

SENATE FILE NO. SF0038

People first language.

Sponsored by: Senator(s) Case and Massie and  
Representative(s) Berger and Esquibel, F.

A BILL

for

1 AN ACT relating to descriptive terms for persons with  
2 cognitive deficiencies; amending or replacing references to  
3 mental retardation and other similar references; providing  
4 definitions; and providing for an effective date.

5

6 *Be It Enacted by the Legislature of the State of Wyoming:*

7

8       **Section 1.** W.S. 3-1-101(a)(ix) and (xii),  
9 7-11-301(a)(iii), 8-1-102(a) by creating a new paragraph  
10 (xiii), 9-2-109(a)(iii)(C), 14-4-102(b)(vii), 14-6-219(b),  
11 (c) and (d), 14-6-419(b), (c) and (d), 14-9-102(a)(i),  
12 14-9-103(a)(iv), (vi)(intro) and (A), 21-9-101(c)(i),  
13 25-5-102(a)(viii) and by creating a new paragraph (xvi),  
14 25-5-103, 25-5-114(b), 26-22-102(a)(intro),  
15 26-22-401(a)(i), 35-1-613(a)(ii), 35-2-901(a)(x) and (xiv),  
16 42-4-102(a) by creating a new paragraph (x),

1 42-4-206(a)(ii) and 42-4-207(c)(i) and (j) are amended to  
2 read:

3

4 **3-1-101. Definitions**

5

6 (a) As used in this title, unless otherwise required  
7 by the context or unless otherwise defined:

8

9 (ix) "Incompetent person" means an individual  
10 who, for reasons other than being a minor, is unable  
11 unassisted to properly manage and take care of himself or  
12 his property as a result of the ~~infirmities~~medical  
13 conditions of advanced age, physical disability, disease,  
14 the use of alcohol or controlled substances, mental  
15 illness, mental deficiency or ~~mental~~retardation  
16 intellectual disability;

17

18 (xii) "Mentally incompetent person" means an  
19 individual who is unable unassisted to properly manage and  
20 take care of himself or his property as the result of  
21 mental illness, mental deficiency or ~~mental~~retardation  
22 intellectual disability;

23

24 **7-11-301. Definitions.**

1

2 (a) As used in this act:

3

4 (iii) "Mental deficiency" means a defect  
5 attributable to ~~mental retardation~~ intellectual disability,  
6 brain damage and learning disabilities;

7

8 **8-1-102. Definitions.**

9

10 (a) As used in the statutes unless the legislature  
11 clearly specifies a different meaning or interpretation or  
12 the context clearly requires a different meaning:

13

14 (xiii) "Intellectual disability" means  
15 significantly subaverage general intellectual functioning  
16 with concurrent deficits in adaptive behavior manifested  
17 during the developmental period. "Intellectually disabled"  
18 means a person with an intellectual disability.

19

20 **9-2-109. Vocational rehabilitation; definitions.**

21

22 (a) As used in W.S. 9-2-109 through 9-2-115:

23

1           (iii) "Individual with a significant disability"  
2 means an individual:

3  
4           (C) Who has one (1) or more physical or  
5 mental disabilities resulting from amputation, arthritis,  
6 autism, blindness, burn injury, cancer, cerebral palsy,  
7 cystic fibrosis, deafness, head injury, heart disease,  
8 hemiplegia, hemophilia, respiratory or pulmonary  
9 dysfunction, ~~mental retardation~~ intellectual disability,  
10 mental illness, multiple sclerosis, muscular dystrophy,  
11 musculoskeletal disorders, neurological disorders  
12 (including stroke and epilepsy), paraplegia, quadriplegia  
13 and other spinal cord conditions, sickle cell anemia,  
14 specific learning disability, end stage renal disease or  
15 another disability or combination of disabilities  
16 determined on the basis of an assessment for determining  
17 eligibility and vocational rehabilitation needs to cause  
18 comparable substantial functional limitation.

19

20       **14-4-102. Certification required; exceptions.**

21

22       (b) W.S. 14-4-101 through 14-4-111 do not apply to:

23

1 (vii) Ranches or farms not offering services to  
2 children who are homeless, delinquent or ~~retarded children~~  
3 have an intellectual disability; and  
4

5 14-6-219. Physical and mental examinations;  
6 involuntary commitment of incompetents; subsequent  
7 proceedings.  
8

9 (b) If a child has been committed to a medical  
10 facility or institution for mental examination prior to  
11 adjudication of the petition and if it appears to the court  
12 from the mental examination that the child is competent to  
13 participate in further proceedings and is not suffering  
14 from mental illness or ~~mental retardation~~ intellectual  
15 disability to a degree rendering the child subject to  
16 involuntary commitment to the Wyoming state hospital or the  
17 Wyoming state training school, the court shall order the  
18 child returned to the court without delay.  
19

20 (c) If it appears to the court by mental examination  
21 conducted before adjudication of the petition that a child  
22 alleged to be delinquent is incompetent to participate in  
23 further proceedings by reason of mental illness or ~~mental~~  
24 ~~retardation~~ intellectual disability to a degree rendering

1 the child subject to involuntary commitment to the Wyoming  
2 state hospital or the Wyoming state training school, the  
3 court shall hold further proceedings under this act in  
4 abeyance. The district attorney shall then commence  
5 proceedings in the district court for commitment of the  
6 child to the appropriate institution as provided by law.

7  
8 (d) The juvenile court shall retain jurisdiction of  
9 the child on the petition pending final determination of  
10 the commitment proceedings in the district court. If  
11 proceedings in the district court commit the child to the  
12 Wyoming state hospital, the Wyoming state training school  
13 or any other facility or institution for treatment and care  
14 of ~~the mentally ill or the mentally retarded~~ people with a  
15 mental illness or an intellectual disability, the petition  
16 shall be dismissed and further proceedings under this act  
17 terminate. If proceedings in the district court determine  
18 the child ~~is not mentally ill or mentally retarded~~ does not  
19 have a mental illness or intellectual disability to a  
20 degree rendering him subject to involuntary commitment, the  
21 court shall proceed to a final adjudication of the petition  
22 and disposition of the child under the provisions of this  
23 act.

24

1           **14-6-419. Physical and mental examinations.**

2

3           (b) If a child has been committed to a medical  
4 facility or institution for mental examination prior to  
5 adjudication of the petition and if it appears to the court  
6 from the mental examination that the child is competent to  
7 participate in further proceedings and is not ~~suffering~~  
8 ~~from mental illness or mental retardation~~ mentally ill or  
9 intellectually disabled to a degree rendering the child  
10 subject to involuntary commitment to the Wyoming state  
11 hospital or the Wyoming state training school, the court  
12 shall order the child returned to the court without delay.

13

14           (c) If it appears to the court by mental examination  
15 conducted before adjudication of the petition that a child  
16 alleged to be in need of supervision is incompetent to  
17 participate in further proceedings by reason of mental  
18 illness or ~~mental retardation~~ intellectual disability to a  
19 degree rendering the child subject to involuntary  
20 commitment to the Wyoming state hospital or the Wyoming  
21 state training school, the court shall hold further  
22 proceedings under this act in abeyance. The district  
23 attorney shall then commence proceedings in the district

1 court for commitment of the child to the appropriate  
2 institution as provided by law.

3  
4 (d) The juvenile court shall retain jurisdiction of  
5 the child on the petition pending final determination of  
6 the commitment proceedings in the district court. If  
7 proceedings in the district court commit the child to the  
8 Wyoming state hospital, the Wyoming state training school  
9 or any other facility or institution for treatment and care  
10 of ~~the mentally ill~~ people with mental illness or ~~the~~  
11 ~~mentally retarded~~ intellectual disability, the petition  
12 shall be dismissed and further proceedings under this act  
13 terminate. If proceedings in the district court determine  
14 the child ~~is not mentally ill~~ does not have a mental  
15 illness or ~~mentally retarded~~ an intellectual disability to  
16 a degree rendering him subject to involuntary commitment,  
17 the court shall proceed to a final adjudication of the  
18 petition and disposition of the child under the provisions  
19 of this act.

20  
21 **14-9-102. Purpose.**

22  
23 (a) The purpose and intent of this act is to:  
24



1 (i) Establish, maintain and promote the  
2 development of juvenile services in communities of the  
3 state aimed at allowing early identification and diversion  
4 of children at risk of entry into the juvenile court  
5 system, preventing juvenile delinquency and treating  
6 ~~seriously emotionally disturbed~~ youth with serious  
7 emotional disabilities; and

8  
9 **14-9-103. Definitions.**

10  
11 (a) As used in this act:

12  
13 (iv) "Juvenile services" means programs or  
14 services provided to children at risk of coming under the  
15 jurisdiction of the juvenile court, including ~~seriously~~  
16 ~~emotionally disturbed~~ youth with serious emotional  
17 disabilities. Programs or services may include:

18  
19 (vi) "~~Seriously emotionally disturbed~~ Youth with  
20 serious emotional disabilities" means a child who has an  
21 emotional or mental disturbance that severely limits his  
22 development and welfare over a significant period of time  
23 and that requires a comprehensive and coordinated system of  
24 care in order to meet his needs. The child must be less

1 than eighteen (18) years of age, or less than twenty-two  
2 (22) years of age if ~~disabled~~ the child has a disability  
3 and is receiving special education, and must meet all four  
4 (4) of the following:

5

6 (A) The child must have a diagnostic  
7 screening manual (latest edition) diagnosis (exceptions  
8 include V codes, adjustment disorders, ~~mental retardation~~  
9 intellectual disability, and learning disabilities unless  
10 they co-occur with psychiatric diagnosis);

11

12 **21-9-101. Educational programs for schools;**  
13 **standards; core of knowledge and skills; special needs**  
14 **programs; class size requirements; cocurricular activities.**

15

16 (c) In addition to subsection (b) of this section,  
17 each school district within this state shall provide  
18 programs designed for the special needs of those student  
19 populations specified within this subsection. Programs  
20 under this subsection shall be provided and shall identify  
21 special student populations in accordance with rules and  
22 regulations of the state board of education. The state  
23 board shall monitor the proportion of students in each

1 special needs category, compared to available regional  
2 averages. Special needs student populations include:

3  
4 (i) Children with disabilities evaluated in  
5 accordance with rules and regulations of the state board as  
6 having ~~mental retardation~~ intellectual disability, hearing  
7 impairments including deafness, speech or language  
8 impairments, visual impairments including blindness,  
9 serious emotional disturbance, orthopedic impairments,  
10 autism, traumatic brain injury, other health impairments,  
11 specific learning disabilities, deafness and blindness or  
12 other multiple disabilities, and who, because of the  
13 impairments, need special education and related services;  
14 and

15  
16 **25-5-102. Definitions.**

17  
18 (a) As used in this act:

19  
20 (viii) "Professional person" means a person who  
21 is licensed to practice medicine in this state, is licensed  
22 to practice psychology in this state, or is professionally  
23 trained and experienced in evaluating, treating and

1 training ~~mentally retarded persons~~ people with intellectual  
2 disabilities;

3  
4 (xvi) "Intellectual disability" and  
5 "intellectually disabled" means as defined in W.S.  
6 8-1-102(a)(xiii).

7  
8 **25-5-103. Wyoming state training school established;**  
9 **purpose.**

10  
11 Except as otherwise authorized by rules and regulations  
12 promulgated in accordance with W.S. 9-2-106(d), the Wyoming  
13 state training school is established for the diagnosis,  
14 evaluation, education, training, custody and care of  
15 ~~mentally retarded~~ intellectually disabled persons.

16  
17 **25-5-114. Eligibility for admission; appropriateness**  
18 **of services; effect of criminal conviction or charge.**

19  
20 (b) A person convicted of a criminal act shall not be  
21 admitted to the training school unless the preadmission  
22 evaluation indicates that the act was due directly to  
23 ~~mental retardation~~ intellectual disability, or that the  
24 person can benefit from resident services without penal

1 restrictions. A person charged with a criminal act shall  
2 not be admitted to the training school pending disposition  
3 of the charge.

4  
5 **26-22-102. Requirements of accident and sickness**  
6 **insurance to tax supported institutions.**

7  
8 (a) No individual or group policy of accident and  
9 sickness insurance delivered or issued for delivery to any  
10 person in this state which provides coverage for mental  
11 illness or ~~mental-retardation~~ intellectual disability or  
12 both shall exclude benefits for the care or treatment of  
13 the mental illness or ~~mental-retardation~~ intellectual  
14 disability provided by a tax supported institution of the  
15 state, provided:

16  
17 **26-22-401. Required provision of individual or group**  
18 **policy or contract.**

19  
20 (a) Any individual or group hospital or medical  
21 expense insurance policy or hospital service plan contract  
22 or medical service plan contract, delivered or issued for  
23 delivery in this state which provides that coverage of a  
24 dependent child of a policyholder or subscriber, or of an

1 employee or other member of the covered group, as the case  
2 may be, terminates upon attainment of the limiting age for  
3 dependent children specified in the policy or contract,  
4 shall also provide in substance that attainment of the  
5 limiting age does not terminate the child's coverage while  
6 the child is and continues to be both:

7  
8 (i) Incapable of self-sustaining employment by  
9 reason of ~~mental retardation~~ intellectual disability or  
10 physical ~~handicap~~ disability; and

11  
12 **35-1-613. Definitions.**

13  
14 (a) As used in this act:

15  
16 (ii) "Developmental disabilities" means a  
17 disability attributable to ~~mental retardation~~ intellectual  
18 disability, cerebral palsy, epilepsy, autism or any other  
19 ~~neurologically handicapping~~ neurological condition  
20 requiring services similar to those required by ~~mentally~~  
21 ~~retarded individuals~~ persons with intellectual  
22 disabilities, that has continued or can be expected to  
23 continue indefinitely and constitutes a substantial

1 ~~handicap~~impairment to the individual's ability to function  
2 ~~normally~~ in society;

3

4 **35-2-901. Definitions; applicability of provisions.**

5

6 (a) As used in this act:

7

8 (x) "Health care facility" means any ambulatory  
9 surgical center, assisted living facility, adult day care  
10 facility, adult foster care home, alternative eldercare  
11 home, birthing center, boarding home, freestanding  
12 diagnostic testing center, home health agency, hospice,  
13 hospital, intermediate care facility for ~~the mentally~~  
14 ~~retarded~~people with intellectual disability, medical  
15 assistance facility, nursing care facility, rehabilitation  
16 facility and renal dialysis center;

17

18 (xiv) "Intermediate care facility for ~~the~~  
19 ~~mentally retarded~~people with intellectual disability"  
20 means a facility which provides on a regular basis health  
21 related care and training to ~~mentally retarded individuals~~  
22 persons with intellectual disabilities or persons with  
23 related conditions, who do not require the degree of care  
24 and treatment of a hospital or nursing facility and

1 services above the need of a boarding home. The term also  
2 means "intermediate care facility for the mentally  
3 retarded" or "ICFMR" or "ICFs/MR" as those terms are used  
4 in federal law and in other laws, rules and regulations;  
5

6 **42-4-102. Definitions.**  
7

8 (a) As used in this chapter:  
9

10 (x) "Intermediate care facility for people with  
11 intellectual disability" means "intermediate care facility  
12 for the mentally retarded" or "ICFMR" or "ICFs/MR" as those  
13 terms are used in federal law and in other laws, rules and  
14 regulations.  
15

16 **42-4-206. Claims against estates.**  
17

18 (a) If an individual receives any medical assistance  
19 pursuant to this chapter, upon the individual's death, if  
20 single, or upon the death of the survivor of a married  
21 couple, either of whom received medical assistance, the  
22 total amount paid for medical assistance rendered for the  
23 individual or the spouse shall be filed by the department  
24 as a claim against the estate of the individual or the



1 estate of the surviving spouse in the court having  
2 jurisdiction to probate the estate. A claim shall be filed  
3 if medical assistance was rendered for either person under  
4 one (1) of the following circumstances:

5  
6 (ii) The person was an inpatient in a nursing  
7 facility, intermediate care facility for ~~the mentally~~  
8 ~~retarded~~ people with intellectual disability or other  
9 medical institution when he received medical assistance.

10  
11 **42-4-207. Recovery of incorrect payments; recovery of**  
12 **correct payments; liens.**

13  
14 (c) The department may file a pre-death lien upon  
15 real property of an individual for medical assistance  
16 correctly paid under this chapter to an individual:

17  
18 (i) Who is an inpatient in a nursing facility,  
19 intermediate care facility for ~~the mentally retarded~~ people  
20 with intellectual disability, or other medical institution;  
21 and

22  
23 (j) The department may file a lien against the  
24 property of any estate, as defined in W.S. 42-4-206(g), of

1 a deceased recipient for the amount of medical assistance  
2 provided while the recipient was fifty-five (55) years of  
3 age or older or while the recipient was an inpatient in a  
4 nursing facility, intermediate care facility for ~~the~~  
5 ~~mentally-retarded~~ people with intellectual disability or  
6 other medical institution. The department shall perfect  
7 this lien by filing a notice in the county in which the  
8 real property exists. The department may file an amended  
9 lien prior to the entry of the final order closing the  
10 estate.

11

12 **Section 2.** W.S. 25-5-102(a)(vii) is repealed.

13

14 **Section 3.** This act is effective immediately upon  
15 completion of all acts necessary for a bill to become law  
16 as provided by Article 4, Section 8 of the Wyoming  
17 Constitution.

18

19 (END)