

SENATE No. 70

The Commonwealth of Massachusetts

PRESENTED BY:

Karen E. Spilka

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act to provide habilitative services to the children of the Commonwealth .

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Karen E. Spilka	Second Middlesex and Norfolk
David P. Linsky	5th Middlesex
Tom Sannicandro	7th Middlesex
Benjamin Swan	11th Hampden

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT TO PROVIDE HABILITATIVE SERVICES TO THE CHILDREN OF THE COMMONWEALTH .

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. Chapter 32A of the General Laws is hereby amended by inserting after
2 section 17H the following section:

3 Section 17I. (A)The commission shall provide to any active or retired employee of the
4 Commonwealth who is insured under the group insurance commission under a policy, contract,
5 or plan delivered, issued for delivery, or renewed in the Commonwealth, coverage for medically
6 necessary habilitative services for persons younger than 19 years.

7 (B) For the purposes of this section "Habilitative services" means health and social services
8 directed toward increasing and maintaining the physical, intellectual, communicative, emotional,
9 and social functioning of developmentally delayed individuals, including occupational, physical,
10 and speech therapy; assistance, training, supervision, and monitoring in the areas of self-care,
11 sensory and motor development, interpersonal skills, communication, and socialization; and
12 reduction or elimination of maladaptive behavior; "Medically necessary habilitative services"
13 mean habilitative services that are designed to help an individual attain or retain the capability to

14 function age appropriately within the individual's environment and shall include habilitative
15 services that enhance functional ability without effecting a cure.

16 C. The commission shall provide notice annually to its insured and enrollees about the coverage
17 required under this section.

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

20 Section 10B. (A) The division shall provide coverage under any such policy, contract, or plan
21 delivered, issued for delivery, or renewed in the Commonwealth for medically necessary
22 habilitative services for persons younger than 19 years.

23 (B) For the purposes of this section "Habilitative services" means health and social services
24 directed toward increasing and maintaining the physical, intellectual, communicative, emotional,
25 and social functioning of developmentally delayed individuals, including occupational, physical,
26 and speech therapy; assistance, training, supervision, and monitoring in the areas of self-care,
27 sensory and motor development, interpersonal skills, communication, and socialization; and
28 reduction or elimination of maladaptive behavior; "Medically necessary habilitative services"
29 mean habilitative services that are designed to help an individual attain or retain the capability to
30 function age appropriately within the individual's environment and shall include habilitative
31 services that enhance functional ability without effecting a cure.

32 C. The division shall provide notice annually to its insured and enrollees about the coverage
33 required under this section

34 SECTION 3. Chapter 175 of the General Laws is hereby amended by inserting after
35 section 110I the following section:

36 Section 110M.(A) Any policy, contract, agreement, plan, or certificate of insurance issued,
37 delivered, or renewed within the Commonwealth shall provide coverage for medically necessary
38 habilitative services for persons younger than 19 years.

39 (B) For the purposes of this section "Habilitative services" means health and social services
40 directed toward increasing and maintaining the physical, intellectual, communicative, emotional,
41 and social functioning of developmentally delayed individuals, including occupational, physical,
42 and speech therapy; assistance, training, supervision, and monitoring in the areas of self-care,
43 sensory and motor development, interpersonal skills, communication, and socialization; and
44 reduction or elimination of maladaptive behavior; "Medically necessary habilitative services"
45 mean habilitative services that are designed to help an individual attain or retain the capability to
46 function age appropriately within the individual's environment and shall include habilitative
47 services that enhance functional ability without effecting a cure.

48 C. Any provider of a policy, contract, agreement, plan, or certificate of insurance shall provide
49 notice annually to its insured and enrollees about the coverage required under this section.

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

52 Section 8W.(A) Any policy, contract, agreement, plan, or certificate of insurance issued,
53 delivered, or renewed within the Commonwealth shall provide coverage for medically necessary
54 habilitative services for persons younger than 19 years.

55 (B) For the purposes of this section "Habilitative services" means health and social services
56 directed toward increasing and maintaining the physical, intellectual, communicative, emotional,
57 and social functioning of developmentally delayed individuals, including occupational, physical,
58 and speech therapy; assistance, training, supervision, and monitoring in the areas of self-care,
59 sensory and motor development, interpersonal skills, communication, and socialization; and
60 reduction or elimination of maladaptive behavior; "Medically necessary habilitative services"
61 mean habilitative services that are designed to help an individual attain or retain the capability to
62 function age appropriately within the individual's environment and shall include habilitative
63 services that enhance functional ability without effecting a cure.

64 C. Any provider of a policy, contract, agreement, plan, or certificate of insurance shall provide
65 notice annually to its insured and enrollees about the coverage required under this section.

66 SECTION 5. Chapter 176B of the General Laws is hereby amended by inserting after
67 section 4V the following section:-

68 Section 4W. (A) Any policy, contract, agreement, plan, or certificate of insurance issued,
69 delivered, or renewed within the Commonwealth shall provide coverage for medically necessary
70 habilitative services for persons younger than 19 years.

71 (B) For the purposes of this section "Habilitative services" means health and social services
72 directed toward increasing and maintaining the physical, intellectual, communicative, emotional,
73 and social functioning of developmentally delayed individuals, including occupational, physical,
74 and speech therapy; assistance, training, supervision, and monitoring in the areas of self-care,
75 sensory and motor development, interpersonal skills, communication, and socialization; and

76 reduction or elimination of maladaptive behavior; "Medically necessary habilitative services"
77 mean habilitative services that are designed to help an individual attain or retain the capability to
78 function age appropriately within the individual's environment and shall include habilitative
79 services that enhance functional ability without effecting a cure.

80 . C. Any provider of a policy, contract, agreement, plan, or certificate of insurance shall provide
81 notice annually to its insured and enrollees about the coverage required under this section.

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

84 Section 4O. (A) Any policy, contract, agreement, plan, or certificate of insurance issued,
85 delivered, or renewed within the Commonwealth shall provide coverage for medically necessary
86 habilitative services for persons younger than 19 years.

87 (B) For the purposes of this section "Habilitative services" means health and social services
88 directed toward increasing and maintaining the physical, intellectual, communicative, emotional,
89 and social functioning of developmentally delayed individuals, including occupational, physical,
90 and speech therapy; assistance, training, supervision, and monitoring in the areas of self-care,
91 sensory and motor development, interpersonal skills, communication, and socialization; and
92 reduction or elimination of maladaptive behavior; "Medically necessary habilitative services"
93 mean habilitative services that are designed to help an individual attain or retain the capability to
94 function age appropriately within the individual's environment and shall include habilitative
95 services that enhance functional ability without effecting a cure.

96 C. Any provider of a policy, contract, agreement, plan, or certificate of insurance shall provide
97 notice annually to its insured and enrollees about the coverage required under this section.