

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, the petition
15 shall be dismissed and further proceedings under this act
16 terminate. If proceedings in the district court determine
17 the child ~~is not mentally ill or mentally retarded~~ does not
18 have a mental illness or intellectual disability to a
19 degree rendering him subject to involuntary commitment, the
20 court shall proceed to a final adjudication of the petition
21 and disposition of the child under the provisions of this
22 act.

23

24 **14-6-419. Physical and mental examinations.**

1

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

12

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

1

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

18

19 **14-9-102. Purpose.**

20

21 (a) The purpose and intent of this act is to:

22

23 (i) Establish, maintain and promote the
24 development of juvenile services in communities of the

1 state aimed at allowing early identification and diversion
2 of children at risk of entry into the juvenile court
3 system, preventing juvenile delinquency and treating
4 ~~seriously emotionally disturbed~~ youth with serious
5 emotional disabilities; and

6

7 **14-9-103. Definitions.**

8

9 (a) As used in this act:

10

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

16

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

1 receiving special education, and must meet all four (4) of
2 the following:

3

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

9

10 **21-9-101. Educational programs for schools;**
11 **standards; core of knowledge and skills; special needs**
12 **programs; class size requirements; cocurricular activities.**

13

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

24

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

12

13 **25-5-102. Definitions.**

14

15 (a) As used in this act:

16

17 (viii) "Professional person" means a person who
18 is licensed to practice medicine in this state, is licensed
19 to practice psychology in this state, or is professionally
20 trained and experienced in evaluating, treating and
21 training ~~mentally retarded persons~~ people with intellectual
22 disabilities;

23

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

4
5 **25-5-103. Wyoming state training school established;**
6 **purpose.**

7
8 Except as otherwise authorized by rules and regulations
9 promulgated in accordance with W.S. 9-2-106(d), the Wyoming
10 state training school is established for the diagnosis,
11 evaluation, education, training, custody and care of
12 ~~mentally retarded~~ intellectually disabled persons.

13
14 **25-5-114. Eligibility for admission; appropriateness**
15 **of services; effect of criminal conviction or charge.**

16
17 (b) A person convicted of a criminal act shall not be
18 admitted to the training school unless the preadmission
19 evaluation indicates that the act was due directly to
20 ~~mental retardation~~ intellectual disability, or that the
21 person can benefit from resident services without penal
22 restrictions. A person charged with a criminal act shall
23 not be admitted to the training school pending disposition
24 of the charge.

1

2 **26-22-102. Requirements of accident and sickness**
3 **insurance to tax supported institutions.**

4

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

13

14 **26-22-401. Required provision of individual or group**
15 **policy or contract.**

16

17 (a) Any individual or group hospital or medical
18 expense insurance policy or hospital service plan contract
19 or medical service plan contract, delivered or issued for
20 delivery in this state which provides that coverage of a
21 dependent child of a policyholder or subscriber, or of an
22 employee or other member of the covered group, as the case
23 may be, terminates upon attainment of the limiting age for
24 dependent children specified in the policy or contract,

1 shall also provide in substance that attainment of the
2 limiting age does not terminate the child's coverage while
3 the child is and continues to be both:

4
5 (i) Incapable of self-sustaining employment by
6 reason of ~~mental retardation~~ intellectual disability or
7 physical handicap; and

8

9 **35-1-613. Definitions.**

10

11 (a) As used in this act:

12

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

23

24 **35-2-901. Definitions; applicability of provisions.**

1

2 (a) As used in this act:

3

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

13

14 (xiv) "Intermediate care facility for ~~the~~
15 ~~mentally retarded~~ people with intellectual disability"
16 means a facility which provides on a regular basis health
17 related care and training to ~~mentally retarded individuals~~
18 persons with intellectual disabilities or persons with
19 related conditions, who do not require the degree of care
20 and treatment of a hospital or nursing facility and
21 services above the need of a boarding home. The term also
22 means "intermediate care facility for the mentally
23 retarded" or "ICFMR" or "ICFs/MR" as those terms are used
24 in federal law and in other laws, rules and regulations;

1

2

42-4-102. Definitions.

3

4

(a) As used in this chapter:

5

6

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

10

11

12

42-4-206. Claims against estates.

13

14

15

16

17

18

19

20

21

22

23

24

(a) If an individual receives any medical assistance pursuant to this chapter, upon the individual's death, if single, or upon the death of the survivor of a married couple, either of whom received medical assistance, the total amount paid for medical assistance rendered for the individual or the spouse shall be filed by the department as a claim against the estate of the individual or the estate of the surviving spouse in the court having jurisdiction to probate the estate. A claim shall be filed if medical assistance was rendered for either person under one (1) of the following circumstances:

1

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

6

7 **42-4-207. Recovery of incorrect payments; recovery of**
8 **correct payments; liens.**

9

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

13

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

18

19 (j) The department may file a lien against the
20 property of any estate, as defined in W.S. 42-4-206(g), of
21 a deceased recipient for the amount of medical assistance
22 provided while the recipient was fifty-five (55) years of
23 age or older or while the recipient was an inpatient in a
24 nursing facility, intermediate care facility for ~~the~~

1 ~~mentally retarded~~ people with intellectual disability or
2 other medical institution. The department shall perfect
3 this lien by filing a notice in the county in which the
4 real property exists. The department may file an amended
5 lien prior to the entry of the final order closing the
6 estate.

7

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

9

10 **Section 3.** This act is effective immediately upon
11 completion of all acts necessary for a bill to become law
12 as provided by Article 4, Section 8 of the Wyoming
13 Constitution.

14

15

(END)