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April 27, 2022

VIA CERTIFIED AND REGULAR MAIL

Ms. Terra Vance
Chief Executive Officer
NeuroClastic, Inc.



Re: The Judge Rotenberg Educational Center, Inc.

Dear Ms. Vance:

Please be advised that this law firm represents the Judge Rotenberg Educational Center, Inc. (“JRC”), a Massachusetts nonprofit school that treats children and adults with severe behavior disorders. JRC is licensed by the Massachusetts Departments of Developmental Services (“MA DDS”), Massachusetts Department of Early Education and Care, and Massachusetts Department of Elementary and Secondary Education.

JRC treats the most dangerous forms of behavior disorders in the nation. Most of JRC’s clients have been discharged or rejected from the other treatment programs in the nation that treat severe behavior disorders because their behavioral disorders were too dangerous. JRC designs and implements Applied Behavior Analysis (“ABA”) treatment plans and other forms of psychological and medical treatment. JRC is successful in treating the vast majority of its clients with its intensive positive reinforcement treatment program. For a small percentage of its most difficult-to-treat clients, the ABA intensive positive reinforcement treatment plan is supplemented with a harmless contingent skin-shock as a consequence for refractory dangerous behaviors as a treatment of last resort, and only when no other treatment works and when approved by a Massachusetts Probate and Family Court (the “Probate Court”) on an individual basis. JRC is specially certified by MA DDS to use skin-shock treatment and has been so certified for more than 30 years. *See* 115 Code Mass. Regulations § 5.14A(4)(f)(1). JRC’s use of skin shock on clients is monitored by the Probate Court as well as by MA DDS. Each client is represented by their own legal counsel, who can oppose the treatment if they deem it appropriate to do so. The Massachusetts courts have found in hundreds of cases that the skin-shock treatment is highly effective, safe, and has saved the lives of many people with refractory dangerous behaviors such as self-injury and aggression.

We are aware that NeuroClastic, Inc. (“NeuroClastic”) has made false and defamatory statements about JRC, including in the August 26, 2021 article by NeuroClastic entitled “900

ABA Professionals Have Weighed in on the Use of Electroshock at Judge Rotenberg Center” and published on NeuroClastic’s website (the “Publication”).

The false and defamatory statements about JRC in the Publication include, but are not limited to, the following:

- A quote from Brian Middleton, M.Ed., BCBA, LBA-TN that the skin shock in use at JRC is “at least 10 times more powerful than a stungun” and that JRC uses skin shock to treat “not answering a question in 3 seconds or saying no”;
- A quote from RBT that JRC uses shock on clients while they are “strapped down to a board on the floor”;
- “The majority of the individuals wearing a GED are Black or Brown”;
- JRC uses skin shock to treat “completely innocuous behaviors like hand play and pressurizing the ears”;
- “Proponents of the JRC argue that use of the GED is used with consent, but built in to JRC’s structure is the systematic stripping of consent to ensure the resident being admitted cannot say no” and “[a]ll of JRC’s residents are all capable of consent, even in the absence of having access to using words as communication”;
- The skin shock JRC uses is “much more painful” and “many times stronger” than a “cattle prod”; and
- A quote from Mason Weiser that JRC’s use of skin shock is “torture” and that JRC has “murdered us by electrocution there before”.

JRC does not use skin shock while its clients are “strapped down to a board on the floor”. Skin shock is not used on clients for “completely innocuous behaviors like hand play and pressurizing the ears” or for “not answering a question in 3 seconds or saying no”. JRC is not treating children with skin shock. JRC’s clients who are children are all being successfully treated with JRC’s ABA positive reinforcement treatment program. JRC utilizes contingent skin shock on a small group of its adult clients to reduce and eliminate otherwise untreatable severe self-mutilation or other dangerous behaviors as part of a Probate Court-approved ABA treatment plan. JRC does not “torture” its clients in any way and the claim in the Publication that JRC has “murdered us by electrocution there before” is false. No JRC client has been harmed as a result of JRC’s behavioral treatment program or, in particular, its use of skin shock. JRC’s behavioral treatment, including the use of skin shock, has been judicially found to be safe and effective and subject to multiple levels of governmental, human rights, and other oversight to ensure the safety of JRC clients.

Under Massachusetts law, applicable to all extraordinary treatment including antipsychotic medication, an individual with a diagnosed mental illness that renders them unable to make informed medical decisions, provides or withholds consent through the Probate Court using the

substituted judgment standard. See Mass. Gen. Laws ch. 190B, § 5-306A. JRC does not strip its clients of consent and that statement is false.

The skin shock utilized by JRC is not “at least 10 times more powerful than a stungun” or “much more painful” and “many times stronger” than a “cattle prod”. The courts and medical experts have determined that the Graduated Electronic Decelerator (“GED”) devices are safe for treatment and have far less output and are not comparable to stun guns or cattle prods.

JRC’s use of contingent skin-shock as a part of an ABA treatment plan is supported by decades of published scientific research and Massachusetts court rulings finding the treatment to be safe, effective, and necessary as the only effective treatment for some refractory clients. Scientific articles recently published in peer-reviewed medical journals such as *BMJ Case Reports* and the *International Journal of Psychology & Behavior Analysis* describe twenty years of data on the safety and effectiveness of ABA skin-shock treatment at JRC. See Yadollahikholes, G., et al. (2021). Response patterns for individuals receiving contingent skin shock aversion intervention to treat violent self-injurious and assaultive behaviours. *BMJ Case Reports*, 14, e241204. doi:10.1136/bcr-2020-241204. See also Blenkush, N., et al. (2020). Contingent Skin-Shock Treatment in 173 Cases of Severe Problem Behavior. *International Journal of Psychology & Behavior Analysis*, 6: 167. <https://doi.org/10.15344/2455-3867/2020/167> (A study of 173 clients shows that there is a 97% reduction in self-injurious and aggressive behavior once skin shock is used). The researchers in these peer-reviewed articles found no evidence of physical or psychological adverse effects when the skin shock is administered per protocol.

It is false that “[t]he majority of the individuals wearing a GED are Black or Brown.” JRC does not discriminate in any fashion, including with respect to treatment. The majority of the clients receiving skin shock are Caucasian. There is no statistical or any other basis for NeuroClastic’s claim of racial bias in JRC’s treatment program. JRC provides treatment to the most difficult clients in the nation with the highest level of care and treatment tailored to the clinical needs of each individual. Unlike other treatment facilities, JRC treats and cares for its client population without resort to or reliance on medically unnecessary antipsychotic medications, used only to sedate the individuals and cause permanent, potentially-lethal side-effects.

NeuroClastic’s statements are false and defamatory and are causing harm to JRC. JRC hereby demands that NeuroClastic cease and desist from any further publication of these false and defamatory statements about JRC’s treatment program and immediately remove all false statements from public view. JRC reserves the right to pursue all of its legal rights and remedies against NeuroClastic and seek damages.

We await confirmation of prompt compliance with the demands in this letter. I recommend that you consult with a lawyer before contacting me.

Very truly yours,

/s/ Michael P. Flammia

Michael P. Flammia

cc: Ms. Glenda Crookes, Executive Director, Judge Rotenberg Educational Center, Inc.