



House of Representatives

File No. 785

General Assembly

January Session, 2015

(Reprint of File No. 525)

Substitute House Bill No. 6815
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 7, 2015

***AN ACT CONCERNING THE DEFINITION AND USE OF THE TERM
"INTELLECTUAL DISABILITY".***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 1-1g of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) [For the purposes of sections 17a-210b and 38a-816, "mental
4 retardation"] Except as otherwise provided by statute, "intellectual
5 disability" means a significant limitation in intellectual functioning
6 [and] existing concurrently with deficits in adaptive behavior that
7 originated during the developmental period before eighteen years of
8 age.

9 [(b) For the purposes of sections 4a-60, 4b-28, 4b-31, 8-2g, 8-3e, 8-
10 119t, 9-159s, 10-91f, 12-81, 17a-210, 17a-210b, 17a-215c, 17a-217 to 17a-
11 218a, inclusive, 17a-220, 17a-226 to 17a-227a, inclusive, 17a-228, 17a-231
12 to 17a-233, inclusive, 17a-247 to 17a-247b, inclusive, 17a-270, 17a-272 to
13 17a-274, inclusive, 17a-276, 17a-277, 17a-281, 17a-282, 17a-580, 17a-593,
14 17a-594, 17a-596, 17b-226, 19a-638, 45a-598, 45a-669, 45a-670, 45a-672,

15 45a-674, 45a-676, 45a-677, 45a-678, 45a-679, 45a-680, 45a-681, 45a-682,
16 45a-683, 46a-11a to 46a-11g, inclusive, 46a-51, 46a-60, 46a-64, 46a-64b,
17 46a-66, 46a-70, 46a-71, 46a-72, 46a-73, 46a-75, 46a-76, 46b-84, 52-146o,
18 53a-46a, 53a-59a, 53a-60b, 53a-60c, 53a-61a, 53a-181i, 53a-320, 53a-321,
19 53a-322, 53a-323, 54-56d and 54-250, "intellectual disability" has the
20 same meaning as "mental retardation" as defined in subsection (a) of
21 this section.]

22 [(c)] (b) As used in subsection (a) of this section, "significant
23 limitation in intellectual functioning" means an intelligence quotient
24 more than two standard deviations below the mean as measured by
25 tests of general intellectual functioning that are individualized,
26 standardized and clinically and culturally appropriate to the
27 individual; and "adaptive behavior" means the effectiveness or degree
28 with which an individual meets the standards of personal
29 independence and social responsibility expected for the individual's
30 age and cultural group as measured by tests that are individualized,
31 standardized and clinically and culturally appropriate to the
32 individual.

33 Sec. 2. Subsection (f) of section 17a-228 of the general statutes is
34 repealed and the following is substituted in lieu thereof (*Effective from*
35 *passage*):

36 (f) Whenever the Department of Social Services is notified that a
37 facility receiving payments from the Department of Developmental
38 Services under the provisions of this section has been certified as an
39 intermediate care facility for [persons with mental retardation,]
40 individuals with intellectual disabilities, as defined in [42 CFR 440.50]
41 42 CFR 440.150, the Commissioner of Social Services shall notify the
42 Governor and the Governor, with the approval of the Finance
43 Advisory Committee, may transfer from the appropriation for the
44 Department of Developmental Services to the Department of Social
45 Services, sufficient funds to cover the cost of all services previously
46 paid by the Department of Developmental Services that are
47 reimbursable, at the rate established for services provided by such

- 48 certified facilities. Subsequent budget requests from both departments
- 49 shall reflect such transfer of responsibility.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	1-1g
Sec. 2	<i>from passage</i>	17a-228(f)

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill makes minor and technical changes, including updating terminology, that have no fiscal impact to the state or municipalities.

House "A" which changes the effective date from October 1, 2015 to upon passage has no fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 6815 (as amended by House "A")******AN ACT CONCERNING THE DEFINITION AND USE OF THE TERM "INTELLECTUAL DISABILITY".*****SUMMARY:**

PAs 11-16 and 13-139 substituted the term "intellectual disability" for "mental retardation" in several statutes to reflect changes in federal law and the developmental disabilities community. This bill makes conforming changes by:

1. replacing a reference to "mental retardation" with "intellectual disability" in a statute defining the term,
2. eliminating an obsolete provision that lists statutory references in which "intellectual disability" has the same meaning as "mental retardation," and
3. expanding the definition's application to all uses of "intellectual disability" throughout the statutes except as otherwise provided.

Current law defines "intellectual disability" as a significant limitation in intellectual functioning and deficits in adaptive behavior that began before a person turned 18. The bill specifies that the limitation must exist concurrently with the adaptive deficits.

Lastly, the bill corrects an improper reference to federal regulations that define intermediate care facilities for individuals with intellectual disabilities.

*House Amendment "A" changes the effective date from October 1, 2015 to upon passage

EFFECTIVE DATE: Upon passage

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute

Yea 27 Nay 0 (03/23/2015)