



FACT SHEET

H.207/S.103 An Act Relative to Persons with Developmental Disabilities

In Brief:

- This legislation proposes adopting the federal definition of developmental disability (DD). If passed, this would take effect on January 1, 2025.
- The current definition of DD in Massachusetts (MA) is more restrictive than the federal definition and nearly all other state definitions.
- There is no common definition of “developmental disability” used by all 50 states. This means that whether a person is recognized as having a DD can depend on what state they live in.
- This change would allow eligible individuals living in MA to access services based on their functional limitations and support needs, not a specific disability diagnosis or label.
- Adopting the federal definition of DD would provide eligibility to what DDS calls “community services.” This does not include residential services, which will help control costs.
- DDS would continue to have the right to prioritize services based on appropriations, regardless of eligibility criteria.

What is the federal definition of “Developmental Disability?”

- The federal definition of “developmental disability” is used by U.S. government agencies.¹
- This definition says a developmental disability must start before the age of 22 and be likely to last for a person’s entire life.
- In this definition, ***a developmental disability is based on a person's function and functional limitations.***
- These limitations must affect at least three major life activities, including self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and economic self-sufficiency.
- These limitations can be caused by any type or combination of physical or mental impairment. ***The federal definition does not require that a person has an intellectual disability. It also does not require that a person has a specific diagnosis.***



What is the current definition of “Developmental Disability” in Massachusetts?

- Our state definition also considers a person’s functions and functional limitations. However, ***these limitations must be caused by specific diagnoses: Intellectual Disability, Autism Spectrum Disorder, Smith-Magenis Syndrome, or Prader-Willi Syndrome.***^{2,3}
- Our state definition ***does not include people with other DD diagnoses*** like cerebral palsy, epilepsy, Fetal Alcohol Spectrum Disorder (FASD), Williams Syndrome, or Angelman Syndrome.

What definitions do other states use?

- There are 27 states that already use the federal definition of developmental disability (DD). Another 20 states have a definition that is more inclusive than Massachusetts's definition.⁴
- Other states are making changes to their definition of DD so that people who need state services are not left out. These states include North Dakota and New York.

Why does the definition of “developmental disability” matter?

- Definitions are important. Because MA uses a very narrow definition of DD, there are gaps in services and supports that leave some individuals out. For example, adults with disabilities like cerebral palsy or FASD who do not have an intellectual disability cannot receive DDS services.
- DDS services can include many different things like employment and day programs as well as access to assistive technology, home modifications, and respite care.

Who would this help?

- The MDDC believes H.207/S.103 will promote the independence, productivity, and inclusion of more people with DD in Massachusetts.
- Some adults may not be able to work or even live in the community without DDS services and may be forced to live in institutional or congregate settings.
- Living in institutional settings can be isolating, and it can limit people’s right to make choices about their lives. It is also more expensive for the state to support care in institutional and congregate settings.⁵

This was updated by MDDC in November 2023.

1. U.S Congress. *Developmental Disabilities Assistance and Bill of Rights Act of 2000.*
2. Massachusetts Department of Developmental Services. *115 CMR 2.00: Definitions.* (2020).
3. Massachusetts Disabled Persons Protection Commission. *Regulations 118 CMR.* (2017).
4. Disability Law Center. *Definitions of DD across U.S States.* (2023).
5. Braddock, D. L., Hemp, R. E., Tanis, E. S., Wu, J. & Haffer, L. *The state of the states in intellectual and developmental disabilities.* Washington, DC: *American Association on Intellectual and Developmental Disabilities* (2017).