



The Commonwealth of Massachusetts  
Executive Office of Health & Human Services  
Department of Developmental Services  
500 Harrison Avenue  
Boston, MA 02118

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**DEPARTMENT OF DEVELOPMENTAL SERVICES**

**NOTICE OF PUBLIC HEARING AND OPPORTUNITY FOR PUBLIC COMMENT**

Pursuant to the authority of G.L. chapters 19B, §§ 1 and 14 and 123B, § 2 and in accordance with G.L. c. 30A, the Department of Developmental Services will hold public hearings and accept public comments pertaining to proposed amendments to **115 CMR 2.00: Definitions and 115 CMR 5.00: Standards to Promote Dignity**.

The proposed amendments to 115 CMR 5.00 et seq. are intended to replace current behavior modification standards with a system of Positive Behavior Supports (PBS), a widely accepted and utilized framework for both systems change and individual treatment which supports individuals to grow and reach their maximum potential. PBS provides a means for selecting, organizing and implementing evidenced-based practices in the treatment of individuals. The regulations replace outmoded systems of behavior modification, and prohibit certain restrictive practices. Proposed amendments also eliminate the use of mechanical restraint; limit the use of physical restraint to defined emergency circumstances; and eliminate the use of transportation restraint. The regulations further update sections of the regulations pertaining to guardianship and conservatorship in conformity with the adoption of the Massachusetts Uniform Probate Code, and update certain sections relating to administration of medication in Department licensed or funded group homes in conformity with Department of Public Health medication administration regulations. Proposed amendments to 115 CMR 2.00 contain definitions necessary to implement 115 CMR 5.00 et seq., as amended.

Public hearings will be held on:

**August 23, 2016, 10:00 a.m. to 2:00 p.m. at:**

John W. McCormack Building  
21<sup>st</sup> Floor, Conference Room 3  
One Ashburton Place  
Boston, MA 02108

**August 25, 2016, 10:00 a.m. to 2:00 p.m. at:**

Worcester Public Library  
Main Library Saxe Room  
3 Salem Square  
Worcester, MA 01608

The Department encourages all interested parties to submit testimony electronically to the following address: [DDS.regs.comments@massmail.state.ma.us](mailto:DDS.regs.comments@massmail.state.ma.us). Submissions should include the sender's full name, mailing address, and organization or affiliation, if any. Individuals who are unable to submit testimony by email should mail written testimony to the Office of the General Counsel, 500 Harrison Avenue, Boston, MA 02118. All written comments submitted to the Department may be posted on the Department's website and released in response to a request for public records. All written testimony must be submitted by 5:00 p.m. on August 25, 2016.

A current draft of the proposed amendments may be viewed on the Department's website at: [www.mass.gov/DDS](http://www.mass.gov/DDS) or obtained from the Office of the General Counsel (617) 624-7702. Special accommodation requests may be made by telephone to the Office of the General Counsel at (617) 624-7702 or TTY: (617) 624-7590 (for persons who are deaf, hard of hearing or speech disabled). Requests for a sign language or other interpreter must be made at least two weeks in advance of the hearing.

The Department may adopt a revised version of the proposed regulations taking into account relevant comments and other practical alternatives that come to its attention.

June 3, 2016