

The Arc's Legislative Platform for the 193rd Session, 2023-2024

Workforce Priorities

Department of Developmental Disabilities (DDS) and MassHealth Workforce Rate Increase

[An Act relative to rates for workers providing supports and services for individuals with disabilities](#)

H171 S83

Representative Sean Garballey and Simon Cataldo, Senator Barry Finegold

This bill addresses the severe workforce shortage for direct support staff, program managers, and clinicians such as nurses. It requires a minimum salary benchmark of the 75th percentile based on our state's bureau of labor statistics, which should put DSP benchmark pay in the \$20 per hour range. The bill includes all DDS services covered by the Chapter 257 rate process, and the Day Habilitation program which is covered by the MassHealth rate process.

Community College for Direct Support Professionals

[An Act establishing a fund to further educational opportunities for caregivers to adults with disabilities](#)

H1285 S812

Representative Dave Rogers, Senator Mike Barrett

This bill creates a pilot to provide free community college to direct support staff with two years of service.

An Act Relative to Family Members Serving as Caregivers

[An Act relative to family members serving as caregivers](#)

H1232 S775

Representative James O'Day, Senator Joan Lovely

This bill allows guardians, caregivers, and others with legal standing to be paid for providing AFC and PCA services.

Priority Refiles

An Act to Expand Nicky's Law to Day Habilitation Programs

[An Act updating Nicky's Law to protect individuals with disabilities in MassHealth day habilitation programs](#)

H141 S119

Representative Josh Cutler, Senator Mike Moore

This bill will require MassHealth Day Habilitation providers to use the abuse registry. This expands the protections of Nicky's Law to those in MassHealth Day Habilitation

An Act to Protect Medically Fragile Children

[An Act to Protect Medically Fragile Children](#)

H1192 S748

Representative Denise Garlick, Senator Cindy Friedman

This bill addresses the workforce shortage in Continuous Skilled Nursing, by setting targets for meeting approved hours of skilled nursing, e.g., "At least 80 percent" of such hours authorized by MassHealth will be filled on or before July 1, 2024. It also allows EOHHS to make any budget increases to meet such targets to only be applied to wage payments.

Cueing and Supervision for PCA program

[An Act relative to cueing and supervision in the PCA program](#)

H206 S107

Representative James O'Day, Senator Joan Lovely

This bill will require the allowance of cueing and supervision, in the PCA program, as a covered service for those eligible members who need it.

Accessory Housing Units for People with Disabilities

[An Act relative to accessory dwelling units](#)

H1296 S904

Representative Christine Barber, Senator Bruce Tarr

This bill will allow the creation of accessory dwelling units for people with disabilities and older adults with an allowance for the owner occupier to be a special needs trust.

ABA MassHealth for Adults

[An Act ensuring equal access to medical treatments essential for people with a developmental disability, intellectual disability, or autism](#)

H128 S97

Representative Christine Barber, Senator John Keenan

This bill will require MassHealth to cover applied behavior analysis services for adults with autism and intellectual and developmental disabilities, where ABA is a medical necessity. Also included language for Assistive Technology coverage.

Supported Decision Making (SDM)

[An Act relative to authorizing supported decision-making agreements for certain adults with disabilities](#)

H1485 S109

Representatives Mike Finn and Sean Garballey, Senator Joan Lovely

This bill allows certain adults, including those with disabilities to maintain their rights, dignity, and independence by choosing trusted supports to provide assistance making decisions about their lives. SDM is an alternative to guardianship where appropriate.

Updating the Definition of Developmental Disability

[An Act relative to persons with developmental disabilities](#)

H207 S103

Representative James O'Day, Senator Joan Lovely

This bill adopts the federal definition of developmental disability in place of the current state definition and will amend the law to include all adults with a developmental disability, e.g. cerebral palsy and fetal alcohol syndrome.

Priority Training Bills:

Hospital Training to Enhance Healthcare for People with Autism and IDD

[An Act to enhance hospital care for those with autism and intellectual and developmental disabilities](#)

H172 S1401

Representatives Sean Garballey and Ryan Hamilton, Senator Jason Lewis

This bill will enhance hospital care for people with intellectual and developmental disabilities, including autism through training, standards of care and certification requirements.

Operation House Call

[An Act improving health care for patients with intellectual and developmental disabilities including autism](#)

H2221 S1398

Representative John Lawn, Senator Jason Lewis

This bill will improve healthcare for patients with intellectual and developmental disabilities

including autism through training and certification, modeled after The Arc's Operation House Call.

Autism Police Training Expansion

[An Act relative to police interactions with persons on the autism spectrum](#)

H2351 S1568

Representative Kay Khan, Senator Mike Moore

An act relative to police training in appropriate interactions with persons on the autism spectrum and other intellectual and developmental disabilities, expanding on the mandated cadet training to include veteran officers and correctional officers through in-service training.

Supporting Autistic Drivers through the Blue Envelope Program

[An Act facilitating better interactions between police officers and persons with autism spectrum disorder](#)

H3359 S2204

Representatives Kay Khan and Mindy Domb, Senator Jo Comerford

This bill will facilitate understanding and better communication between law enforcement and autistic drivers. Autistic drivers can voluntarily request a blue envelope, which attaches to the car's visor. The envelope would hold the driver's license, registration, etc., as well as specific instructions for the police officer on the driver's diagnosis, impairments, triggers, and contact information.

Additional Policy Priorities:

Supporting Nicky's Law Implementation and Updating Terminology

[An Act updating terminology and investigative practices related to the protection of persons with disabilities](#)

H174 S96

Representative Sean Garballey, Senator John Keenan

This bill will update language and regulations for the DPPC statutes and align regulations with Nicky's Law

Katie's Law, Updating Archaic Language

[An Act relative to individuals with intellectual or developmental disabilities](#)

H160 S95

Representatives Mike Finn and Sean Garballey, Senator Patricia Jehlen

This bill would strike out certain archaic and outdated words, phrases and language in our MA chapter law, e.g. mental retardation, handicapped.

Banning aversive therapy

[An Act regarding the use of aversive therapy](#)

H180

Representative Danielle Gregoire

An act regarding the use of aversive therapy

This bill would ban the use of any procedure on any person with a disability, that causes obvious signs of pain for the purposes of changing behavior, including electric shock.

Tommy's Law

[An Act to increase the safety of individuals with disabilities relying on life-support equipment](#)

H213 S123

Representative Dave Rogers, Senator Patrick O'Connor

This bill will require appropriate discharge plan review with residential facility nursing staff and increase the accountability for medical equipment monitoring.

Prohibiting Discrimination Against Parents with Disabilities

[An Act prohibiting discrimination against adults with disabilities in family and juvenile court proceedings](#)

H1601 S1037

Representative Kay Khan, Senator Joan Lovely

This bill will require the courts to determine if a parent's disability causes actual harm to their child by requiring written findings when a parent's disability is relied on as a negative factor in custody or parenting time determination.

Public access to Historical Records

[An Act relating to public access to historical records](#)

H3033 S1966

Representatives Sean Garballey and Mindy Domb, Senator Mike Barrett

This bill will allow historical records in the custody of the Secretary of State to be open for public inspection after 75 years. This bill will support the work of the Special Commission on the history of state institutions.

An Act building a more accessible Massachusetts

[An Act building a more accessible Massachusetts](#)

S1553

Senator Michael Moore

S1553 (& H2201) address loopholes that prevent buildings constructed prior to 1991, and all workplaces to be compliant with the Americans with Disabilities Act. It accomplishes this by bringing such buildings under the purview of the Massachusetts Architectural Access Board when newly built or when major renovations take place, ensuring more accessible housing units are available in our state, and expanding employment access.

An Act expanding the availability of adaptable housing for people with disabilities and the elderly

[An Act expanding the availability of adaptable housing for people with disabilities and seniors](#)

H2201

Representatives Christine Barber Michael Moran

H2201 (& S1553) address loopholes that prevent buildings constructed prior to 1991, and all workplaces to be compliant with the Americans with Disabilities Act. It accomplishes this by bringing such buildings under the purview of the Massachusetts Architectural Access Board when newly built or when major renovations take place, ensuring more accessible housing units are available in our state, and expanding employment access.

Continuing the Non-emergency human Services Transportation Task Force

[Resolve Reviving and Continuing the non-emergency human services transportation task force.](#)

H3302 S121

Senator Susan Moran and Representatives Mindy Domb and Sarah K. Peake

This bill extends SECTION 134 which was in the FY'22 budget establishing a Non-Emergency Human Services Transportation Task Force. The goal of the task force was to improve service and achieve operational and cost efficiencies and provide the highest quality outcomes for consumers utilizing Human Services Transportation (HST) Office at the Executive Office of Health and Human Services (EOHHS). HST is the second (2nd) largest public provider of transportation services with 50,000 MassHealth consumers using the service. In FY'22, HST provided through brokers, 6.2 million rides to those consumers.

**An Act Establishing the Human Services Transportation Consumer Advisory Board
H3303 S1434**

Representatives Mindy Domb and Sarah K. Peake, Senator Susan Moran

This bill establishes a community advisory board for the Human Services Transportation (HST) Office at EOHHS to identify challenges and solutions to address the experience and concerns of eligible MassHealth consumers. The council would help guide HST to ensure that non-emergency transportation to medical, community and other essential human services are safe, reliable, and of high quality.

[An Act expanding wheelchair warranty protections for consumers with disabilities](#)

H378 S152

Representative Jim O'Day, Senator John Cronin

Expands the existing warranty to two years, and will cover all wheelchair users in the Commonwealth, not just those who are on private insurance or can afford to pay out-of-pocket. It will hold wheelchair providers and suppliers to reasonable repair timelines by requiring they cover costs consumers face as a result of their defective chairs, and stock common parts so they are prepared to service chairs efficiently. It will also require that companies provide loaner chairs (where possible) if needed.