liable family members to serve as caregivers paid by MassHealth.

Loan Repayment (MCHSP) for Human Service Workers

HB.214, SB.77 — An Act relative to a loan repayment program for human service workers

Representatives Jeffrey N. Roy, Smitty Pignatelli and Senator Sal N. DiDomenico

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 2018 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:

“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.

“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.

(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 the program, a participant must be working a minimum of 35 hours per week as a human services worker. 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 a certificate or undergraduate/graduate degrees.

(d) Priority for funding should be given to applicants who have an individual salary less than 50 percent of the median income; who are bilingual; who are living and/or working in a vaccine equity initiative community; or who have worked in the direct care field for three or more years.

(e) Applicants will be eligible for up to \$6,000 if they have an associate degree, up to \$20,000 if they have a bachelor’s degree and up to \$30,000 if they have a master’s degree.

(f) Other eligibility criteria may be created to determine how applicants to the program should be prioritized and how much funding each would be able to apply for.

Fair Pay for Comparable Work (MCHSP)

HB.191, SB.84 — An Act relative to a livable wage for human services workers

Representative Kay Khan and Senator Cindy F. Friedman

Overview: bill would eliminate the pay disparity that exists between the salaries of human services workers employed by community-based human service providers and state employees holding similar job titles who

perform similar work. It would seek to eliminate the pay disparity between state workers and those at community-based human services nonprofits no later than July 1, 2027.

Bill Language:

SECTION 1. Chapter 6A of the General Laws, as so appearing in the 2020 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 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 or the Department of Housing and Community Development.

“Human services worker,” an employee of a human service 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 services workers and 1) direct care workers, nurses, clinicians 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 and the Department of Housing and Community Development 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 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, 2024

(2) 30 percent on or before July 1, 2025

(3) 10 percent on or before July 1, 2026

(4) Zero 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 and the Department of Housing and Community Development 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, 2024, 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.

SECTION 3. On or before July 1, 2024 and annually thereafter until the disparity amount is eliminated for human services workers, 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 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, as defined in Subsection (a) of Section 105 of Chapter 6A of the General Laws, and direct care workers, nurses, clinicians 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)-(4) 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.207, SB.103— An Act relative to persons with developmental disabilities

Representative James J. 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, as appearing in the 2020 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, 2025.

Katie's Law

HB.160, SB.95 — An Act relative to individuals with intellectual or developmental disabilities

Representatives Finn and Sean Garballey, Senator Patricia Jehlen

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

Bill Language:

SECTION 1. Section 15F of chapter 6 of the General Laws, as appearing in the 2020 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 2. 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 word:- Autism.

SECTION 3. Section 15OOOOO of said chapter 6, as so appearing, is hereby amended by striking out, in line 5, the words "disabled individuals" and inserting in place thereof the following words:- individuals with disabilities.

SECTION 4. Section 56 of said chapter 6, as so appearing, is hereby further 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 5. Section 74 of said chapter 6, as so appearing, is hereby further 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 6. Section 76 of said chapter 6, as so appearing, is hereby amended by striking out, in line 7, the word "handicap" and inserting in place thereof the following word:- disabilities.

SECTION 7. Section 77 of said chapter 6, as so appearing, is hereby amended by striking out, in line 19, the words "handicapped individual" and inserting in place thereof the following words:- individual with disabilities.

SECTION 8. Said section 77 of said chapter 6, as so appearing, is hereby further amended by striking out, in lines 5, 34 and 58, the words "a handicapped individual" and inserting in place thereof, in each instance, the following words:- an individual with disabilities.

SECTION 9. Said section 77 of said chapter 6, as so appearing, is hereby further amended by striking out, in lines 25, 29 and 30, and 38 the words "handicapped individuals" and inserting in place thereof, in each instance, the following words:- individuals with disabilities.

SECTION 10. 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 11. Said section 77 of said chapter 6, as so appearing, is hereby further amended by striking out, in line 45, the words “the handicapped” and inserting in place thereof the following words:- persons with disabilities.

SECTION 12. Said section 77 of said chapter 6, as so appearing, is hereby further amended by striking out, in line 49, the words “Handicapped person” and inserting in place thereof the following words:- Person with a disability.

SECTION 13. Section 78 of said chapter 6, as so appearing, is hereby amended by striking out, in lines 3 and 4, the words “handicapped individual” and inserting in place thereof the following words:- individual with disabilities.

SECTION 14. Said section 78 of said chapter 6, as so appearing, is hereby further amended by striking out, in line 23, the words “a handicapped individual” and inserting in place thereof the following words:- an individual with disabilities.

SECTION 15. 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, in each instance, the following words:- individuals with disabilities.

SECTION 16. Section 78A of said chapter 6, as so appearing, is hereby amended by striking out, in lines 3 and 13, the words “handicapped persons” and inserting in place thereof, in each instance, the following words:- persons with disabilities.

SECTION 17. 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 18. 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 19. Said section 79 of said chapter 6, as so appearing, is hereby further amended by striking out, in line 28, the words “handicapped individual” and inserting in place thereof the following words:- person with disabilities.

SECTION 20. 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 21. 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 22. Section 106 of said chapter 6, as so appearing, is hereby amended by striking out, in line 11, the words “are disabled” and inserting in place thereof the following words:- have disabilities.

SECTION 23. Section 131A of said chapter 6, as so appearing, is hereby amended by striking out, in line 3, the words “the aged and disabled” and inserting in place thereof the following words:- aged persons and persons with disabilities.

SECTION 24. Section 131B of said chapter 6, as so appearing, is hereby amended by striking out, in lines 10 and 11, the words “the aged and disabled” and inserting in place thereof the following words:- aged persons and persons with disabilities.

SECTION 25. Section 143 of said chapter 6, as so appearing, is hereby amended by striking out, in line 11, the words “handicapped persons” and inserting in place thereof the following words:- persons with disabilities.

SECTION 26. Section 172 of said chapter 6, as so appearing, is hereby amended by striking out, in lines 92 and 93, the words “disabled person” and inserting in place thereof, in each instance, the following words:- person with a disability.

SECTION 27. Section 172C of said chapter 6, as so appearing, 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 28. Said section 172C of said chapter 6, as so appearing, is hereby further amended by striking out, in line 5, the words “Disabled person” and inserting in place thereof the following words:- Person with disabilities.

SECTION 29. 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 30. Said section 172C of said chapter 6, as so appearing, is hereby further amended by striking out, in line 17, the words “disabled person” and inserting in place thereof the following words:- person with disabilities.

SECTION 31. Said section 172C of said chapter 6, as so appearing, is hereby further amended by striking out, in line 18, the words “elderly or disabled persons” and inserting in place thereof the following words:- elderly persons or persons with disabilities.

SECTION 32. Said section 172C of said chapter 6, as so appearing, is hereby further amended by striking out, in lines 20 and 21, the words “disabled persons” and inserting in place thereof the following words:- persons with disabilities.

SECTION 33. Said section 172C of said chapter 6, as so appearing, is hereby further amended by striking out, in lines 33 and 34, the words “elderly or disabled person” and inserting in place thereof the following words:- elderly person or person with a disability.

SECTION 34. 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:- persons with disabilities.

SECTION 35. 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 36. 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 37. 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 38. Section 178C of said chapter 6, as so appearing, is hereby amended by striking out, in lines 60 and 138 and 139, the words “mentally retarded person” and inserting in place thereof, in each instance, the following words:- person with an intellectual or developmental disability.

SECTION 39. 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:- persons with an intellectual disability.

SECTION 40. Said section 178K of said chapter 6, as so appearing, is hereby further amended by striking out, in line 259, the words “mentally retarded person” and inserting in place thereof the following words:- persons with an intellectual disability.

SECTION 41. Section 191 of said chapter 6, as so appearing, is hereby amended by striking out, in line 17, the words “handicapping conditions” and inserting in place thereof the following word:- disabilities.

SECTION 42. Section 16D of chapter 6A of the General Laws, as so appearing, is hereby amended by striking out, in lines 58 and 59, the words “the disabled and chronically ill” and inserting in place thereof the following words:- persons with disabilities and chronically ill persons.

SECTION 43. Section 16R of said chapter 6A, as so appearing, is hereby amended by striking out, in line 3, the words “is disabled” and inserting in place thereof the following words:- has a disability.

SECTION 44. Section 18B of said chapter 6A, as so appearing, is hereby amended by striking out, in line 150, the words “the disabled community” and inserting in place thereof the following words:- the disability community.

SECTION 45. Section 2 of chapter 6C of the General Laws, as so appearing, is hereby amended by striking out, in lines 82 and 85, the words “a disabled rider advocate” and inserting in place thereof, in each instance, the following words:- an advocate for riders with disabilities.

SECTION 46. Section 5 of chapter 6D of the General Laws, as so appearing, is hereby amended by striking out, in line 13, the words “in racial, ethnic and disabled communities” and inserting in place thereof the following words:- by race, ethnicity and disability.

SECTION 47. Section 22N of chapter 7 of the General Laws, as so appearing, is hereby amended by striking out, in lines 13 and 14, the words “mental retardation” and inserting in place thereof the following words:- developmental services.

SECTION 48. Section 50 of said chapter 7, as so appearing, is hereby amended by striking out, in lines 34 and 35, and 37, the words “or disabled workers” and inserting in place thereof, in each instance, the following words:- workers or workers with disabilities.

SECTION 49. Section 27 of chapter 7C of the General Laws, as so appearing, is hereby amended by striking out, in line 13, the word “handicapped” and inserting in place thereof the following word:- disability.

SECTION 50. Section 9 of chapter 8 of the General Laws, as so appearing, is hereby amended by striking out, in line 30, the word “handicapped” and inserting in place thereof the following word:- disability.

SECTION 51. Section 38 of chapter 10 of the General Laws, as so appearing, 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 or developmental disability.

SECTION 52. Said section 38 of said chapter 10, as so appearing, is hereby further amended by striking out, in line 133, the words “handicapped person” and inserting in place thereof the following words:- person with disabilities.

SECTION 53. 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 54. Section 30 of chapter 15A of the General Laws, as so appearing, is hereby amended by striking out, in line 2, the words “as being developmentally disabled” and inserting in place thereof the following words:- with a developmental disability.

SECTION 55. Section 13 of chapter 15D of the General Laws, as so appearing, is hereby amended by striking out, in line 48, the words “disabled parents” and inserting in place thereof the following words:- parents with disabilities.

SECTION 56. Said section 13 of said chapter 15D, as so appearing, is hereby further amended by striking out, in line 49, the words “non-disabled parents” and inserting in place thereof the following words:- parents without disabilities.

SECTION 57. Section 2 of chapter 18 of the General Laws, as so appearing, is hereby amended by striking out, in line 86, the word “disabled” and inserting in place thereof the following words:- with disabilities.

SECTION 58. Said section 2 of said chapter 18, as so appearing, is hereby further amended by striking out, in line 179, the words “adult handicapped” and inserting in place thereof the following words:- adults with disabilities.

SECTION 59. Section 5 of said chapter 18, 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:- and residents with a disability.

SECTION 60. Section 21 of chapter 19 of the General Laws, as so appearing, is hereby amended by striking out, in lines 11, 18 and 32, the words “an intellectual disability” and inserting in place thereof, in each instance, the following words:- intellectual or developmental disabilities.

SECTION 61. Said section 21 of said chapter 19, as so appearing, is hereby further amended by striking out, in line 16, the words “and mentally retarded individuals” and inserting in place thereof the following words:- individuals and individuals with intellectual or developmental disabilities.

SECTION 62. Section 4 of chapter 19A of the General Laws, as so appearing, is hereby amended by striking out, in lines 8 and 9, the words “the adult handicapped” and inserting in place thereof the following words:- adults with disabilities.

SECTION 63. Section 40 of said chapter 19A, as so appearing, is hereby amended by striking out, in line 47, the words “disabled enrollees” and inserting in place thereof the following words:- enrollees with disabilities’.

SECTION 64. Said section 40 of said chapter 19A, as so appearing, is hereby further amended by striking out, in lines 49 and 50, the words “disabled individuals” and inserting in place thereof the following words:- individuals with disabilities.

SECTION 65. Section 7 of chapter 19B of the General Laws, as so appearing, is hereby amended by striking out, in line 2, the words:- mental retardation.

SECTION 66. Section 8 of said chapter 19B, as so appearing, is hereby amended by striking out, in line 3, the words:- mental retardation.

SECTION 67. Said section 8 of said chapter 19B, as so appearing, is hereby further amended by striking out, in lines 6 and 7, the words “the mentally retarded” and inserting in place thereof the following words:- persons with intellectual or developmental disabilities.

SECTION 68. Section 1 of chapter 19C, as so appearing, is hereby amended by striking out, in lines 4, 11 and 33 the words “disabled person” and inserting in place thereof, in each instance, the following words:- person with a disability.

SECTION 69. Said section 1 of said chapter 19C, as so appearing, is hereby further amended by striking out, in lines 9 and 10, the words “disabled person’s” and inserting in place thereof in each instance, the following words:- person with a disability’s.

SECTION 70. Said section 1 of said chapter 19C, as so appearing, is hereby further amended by striking out, in line 15, the words “Disabled person” and inserting in place thereof the following words:- Person with a disability.

SECTION 71. Said section 1 of said chapter 19C, as so appearing, is hereby further amended by striking out, in lines 17 and 18, the words “is otherwise mentally or physically disabled” and inserting in place thereof the following words:- otherwise has an intellectual, developmental or physical disability.

SECTION 72. Said section 1 of said chapter 19C, as so appearing, is hereby further amended by striking out, in lines 31 and 32, 42 and 46, the words “disabled persons” and inserting in place thereof, in each instance, the following words:- persons with disabilities.

SECTION 73. Said section 1 of said chapter 19C, as so appearing, is hereby further amended by striking out, in lines 39 and 41, the words “disabled person or persons” and inserting in place thereof, in each instance, the following words:- person or persons with disabilities.

SECTION 74. Section 2 of said chapter 19C, as so appearing, is hereby amended by striking out, in line 5, the words “disabled persons” and inserting in place thereof the following words:- persons with disabilities.

SECTION 75. Section 3 of said chapter 19C, as so appearing, is hereby amended by striking out, in lines 20 and 21 and 28 and 29, the words “disabled persons” and inserting in place thereof, in each instance, the following words:- persons with disabilities.

SECTION 76. Section 4 of said chapter 19C, as so appearing, is hereby amended by striking out, in lines 1, 11, 16, 26, 28 and 35, the words “disabled person” and inserting in place thereof, in each instance, the following words:- person with a disability.

SECTION 77. Said section 4 of said chapter 19C, as so appearing, is hereby further amended by striking out, in line 29, the words “mentally disabled” and inserting in place thereof the following words:- has an intellectual or developmental disability.

SECTION 78. Said section 4 of said chapter 19C, as so appearing is hereby further amended by striking out, in lines 30 and 31, the words “disabled person is physically disabled” and inserting in place thereof the following words:- person with a disability has a physical disability.

SECTION 79. Section 5 of said chapter 19C, as so appearing, is hereby amended by striking out, in lines 1, 13, 33, 50, 63, 73, 75 and 77 and 78, the words “disabled person” and inserting in place thereof, in each instance, the following words:- person with a disability.

SECTION 80. Said section 5 of said chapter 19C, as so appearing, is hereby further amended by striking out, in lines 9 and 12, the words “disabled person’s” and inserting in place thereof, in each instance, the following words:- person with a disability.

SECTION 81. Section 6 of said chapter 19C, as so appearing, is hereby amended by striking out, in lines 10 and 15, the words “disabled person” and inserting in place thereof, in each instance, the following words:- person with a disability.

SECTION 82. Section 7 of said chapter 19C, as so appearing, is hereby amended by striking out, in lines 4, 6 and 7, 12, 13, 16, 17 and 18, 18, 20 and 21, 22, 29, 35, 39 and 40, 46, 47 and 48, 59, 61, 65, 67 and 68, the words “disabled person” and inserting in place thereof, in each instance, the following words: - person with a disability.

SECTION 83. Section 8 of said chapter 19C, as so appearing, is hereby amended by striking out, in line 2, the words “disabled person” and inserting in place thereof the following words:- person with a disability.

SECTION 84. Said section 8 of said chapter 19C, as so appearing, is hereby amended by striking out, in line 6, the words “disabled persons” and inserting in place thereof the following words:- persons with disabilities.

SECTION 85. Section 10 of said chapter 19C, as so appearing, is hereby amended by striking out, in lines 7, 13, 19 and 29, the words “disabled person” and inserting in place thereof, in each instance, the following words:- person with a disability.

SECTION 86. Section 11 of said chapter 19C, as so appearing, is hereby amended by striking out, in line 9, the words “disabled person” and inserting in place thereof the following words:- person with a disability.

SECTION 87. Section 13 of said chapter 19C, as so appearing, is hereby amended by striking out, in lines 1 and 8, the words “disabled person” and inserting in place thereof, in each instance, the following words:- person with a disability.

SECTION 88. Section 1 of chapter 19D of the General Laws, as so appearing, is hereby amended by striking out, in line 27, the words “elderly or disabled individuals” and inserting in place thereof the following words:- elderly individuals or individuals with disabilities.

SECTION 89. Section 14 of said chapter 19D, as so appearing, is hereby amended by striking out, in line 14, the words “the elderly and disabled” and inserting in place thereof the following words:- elderly persons and persons with disabilities.

SECTION 90. Section 16 of said chapter 19D, as so appearing, is hereby amended by striking out, in line 5, the word “handicapped” and inserting in place thereof the following word:- disability.

SECTION 91. Section 2 of chapter 21H of the General Laws, as so appearing, is hereby amended by striking out, in lines 73 and 74, the word “retarded” and inserting in place thereof the following words:- persons with intellectual or developmental disabilities.

SECTION 92. 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 93. Said section 13A of said chapter 22, as so appearing, is hereby further amended by striking out, in lines 47, 48, 50 and 80 and 81, the words “handicapped persons” and inserting in place thereof, in each instance, the following words:- persons with disabilities.

SECTION 94. Said section 13A of said chapter 22, as so appearing, is hereby further amended by striking out, in lines 41, 53, 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 95. 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, in each instance, the following words:- Persons with physical disabilities.

SECTION 96. Section 16 of chapter 22C of the General Laws, as so appearing, is hereby amended by striking out, in lines 4 and 5, the words “temporarily or permanently disabled by reason of” and inserting in place thereof the following words:- such a trainee or officer obtains a temporary or permanent disability caused by.

SECTION 97. Section 32 of said chapter 22C, 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 98. 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:- persons with disabilities.

SECTION 99. Section 15 of chapter 23E of the General Laws, as so appearing, is hereby amended by striking out, in line 12, the words “disabled worker” and inserting in place thereof the following words:- worker with a disability.

SECTION 100. 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 101. Section 2WWW of chapter 29 of the General Laws, as so appearing, is hereby amended by striking out, in line 83, the words “disabled citizens” and inserting in place thereof the following words:- citizens with disabilities.

SECTION 102. Section 9B of chapter 30 of the General Laws, as so appearing, is hereby amended by striking out, in line 27, the words “disabled person” and inserting in place thereof the following words:- person with a disability.

SECTION 103. Section 1 of chapter 31 of the General Laws, as so appearing, is hereby amended by striking out, in line 21, the word “handicap” and inserting in place thereof the following word:- disability.

SECTION 104. Said section 1 of said chapter 31, as so appearing, is hereby further amended by striking out, in line 82, the word “Handicap” and inserting in place thereof the following word:- Disability.

SECTION 105. Section 5 of said chapter 31, as so appearing, 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 106. 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 107. Section 16 of said chapter 31, as so appearing, is hereby amended by striking out, in lines 10 and 13, the words “handicapped person” and inserting in place thereof, in each instance, the following words:- person with disabilities.

SECTION 108. Section 47 of said chapter 31, as so appearing, is hereby amended by striking out, in lines 32 and 33, the words “such mentally retarded person” and inserting in place thereof the following words:- a person with an intellectual disability.

SECTION 109. 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 110. Section 63 of said chapter 31, as so appearing, is hereby amended by striking out, in line 25, the words “handicapping conditions” and inserting in place thereof the following word:- disabilities.

SECTION 111. Section 1 of chapter 31A of the General Laws, as so appearing, is hereby amended by striking out, in line 24, the word “handicap” and inserting in place thereof the following word:- disability.

SECTION 112. Section 21 of chapter 32 of the General Laws, as so appearing, is hereby amended by striking out, in line 279, the words “Disabled Employees” and inserting in place thereof the following words:- Employees with Disabilities.

SECTION 113. Said section 21 of said chapter 32, as so appearing, is hereby further amended by striking out, in line 285, the words “disabled employee” and inserting in place thereof the following words:- employee with a disability.

SECTION 114. Said section 21 of said chapter 32, as so appearing, is hereby further amended by striking out, in lines 290 and 291, the words “disabled persons” and inserting in place thereof the following words:- persons with disabilities.

SECTION 115. Said section 21 of said chapter 32, as so appearing, is hereby further amended by striking out, in line 347, the words “disabled members” and inserting in place thereof the following words:- members with disabilities.

SECTION 116. Said section 21 of said chapter 32, as so appearing, is hereby further amended by striking out, in line 362, the words “disabled individual” and inserting in place thereof the following words:- individual with a disability.

SECTION 117. Section 23 of said chapter 32, 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 118. Section 46 of said chapter 32, as so appearing, is hereby amended by striking out, in line 11, the words “become permanently disabled” and inserting in place thereof the following words:- obtained a permanent disability.

SECTION 119. Section 75 of said chapter 32, as so appearing, is hereby amended by striking out, in line 11, the words “be permanently disabled, mentally or physically,” and inserting in place thereof the following words:- to have a permanent mental or physical disability.

SECTION 120. Section 80 of said chapter 32, as so appearing, is hereby amended by striking out, in lines 6 and 7, the words “be permanently disabled, mentally or physically,” and inserting in place thereof the following words:- have a permanent mental or physical disability caused.

SECTION 121. Section 81A of said chapter 32, as so appearing, is hereby amended by striking out, in lines 5 and 6, the words “becomes permanently disabled, mentally or physically,” and inserting in place thereof the following words:- obtains a permanent physical or mental disability caused.

SECTION 122. Section 83 of said chapter 32, as so appearing, is hereby amended by striking out, in lines 8 and 9, the words “be permanently disabled, mentally or physically,” and inserting in place thereof the following words:- have a permanent mental or physical disability caused.

SECTION 123. Section 83A of said chapter 32, as so appearing, is hereby amended by striking out, in lines 5 and 6, the words “becomes permanently disabled, mentally or physically,” and inserting in place thereof the following words:- obtains a permanent mental or physical disability caused.

SECTION 124. Section 85E of said chapter 32, as so appearing, is hereby amended by striking out, in lines 6 and 7, the words “becomes permanently disabled, mentally or physically,” and inserting in place thereof the following words:- obtains a permanent mental or physical disability caused.

SECTION 125. Section 85H of said chapter 32, as so appearing, is hereby amended by striking out, in line 4, the words “becomes permanently disabled mentally or physically” and inserting in place thereof the following words:- obtains a permanent physical or mental disability caused.

SECTION 126. Said section 85H of said chapter 32, as so appearing, is hereby further amended by striking out, in line 16, the words “is disabled” and inserting in place thereof the following words:- obtains a disability.

SECTION 127. Section 89E of said chapter 32, as so appearing, is hereby amended by striking out, in line 64, the words “or disabled children” and inserting in place thereof the following words:- children or children with disabilities.

SECTION 128. 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 129. Section 88 of chapter 33 of the General Laws, as so appearing, is hereby amended by striking out, in lines 3 and 4, the words “is disabled” and inserting in place thereof the following words:- obtains a disability.

SECTION 130. 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 131. 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 132. 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 133. Section 3 of chapter 38 of the General Laws, as so appearing, is hereby amended by striking out, in line 21, the words “mental retardation institution” and inserting in place thereof the following words:- intermediate care facility for individuals with intellectual disabilities.

SECTION 134. Said section 3 of said chapter 38, as so appearing, is hereby further amended by striking out, in line 23, the words “disabled person” and inserting in place thereof the following words:- person with disabilities.

SECTION 135. Section 4E of section 40 of the General Laws, as so appearing, is hereby amended by striking out, in line 349, the words “developmentally disabled individuals” and inserting in place thereof the following words:- individuals with developmental disabilities.

SECTION 136. Section 21 of said chapter 40, as so appearing, is hereby amended by striking out, in lines 137, 192 and 196 and 197, the words “disabled veterans” and inserting in place thereof, in each instance, the following words:- veterans with disabilities.

SECTION 137. Said section 21 of said chapter 40, as so appearing, is hereby further amended by striking out, in lines 137 and 138, 139 and 140, 192 and 193 and 197, the words “handicapped persons” and inserting in place thereof, in each instance, the following words:- persons with disabilities.

SECTION 138. Said section 21 of said chapter 40, as so appearing, is hereby further amended by striking out, in lines 142, 152 and 153, 155, 157, 182 and 198 and 199, the words “handicapped person” and inserting in place thereof, in each instance, the following words:- person with disabilities.

SECTION 139. Said section 21 of said chapter 40, as so appearing, is hereby further amended by striking out, in line 152, the words “disabled veteran” and inserting in place thereof the following words:- veteran with a disability.

SECTION 140. Said section 21 of said chapter 40, as so appearing, is hereby further amended by striking out, in lines 177 and 178, the word “Handicapped” and inserting in place thereof the following word:- Disability.

SECTION 141. Said section 21 of said chapter 40, as so appearing, is hereby further amended by striking out, in lines 185 and 186, the word “handicapped” and inserting in place thereof, in each instance, the following word:- disability.

SECTION 142. Section 22 of said chapter 40, as so appearing, is hereby amended by striking out, in lines 17 and 18, 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 143. Said section 22 of said chapter 40, as so appearing, is hereby further amended by striking out, in lines 20 and 21, the words “handicapped person” and inserting in place thereof the following words:- person with a disability.

SECTION 144. Section 22A of said chapter 40, as so appearing, is hereby amended by striking out, in lines 32 and 53, the words “disabled veteran” and inserting in place thereof, in each instance, the following words:- veteran with disabilities.

SECTION 145. Said section 22A of said chapter 40, as so appearing, is hereby further amended by striking out, in lines 32 and 33, 35, 37, 53, 55, 58 and 68 and 69, the words “handicapped person” and inserting in place thereof, in each instance, the following words:- person with a disability.

SECTION 146. Said section 22A of said chapter 40, as so appearing, 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 147. Said section 22A of said chapter 40, as so appearing, is hereby further amended by striking out, in line 64, the word “Handicapped” and inserting in place thereof the following word:- Disability.

SECTION 148. Section 22D of said chapter 40, as so appearing, is hereby amended by striking out, in lines 17 and 20, the words “handicapped person” and inserting in place thereof, in each instance, the following words:- person with a disability.

SECTION 149. Said section 22D of said chapter 40, as so appearing, is hereby further amended by striking out, in line 15, the words “handicapped persons” and inserting in place thereof the following words:- persons with disabilities.

SECTION 150. Said section 22D of said chapter 40, as so appearing, 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 151. Section 22G of said chapter 40, as so appearing, is hereby amended by striking out, in line 3, the word “handicap” and inserting in place thereof the word:- disability.

SECTION 152. Section 3 of chapter 40A of the General Laws, as so appearing, is hereby amended by striking out, in line 96, the words “disabled person” and inserting in place thereof the following words:- person with a disability.

SECTION 153. Said section 3 of said chapter 40A, as so appearing, 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 154. Said section 3 of said chapter 40A, as so appearing, 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 155. Section 6 of chapter 40R of the General Laws, as so appearing, is hereby amended by striking out, in lines 61, 65 and 67, the words “the disabled” and inserting in place thereof, in each instance, the following words:- persons with disabilities.

SECTION 156. Section 98F of chapter 41 of the General Laws, as so appearing, is hereby amended by striking out, in lines 13 and 14, the words “a handicapped individual” and inserting in place thereof the following words:- an individual with a disability.

SECTION 157. Section 86 of chapter 54 of the General Laws, as so appearing, is hereby amended by striking out, in line 22, the words “permanently disabled voters” and inserting in place thereof the following words:- voters with permanent disabilities.

SECTION 158. Said section 86 of said chapter 54, as so appearing, is hereby further amended by striking out, in line 27, the words “permanently disabled voters’ list” and inserting in place thereof the following words:- list of voters with permanent disabilities.

SECTION 159. Section 5 of chapter 59 of the General Laws, as so appearing, is hereby amended by striking out, in lines 714, 756 and 757, 799, 865 and 901, the words “disabled veteran” and inserting in place thereof, in each instance, the following words:- veteran with a disability.

SECTION 160. Section 3D of chapter 60 of the General Laws, as so appearing, is hereby amended by striking out, in lines 8 and 9 and 21, the word “disabled” and inserting in place thereof, in each instance, the following words:- persons with disabilities.

SECTION 161. Said section 3D of said chapter 60, as so appearing, is hereby further amended by striking out, in line 10, the words “elderly and disabled persons” and inserting in place thereof the following words:- elderly persons and persons with disabilities.

SECTION 162. Section 1 of chapter 60A of the General Laws, as so appearing, is hereby amended by striking out, in lines 102 and 103, the words “be permanently disabled” and inserting in place thereof the following words:- have a permanent disability.

SECTION 163. Section 3 of chapter 62 of the General Laws, as so appearing, is hereby amended by striking out, in line 90, the words “are disabled” and inserting in place thereof the following words:- have disabilities.

SECTION 164. Section 2 of chapter 64G of the General Laws, as so appearing, is hereby amended by striking out, in line 11, the words “developmentally disabled individuals” and inserting in place thereof the following words:- individuals with intellectual or developmental disabilities.

SECTION 165. Said section 2 of said chapter 64G, as so appearing, is hereby further amended by striking out, in lines 20 and 21, the words “developmentally disabled individual” and inserting in place thereof the following words:- individual with an intellectual or developmental disability.

SECTION 166. Section 6 of chapter 64H of the General Laws, as so appearing, 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 167. Said section 6 of said chapter 64H, as so appearing, 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 168. Said section 6 of said chapter 64H, as so appearing, is hereby further amended by striking out, in line 421, the words “elderly or handicapped persons” and inserting in place thereof the following words:- elderly persons or persons with disabilities.

SECTION 169. Said section 6 of said chapter 64H, as so appearing, is hereby further amended by striking out, in line 431, the words “developmentally disabled individuals” and inserting in place thereof the following words:- individuals with developmental disabilities.

SECTION 170. Said section 6 of said chapter 64H, as so appearing, is hereby further amended by striking out, in lines 437 and 438, the words “a developmentally disabled individual” and inserting in place thereof the following words:- an individual with developmental disabilities.

SECTION 171. Section 1C of chapter 69 of the General Laws, as so appearing, is hereby amended by striking out, in line 76, the words “developmentally disabled students” and inserting in place thereof the following words:- students with developmental disabilities.

SECTION 172. Section 7 of chapter 71A of the General Laws, as so appearing, is hereby amended by striking out, in line 9, the words “severely learning disabled” and inserting in place thereof the following words:- having a severe learning disability.

SECTION 173. Section 1 of chapter 71B of the General Laws, as so appearing, is hereby amended by striking out, in line 13, the words “are not disabled” and inserting in place thereof the following words:- do not have disabilities.

SECTION 174. Section 3 of said chapter 71B, as so appearing, 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 175. Section 8 of said chapter 71B, as so appearing, is hereby amended by striking out, in line 10, the words “disabled child” and inserting in place thereof the following words:- child with a disability.

SECTION 176. Section 12A of said chapter 71B, as so appearing, is hereby amended by striking out, in line 3, the words “Disabled person” and inserting in place thereof the following words:- Person with a disability.

SECTION 177. Said section 12A of said chapter 71B, as so appearing, is hereby further amended by striking out, in lines 14, 26, 30 and 31 and 33, the words “disabled person” and inserting in place thereof, in each instance, the following words:- person with disabilities.

SECTION 178. Section 12B of said chapter 71B, as so appearing, is hereby amended by striking out, in line 6, the words “disabled persons” and inserting in place thereof the words:- persons with disabilities.

SECTION 179. Section 12C of said chapter 71B, as so appearing, is hereby amended by striking out, in lines 1, 17, 31, 37, 44 and 45, 56, 65, 74 and 75 and 92, the words “disabled person” and inserting in place thereof, in each instance, the following words:- person with disabilities.

SECTION 180. Said section 12C of said chapter 71B, as so appearing, is hereby further amended by striking out, in lines 45 and 46, the words “to be disabled” and inserting in place thereof the following words:- to have a disability.

SECTION 181. Said section 12C of said chapter 71B, as so appearing, is hereby further amended by striking out, in line 50, the words “is not disabled” and inserting in place thereof the following words:- does not have a disability.

SECTION 182. Section 22D of chapter 74 of the General Laws, as so appearing, is hereby amended by striking out, in lines 3 and 4 and 6, the words “disabled veterans” and inserting in place thereof, in each instance, the following words:- veterans with disabilities.

SECTION 183. Section 2 of chapter 75 of the General Laws, as so appearing, is hereby amended by striking out, in lines 29 and 30, the words “as developmentally disabled” and inserting in place thereof the following words:- with a developmental disability.

SECTION 184. Section 12B of chapter 76 of the General Laws, as so appearing, is hereby amended by striking out, in line 197, the words “physical handicap” and inserting in place thereof the following words:- physical disability.

SECTION 185. Section 19E of chapter 78 of the General Laws, as so appearing, is hereby amended by striking out, in line 40, the words “to the handicapped and disadvantaged” and inserting in place thereof the following words:- to persons with disabilities and disadvantaged persons.

SECTION 186. Said section 19E of said chapter 78, as so appearing, is hereby further amended by striking out, in lines 51 and 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 187. Section 19J of said chapter 78, as so appearing, is hereby amended by striking out, in line 12, the word “handicapped” and inserting in place thereof the following word:- disability.

SECTION 188. Section 2 of chapter 85 of the General Laws, as so appearing, 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 189. Section 2 of chapter 90 of the General Laws, as so appearing, is hereby amended by striking out, in line 39, the words “disabled persons” and inserting in place thereof the following words:- persons with disabilities.

SECTION 190. Said section 2 of said chapter 90, as so appearing, is hereby further amended by striking out, in lines 185 and 257 and 258, the words “or handicap”.

SECTION 191. Said section 2 of said chapter 90, as so appearing, is hereby further amended by striking out, in line 246, the words “Disabled Veteran” and inserting in place thereof the following words:- Veteran with a Disability.

SECTION 192. Said section 2 of said chapter 90, as so appearing, is hereby further amended by striking out, in line 262, the words “and handicap”.

SECTION 193. Said section 2 of said chapter 90, as so appearing, is hereby further amended by striking out, in lines 307, 310 and 339, the words “handicapped persons” and inserting in place thereof, in each instance, the following words:- persons with disabilities.

SECTION 194. Said section 2 of said chapter 90, as so appearing, is hereby further amended by striking out, in line 315, the words “the handicapped” and inserting in place thereof the following words:- persons with disabilities.

SECTION 195. Said section 2 of said chapter 90, as so appearing, is hereby further amended by striking out, in line 322, the words “handicapped person” and inserting in place thereof the following words:- person with a disability.

SECTION 196. Said section 2 of said chapter 90, as so appearing, is hereby further amended by striking out, in lines 321, 333 and 356, the word “handicapped” and inserting in place thereof the following word:- accessible.

SECTION 197. Said section 2 of said chapter 90, as so appearing, is hereby further amended by striking out, in lines 325, 352, 355, 358, 363, 374, 375, 376, 378 and 379, 380, 383, 384, 385, 387 and 389, the word “handicapped” and inserting in place thereof, in each instance, the following word:- disability.

SECTION 198. Section 13A of said chapter 90, as so appearing, is hereby amended by striking out, in line 12, the word “handicap” and inserting in place thereof the following word:- disability.

SECTION 199. Section 33 of said chapter 90, as so appearing, is hereby amended by striking out, in lines 189 and 191, the words “disabled veteran” and inserting in place thereof, in each instance, the following words:- veteran with a disability.

SECTION 200. Section 41 of chapter 92 of the General Laws, as so appearing, is hereby amended by striking out, in lines 4 and 5, the words “disabled veteran or a handicapped person” and inserting in place thereof the following words:- veteran with a disability or a person with a disability.

SECTION 201. Section 4 of chapter 92B of the General Laws, as so appearing, is hereby amended by striking out, in line 28, the words “physical handicap” and inserting in place thereof the following words:- physical disability.

SECTION 202. Section 82 of chapter 93 of the General Laws, as so appearing, is hereby amended by striking out, in lines 6 and 7, the words “becomes significantly physically or medically disabled” and inserting in place thereof the following words:- obtains a significant physical or medical disability.

SECTION 203. Section 103 of said chapter 93, as so appearing, is hereby amended by striking out, in line 2, the word “handicap” and inserting in place thereof the following word:- disability.

SECTION 204. Section 6 of chapter 93B of the General Laws, as so appearing, is hereby amended by striking out, in line 173, the word “disabled” and inserting in place thereof the following words:- has a disability.

SECTION 205. Section 295CC of chapter 94 of the General Laws, as so appearing, is hereby amended by striking out, in lines 5 and 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 206. Section 2A of chapter 111 of the General Laws, as so appearing, is hereby amended by striking out, in lines 4 and 5, the words “handicapped person” and inserting in place thereof the following words:- person with a disability.

SECTION 207. Section 4O of said chapter 111, as so appearing, is hereby amended by striking out, in line 24, the words “mental retardation” and inserting in place thereof the following words:- developmental services.

SECTION 208. Section 6D of said chapter 111, as so appearing, is hereby amended by striking out, in lines 2 and 23 and 24, the words “genetically handicapped persons” and inserting in place thereof, in each instance, the following words:- persons with genetic disabilities.

SECTION 209. Section 24E of said chapter 111, 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 210. Section 25B of said chapter 111, as so appearing, is hereby amended by striking out, in lines 56 and 57, the words “the developmentally disabled or mentally ill” and inserting in place thereof the following words:- persons with developmental disabilities or mentally ill persons.

SECTION 211. Section 25C of said chapter 111, as so appearing, is hereby amended by striking out, in lines 144 and 145, and 196 and 197, the words “the mentally ill or developmentally disabled” and inserting in place thereof, in each instance, the following words:- mentally ill persons or persons with developmental disabilities.

SECTION 212. Section 62J of said chapter 111, as so appearing, is hereby amended by striking out, in line 15, the words “mental retardation” and inserting in place thereof the following words:- intellectual or developmental disability.

SECTION 213. Section 67E of said chapter 111, as so appearing, is hereby amended by striking out, in line 42, the words “mental retardation” and inserting in place thereof the following words:- intellectual disability.

SECTION 214. 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 215. Section 71 of said chapter 111, as so appearing, is hereby amended by striking out, in lines 10, 25 and 26, 82, 94, 141, 187, 190 and 191 and 231, the words “the mentally retarded” and inserting in place thereof, in each instance, the following words:- persons with intellectual disabilities.

SECTION 216. Said section 71 of said chapter 111, as so appearing, is hereby further amended by inserting after the word “mental”, in line 197, the word:- health.

SECTION 217. Section 72 of said chapter 111, as so appearing, is hereby amended by striking out, in lines 3 and 4, the words “the mentally retarded” and inserting in place thereof the following words:- persons with intellectual disabilities.

SECTION 218. Said section 72 of said chapter 111, as so appearing, is hereby further amended by striking out, in line 18, the words “mentally retarded and developmentally disabled persons” and inserting in place thereof the following words:- persons with intellectual and developmental disabilities.

SECTION 219. Section 72M of said chapter 111, as so appearing, is hereby amended by striking out, in line 24, the words “the aged and disabled” and inserting in place thereof the following words:- aged persons and persons with disabilities.

SECTION 220. Section 72O of said chapter 111, as so appearing, is hereby amended by striking out, in lines 49 and 50 and 62 and 63, the words “the aged and disabled” and inserting in place thereof, in each instance, the following words:- aged persons and persons with disabilities.

SECTION 221. Section 72Y of said chapter 111, as so appearing, is hereby amended by striking out, in line 12, the word “retarded” and inserting in place thereof the following words:- persons with intellectual or developmental disabilities.

SECTION 222. Section 193 of said chapter 111, as so appearing, is hereby amended by striking out, in lines 12 and 13, the words “or retarded”.

SECTION 223. Section 1 of chapter 111G of the General Laws, as so appearing, is hereby amended by striking out, in line 13, the words “handicapping conditions” and inserting in place thereof the following word:- disabilities.

SECTION 224. Section 23A of chapter 112 of the General Laws, as so appearing, is hereby amended by striking out, in line 40, the words “for the handicapped” and inserting in place thereof the following words:- for persons with disabilities.

SECTION 225. Section 87B½ of said chapter 112, as so appearing, is hereby amended by striking out, in line 198, the word “disabled” and inserting in place thereof the following words:- has a disability.

SECTION 226. Section 87XX½ of said chapter 112, as so appearing, is hereby amended by striking out, in line 15, the words “the disabled” and inserting in place thereof the following words:- persons with disabilities.

SECTION 227. Section 163 of said chapter 112, as so appearing, is hereby amended by striking out, in lines 31 and 32, the words “physically or mentally handicapped individuals” and inserting in place thereof the following words:- individuals with physical disabilities or mental health issues.

SECTION 228. Section 1 of chapter 118A of the General Laws, as so appearing, is hereby amended by striking out, in line 3, the words “aged and disabled persons” and inserting in place thereof the following words:- aged persons and persons with disabilities.

SECTION 229. Said section 1 of said chapter 118A, as so appearing, is hereby further amended by striking out, in line 7, the words “aged and disabled individuals” and inserting in place thereof the following words:- aged individuals and individuals with disabilities.

SECTION 230. Said section 1 of said chapter 118A, as so appearing, is hereby further amended by striking out, in line 16, the words “the aged and disabled” and inserting in place thereof the following words:- aged persons and persons with disabilities.

SECTION 231. Section 7 of said chapter 118A, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words “aged and disabled residents” and inserting in place thereof the following words:- aged residents and residents with disabilities.

SECTION 232. Section 9D of chapter 118E of the General Laws, as so appearing, is hereby amended by striking out, in lines 35 and 36, the words “and disabled persons” and inserting in place thereof the following words:- persons and persons with disabilities.

SECTION 233. Section 16 of said chapter 118E, as so appearing, is hereby amended by striking out, in line 14, the words “disabled residents” and inserting in place thereof the following words:- residents with disabilities.

SECTION 234. Section 16A of said chapter 118E, as so appearing, is hereby amended by striking out, in line 2, the words “disabled children” and inserting in place thereof the following words:- children with disabilities.

SECTION 235. Section 16D of said chapter 118E, as so appearing, is hereby further amended by striking out, in line 44, the word “disabled” and inserting in place thereof the following words:- has a disability.

SECTION 236. Section 19 of said chapter 118E, as so appearing, is hereby amended by striking out, in line 8, the word “handicapping” and inserting in place thereof the following word:- disabling.

SECTION 237. Section 31 of said chapter 118E, as so appearing, is hereby amended by striking out, in lines 16 and 39 and 40, the words “permanently and totally disabled” and inserting in place thereof, in each instance, the following words:- has a permanent and total disability.

SECTION 238. Section 78 of said chapter 118E, as so appearing, is hereby amended by striking out in lines 10 and 11, the words “non-disabled persons” and inserting in place thereof the following words:- persons without disabilities.

SECTION 239. Section 23 of chapter 119 of the General Laws, as so appearing, is hereby amended by striking out, in lines 49 and 50, the words “mental retardation” and inserting in place thereof the following words:- intellectual or developmental disabilities.

SECTION 240. Section 14 of chapter 120 of the General Laws, as so appearing, is hereby amended by striking out, in line 3, the words “developmentally disabled” and inserting in place thereof the following words:- a person with a developmental disability.

SECTION 241. Section 10 of chapter 121A of the General Laws, as so appearing, 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 242. Said section 10 of said chapter 121A, as so appearing, 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 243. Section 18D of said chapter 121A, as so appearing, is hereby amended by striking out, in line 87, the words “handicapped persons” and inserting in place thereof the following words:- persons with disabilities.

SECTION 244. Section 1 of chapter 121B of the General Laws, as so appearing, 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 245. Said section 1 of said chapter 121B, as so appearing, is hereby further amended by striking out, in line 107, the words “handicapped or disabled person” and inserting in place thereof the following words:- person with disabilities.

SECTION 246. Said section 1 of said chapter 121B, as so appearing, is hereby further amended by striking out in lines 109 and 113, the words “handicapped person” and inserting in place thereof, in each instance, the following words:- person with a disability.

SECTION 247. Said section 1 of said chapter 121B, as so appearing, is hereby further amended by striking out in line 110, the word “handicap” and inserting in place thereof the following word:- disability.

SECTION 248. Section 26 of said chapter 121B, as so appearing, is hereby amended by striking out, in lines 150 and 157 and 158, the words “handicapped persons” and inserting in place thereof, in each instance, the following words:- persons with disabilities.

SECTION 249. Said section 26 of said chapter 121B, as so appearing, is hereby further amended by striking out, in line 151, the words “is handicapped” and inserting in place thereof the following words:- has a disability.

SECTION 250. Said section 26 of said chapter 121B, as so appearing, is hereby further amended by striking out, in lines 159 and 161, the words “handicapped residents” and inserting in place thereof, in each instance, the following words:- residents with disabilities.

SECTION 251. Said section 26 of said chapter 121B, as so appearing, is hereby further amended by striking out, in lines 237 and 240, the words “handicapped person” and inserting in place thereof, in each instance, the following words:- person with a disability.

SECTION 252. Section 32 of said chapter 121B, as so appearing, is hereby amended by striking out, in line 116, the words “physical handicap” and inserting in place thereof the following words:- physical disability.

SECTION 253. Said section 32 of said chapter 121B, as so appearing, is hereby further amended by striking out, in lines 130 and 136, the words “disabled veterans” and inserting in place thereof, in each instance, the following words:- veterans with disabilities.

SECTION 254. Said section 32 of said chapter 121B, as so appearing, is hereby further amended by striking out, in lines 150, 153 and 155 and 156, the word “handicap-accessible” and inserting in place thereof, in each instance, the following word:- accessible.

SECTION 255. Said section 32 of said chapter 121B, as so appearing, 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 256. Section 34 of said chapter 121B, as so appearing, is hereby amended by striking out, in lines 48 and 49, the words “is permanently and totally disabled” and inserting in place thereof the following words:- has a permanent and total disability.

SECTION 257. Section 38 of said chapter 121B, as so appearing, is hereby amended by striking out, in lines 30, 37 and 38 and 39, the words “handicapped persons” and inserting in place thereof, in each instance, the following words:- persons with disabilities.

SECTION 258. Section 38A of said chapter 121B, as so appearing, is hereby amended by striking out, in lines 2, 8 and 16, the words “the handicapped” and inserting in place thereof, in each instance, the following words:- persons with disabilities.

SECTION 259. Said section 38A of said chapter 121B, as so appearing, is hereby further amended by striking out, in line 7, the words “handicapped person” and inserting in place thereof the following words:- person with a disability.

SECTION 260. Said section 38A of said chapter 121B, as so appearing, is hereby further amended by striking out, in lines 11 and 12, 14, 18 and 19, 21, 25, 28 and 35 and 36, the words “handicapped persons” and inserting in place thereof, in each instance, the following words:- persons with disabilities.

SECTION 261. Said section 38A of said chapter 121B, as so appearing, is hereby further amended by striking out, in line 30, the words “physically handicapped” and inserting in place thereof the following words:- persons with physical disabilities.

SECTION 262. Said section 38A of said chapter 121B, as so appearing, is hereby further amended by striking out, in lines 31 and 32, the words “mental retardation, emotional deficiencies” and inserting in place thereof the following words:- intellectual or developmental disabilities.

SECTION 263. Said section 38A of said chapter 121B, as so appearing, is hereby further amended by striking out, in lines 32 and 33, the words “socially disadvantaged and handicapped persons” and inserting in place thereof the following words:- socially disadvantaged persons with a disability.

SECTION 264. Section 38D of said chapter 121B, as so appearing, is hereby amended by striking out, in line 156, the words “elderly and handicapped persons” and inserting in place thereof the following words:- elderly persons and persons with disabilities.

SECTION 265. Section 39 of said chapter 121B, as so appearing, is hereby amended by striking out, in lines 3, 38 and 39, 44, 48, 50, 52, 63, 68, 73,76, 89, 97 and 100, the words “handicapped persons” and inserting in place thereof, in each instance, the following words:- persons with disabilities.

SECTION 266. Said section 39 of said chapter 121B, as so appearing, is hereby further amended by striking out, in line 95, the words “handicapped person” and inserting in place thereof the following words:- person with a disability.

SECTION 267. Section 40 of said chapter 121B, as so appearing, is hereby amended by striking out, in lines 2, 6, 12, 19 and 20, 28 and 29 and 62 and 63, the words “handicapped persons” and inserting in place thereof, in each instance, the following words:- persons with disabilities.

SECTION 268. Said section 40 of said chapter 121B, as so appearing, is hereby further amended by striking out, in line 13, the words “is handicapped” and inserting in place thereof the following words:- has a disability.

SECTION 269. Said section 40 of said chapter 121B, as so appearing, is hereby further amended by striking out, in lines 24 and 26, the words “the handicapped” and inserting in place thereof, in each instance, the following words:- persons with disabilities.

SECTION 270. Said section 40 of said chapter 121B, as so appearing, is hereby further amended by striking out, in lines 27 and 41, the words “handicapped person” and inserting in place thereof, in each instance, the following words:- person with a disability.

SECTION 271. Section 41A of said chapter 121B, as so appearing, is hereby amended by striking out, in lines 5 and 18 and 19, the words “handicapped persons” and inserting in place thereof, in each instance, the following words:- persons with a disability.

SECTION 272. Said section 41A of said chapter 121B, as so appearing, is hereby further amended by striking out, in lines 6 and 7 and 19 and 20, the words “persons is handicapped” and inserting in place thereof, in each instance, the following words:- persons have a disability.

SECTION 273. Section 42 of said chapter 121B, as so appearing, is hereby amended by striking out, in lines 6 and 19, the words “handicapped persons” and inserting in place thereof, in each instance, the following words:- persons with a disability.

SECTION 274. Said section 42 of said chapter 121B, as so appearing, is hereby further amended by striking out in lines 7 and 20, the words “is handicapped” and inserting in place thereof, in each instance, the following words:- have a disability.

SECTION 275. Section 44 of said chapter 121B, as so appearing, is hereby amended by striking out, in line 10, the words “handicapped persons” and inserting in place thereof the following words:- persons with a disability.

SECTION 276. Said section 44 of said chapter 121B, as so appearing, is hereby further amended by striking out in line 11, the words “persons is handicapped” and inserting in place thereof the following words:- persons have a disability.

SECTION 277. Section 2 of chapter 121E of the General Laws, as so appearing, is hereby amended by striking out, in line 12, the words “disabled persons” and inserting in place thereof the following words:- persons with disabilities.

SECTION 278. Section 1 of chapter 122 of the General Laws, as so appearing, is hereby amended by striking out, in line 11, the words “mental retardation” and inserting in place thereof the following words:- intellectual or developmental disability.

SECTION 279. Section 14 of said chapter 122, as so appearing, is hereby amended by striking out, in lines 3 and 4, the words “mental retardation” and inserting in place thereof the following words:- intellectual or developmental disability.

SECTION 280. Section 1 of chapter 123A of the General Laws, as so appearing, is hereby amended by striking out, in lines 45 and 46, the words “mentally retarded person” and inserting in place thereof the following words:- person with an intellectual or developmental disability.

SECTION 281. Section 3 of chapter 123B of the General Laws, as so appearing, is hereby amended by striking out, in line 5, the words “the mentally retarded” and inserting in place thereof the following words:- persons with intellectual disabilities.

SECTION 282. Said section 3 of said chapter 123B, as so appearing, is hereby further amended by striking out, in line 18, the words “intellectually disabled ward” and inserting in place thereof the following words:- ward for individuals with intellectual disabilities.

SECTION 283. Section 133E of chapter 127 of the General Laws, as so appearing, 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 284. Section 17C of chapter 130 of the General Laws, as so appearing, is hereby amended by striking out, in line 23, the words “disabled person” and inserting in place thereof the following words:- person with a disability.

SECTION 285. Section 13 of chapter 131 of the General Laws, as so appearing, is hereby amended by striking out, in line 49, the words “mentally retarded” and inserting in place thereof the following words:- persons with intellectual or developmental disabilities.

SECTION 286. Said section 13 of said chapter 131, as so appearing, is hereby further amended by striking out, in line 50, the words “mentally retarded” and inserting in place thereof the following words:- with intellectual or developmental disabilities.

SECTION 287. Section 69 of said chapter 131, as so appearing, is hereby amended by striking out, in lines 8 and 9, the words “is permanently disabled” and inserting in place thereof the following words:- has a permanent disability.

SECTION 288. Section 2D of chapter 132A of the General Laws, as so appearing, is hereby amended by striking out, in line 16, the words “disabled veteran” and inserting in place thereof the following words:- veteran with a disability.

SECTION 289. Said section 2D of said chapter 132A, as so appearing, is hereby amended by striking out in line 17, the words “handicapped person” and inserting in place thereof the following words:- person with a disability.

SECTION 290. Section 3W of chapter 143 of the General Laws, as so appearing, is hereby amended by striking out in lines 6 and 7, the words “physically handicapped” and inserting in place thereof the following words:- persons with a physical disability.

SECTION 291. Section 30A of chapter 149 of the General Laws, as so appearing, is hereby amended by striking out, in line 22, the words “mental retardation” and inserting in place thereof the following words:- developmental services.

SECTION 292. Section 105D of said chapter 149, as so appearing, is hereby amended by striking out, in line 9, the words “is mentally or physically disabled” and inserting in place thereof the following words:- has mental or physical disabilities.

SECTION 293. Section 1A of chapter 151 of the General Laws, as so appearing, 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 294. Section 9 of said chapter 151, as so appearing, 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 295. Said section 9 of said chapter 151, as so appearing, is hereby further amended by striking out, in line 7, the words “handicapped person” and inserting in place thereof the following words:- person with a disability.

SECTION 296. Section 1 of chapter 151B of the General Laws, as so appearing, is hereby amended by striking out, in lines 137, 138 and 155, the word “handicap” and inserting in place thereof, in each instance, the following word:- disability.

SECTION 297. Said section 1 of said chapter 151B, as so appearing, is hereby further amended by striking out, in lines 133, 133 and 134 and 154, the words “handicapped person” and inserting in place thereof, in each instance, the following words:- person with a disability.

SECTION 298. Said section 1 of said chapter 151B, as so appearing, is hereby further amended by striking out, in lines 160 and 161, the words “physically or mentally handicapped person” and inserting in place thereof the following words:- person with a physical or intellectual or developmental disability.

SECTION 299. Section 3 of said chapter 151B, as so appearing, is hereby amended by striking out, in line 22, the word “handicap” and inserting in place thereof the following word:- disability.

SECTION 300. Said section 3 of said chapter 151B, as so appearing, is hereby further amended by striking out, in lines 22 and 23, the words “handicapped person” and inserting in place thereof the following words:- person with a disability.

SECTION 301. Said section 3 of said chapter 151B, as so appearing, is hereby further amended by striking out, in line 56, the words “elderly and handicapped persons” and inserting in place thereof the following words:- elderly persons and persons with disabilities.

SECTION 302. Section 4 of said chapter 151B, as so appearing, is hereby amended by striking out, in lines 191, 207, 214, 402 and 403, 414, 421, 634, 645 and 693, the words “handicapped person” and inserting in place thereof, in each instance, the following words:- person with a disability.

SECTION 303. Said section 4 of said chapter 151B, as so appearing, is hereby further amended by striking out, in lines 338 and 340, the words “handicapped persons” and inserting in place thereof, in each instance, the following words:- persons with disabilities.

SECTION 304. Said section 4 of said chapter 151B, as so appearing, is hereby further amended by striking out, in lines 190, 207, 213 and 214, 233, 267, 296, 303, 315, 329, 364, 371, 381, 401, 469, 481, 490, 495, 502, 692, 718 and 723, the word “handicap” and inserting in place thereof, in each instance, the following word:- disability.

SECTION 305. Said section 4 of said chapter 151B, as so appearing, is hereby further amended by striking out, in line 604, the words “is disabled” and inserting in place thereof the following words:- has a disability.

SECTION 306. Said section 4 of said chapter 151B, as so appearing, is hereby further amended by striking out, in line 717, the words “a handicapped individual” and inserting in place thereof the following words:- an individual with disabilities.

SECTION 307. Section 1 of chapter 152 of the General Laws, as so appearing, is hereby amended by striking out, in line 191, the words “a disabled employee” and inserting in place thereof the following words:- an injured and otherwise eligible employee.

SECTION 308. Section 20B of said chapter 152, as so appearing, is hereby amended by striking out, in lines 2 and 3, the words “an incapacitated, disabled or deceased physician” and inserting in place thereof the following words:- a physician who is incapacitated, has a disability or is deceased.

SECTION 309. Section 28 of said chapter 152, as so appearing, is hereby amended by striking out, in lines 13 and 14, the words “mentally retarded persons eighteen years of age or older unless:” and inserting in place thereof the following words:- persons age 18 or older who have an intellectual disability as defined in the current version of the Diagnostic and Statistical Manual of Mental Disorders unless:.

SECTION 310. Section 37A of said chapter 152, as so appearing, is hereby amended by striking out, in line 1, the word “disabled” and inserting in place thereof the following words:- has a disability.

SECTION 311. Section 75B of said chapter 152, as so appearing, 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 312. Section 19A of chapter 159 of the General Laws, as so appearing, is hereby amended by striking out, in lines 16 and 17, the words “certified handicapped or elderly” and inserting in place thereof the following words:- certified persons with disabilities or elderly.

SECTION 313. Section 5 of chapter 161A of the General Laws, as so appearing, is hereby amended by striking out, in line 11, the word “handicap” and inserting in place thereof the following word:- disability.

SECTION 314. Section 9 of said chapter 161A, as so appearing, is hereby amended by striking out, in line 42, the words “the disabled” and inserting in place thereof the following words:- persons with disabilities.

SECTION 315. Section 25 of said chapter 161A, as so appearing, is hereby amended by striking out, in lines 22 and 23, the words “handicapping condition” and inserting in place thereof the following word:- disability.

SECTION 316. Section 5 of chapter 161B of the General Laws, as so appearing, is hereby amended by striking out, in lines 26, 30 and 45, the words “disabled commuter” and inserting in place thereof, in each instance, the following words:- commuters with disabilities.

SECTION 317. Said section 5 of said chapter 161B, as so appearing, is hereby further amended by striking out, in lines 37 and 38, the words “the physically disabled” and inserting in place thereof the following words:- persons with physical disabilities.

SECTION 318. Section 15E of chapter 166 of the General Laws, as so appearing, is hereby amended by striking out, in line 192, the following words “disabled persons” and inserting in place thereof the following words:- persons with disabilities.

SECTION 319. Section 24 of chapter 175 of the General Laws, as so appearing, is hereby amended by striking out, in lines 10 and 11, the words “becomes totally and permanently disabled” and inserting in place thereof the following words:- obtains a permanent and total disability.

SECTION 320. Section 36 of said chapter 175, as so appearing, is hereby amended by striking out, in line 19, the words “or disabled employees” and inserting in place thereof the following words:- employees or employees with disabilities.

SECTION 321. Section 108 of said chapter 175, as so appearing, is hereby amended by striking out, in line 111, the words “is disabled” and inserting in place thereof the following words:- has a disability.

SECTION 322. Said section 108 of said chapter 175, as so appearing, is hereby further amended by striking out, in lines 588 and 589, the words “become totally and permanently disabled” and inserting in place thereof the following words:- obtain a permanent and total disability.

SECTION 323. Section 120A of said chapter 175, as so appearing, is hereby amended by striking out, in line 3, the words “mental retardation” and inserting in place thereof the following words:- intellectual or developmental disability.

SECTION 324. Section 162Q of said chapter 175, as so appearing, is hereby amended by striking out, in lines 7 and 8, the words “becomes mentally or physically disabled” and inserting in place thereof the following words:- obtains a mental or physical disability.

SECTION 325. Section 222 of said chapter 175, as so appearing, is hereby amended by striking out, in line 114, the words “becomes physically or mentally disabled” and inserting in place thereof the following words:- obtains a physical or mental disability.

SECTION 326. Section 9 of chapter 176J of the General Laws, as so appearing, is hereby amended by striking out, in lines 40 and 155, the words “been disabled” and inserting in place thereof, in each instance, the following words:- had a disability.

SECTION 327. Said section 9 of said chapter 176J, as so appearing, is hereby further amended by striking out, in line 69, the words “is disabled” and inserting in place thereof the following words:- has a disability.

SECTION 328. Said section 9 of said chapter 176J, as so appearing, is hereby further amended by striking out, in lines 73 and 159 and 160, the words “is no longer disabled” and inserting in place thereof, in each instance, the following words:- no longer has a disability.

SECTION 329. Section 23D of chapter 184 of the General Laws, as so appearing, is hereby amended by striking out, in line 5, the words “disabled persons” and inserting in place thereof the following words:- persons with disabilities.

SECTION 330. Section 17A of chapter 186 of the General Laws, as so appearing, is hereby amended by striking out, in line 72, the words “or mentally retarded persons” and inserting in place thereof the following words:- persons or persons with an intellectual or developmental disability.

SECTION 331. Section 1 of chapter 188 of the General Laws, as so appearing, is hereby amended by striking out, in line 50, the words “Disabled person” and inserting in place thereof the following words:- Person with a disability.

SECTION 332. Section 2 of said chapter 188, as so appearing, is hereby amended by striking out, in lines 2, 7, 20 and 39 and 40, the words “elderly or disabled person” and inserting in place thereof, in each instance, the following words:- elderly person or person with a disability.

SECTION 333. Said section 2 of said chapter 188, as so appearing, is hereby further amended by striking out, in lines 11 and 17 and 18, the words “elderly or disabled person’s” and inserting in place thereof, in each instance, the following words:- elderly person’s or person with a disability’s.

SECTION 334. Section 5 of said chapter 188, as so appearing, is hereby amended by striking out, in lines 19 and 20 and 21, the words “disabled person” and inserting in place thereof, in each instance, the following words:- person with a disability.

SECTION 335. Section 5-101 of chapter 190B of the General Laws, as so appearing, is hereby amended by striking out, in line 39, the words “Mentally retarded person” and inserting in place thereof the following words:- Person with an intellectual or developmental disability.

SECTION 336. Said section 5-101 of said chapter 190B, as so appearing, is hereby further amended by striking out, in line 53, the words “injured, disabled” and inserting in place thereof the following words:- injured persons, persons with disabilities.

SECTION 337. Said section 5-101 of said chapter 190B, as so appearing, is hereby further amended by striking out, in line 58, the words “developmentally disabled facility” and inserting in place thereof the following words:- facility for persons with intellectual or developmental disabilities.

SECTION 338. Section 5-304 of said chapter 190B, as so appearing, is hereby amended by striking out, in line 16, the words “to be mentally retarded” and inserting in place thereof the following words:- to have an intellectual or developmental disability.

SECTION 339. Section 5-309 of said chapter 190B, as so appearing, is hereby amended by striking out, in line 57, the words “or a mental retardation facility” and inserting in place thereof the following words:- intermediate care facility for individuals with intellectual disabilities.

SECTION 340. Section 5-404 of said chapter 190B, as so appearing, is hereby amended by striking out, in line 57, the words “be developmentally disabled” and inserting in place thereof the following words:- have an intellectual or developmental disability.

SECTION 341. Section 32 of chapter 209 of the General Laws, as so appearing, is hereby amended by striking out, in line 6, the words “mental retardation” and inserting in place thereof the following words:- an intellectual disability.

SECTION 342. Section 25 of chapter 211 of the General Laws, as so appearing, is hereby amended by striking out, in lines 4 and 5, the words “mentally or physically disabled persons” and inserting in place thereof the following words:- persons with intellectual, developmental or physical disabilities.

SECTION 343. Said section 25 of said chapter 211, as so appearing, is hereby further amended by striking out, in lines 25 and 26, the words “disabled community” and inserting in place thereof the following words:- the disability community.

SECTION 344. Section 34 of chapter 215 of the General Laws, as so appearing, is hereby amended by striking out, in line 57, the words “is not disabled” and inserting in place thereof the following words:- does not have a disability.

SECTION 345. Section 9 of chapter 221A of the General Laws, as so appearing, is hereby amended by striking out, in lines 21 and 22, the words “elderly and handicapped individuals” and inserting in place thereof the following words:- elderly individuals and individuals with disabilities.

SECTION 346. Section 16 of chapter 224 of the General Laws, as so appearing, is hereby amended by striking out, in lines 5 and 6, 42 and 53, the words “handicapped person” and inserting in place thereof, in each instance, the following words:- person with a disability.

SECTION 347. Section 85V of chapter 231 of the General Laws, as so appearing, is hereby amended by striking out, in lines 23 and 24, the words “the physically handicapped or mentally retarded” and inserting in place thereof the following words:- persons with physical or intellectual or developmental disabilities.

SECTION 348. Section 23E of chapter 233 of the General Laws, as so appearing, 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 or developmental disability.

SECTION 349. Section 3 of chapter 234A of the General Laws, as so appearing, is hereby amended by striking out, in lines 10 and 11, the words “Physically handicapped persons” and inserting in place thereof the following words:- Persons with physical disabilities.

SECTION 350. Section 4 of said chapter 234A, as so appearing, is hereby amended by striking out, in line 29, the words “is permanently disabled” and inserting in place thereof the following words:- has a permanent disability.

SECTION 351. Said section 4 of said chapter 234A, as so appearing, is hereby further amended by striking out, in lines 36 and 37, the words “permanently disabled person” and inserting in place thereof the following words:- person with a permanent disability.

SECTION 352. Said section 4 of said chapter 234A, as so appearing, is hereby further amended by striking out, in lines 39, 41 and 44, the words “disabled person” and inserting in place thereof, in each instance, the following words:- person with a disability.

SECTION 353. Section 56 of said chapter 234A, as so appearing, is hereby amended by striking out, in lines 8 and 9, the words “handicapped and elderly jurors or handicapped and elderly dependents of jurors” and inserting in place thereof the following words:- elderly jurors and jurors with disabilities, elderly dependents of jurors or juror dependents with disabilities.

SECTION 354. Section 34 of chapter 235 of the General Laws, as so appearing, is hereby amended by striking out, in line 56, the words “handicapped person” and inserting in place thereof the following words:- person with disabilities.

SECTION 355. Section 9 of chapter 239 of the General Laws, as so appearing, is hereby amended by striking out, in lines 13 and 25, the words “handicapped person” and inserting in place thereof, in each instance, the following words:- person with a disability.

SECTION 356. Said section 9 of said chapter 239, as so appearing, is hereby further amended by striking out, in line 32, the words “handicapped persons” and inserting in place thereof the following words:- persons with disabilities.

SECTION 357. Section 5B of chapter 260 of the General Laws, as so appearing, is hereby amended by striking out, in line 5, the word “handicap” and inserting in place thereof the following word:- “disability.

SECTION 358. Section 40 of chapter 262 of the General Laws, as so appearing, is hereby amended by striking out, in line 110, the words “disabled abuse” and inserting in place thereof the following words:- abuse of persons with disabilities.

SECTION 359. Section 13F of chapter 265 of the General Laws, as so appearing, is hereby amended by striking out, in lines 2, 3, 12, 13, 14 and 15 and 15 and 16, the words “an intellectual disability” and inserting in place thereof, in each instance, the following words:- an intellectual or developmental disability.

SECTION 360. Said section 13F of said chapter 265, as so appearing, is hereby further amended by striking out, in lines 21 and 22 and 22, the words “mentally retarded person” and inserting in place thereof, in each instance, the following words:- person with an intellectual or developmental disability.

SECTION 361. Section 39 of said chapter 265, as so appearing, is hereby amended by striking out, in line 11, the word “handicap” and inserting in place thereof the following word:- disability.

SECTION 362. 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 363. Section 123 of chapter 266 of the General Laws, as so appearing, is hereby amended by striking out, in line 7, the words “and developmentally disabled persons” and inserting in place thereof the following words:- persons and persons with intellectual or developmental disabilities.

SECTION 364. Section 7 of chapter 268A of the General Laws, as so appearing, is hereby amended by striking out, in line 66, the words “or mentally retarded persons” and inserting in place thereof the following words:- persons or persons with intellectual or developmental disabilities.

SECTION 365. Section 48 of chapter 271 of the General Laws, as so appearing, is hereby amended by striking out, in lines 4 and 5, the words “disabled veterans” and inserting in place thereof the following words:- veterans with disabilities.

SECTION 366. Section 98A of chapter 272 of the General Laws, as so appearing, is hereby amended by striking out, in lines 2 and 3 and 14 and 15, the words “deaf or hearing handicapped person, or other physically handicapped person” and inserting in place thereof, in each instance, the following words:- person who is deaf or person with a hearing disability or other disability.

SECTION 367. Said Section 98A of said chapter 272, as so appearing, is hereby further amended by striking out, in lines 9 and 10, the words “deaf or hearing handicapped, or other physically handicapped person” and inserting in place thereof, the following words:- person who is deaf or person with a hearing disability or other disability.

SECTION 368. Section 23 of chapter 273 of the General Laws, as so appearing, is hereby amended by striking out, in line 1, the words “disabled person” and inserting in place thereof the following words:- person with a disability.

SECTION 369. Section 100E of chapter 276 of the General Laws, as so appearing, is hereby amended by striking out, in line 31, the words “Disabled person” and inserting in place thereof the following words:- Person with a disability.

SECTION 370. Said section 100E of said chapter 276, as so appearing, is hereby further amended by striking out, in lines 32 and 33, the words “is otherwise mentally or physically disabled” and inserting in place thereof the following words:- otherwise has mental or physical disabilities.

SECTION 371. Section 100J of said chapter 276, as so appearing, is hereby amended by striking out, in line 9, the words “disabled person” and inserted in place thereof the following words:- person with a disability.

Public Access to Historical Records

HB.3033, SB. 1965 —An Act relating to public access to historical records

Representatives Sean Garballey and Mindy Dome, 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 7 of Chapter 66 of the General Laws is hereby amended by adding the following sentence:- All records in the custody of the state secretary shall be open to public inspection and available for copying after the expiration of 75 years from the creation of the record.

Accessible Buildings in Massachusetts

HB.1553—An Act building a more accessible Massachusetts

Senator Michael Moore

Bill overview: This bill addresses loopholes that prevent buildings constructed prior to 1991, and all workplaces, to be compliant with the Americans with Disabilities Act. It accomplishes this by bringing such buildings under the purview of the Massachusetts Architectural Access Board when newly built or when major renovations take place, ensuring more accessible housing units are available in our state, and expanding employment access.

Bill language –

SECTION 1. The first paragraph of section 13A of chapter 22 of the General Laws, as amended by section 29 of chapter 39 of the acts of 2021, is hereby further amended by striking out the second and third sentences and inserting in place thereof the following 3 sentences:- Two of the appointive members shall be architects licensed to practice in the commonwealth. One of the appointive members shall be a licensed building inspector. Three of the appointive members shall be selected after consultation with advocacy groups on behalf of persons with disabilities.

SECTION 2. Said section 13A of said chapter 22, as so amended, is hereby further amended by striking out the fourth paragraph and inserting in place thereof the following 4 paragraphs:- The board shall make and from time to time alter, amend and repeal, in accordance with the provisions of chapter 30A, rules and regulations designed to make multiple dwellings and public buildings and facilities, including, but not limited to, areas that are not generally in public use, accessible to, functional for and safe for use by persons with disabilities. The board shall also make rules and regulations requiring that any person who has lawful control of improved or enclosed private property used as off-street parking areas where the public has a right of access as invitees or licensees, shall reserve parking spaces in said off-street parking areas for vehicles authorized to display handicapped plates or placards under section 2 of chapter 90; provided, that the parking requirements shall be consistent with the ADA Standards for Accessible Design. The parking spaces reserved for vehicles of such persons with a disability shall be clearly marked as such. The rules and regulations of the board shall establish standards and procedures designed to make adaptable for persons with physical disabilities for any building, regardless of the date of construction: (i) all dwelling units in multiple dwellings equipped with an elevator; (ii) all ground floor dwelling units in multiple dwellings not equipped with an elevator; and (iii) all public use and common use portions of such multiple dwellings; provided, however, that in any building constructed before March 13, 1991, such standards and procedures for dwelling units shall apply only to such units within: (i) any non-residential building undergoing a gut rehabilitation as part of a change in use into a multiple dwelling facility; or (ii) any residential building which is vacant undergoing a gut rehabilitation. The rules and regulations of the board shall establish standards and procedures designed to make accessible to, functional for and safe for use by persons with physical disabilities residential buildings whenever constructed and without the restrictions in the above paragraph. Unless otherwise specified, 5 per cent of the units in lodging or residential facilities for hire, rent or lease, containing 20 or more units, shall meet this requirement; provided, however, that accessible units shall allow 5 feet of turning radius for a wheelchair in the kitchens and bathrooms. In the event that the board determines that the need, in certain areas of the commonwealth, for such units either exceeds or does not require said 5 percent, the board may require that, in said areas a percentage of units less than 5 per cent or not greater than 10 per cent be accessible and safe for persons with disabilities; provided, however, that said accessible units shall allow 5 feet of turning radius for a wheelchair in the kitchens and bathrooms. The board may make such determination only if there is sufficient factual basis, using data from the central registry of the Massachusetts rehabilitation commission, established in section 74 of chapter 6, and other sources, to establish with a reasonable degree of certainty the present and future needs for said accessible units in certain areas of the commonwealth. A percentage of less than 5 per cent shall not be established unless such accessible units, which are not needed by persons with disabilities cannot be readily hired, rented or leased to other persons. The rules and regulations of the board shall include, but not be limited to, detailed architectural standards further defining adaptable and accessible dwelling units and such other provisions necessary to provide rights and remedies substantially equivalent to or greater than the rights and remedies provided by the federal Fair Housing Act, the ADA Standards for Accessible Design and regulations thereunder as pertaining to such multiple dwellings.

SECTION 3. Said section 13A of said chapter 22 is hereby further amended by inserting after the word “buildings”, in lines 67, as appearing in the 2020 Official Edition, the following words:- and facilities.

SECTION 4. Said section 13A of said chapter 22 is hereby further amended by inserting after the word “section”, in line 75, as so appearing, the following words:- and facilities.

SECTION 5. Said section 13A of said chapter is hereby further amended by striking out, in lines 80 and 81, as so appearing, the words “handicapped persons,” and inserting in place thereof the following words:- persons with a disability.

SECTION 6. Said section 13A of said chapter 22 is hereby further amended by striking out, in lines 88 and 89, as so appearing, the word “newspaper” and inserting in place thereof the following words:- forms of.

SECTION 7. Said section 13A of said chapter 22, is hereby further amended by inserting after the word “building”, in line 93, as so appearing, the following words:- or facility, including areas not generally in public use,.

SECTION 8. Said section 13A of said chapter 22 is hereby further amended by striking out the words “building be changed to a”, in line 94, as so appearing, and inserting in place thereof the following words:- building or facility be changed to a residential use or a.

SECTION 9. Said section 13A of said chapter 22 is hereby further amended by inserting after the word “building”, in lines 95 and 96, as so appearing, in each instance, the following words:- or facility.

SECTION 10. Said section 13A of said chapter 22, as so appearing, is hereby further amended by striking out, in lines 102 and 103, as so appearing, the words “physically handicapped persons” and inserting in place thereof the following words:- persons with a disability.

SECTION 11. Said section 13A of said chapter 22, as amended by section 29 of chapter 39 of the acts of 2021, is hereby further amended by striking out the eighth paragraph.

SECTION 12. Said section 13A of said chapter 22 is hereby further amended by striking out, in lines 131 and 132, as appearing in the 2020 Official Edition, the word “person” and inserting in place thereof the following words:- building or facility, or portion thereof,.

SECTION 13. Said section 13A of said chapter 22 is hereby further amended by inserting after the word “building”, in line 150, as so appearing, the second time it appears, the following words:- or facility.

SECTION 14. Said section 13A of said chapter 22 is hereby further amended by inserting after the word “building”, in line 166, as so appearing, the following word:- , facility.

SECTION 15. Said section 13A of said chapter 22 is hereby further amended by striking out, in lines 177, 179 and 187, as so appearing, the words “physically handicapped persons” and inserting in place thereof, in each instance, the following words:- persons with a disability.

SECTION 16. The fourteenth paragraph of said section 13A of said chapter 22, as so appearing, is hereby further amended by inserting after the definition of “Alteration”, the following definition:- “Areas that are not generally in public use”, areas not intended for use by the public, as designated in the 1991 and 2010 ADA Standards for Accessible Design, and employee work areas.

SECTION 17. The fourteenth paragraph of said section 13A of said chapter 22, as so appearing, is hereby further amended by inserting after the definition of “Construction” the following 3 definitions:- “Employee work area”, all or any portion of a space used only by employees and used only for work, including, but not limited to, corridors, toilet rooms, kitchenettes and break rooms if said areas constitute the path of travel to or are essential to the use of employees for work; provided, that all employee work areas shall be made accessible in new construction or where renovation work being performed is otherwise subject to the jurisdiction of the board. Corridors, toilet rooms, kitchenettes and break rooms shall not otherwise be considered employee work areas; provided however, that where corridors, toilet rooms, kitchenettes and break rooms constitute the path of travel to or are essential to the use of employees for work, they shall be, when possible, adaptable. “Facility”, all or any portion of a building, structure, site improvement, complex, equipment, road, walk, passageway, parking lot or other real or personal property, including the site where the building, property, structure or equipment is located. “Gut rehabilitation”, the general replacement of the interior of a building that may or may not include changes to structural elements such as flooring systems, columns or load bearing interior or exterior walls.

SECTION 18. Said section 13A of said chapter 22 is hereby further amended by striking out, in line 200, as so appearing, the words “Physically handicapped person” and inserting in place thereof the following words:-
Person with a disability.

SECTION 19. Said section 13A of said chapter 22 is hereby further amended by striking out, in line 204, as so appearing, the words “Physically handicapped persons” and inserting in place thereof the following words:- A person with a disability.

SECTION 20. Said section 13A of said chapter 22, as so appearing, is hereby further amended by striking out the definition of “Public building”, in lines 209 through 226, inclusive, and inserting in place thereof the following definition:- “Public building”, (i) a building constructed by the commonwealth or any political subdivision thereof with public funds and open to public use, including, but not limited to, a building constructed by a public housing authority, the Massachusetts Port Authority, the Massachusetts Parking Authority, the Massachusetts Department of Transportation, the Massachusetts Bay Transportation Authority or a building authority of any public educational institution, or their successors; or (ii) a privately financed building that is open to and used by the public, including, but not limited to, places of public accommodation listed in section 92A of chapter 272, and 42 U.S.C. section 12181(7).