

SENATE NO. 1122

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 and make legislative
2 recommendations on the adequacy and effectiveness of laws and regulations governing the use of
3 behavior modification techniques, including aversive procedures and the principles of applied behavior
4 analysis across all publicly operated and/or funded agencies.

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

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

13 SECTION 4. The commission shall develop and recommend a unified set of standards regarding the
14 use of behavior modification procedures in all agencies and programs licensed, funded and/or

15 regulated by the Commonwealth. These standards shall include, the minimum qualifications for staff
16 who are involved in the development and direct implementation of aversive procedures and the review
17 and monitoring requirements for such interventions.

18 SECTION 5. The commission shall consist of the Governor or his designee, the Senate President or
19 his designee, the Speaker of the House or his designee, the Senate and House Chairs of the Joint
20 Committee on Children and Families, the Chief Justice of the Probate and Family Court or his
21 designee, the Commissioner of the Department of Mental Retardation or his designee, the
22 Commissioner of the Department of Mental Health or her designee, the Commissioner of the
23 Department of Education or his designee, the Commissioner of the Department of Social Services or
24 his designee, the Commissioner of the Department of Youth Services or her designee, the
25 Commissioner of the Department of Early Childhood and Care or her designee, the Executive Director
26 of the Disabled Persons Protection Commission, or her designee, the Chairman of the Governor's
27 Commission on Mental Retardation or his designee, the Executive Director of the Massachusetts
28 Psychological Association or her designee, a Certified Behavior Analyst, who is licensed to practice as
29 a Psychologist in the Commonwealth. The Commission will also include at least one disability
30 advocate and one service provider whose agency conducts behavioral intervention programming, said
31 representatives to be determined by the other members of the commission.

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

34 SECTION 7. The special commission shall be appointed no later than June 30, 2007 and shall file a
35 report of the results of its investigation and recommendations with the clerks of the senate and house
36 of representatives on or before January 1, 2008.