

# AUTISM SERVICES IN MASSACHUSETTS

Prepared by the Mental Health Legal Advisors Committee  
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## THE AUTISM OMNIBUS LAW (2014)

The 2014 Autism Omnibus Law addresses many issues faced by those with autism and other intellectual disabilities.<sup>1</sup>

- MassHealth now covers medically necessary treatments (including Applied Behavior Analysis (ABA) therapies and Augmentative and Alternative Communication (AAC) devices for children with ASD under the age of 21.
- The Department of Developmental Services (DDS) has expanded their eligibility criteria to include the following persons:
  - Persons with a developmental disability defined as persons with any of the following if manifest before age 22
    - ASD,
    - Prader-Willi, or
    - Smith-Magenis syndrome, **and**
  - Results in “substantial functional limitations” in 3 or more of the following areas of major life activity:
    - Self care
    - Receptive and expressive language
    - Learning
    - Mobility
    - Capacity for independent living
    - Economic self-sufficiency
  - Likely to continue indefinitely.<sup>2</sup>
- The creation of tax-free ABLE (Achieving a Better Life Experience) accounts, which help families cover disability related expenses for individuals with autism and other physical and developmental disabilities.
- Special education teachers now can receive voluntary credentials and training to better educate those with ASD.
- The Department of Mental Health (DMH) and DDS will develop a plan to provide services to individuals who have both a mental illness and a developmental disability.
- The Massachusetts Autism Commission is now a permanent entity and will work to improve the lives of individuals with ASD.

For more information:

- Mass. Advocates for Children, Autism Omnibus Bill, <http://massadvocates.org/autism-omnibus-law/>

### **AN ACT RELATIVE TO INSURANCE COVERAGE FOR AUTISM (ARICA) (2010)**

A 2010 Massachusetts law requires that insured health plans cover certain services for the treatment of Autism Spectrum Disorder. It becomes effective on the date the health plan is issued or renewed, on and after January 1, 2011.<sup>3</sup>

For more information:

- Mass. Division of Insurance, Mandatory Coverage for Autism Spectrum Disorder in Insured Health Plans, [http://www.ne-arcautismsupportcenter.org/health\\_insurance\\_autism.pdf](http://www.ne-arcautismsupportcenter.org/health_insurance_autism.pdf)
- Advocates for Autism of Massachusetts, Information on insurance law, <http://www.afamaction.org/ins.html>
- Autism Insurance Resource Center, <http://www.disabilityinfo.org/arica/>, 781-642-0248 or 800-642-0249 or [info@disabilityinfo.org](mailto:info@disabilityinfo.org)

### **CHILDREN’S AUTISM MEDICAID WAIVER (2007, 2010)**

The Children’s Autism Medicaid Waiver is a program to provide intensive in-home and other services to children with autism. The program began in October 2007 and was renewed in for five years in October 2010. Families must apply for these services.

Eligible children must be: 1) Medicaid eligible; 2) ages 0-8; and 3) at risk of institutionalization now or at some point in the future. The program is administered by the Massachusetts Department of Developmental Services (DDS). At certain dates, DDS opens the application process for the program. There are a limited number of program slots.

An individualized planning process, resulting in an Autism Support Plan of Care, is used to assist each family in identifying the assessed needs of their child and the specific waiver services available to address these needs. All services have limits on their frequency and scope. Services include:

- Expanded Educational Habilitation Services which includes 1:1 behavioral, social and communication intervention services (4-8 hours per week);
- Community integration activities, respite, and family training;
- Home and vehicle modification;
- Expanded Educational Habilitation services limited to 3 years or until age 9, ancillary supports until age 9;
- Autism Support Centers and Support Brokers;

- Occupational Therapy, Physical Therapy, Speech Therapy, and Behavioral Supports and consultation (new as of Oct. 2010).<sup>4</sup>

For more information:

- You can link to information on the DDS Autism Services Waiver at <http://www.mass.gov/>.
- Mass. Advocates for Children, Autism Center, <http://massadvocates.org/autism/>
- Masslegalhelp.org, Children's Autism Medical Waiver, <http://www.masslegalhelp.org/school/childrens-autism-medicaid-waiver-alert>

## **AUTISM AND SPECIAL EDUCATION**

### **Definition of autism**

A child with autism, as defined by federal regulation, is a *child with a disability* eligible for special education services pursuant to the federal IDEA.<sup>5</sup> Autism is defined in the federal regulations.<sup>6</sup>

For more information on the federal definition:

- DESE, Special Education, Autism, <http://www.doe.mass.edu/sped/links/autism.html>

### **Autism IEP Act (2006)**

A 2006 Massachusetts law established requirements for children with autism who receive special education services. The law requires the IEP team to consider and address in the child's IEP certain listed needs.<sup>7</sup>

For more information:

DESE Technical Assistance Advisory SPED 2007-1: Autism Spectrum Disorders, <http://massadvocates.org/wp-content/uploads/2014/02/Technical-Assistance-Advisory.pdf>

## **STATE AGENCIES SERVING CHILDREN WITH AUTISM**

A number of state agencies serve children with autism. These agencies recently produced PowerPoint presentations outlining the services they provide to children with autism. The links to the **agencies** and their **PowerPoint** presentations are below.

Department of Public Health, Early Intervention

- <http://www.mass.gov/eohhs/gov/departments/dph/programs/family-health/early-intervention/family-info/>
- <http://www.mass.gov/eohhs/docs/eohhs/autism/deec-presentation-12-20-10.ppt>

Division of Early Education and Care

- <http://www.mass.gov/eec>
- <http://www.mass.gov/eohhs/docs/eohhs/autism/deec-presentation-12-20-10.ppt>

Department of Elementary and Secondary Education

- <http://www.doe.mass.edu/>
- <http://www.mass.gov/eohhs/docs/eohhs/autism/dese-presentation-12-20-10.ppt>

Department of Children and Families

- <http://www.mass.gov/DCF>
- <http://www.mass.gov/eohhs/docs/eohhs/autism/DCF-presentation-12-20-10.ppt>

Department of Developmental Services

- <http://www.mass.gov/DDS>
- <http://www.mass.gov/eohhs/docs/eohhs/autism/DDS-presentation-12-20-10.ppt>

## STATE AGENCIES SERVING ADULTS WITH AUTISM

A number of state agencies serve adults with autism. The links to these **agencies** are below.

Department of Mental Health

- <http://www.mass.gov/dmh>

Department of Developmental Services

- <http://www.mass.gov/DDS>

Mass. Rehabilitation Commission

- <http://www.mass.gov/mrc>

Executive Office of Elder Affairs, MassHealth Office of Long Term Care

- <http://www.mass.gov/elder>

This office administers two services that are frequently used by adults with autism:

- Adult Foster Care, <http://www.mass.gov/elders/healthcare/ltc-in-home/adult-foster-care-programs.html>
- Day Habilitation, see Day Habilitation Program Manual, 130 CMR 419, <http://www.mass.gov/eohhs/docs/masshealth/regs-provider/regs-dayhabprogram.pdf>

It is important to note that day habilitation is only for individuals who have intellectual disability or developmental disability (DD). Not all individuals on the spectrum are considered to have DD.

## **MASSACHUSETTS AUTISM COMMISSION**

The Massachusetts Autism Commission was created by the state legislature in 2010 and charged to make an investigation and study relative to individuals with autistic spectrum disorders. EOHHS, Autism Commission, <http://www.mass.gov/hhs/autismcommission>

This web site has link to a range of documents, including

- EOHHS, Autism in Massachusetts: A Look at the Population, Current Services, New Opportunities, and Ongoing Challenges (Oct. 2010), <http://www.mass.gov/eohhs/docs/eohhs/autism/autism-services.ppt>
- Meeting schedules (open to public), <http://www.mass.gov/eohhs/gov/commissions-and-initiatives/autism/events/calendar-of-commission-meetingsmeeting-materials.html>

## **ADVOCACY ORGANIZATIONS**

Massachusetts has a number of good resources for information and advocacy assistance for individuals with autism.

7 Massachusetts Autism Support Centers  
<http://www.ne-arcautismsupportcenter.org/>

Advocates for Autism of Massachusetts, <http://www.afamaction.org>

Massachusetts Advocates for Children, Autism Special Education Legal Support Center, <http://www.massadvocates.org/autism-center.php> or (617) 357-8431, ext. 224 (free advocacy services to parents of children with autism)

DESE, Special Education, Autism  
<http://www.doe.mass.edu/sped/links/autism.html>

- lists resources (although some links are outdated)

## ENDNOTES

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<sup>1</sup> <https://malegislature.gov/Laws/SessionLaws/Acts/2014/Chapter226>

<sup>2</sup> To apply, use the DDS application for “Adult Eligibility Determination Ages 22+” on the DDS website.

<sup>3</sup> Chapter 207 of the Act of 2010,

<https://malegislature.gov/Laws/SessionLaws/Acts/2010/Chapter207>

<sup>4</sup> EOHHS, Autism in Massachusetts,

<http://www.mass.gov/eohhs/docs/eohhs/autism/autism-services.ppt>.

<sup>5</sup> 34 CFR 300.8.

<sup>6</sup> 34 CFR 300.8(c)(1).

<sup>7</sup> Chapter 57 of the Acts of 2006, An Act to Address Special Education Needs of Children with Autism Spectrum Disorder (amending G.L. c. 71B, § 3),

<https://malegislature.gov/Laws/SessionLaws/Acts/2006/Chapter57>