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## **New Eligibility and Autism Commission Law is Limiting; Advocates Call on Legislature to Change the New Law**

### **Eligibility limitations must be fixed**

Massachusetts has a history of defining eligibility so narrowly that some of the most needy individuals with intellectual and developmental disabilities go without necessary services and supports.

In 2012, the Massachusetts Court of Appeals ordered the Massachusetts Department of Developmental Services (DDS) to redraft eligibility regulations to require that the DDS' definition of intellectual disability be based on "clinical authorities" and not solely on an arbitrary IQ score measurement.

Then, just this year, the Massachusetts Legislature passed a law that further attempts to address the State's ongoing practice of restricting eligibility to people with intellectual disabilities, based primarily on IQ.

The new law expands DDS eligibility to include persons with "developmental disabilities," which are specified as including intellectual disability, autism, Smith-Magenis Syndrome, and Prader-Willi syndrome.

To specify certain disabilities by name as eligible for service, excludes all other disabilities not mentioned. Such an approach raises unnecessary interpretation questions, putting individuals with specific needs at a disadvantage in receiving necessary services.

We call on the Massachusetts Legislature to address this limiting language in a law intended on better identifying and serving eligible individuals in need of services and supports. A better approach appeared in an earlier version of the legislation, which did not mention specific disabilities but instead deferred to the federal definition of "developmental disability" in the Developmental Disabilities Assistance and Bill of Rights Act, 42 USC 15002 (8) (2000).

### **Expand Representation on New Autism Commission**

As written, the new DDS eligibility law will invite a significant number of individuals with autism to seek residential services. Even if the limiting eligibility language is fixed as we recommend, state-operated group homes and facilities should be offered as an option for individuals with autism. Already, 6.8% of the residents of large state-operated facilities in Massachusetts have autism. These individuals and others who might seek state-operated facility or group home residential care deserve representation on the permanent autism commission established under the law. Organizations, such as COFAR, CCMR and VOR, which support state-operated care as one option, deserve a place at the table to introduce a needed point of view in the commission's deliberations.

**For more information, please contact David Hart, President of CCMR, VOR Board Member, and  
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**October 2014**