LEGAL SERVICES

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MEMORANDUM January 25, 2013

SUBJECT: Sectional Summary (Work Order No. 28-LS0247\A)

TO: Senator Kevin Meyer
Attn: Edra Morledge

FROM: Jean M. Mischel
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1. Replaces "the mentally retarded" with "persons with intellectual and developmental disabilities" in the context of intermediate care facilities employing a certified nurse aid.

Section 2. Replaces "mental retardation" with "intellectual and developmental disabilities that result in" in the context of the definition of "mental disease or defect" that negates a culpable mental state to commit a crime.

Section 3. Replaces "mentally retardation" with "intellectual disability" and developmental disability" in the context of the definition of a "child with a disability" for educational purposes.

Section 4. Replaces students who are "mentally retarded" with "intellectually disabled, developmentally disabled" in the context of outreach services by the special education services agency.

Section 5. Replaces "mental retardation" with "intellectual disabilities, developmental disabilities, or both" in the context of testing for heritable diseases in newborns.

Sections 6 - 10. Replaces "the mentally retarded" with "persons with intellectual and developmental disabilities" in the context of inventories of facilities for certificate of need purposes.

Section 11. Replaces "mental retardation" with "intellectual disability" in the context of the definition of physical or mental impairment for purposes of the state commission on human rights.

Section 12. Replaces "mental retardation" with "intellectual disability, developmental disability, or both" in the context of defining "persons with a disability" for purposes of the state procurement code.

Section 13. Replaces "mental retardation" with "intellectual disability" in the context of defining "disabled" under the permanent fund dividend provisions.

Section 14. Replaces "the mentally retarded" with "persons with intellectual and developmental disabilities" in the context of intermediate care facilities employing a certified nurse aid in a Medicaid or Medicare program.

Section 15. Replaces "the mentally retarded" with "persons with intellectual and developmental disabilities" in the context of categorical needs under the Medicaid program.

Section 16. Replaces "the mentally retarded" with "persons with intellectual and developmental disabilities" in the context of optional Medicaid services provided in intermediate care facilities.

Section 17. Replaces "mental retardation" with "intellectual or developmental disability," and "the mentally retarded" with "person with intellectual and developmental disabilities" in the context of home- and community-based services under the Medicaid program

Section 18 - 20. Replaces "the mentally retarded" with "persons with intellectual and developmental disabilities" in the context of the state Medicaid program.

Section 21. Replaces "the mentally retarded" with "persons with intellectual and developmental disabilities" in the context of state public assistance.

Sections 22 - 23. Makes various changes to eliminate the use of "mentally defective and retarded" in the context of the use of money in the mental health trust account.

Section 24. Replaces "mental retardation" with "intellectual and developmental disability" in the context of mental health programs.

Section 25. Replaces "mental retardation" with "intellectual and developmental disability" in the context of the definition of "mental illness" for purposes of state mental health programs and admissions.

Sections 26 - 27. Replaces "the mentally retarded" with "individuals with an intellectual disability or related condition" for purposes of statewide licensing of intermediate care facilities, consistent with federal law.

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