2016 State Autism Profiles
MASSACHUSETTS

DEMOGRAPHICS

In 2000, 806 or 0.50% of children ages 3-21 who received special education services in Massachusetts have autism. In 2014-2015, 17,493 or 10.4 % of children with disabilities ages 3-21 who received special education services have autism.

Table 1-1: IDEA Part B - Children with Autism in for 2000-2001 and 2014-2015

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<tbody>
<tr>
<td>Age 3-5</td>
<td>231</td>
<td>2,945</td>
</tr>
<tr>
<td>Age 6-21</td>
<td>575</td>
<td>14,548</td>
</tr>
<tr>
<td>Age 3-21</td>
<td>806</td>
<td>17,493</td>
</tr>
</tbody>
</table>

Source: Reported by the Commonwealth of Massachusetts in accordance with Section 618 of IDEA to U.S. Department of Education, Office of Special Education Programs


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<tr>
<td>Age 3-5</td>
<td>14,328</td>
<td>16,716</td>
</tr>
<tr>
<td>Age 6-11</td>
<td>66,100</td>
<td>67,158</td>
</tr>
<tr>
<td>Age 12-17</td>
<td>73,344</td>
<td>74,691</td>
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<tr>
<td>Age 18-21</td>
<td>8,444</td>
<td>9,234</td>
</tr>
<tr>
<td>Age 6-21</td>
<td>147,888</td>
<td>151,083</td>
</tr>
<tr>
<td>Age 3-21</td>
<td>162,216</td>
<td>167,799</td>
</tr>
</tbody>
</table>

Source: Reported by the Commonwealth of Massachusetts in accordance with Section 618 of IDEA to U.S. Department of Education, Office of Special Education Programs

STATE TASK FORCE

On August 5, 2014, Governor DeVal Patrick signed H.R. 4373 into law. In addition to the coverage of autism services under Medicaid in the omnibus autism bill (see Medicaid section below), the new law creates a 35 member commission to address the long term needs of individuals with autism. The commission will also be responsible for reporting on the progress of implementation of the thirteen recommendations of the March 2013 Massachusetts autism commission report with periodic benchmarks and cost estimates for a coordinated, system-wide response supporting people of all ages on the autism spectrum. The law also created special commissions to study the supportive housing needs and the employment needs and opportunities of adults with autism and to make recommendations to the legislature.
https://malegislature.gov/Bills/188/House/H4047/History

Created in 2010 by the legislature (H.B. 4382) Massachusetts Autism Commission is set up to investigate the range of services and support that are important for individuals with autism spectrum disorders to reach their full potential. These issues include job attainment, employment, independent living, best practices, and many other services necessary. The commission’s final report was delivered March 2013 and set forth a ten year roadmap for autism services in the Commonwealth.
http://www.mass.gov/hhs/autismcommission

STATE INSURANCE COVERAGE

On August 4, 2010, Governor Deval Patrick signed H.B. 4935, An Act Relative to Insurance Coverage for Autism Spectrum Disorder, into law. The law includes coverage of include habilitative or rehabilitative, pharmacy, psychiatric, psychological, and therapeutic care, including applied behavior analysis (ABA). The law also contains a three year opt-out provision for health insurance plans if they can prove that providing coverage of ABA has increased their premiums by more than 1%. There are no
dollar or age caps on benefits and the law applies individual, group and state employee health plans and health maintenance contracts.


Also, the Commonwealth of Massachusetts requires coverage for any medically necessary early intervention services provided by a certified early intervention specialist for children from birth to three years old at a maximum of $5,200 per year per child and total of $15,600 for the whole period. (*MA Gen. L. Ch. 175 §47c*)

Massachusetts does have a mental health parity law that requires mental health benefits on a nondiscriminatory basis for the diagnosis and treatment of specified biologically-based mental disorders, including autism.


**ESSENTIAL HEALTH BENEFITS**

Under the Affordable Care Act, Massachusetts will continue to offer autism services including applied behavior analysis (ABA) on its state-run exchange. ABA is included and defined under “habilitative or rehabilitative care.” The benchmark plan specifically indicates that no limit applies to autism under rehabilitative and habilitative services. (Blue Cross and Blue Shield of Massachusetts HMO Blue, Inc.)

**MEDICAID**

On August 5, 2014, Governor DeVal Patrick signed H.R. 4047 into law requiring public insurers, particularly MassHealth, to cover medically necessary autism services including applied behavior analysis (ABA), with no age or dollar caps. MassHealth is the state agency that manages Medicaid and the Children's Health Insurance Program (CHIP) in Massachusetts. The new law expands to public insurers the coverage requirements found in Massachusetts’ 2010 law for private insurers.

[https://malegislature.gov/Bills/188/House/H4047/History](https://malegislature.gov/Bills/188/House/H4047/History)

**Massachusetts Home and Community-Based Services Waiver: MA Children's Autism Spectrum Disorder**

The Massachusetts Department of Mental Health, Autism Division received approval from the Centers for Medicare and Medicaid Services to offer a home and community-based services waiver for children with autism, which was implemented on October 1, 2010. The waiver is open to children under 9 years old who are residents of Massachusetts with a confirmed diagnosis of autism, and has a capacity of 80 children. The waiver provides individualized autism support planning for each child served, focusing primarily on education and expanded habilitation. Other services offered, if appropriate, include habilitation, community integration activities, independent living skills, family training, respite, homemaker, individual goods and services, adaptive aids, home adaptation, and vehicle modification. This waiver expires on September 30, 2015.

[https://www.medicaid.gov/Medicaid-CHIP-Program-Information/By-State/Waiver-Descript-Factsheet/MA-Waiver-Factsheet.html#MA4020](https://www.medicaid.gov/Medicaid-CHIP-Program-Information/By-State/Waiver-Descript-Factsheet/MA-Waiver-Factsheet.html#MA4020)

**EPSDT**

Introduced in 2015, H.B. 856 would provide early periodic screening diagnosis and treatment (EPSDT) to privately insured children under the age of 21 in a manner equal to the amount, duration and scope of those services provided to Medicaid children and adolescents. The bill was referred to the Committee on Financial Services. No further action was taken.

[https://malegislature.gov/Bills/189/House/H856](https://malegislature.gov/Bills/189/House/H856)
Massachusetts follows the federal definition (34 CFR 300.7) when providing special educational services for children with autism spectrum disorder. In April 2006, H.B. 1123 was signed into law, which amended the state laws guiding the education of children with special needs. H.B. 1123 notes that the individualized education program for children with autism spectrum disorders should cover the following needs: verbal and non-communication skills; social interaction skills and proficiency; responses to sensory experiences; resistance to change in environment or daily routines; engagement in repetitive behaviors and movements; and positive behavioral interventions, strategies and supports. (MA Gen Law ch. 71B§3)

**Legislation**

In addition to the coverage of autism services under Medicaid and creation of a autism commission in the 2014 omnibus autism bill, H.R. 4373 (see section on Medicaid), the new law creates a teaching endorsement in autism which shall include both coursework and field experience for licensed special education teachers to acquire the competencies necessary to conduct assessments, develop appropriate individualized education programs, provide specially designed instruction and related services, and consult and collaborate with other educators, including general education teachers, in order to meet the unique and complex educational needs of students with autism in the least restrictive environment.

https://malegislature.gov/Bills/188/House/H4047/History

H.B. 362 was introduced in the 2013 session to establish a commission to study the feasibility of a charter school for students on the autism spectrum. The bill was referred to committee and a joint hearing was held in May 2013. A similar bill, H.B. 2710, was introduced in the 2011-2012 session but did not pass.

**Other State Actions**

Quite a number of autism related bills were introduced during the 2015 session. These included: H.B. 74 (establish a two-year pilot program for twenty-five adults with Asperger’s syndrome and other autism spectrum disorders to provide services to lead to paid employment );H.B. 1038, S.B. 671 and S.B. 1180 (scholarship fund to increase medical providers knowledgeable in autism); H.B. 1064 and S.B. 672 (creating higher education opportunities for students with intellectual or developmental disabilities or autism), H.B. 1283, H.B. 2098, and S.B. 1264 (criminal justice training for police and correction officers regarding interactions with individuals with ASD); S.B. 313 (discretionary grant program for students with autism); S.B. 611 (equal access to medical treatments essential for people with autism); S.B. 1826 (provide a designation indicating autism on driver’s licenses and state I.D. cards); S.B. 1046 (equal access to services from Department of Mental Health for individuals with autism). Except for H.B. 74, none of the bills passed out of committee. The bill passed out of the House Committee on Children, Families and Persons with Disabilities and was referred to the Committee on Health Care Financing.

In 2016 House bill No. 4202 was introduced, which would provide insurance coverage for the use of electronic tracking devices to protect the safety of persons with Autism spectrum disorder or Alzheimer’s disease. Parliament has passed this bill. S.B. 2211 was also introduced, which looks to increase current medical providers' knowledge about autism in order to improve the treatment individuals with autism receive in medical settings.

A number of bill have be reintroduced in the 2016 General Assembly, H.B. 2098 and S.B. 1264 (criminal justice training for police and correction officers regarding interactions with individuals with ASD) were readdressed. They both were passed by the House and referred to the Senate committee on House Ways
and Means. A number of bills were also reintroduced that, as of June 3, 2016, have yet to have taken action. These bills include H.B. 1064 (creating higher education opportunities for students with intellectual disabilities); S.B. 611 (equal access to medical treatments essential for people with autism), S.B. 1826 and S.B. 2178 (provide a designation indicating autism on driver’s licenses and state I.D. cards).

Licensure of Behavior Analysts
In January 2013, Governor Deval Patrick signed into law the establishment of state licensure for all Board Certified Behavior Analysts (BCBAs) and assistant BCBAs working in Massachusetts. The law confirms ABA as an independent profession, although it includes a grandfathering period existing providers to continue practicing as they apply for the new state license from the Board of Registration of Allied Mental Health and Human Services Professionals.

http://www.mass.gov/ocabr/data/license/professional-licensure/allied-mental-health/behavior-analyst.html

STATE LEGISLATIVE CALENDAR
The Massachusetts General Court meets in regular session throughout the year. The 2016 session convened on January 6, 2016 and is expected to adjourn on July 31, 2016. The 2017 session is expected to begin in early January and continue throughout the year.

http://www.mass.gov/legis/

Sponsors of Autism Legislation
Rep. Todd Smola (R-Palmer)