SENATE DOCKET, NO. FILED ON: 1/13/2009

**SENATE . . . . . . . . . . . . . . No.**

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The Commonwealth of Massachusetts

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PRESENTED BY:

**Karen E. Spilka**

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*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 .

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PETITION OF:

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| Name: | District/Address: |
| Karen E. Spilka | Second Middlesex and Norfolk |

The Commonwealth of Massachusetts

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**In the Year Two Thousand and Nine**

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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:*

SECTION 1.

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

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

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

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

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

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

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

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

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

Section 11OM.(A) Any policy, contract, agreement, plan, or certificate of insurance issued, delivered, or renewed within the Commonwealth shall provide coverage for medically necessary habilitative services for persons younger than 19 years.

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

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

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

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

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

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

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

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

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

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

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

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

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

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