

**TESTIMONY IN SUPPORT OF H.128/S.97  
AN ACT ENSURING EQUAL ACCESS TO MEDICAL TREATMENTS ESSENTIAL  
FOR PEOPLE WITH A DEVELOPMENTAL DISABILITY, INTELLECTUAL  
DISABILITY, OR AUTISM  
BEFORE THE JOINT COMMITTEE ON CHILDREN, FAMILIES & PERSONS WITH  
DISABILITIES  
JUNE 27, 2023**

The Massachusetts Medical Society (MMS) wishes to be recorded in support of **H.128/S.97, *An Act ensuring equal access to medical treatments essential for people with a developmental disability, intellectual disability, or autism.***

The Massachusetts Medical Society is a professional association of over 25,000 physicians, residents, and medical students across all clinical disciplines, organizations, and practice settings. The Medical Society is committed to advocating on behalf of patients, to give them a better health care system, and on behalf of physicians, to help them provide the best care possible. In striving for health equity, the Medical Society is committed to eliminating barriers that prevent people with disabilities from accessing and receiving appropriate care. For that reason, the Medical Society wishes to be recorded in support of the above referenced legislation, which would extend MassHealth's coverage for the cost of habilitative and rehabilitative medically necessary treatments for individuals aged 21 and older diagnosed with a developmental disability, an intellectual disability, or autism spectrum disorder (ASD).

Individuals with intellectual and developmental disabilities (I/DD), including ASD, often face a coverage cliff when they become adults and suddenly lose access to the treatments and services that have helped them maintain their health, safety, and independence. Notably, MassHealth currently only covers Applied Behavior Analysis (ABA) services for individuals until they turn 21, regardless of whether the treatment is still medically necessary. ABA is considered an evidence-based intervention for individuals with autism by the U.S. Surgeon General and by the American Psychological Association.<sup>1 2</sup> Numerous studies have demonstrated positive outcomes and improvements from ABA services in various areas of development, such as communication,

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<sup>1</sup> United States Surgeon General . *Mental Health: A Report of the Surgeon General*. United States Surgeon General; Washington, DC, USA: 1998. [[Google Scholar](#)]

<sup>2</sup> American Psychological Association. (2017). *APA Policy: Applied Behavior Analysis*. <http://www.apa.org/about/policy/applied-behavior-analysis>

social skills, adaptive behavior, and reducing challenging behaviors.<sup>3</sup> ABA programs are highly individualized to meet the specific needs of each person with autism. ABA practitioners conduct comprehensive assessments that allow for the development of tailored interventions that address the unique experiences and challenges faced by individuals with ASD. ABA also focuses on maintenance, ensuring that acquired skills are retained over time. Evidence supports ABA as an effective treatment for autism across the lifespan, including the critical transition period from adolescence to adulthood.<sup>4</sup> However, many individuals who would benefit from ABA therapy as adults cannot access this service due to MassHealth's coverage limitations. It is important to note that some states already approve Medicaid coverage for ABA therapy for individuals aged 21 and older. For instance, following a 2021 Indiana State Court ruling that found the state's Medicaid age limit for people with autism to be discriminatory and a violation of the Americans with Disabilities Act, Indiana residents 21 and older can now receive Medicaid benefits for ABA therapy as a medically necessary service.<sup>5</sup>

This legislation would also require MassHealth to cover the cost of dedicated and non-dedicated augmentative and alternative communication (AAC) devices for individuals with I/DD and ASD, including but not limited to medically necessary tablets. AAC devices are designed to support or replace verbal speech for individuals who have communication disabilities. These devices can be customized to enable individuals to express themselves, engage with others, and participate more fully in society. This legislation ensures that individuals with I/DD and ASD have the necessary tools to communicate, regardless of their financial resources. Effective communication is the core of patient-centered care. AAC devices ensure health care providers can obtain accurate information, address concerns, and involve the patient in the decision-making process. As such, AAC devices may reduce the need for other health care services, therapies, and interventions, leading to cost savings. Just like other medical devices and

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<sup>3</sup> Bishop-Fitzpatrick L, Minshew NJ, Eack SM. A systematic review of psychosocial interventions for adults with autism spectrum disorders. *J Autism Dev Disord.* 2013 Mar;43(3):687-94. doi: 10.1007/s10803-012-1615-8. PMID: 22825929; PMCID: PMC3508309.

<sup>4</sup> *Scientific, professional and government organizations' position on the ABA from the Neurobehavioral Unit (NBU).* Kennedy Krieger Institute. (n.d.) <https://www.kennedykrieger.org/patient-care/centers-and-programs/neurobehavioral-unit-nbu/applied-behavior-analysis/scientific-professional-and-government-organizations-position-on-the-aba-from-the-neurobehavioral-unit-nbu>

<sup>5</sup> Massillamany. (2021, June 29). *Judge rules Medicaid age limit for people with autism is discriminatory.* Massillamany Jeter & Carson LLP. <https://www.mjcattorneys.com/media/2021/july/judge-rules-medicaid-age-limit-for-people-with-a/#:~:text=On%20May%2021%2C%202021%2C%20the,autism%20after%20they%20turn%2021>

treatments, AAC devices are essential for the overall health and well-being of patients with communication disabilities.

Thank you for your consideration of our comments and for your important work on this pressing topic. The Medical Society respectfully urges a favorable report on **H.128/S.97, *An Act ensuring equal access to medical treatments essential for people with a developmental disability, intellectual disability, or autism.***