

HB

88

<TARGET><BILL>HB 88</BILL><SUBJECT>HB
88</SUBJECT><COMM>SHSS28</COMM></TARGET>

SENATE COMMITTEE REPORT

DATE: 2/11/13

FURTHER:

DATE TURNED
IN TO OFFICE: 2/20/13

Health and Social Services Committee considered CS FOR HOUSE BILL NO. 88(HSS)

HB 88-STATUTORY REFS TO MENTAL RETARDATION

"An Act changing the terms 'mental retardation' and 'mentally retarded,' and making conforming changes, in Alaska Statutes."

and recommends:

- be replaced with SCS _____ (_____) Same Title Technical Title Change
 New Title/SCR No. _____
- adopt previous SCS _____ (_____) Same Title Technical Title Change
 New Title/SCR No. _____
- attached amendment(s)
- adopt _____ Letter of Intent
- further referral to _____ Committee

Dept Abbr.	
ADM	LWF
CED	LAW
COR	LEG
CRT	MVA
EED	DNR
DEC	DPS
DFG	REV
GOV	DOT
DHS	UA

NEW FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #
DHS			✓	4

PREVIOUS FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #
DHS			✓	3
EED			✓	2
CED			✓	1

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	Do PASS	Do NOT PASS	No REC	AMEND
	MICCICHE	✓			
	Kelly	✓			
	Mayer	✓			
	ELLIS	✓			
CHAIR:	STEPANIAN	✓			

Fiscal Note

State of Alaska
2013 Legislative Session

Bill Version: HB 88 (A)
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB088CS(HSS)-DHSS-API-2-5-13
Title: STATUTORY REFS TO MENTAL RETARDATION
Sponsor: MILLETT
Requester: House Health & Social Services Committee

Department: Department of Health and Social Services
Appropriation: Behavioral Health
Allocation: Alaska Psychiatric Institute
OMB Component Number: 311

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2014 Appropriation Requested	Included in Governor's FY2014 Request	Out-Year Cost Estimates					
			FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time								
Part-time								
Temporary								

Change in Revenues								
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Estimated SUPPLEMENTAL (FY2013) cost: 0.0

Estimated CAPITAL (FY2014) cost: 0.0

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

CS HB 088 (HSS) adds Sec. 28, uncodified law, "Nothing in this Act shall be construed to alter the coverage, eligibility, rights, responsibilities, or definitions referred to in the provisions amended by this Act." This intent language clarifies that the legislation does not broaden the scope of persons subject to civil commitment under Title 47.

Prepared By:	Melissa Stone, Director	Phone:	(907)269-3410
Division	Behavioral Health	Date:	02/05/2013 04:00 PM
Approved By:	William J. Streur, Commissioner	Date:	02/05/13
	Dept. of Health and Social Services		

FISCAL NOTE ANALYSIS

**STATE OF ALASKA
2013 LEGISLATIVE SESSION**

BILL NO. CSHB088(HSS)

Analysis

HB 88 replaces the terms "mental retardation" and "mentally retarded" in Alaska statute with the term "intellectual and developmental disabilities."

Fiscal Note

State of Alaska
2013 Legislative Session

Bill Version: HB 88 (A)
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB088CS(HSS)-DHSS-ASS-2-5-13
Title: STATUTORY REFS TO MENTAL RETARDATION
Sponsor: MILLETT
Requester: House Health & Social Services Committee

Department: Department of Health and Social Services
Appropriation: Departmental Support Services
Allocation: Administrative Support Services
OMB Component Number: 320

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2014	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2014 Request	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
OPERATING EXPENDITURES	FY 2014	FY 2014					
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues							
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Estimated SUPPLEMENTAL (FY2013) cost: 0.0

Estimated CAPITAL (FY2014) cost: 0.0

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

CS HB 088 (HSS) adds Sec. 29, uncodified law, instructing the Dept. of Law to change Alaska Administrative Code to reflect the changes in terminology consistent with this Act. This section eliminates the need for regulation changes and zeroes out the fiscal note.

Prepared By:	Sarah Woods, Deputy Director	Phone:	(907)465-1631
Division	Finance & Management Services	Date:	02/05/2013 04:30 PM
Approved By:	William J. Streur, Commissioner	Date:	02/05/13
	Dept. of Health & Social Services		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2013 LEGISLATIVE SESSION

BILL NO. CSHB088(HSS)

Analysis

HB 88 replaces the terms "mental retardation" and "mentally retarded" in Alaska statute with the term "intellectual and developmental disabilities."

Fiscal Note

State of Alaska
2013 Legislative Session

Bill Version: HB 88 (A)
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB088-DCCED-CBPL-02-01-13
Title: STATUTORY REFS TO MENTAL RETARDATION
Sponsor: MILLETT
Requester: Health and Social Services

Department: Department of Commerce, Community and
Economic Development
Appropriation: Corporations, Business and Professional
Licensing
Allocation: Corporations, Business and Professional
Licensing
OMB Component Number: 2360

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2014 Appropriation Requested	Included in Governor's FY2014 Request	Out-Year Cost Estimates					
			FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time								
Part-time								
Temporary								

Change in Revenues								
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Estimated SUPPLEMENTAL (FY2013) cost: 0.0

Estimated CAPITAL (FY2014) cost: 0.0

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Not applicable, initial version.

Prepared By:	Don Habeger, Director	Phone:	(907)465-2538
Division:	Corporations, Business and Professional Licensing	Date:	02/01/2013 06:00 PM
Approved By:	JoEllen Hanrahan, Director	Date:	02/01/13
	Administrative Services		

FISCAL NOTE ANALYSIS

**STATE OF ALASKA
2013 LEGISLATIVE SESSION**

BILL NO. HB 88

Analysis

House Bill 88 seeks to update state health, education and labor policy by removing the terms "mental retardation" and "mentally retarded" and replace them with "intellectual and developmental disabilities". Section one of this bill will amend a section of the Board of Nursing statutes in Title 8. No other sections of this bill effect the Department.

The Division of Corporations, Business and Professional Licensing does not anticipate a fiscal impact from this legislation.

Fiscal Note

State of Alaska
2013 Legislative Session

Bill Version: HB 88 (A)
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB088-EED-TLS-2-1-13
Title: STATUTORY REFS TO MENTAL RETARDATION
Sponsor: MILLETT
Requester: House Health & Social Services

Department: Department of Education and Early Development
Appropriation: Teaching and Learning Support
Allocation: Student and School Achievement
OMB Component Number: 2796

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2014	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2014 Request	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
OPERATING EXPENDITURES	FY 2014	FY 2014					
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues							
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Estimated SUPPLEMENTAL (FY2013) cost: 0.0

Estimated CAPITAL (FY2014) cost: 0.0

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Initial Version

Prepared By:	Paul R. Prussing, Deputy Director	Phone:	(907)465-8721
Division	Teaching and Learning Support	Date:	01/31/2013 05:15 PM
Approved By:	Mike Hanley	Date:	02/01/13
	Commissioner		

FISCAL NOTE ANALYSIS

**STATE OF ALASKA
2013 LEGISLATIVE SESSION**

BILL NO. HB088

Analysis

Requires two statute changes for the Department of Education & Early Development:
Line 6, Sec. 3: AS 14.30.350(20); and,
Line 24, Sec. 4: AS 14.30.630(b).
No anticipated fiscal impact to the department.

Alaska Legislature

Representative Charisse Millett

Session:

State Capitol Building, Room 403
Juneau, AK 99801
Phone (907) 465-3879
Fax (907) 465-2069
Toll free (888) 269-3879



Interim:

Anchorage LIO
716 W 4th Ave., Room 390
Anchorage, AK 99501
Phone (907) 269-0222
Fax (907) 269-0223

District 24

House Bill 88

Sponsor Statement

A society is judged rightly by the manner in which it regards those members who have a disability. Respect and inclusiveness is a hallmark of a compassionate and dignified culture, and nowhere is this more apparent than in the language used for people with intellectual disabilities. "Mental retardation," originally a clinical term introduced with good intentions, has been transformed into a derogatory term that is sometimes used to degrade and insult people with intellectual disabilities. We have recognized the power of words to inflict pain with regard to race, and have taken great strides to foster an environment that rectifies that wrong. Yet even today, many do not recognize the hurtful, dehumanizing and exclusive effects of the word "retard(ed)."

House Bill 88 seeks to update state health, education and labor policy by removing the terms "mental retardation" and "mentally retarded" and replace them with "intellectual and developmental disabilities." While neither expanding nor diminishing services, rights, responsibilities or educational opportunities of individuals with intellectual and/or developmental disabilities, these changes provide the more respectful and inclusive language these women and men of our state deserve. These changes will also make our state statutes consistent with language in federal law, the Centers for Disease Control, the World Health Organization, and the White House through the President's Committee for People with Intellectual Disabilities.

More than 40 states have adopted "people first" language in their state statutes. Alaska should not be an outlier when it comes to matters such as this. Implementing House Bill 88 rectifies this. I respectfully urge your support for this legislation.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

January 30, 2013

SUBJECT: Sectional Summary of HB 88 (Work Order No. 28-LS0400\A)

TO: Representative Charisse Millett
Attn: Akis Gialopsos

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.

JMM:ljw
13-054.ljw



February 5, 2013

The Honorable Pete Higgins, Chair
House Health and Social Services Committee
Alaska State House of Representatives
State Capitol, Room 106
Juneau, AK 99801

Re: HB 88: Intellectual and Developmental Disability

Dear Chair Higgins:

The Disability Law Center of Alaska provides legal advocacy services to Alaskans with disabilities in a variety of practice areas, including special education, Medicaid benefits, and employment. Based on our nearly 36 years of experience, we enthusiastically support the goal of HB 88, which is to remove from Alaska statutes the phrase "mental retardation" and its variants, and replace it with "intellectual and developmental disabilities."

In her Sponsor Statement, Representative Millett correctly notes that what began as a clinical term has morphed into a "derogatory term that is sometimes used to degrade and insult people with intellectual disabilities." The brother of the young woman behind Rosa's Law, while testifying before the Maryland General Assembly, stated:

What you call my sister is how you will treat her. If you believe she's 'retarded,' it invites taunting, stigma. It invites bullying, and it also invites the slammed doors of being treated with respect and dignity.

Words matter. Alaskans with intellectual and developmental disabilities deserve to be treated with respect and dignity and we look to the House Health and Social Services Committee to lead the way toward this positive change. HB 88 is a significant step in the direction of including all individuals in the community we call Alaska.

Sincerely,

DISABILITY LAW CENTER OF ALASKA

David C. Fleurant
Executive Director

ANCHORAGE

3330 Arctic Boulevard
Suite 103
Anchorage, AK 99503
(907) 565-1002
FAX (907) 565-1000
1-800-478-1234
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MEMBER OF THE
NATIONAL
DISABILITY
RIGHTS
NETWORK



February 4, 2013

AMERICAN CIVIL
LIBERTIES UNION OF
ALASKA FOUNDATION
1057 W. Fireweed, Suite 207
Anchorage, AK 99503
(907) 258-0044
(907) 258-0288 (fax)
WWW.AKCLU.ORG

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TONY STRONG, Douglas

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STUDENT ADVISOR

The Honorable Pete Higgins, Chair
The Honorable Wes Keller, Vice-Chair
House Health and Social Services Committee
Alaska State House of Representatives
State Capitol, Room 106
Juneau, AK 99801

via email: Rep.Pete.Higgins@akleg.gov
Rep.Wes.Keller@akleg.gov

**Re: HB 88: Intellectual and Development Disabilities
ACLU Letter of Support**

Dear Chair Higgins & Vice-Chair Keller:

Thank you for the opportunity to provide this Letter of Support with respect to House Bill 88.

The American Civil Liberties Union of Alaska represents thousands of members and activists throughout Alaska who seek to preserve and expand the individual freedoms and civil liberties guaranteed by the United States and Alaska Constitutions. From that perspective, we are pleased to support this legislation, which will revise relevant Alaska statutes to refer to individuals as having “intellectual and developmental disabilities” rather than as “mentally retarded.”

The Revised Terms Better Respect Alaskans

As Representative Millett stated in the Sponsor statement, “‘Mental retardation,’ originally a clinical term introduced with good intentions, has been transformed into a derogatory term that is sometimes used to degrade and insult people with intellectual disabilities.” Language, particularly

language in the laws of a State, can lead to unfair and improper treatment – either intentional or otherwise. The ACLU has consistently worked to end invidious discrimination and supports the proposed change.

By Matching the Language of Other Jurisdictions, the Bill Improves Research Ability

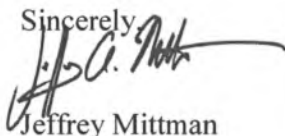
Representative Millett noted that other jurisdictions, such as “federal law, the Centers for Disease Control, the World Health Organization, and the White House through the President’s Committee for People with Intellectual Disabilities,” use “intellectual and developmental disabilities” in lieu of “mental retardation.” By conforming the language of the Alaska Statutes to these other entities, Alaska better enables researchers and policymakers to search for one term – “intellectual and developmental disabilities” – instead of two, and thus HB 88 has the additional salutary effect of reducing transaction costs of comparing legislation, reviewing evidence, and devising policy.

Conclusion

We hope that this Letter of Support aids the Health and Social Services Committee in its evaluation and expected passage of House Bill 88.

Thank you again for letting us share our thoughts. Please feel free to contact the undersigned if you have any questions or wish additional information.

Sincerely,



Jeffrey Mittman
Executive Director
ACLU of Alaska

cc: Representative Benjamin Nageak
Representative Lance Pruitt
Representative Lora Reinbold
Representative Paul Seaton
Representative Geran Tarr
Sponsor, Representative Charisse Millett