

# HOUSE . . . . . No. 2245

By Representative Scibak of South Hadley and Senator Joyce, joint petition of Brian A. Joyce and others for an investigation by a special commission (including members of the General Court) relative to the use of behavior modification techniques used in the Commonwealth. Public Health.

## The Commonwealth of Massachusetts

### PETITION OF:

Brian A. Joyce	Frank I. Smizik
Barbara A. L'Italien	Carl M. Sciortino, Jr.
William N. Brownsberger	Kay Khan
Tom Sannicandro	Harold P. Naughton, Jr.
Viriato Manuel deMacedo	Alice Hanlon Peisch
John W. Scibak	Anthony J. Verga
Mary E. Grant	James R. Miceli
Lida E. Harkins	

In the Year Two Thousand and Seven.

AN ACT CREATING A SPECIAL COMMISSION ON BEHAVIOR MODIFICATION.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. There shall be a special commission to investigate  
2 and make legislative recommendations on the adequacy and effec-  
3 tiveness of laws and regulations governing the use of behavior modi-  
4 fication techniques, including aversive procedures and the principles  
5 of applied behavior analysis across all publicly operated and/or  
6 funded agencies.

1 SECTION 2. The investigation shall include, but not be limited  
2 to, the scope of techniques permissible under current statutes and  
3 regulations, the existent classification system of behavioral interven-  
4 tions, the format and content of behavioral plans, the policies and  
5 procedures governing the development, review, approval, implemen-  
6 tation and monitoring of aversive interventions, and the adequacy of  
7 procedural safeguards to ensure the health, safety, privacy, dignity  
8 and human rights of individuals with behavior plans in place.

1 SECTION 3. The commission shall also review and evaluate the  
2 status and appropriateness of a sample of current behavioral plans  
3 within state agencies as well as contracted providers.

1 SECTION 4. The commission shall develop and recommend a  
2 unified set of standards regarding the use of behavior modification  
3 procedures in all agencies and programs licensed, funded and/or reg-  
4 ulated by the Commonwealth. These standards shall include, the  
5 minimum qualifications for staff who are involved in the develop-  
6 ment and direct implementation of aversive procedures and the  
7 review and monitoring requirements for such interventions.

1 SECTION 5. The commission shall consist of the Governor or  
2 his designee, the Senate President or his designee, the Speaker of the  
3 House or his designee, the Senate and House Chairs of the Joint  
4 Committee on Children and Families, the Chief Justice of the Pro-  
5 bate and Family Court or his designee, the Commissioner of the  
6 Department of Mental Retardation or his designee, the Commis-  
7 sioner of the Department of Mental Health or her designee, the Com-  
8 missioner of the Department of Education or his designee, the  
9 Commissioner of the Department of Social Services or his designee,  
10 the Commissioner of the Department of Youth Services or her  
11 designee, the Commissioner of the Department of Early Childhood  
12 and Care or her designee, the Executive Director of the Disabled  
13 Persons Protection Commission, or her designee, the Chairman of  
14 the Governor's Commission on Mental Retardation or his designee,  
15 the Executive Director of the Massachusetts Psychological Associa-  
16 tion or her designee, a Certified Behavior Analyst, who is licensed to  
17 practice as a Psychologist in the Commonwealth. The Commission  
18 will also include at least one disability advocate and one service  
19 provider whose agency conducts behavioral intervention program-  
20 ming, said representatives to be determined by the other members of  
21 the commission.

1 SECTION 6. The commission may hold public hearings and site  
2 visits to assist in the collection and evaluation of data and testimony  
3 from providers, family members, and the general public.

1 SECTION 7. The special commission shall be appointed no later  
2 than June 30, 2007 and shall file a report of the results of investi-  
3 gation and recommendations with the clerks of the senate and house  
4 of representatives on or before January 1, 2008.