

JAN 21 2011

A BILL FOR AN ACT

RELATING TO CHANGING REFERENCES IN THE HAWAII REVISED STATUTES
FROM "MENTAL RETARDATION" TO "INTELLECTUAL DISABILITY".

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 333F-1, Hawaii Revised Statutes, is
2 amended to read as follows:

3 1. By adding a new definition to be appropriately inserted
4 and to read:

5 "Intellectual disability" means significantly subaverage
6 general intellectual functioning resulting in or associated with
7 concurrent moderate, severe, or profound impairments in adaptive
8 behavior and manifested during the developmental period."

9 2. By amending the definitions of "case management
10 services", "least restrictive", "representative", "residence" or
11 "residential", "respite care", and "services" to read:

12 "Case management services" means services to persons with
13 ~~[developmental disabilities or mental retardation]~~ developmental
14 or intellectual disabilities that assist them in gaining access
15 to needed social, medical, legal, educational, and other
16 services, and includes:



1 (1) Follow-along services which assure, through a
2 continuing relationship between an agency or provider
3 and a person with a [~~developmental disability or~~
4 ~~mental retardation~~] developmental or intellectual
5 disability and the person's parent, if the person is a
6 minor, or guardian, if a guardian has been appointed
7 for the purpose, that the changing needs of the person
8 and the family are recognized and appropriately met.

9 (2) Coordinating and monitoring services provided to
10 persons with [~~developmental disabilities or mental~~
11 ~~retardation~~] developmental or intellectual
12 disabilities by two or more persons, organizations, or
13 agencies.

14 (3) Providing information to persons with [~~developmental~~
15 ~~disabilities or mental retardation~~] developmental or
16 intellectual disabilities about availability of
17 services and assisting the persons in obtaining the
18 services.

19 "Least restrictive" means the least intrusive and least
20 disruptive intervention into the life of a person with
21 [~~developmental disability or mental retardation~~] developmental
22 or intellectual disabilities that represents the least departure



1 from normal patterns of living that can be effective in meeting
2 the person's developmental needs.

3 "Representative" means any individual who can advise and
4 advocate for a person with [~~developmental disabilities or mental~~
5 ~~retardation~~] developmental or intellectual disabilities and who
6 shall serve at the request and pleasure of such person; provided
7 that if the person with [~~developmental disabilities or mental~~
8 ~~retardation~~] developmental or intellectual disabilities is a
9 minor or is legally incapacitated and has not requested a
10 representative, the parent or guardian may request a
11 representative to assist on behalf of the person with
12 [~~developmental disabilities or mental retardation.~~]
13 developmental or intellectual disabilities.

14 "Residence" or "residential" means the living space
15 occupied by the person with a [~~developmental disability or~~
16 ~~mental retardation,~~] developmental or intellectual disability,
17 including single-person homes, natural family homes, care homes,
18 group homes, foster homes, institutional facilities, and all
19 other types of living arrangements.

20 "Respite care" means a service provided in a least
21 restrictive environment for short term care to meet the needs,
22 ranging from simple to complex, of persons with [~~developmental~~



1 ~~disabilities or mental retardation.] developmental or~~
2 intellectual disabilities. The purpose of respite care is to
3 avoid, if possible, the necessity for long term institutional
4 care or to provide relief to families and care providers.

5 "Services" means appropriate assistance provided to a
6 person with a [~~developmental disability or mental retardation]~~
7 developmental or intellectual disability in the least
8 restrictive, individually appropriate environment to provide for
9 basic living requirements and continuing development of
10 independence or interdependent living skills of the person.
11 These services include, but are not restricted to: case
12 management; residential, developmental, and vocational support;
13 training; habilitation; active treatment; day treatment; day
14 activity; respite care; domestic assistance; attendant care;
15 rehabilitation; speech, physical, occupational and recreational
16 therapy; recreational opportunities; counseling, including
17 counseling to the person's family, guardian, or other
18 appropriate representative; development of language and
19 communications skills; interpretation; transportation; and
20 equipment."

21 3. By deleting the definition of "mental retardation":



1 ~~["Mental retardation" means significantly subaverage~~
2 ~~general intellectual functioning resulting in or associated with~~
3 ~~concurrent moderate, severe, or profound impairments in adaptive~~
4 ~~behavior and manifested during the developmental period."]~~

5 SECTION 2. Section 333F-11, Hawaii Revised Statutes, is
6 amended by amending subsection (a) to read as follows:

7 "(a) Notwithstanding any law to the contrary, the family
8 court may appoint the director as guardian of any person if the
9 court finds that:

10 (1) The person is an incapacitated person as defined in
11 section 560:5-102;

12 (2) The person ~~[is developmentally disabled or mentally~~
13 ~~retarded;]~~ has a developmental or intellectual
14 disability;

15 (3) The person may reasonably be expected to need
16 treatment or care at any residential facility; and

17 (4) There is no other suitable guardian including the
18 public guardian as designated in chapter 551A able or
19 willing to serve as guardian."

20 SECTION 3. Section 324, part II, Hawaii Revised Statutes,
21 is amended by amending its title to read as follows:



1 "PART II. MENTAL HEALTH AND [~~MENTAL RETARDATION~~] INTELLECTUAL
2 DISABILITY STUDIES"

3 SECTION 4. Chapter 333F, Hawaii Revised Statutes, is
4 amended by amending its title to read as follows:

5 "SERVICES FOR PERSONS WITH DEVELOPMENTAL OR INTELLECTUAL
6 DISABILITIES [~~OR MENTAL RETARDATION~~]"

7 SECTION 5. Section 46-4, Hawaii Revised Statutes, is
8 amended by substituting the term "individuals with intellectual
9 disabilities", or like term, wherever the term "mentally
10 retarded", or like term, appears, as the context requires, and
11 by substituting the term "intermediate care facility for
12 individuals with intellectual disabilities in the community"
13 wherever the term "intermediate care facility/mental
14 retardation-community" appears, as the context requires.

15 SECTION 6. Sections 321-11.5, 321-15.2, 346-29.5, 346-37,
16 346D-3, 346E-1, and 846-2.7, Hawaii Revised Statutes, are
17 amended by substituting the term "intermediate care facility for
18 individuals with intellectual disabilities", or like term,
19 wherever the term "intermediate care facility for the mentally
20 retarded", or like term, appears, as the context requires.

21 SECTION 7. Sections 321-15.9, Hawaii Revised Statutes, is
22 amended by substituting the term "developmental or intellectual



1 disabilities", or like term, wherever the term "developmental
2 disabilities or mental retardation", or like term, appears, as
3 the context requires, and by substituting the term "intellectual
4 disability" wherever the term "mental retardation" appears, as
5 the context requires.

6 SECTION 8. Sections 324-11 and 431M-1, Hawaii Revised
7 Statutes, are amended by substituting the term "intellectual
8 disability" wherever the term "mental retardation" appears, as
9 the context requires.

10 SECTION 9. Sections 328C-1 and 461-1, Hawaii Revised
11 Statutes, are amended by substituting the term "developmental
12 and intellectual disability center" wherever the term "mental
13 retardation center" appears, as the context requires.

14 SECTION 10. Section 333F-2, Hawaii Revised Statutes, is
15 amended by substituting the term "developmental or intellectual
16 disabilities", wherever the term "developmental disabilities or
17 mental retardation" appears, as the context requires, and by
18 substituting the acronym "ICF/ID" wherever the acronym "ICF/MR"
19 appears, as the context requires.

20 SECTION 11. Sections 333F-3, 333F-5, 333F-6, 333F-8,
21 333F-13, and 333F-22, Hawaii Revised Statutes, are amended by
22 substituting the term "developmental or intellectual



1 disabilities", or like term, wherever the term "developmental
2 disabilities or mental retardation", or like term, appears, as
3 the context requires.

4 SECTION 12. Sections 346-230, 571-11, 571-22, 571-61, and
5 578-2, Hawaii Revised Statutes, are amended by substituting the
6 term "intellectually disabled", or like term, wherever the term
7 "retarded" or "mentally retarded", or like term, appears, as the
8 context requires.

9 SECTION 13. Section 346D-2, Hawaii Revised Statutes, is
10 amended by substituting the term "intellectually disabled"
11 wherever the term "mentally retarded" appears, as the context
12 requires, and by substituting the term "intermediate care
13 facility for individuals with intellectual disabilities"
14 wherever the term "intermediate care facility for the mentally
15 retarded" appears, as the context requires.

16 SECTION 14. Sections 383-7, 386-1, 392-5, and 393-5,
17 Hawaii Revised Statutes, are amended by substituting the term
18 "developmental and intellectual disabilities", or like term,
19 wherever the term "developmental disabilities and mental
20 retardation", or like term, appears, as the context requires.

21 SECTION 15. Sections 431:10-212 and 432:1-601, Hawaii
22 Revised Statutes, are amended by substituting the term "children



1 with intellectual disabilities and physically disabled children"
 2 wherever the term "mentally retarded and handicapped children"
 3 appears, as the context requires and by substituting the term
 4 "intellectual disability or physical disability" wherever the
 5 term "mental retardation or physical handicap" appears, as the
 6 context requires.

7 SECTION 16. Section 518-3, Hawaii Revised Statutes, is
 8 amended by substituting the term "intermediate care facility for
 9 individuals with intellectual disabilities in the community"
 10 wherever the term "intermediate care facility/mental
 11 retardation-community" appears, as the context requires.

12 SECTION 17. This Act is not intended to change the
 13 coverage, eligibility, rights, responsibilities, or definitions
 14 referred to in the amended provisions.

15 SECTION 18. Statutory material to be repealed is bracketed
 16 and stricken. New statutory material is underscored.

17 SECTION 19. This Act shall take effect upon its approval.
 18

INTRODUCED BY:

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Report Title:

Intellectual Disabilities

Description:

Changes references in the Hawaii Revised Statutes by substituting "intellectual disabilities", or like term, wherever the term "mental retardation", or like term, appears.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

