

SENATE BILL 1533

By Norris

AN ACT to amend Tennessee Code Annotated, Title 2; Title 4; Title 5; Title 8; Title 10; Title 12; Title 13; Title 33; Title 37; Title 40; Title 48; Title 49; Title 55; Title 56; Title 63; Title 68 and Title 71, Chapter 6, relative to intellectual and developmental disabilities.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 2-12-114(b)(1)(D), is amended by deleting the language “and mental retardation” and substituting instead the language “intellectual and developmental disabilities”.

SECTION 2. Tennessee Code Annotated, Section 4-3-2702(c), is amended by deleting the language “developmental disabilities” and by substituting instead the language “intellectual or developmental disabilities”.

SECTION 3. Tennessee Code Annotated, Section 4-31-702, is amended by deleting the phrase, “mental retardation” wherever it appears and by substituting in its place the following language “intellectual and developmental disabilities”.

SECTION 4. Tennessee Code Annotated, Section 5-9-101, is amended in subdivision (3) by deleting the language “mentally retarded” and by substituting instead the language “people with intellectual disability.” Tennessee Code Annotated, Section 5-9-101, is further amended in subdivision (24) by deleting the language “the mentally retarded” wherever it appears and by substituting instead the language “people with intellectual disability.”

SECTION 5. Tennessee Code Annotated, Section 8-30-208(b)(7), is amended by deleting the language “mental health/mental retardation institutions” and by substituting instead the language “mental health institutes or development centers.”

SECTION 6. Tennessee Code Annotated, Section 10-7-504(22)(c), is amended by deleting the language “mental retardation” and by substituting instead the language “intellectual and developmental disabilities”.

SECTION 7. Tennessee Code Annotated, Section 12-2-117(a), is amended by deleting the following language from the first sentence “or developmental disabilities facilities”.

SECTION 8. Tennessee Code Annotated, Section 13-24-101(a), is amended by deleting the language “mentally retarded” wherever it appears and by substituting instead the language “people with intellectual disability.”

SECTION 9. Tennessee Code Annotated, Section 13-24-102, is amended by deleting the language “mentally retarded” wherever it appears and by substituting instead the language “people with intellectual disability.”

SECTION 10. Tennessee Code Annotated, Section 33-1-101(10) and (11), are amended by deleting these subdivisions in their entirety and substituting therefore the following language:

(10) “Developmental Center” means a department of intellectual and developmental disabilities facility or part of it that provides residential or habilitation services to persons with intellectual disabilities;

(11)

(A) “Developmental disability” in a person over five (5) years of age means a condition that:

(i) Is attributable to a mental or physical impairment or combination of mental and physical impairments;

(ii) Manifested before twenty-two (22) years of age;

(iii) Likely to continue indefinitely;

(iv) Results in substantial functional limitations in three (3) or more of the following major life activities;

Self-care;

Receptive and expressive language;

Learning

Mobility;

Self-Direction;

Capacity for independent living; and

Economic self-sufficiency; and

(v) Reflects the person's need for a combination and sequence of special interdisciplinary or generic services, supports, or other assistance that is likely to continue indefinitely and to need to be individually planned and coordinated;

(B) "Developmental Disability" in a person up to five (5) years of age means a condition of substantial developmental delay or specific congenital or acquired conditions with a high probability of resulting in developmental disability as defined for persons over five (5) years of age if services and supports are not provided.

SECTION 11. Tennessee Code Annotated, Section 33-1-101(16), is amended by deleting the subdivision in its entirety and substituting in its place the following language:

(16) "Intellectual disability" means a mental impairment as:

(A) Shown by significantly sub-average intellectual ability, defined as, an I.Q. of seventy (70) or below on an individually-administered I.Q. test.

(B) That exists concurrently with related limitations in two (2) or more of the following adaptive skill areas: communication, self-care, home living, social

skills, community use, self direction, health and safety, functional academics, leisure and work; and

(C) That is diagnosed otherwise manifested before eighteen (18) years of age.

(D) "Intellectual Disability" means, until March 1, 2002, significantly sub-average general intellectual functioning existing concurrently with deficits in adaptive behavior that are manifested during the developmental period;

(E) References to "mental retardation" in all instances, notwithstanding other provisions of law, shall be deemed to be references to "intellectual disability".

SECTION 12. Tennessee Code Annotated 33-1-101(24), is amended by deleting the subdivision in its entirety and is further amended by renumbering the remaining subdivisions accordingly.

SECTION 13. Tennessee Code Annotated, 33-1-309(b), is amended by deleting the word "division" and by substituting instead the word "department."

SECTION 14. Tennessee Code Annotated, 33-2-402(4), is amended by deleting the language "deputy commissioner of health" and by substituting instead the language "deputy commissioner of mental health."

SECTION 15. Tennessee Code Annotated, 33-2-408(b)(3), is amended by adding the following language after the word, "neglect" and before the word, "or":

exploitation, misappropriation

SECTION 16. Tennessee Code Annotated, 33-3-108(b), is amended by adding the language "misappropriation" after the word and punctuation, "neglect," wherever it appears:

SECTION 17. Tennessee Code Annotated, 33-5-110(a), is amended by deleting the language “Tennessee division of intellectual disabilities services” and by substituting instead the language “department of intellectual and developmental disabilities.”

SECTION 18. Tennessee Code Annotated, 33-5-110, is amended by deleting the language “DIDS” wherever it appears and by substituting instead the language “DIDD.”

SECTION 19. Tennessee Code Annotated, 37-1-128(e)(1)(a), is amended by deleting the second sentence in its entirety and substituting in its place the following language:

If, during the pendency of any proceeding under this chapter, there is reason to believe that the child may be suffering from an intellectual or developmental disability, the court may order the child to be evaluated on an outpatient basis by a mental health agency, developmental center or a licensed private practitioner designated by the commissioner of mental health or commissioner of intellectual and developmental disabilities to serve the court.

SECTION 20. Tennessee Code Annotated 40-28-115(g)(1), is amended by deleting the language “retarded” and by substituting instead the language “intellectually disabled”.

SECTION 21. Tennessee Code Annotated 48-1-1-301(5) and (15)(E), is amended by deleting the language “mentally retarded” wherever it appears and by substituting instead the language “intellectually disabled”.

SECTION 22. Tennessee Code Annotated 48-101-302(b), is amended by deleting the language “mentally retarded” and by substituting instead the language “intellectually disabled.”

SECTION 23. Tennessee Code Annotated 48-101-308(a)(7) and (8), is amended by deleting the language “mentally retarded” wherever it appears and by substituting instead the language “intellectually disabled.”

SECTION 24. Tennessee Code Annotated 49-10-902(a)(2), is amended by deleting the language “the mentally retarded” and by substituting instead the language “people with intellectual disability.”

SECTION 25. Tennessee Code Annotated 55-50-323(a)(6)(B), is amended by deleting the language “mentally retarded” wherever it appears and by substituting instead the language “person with intellectual disability.”

SECTION 26. Tennessee Code Annotated 56-7-2503, is amended by deleting the language “mentally retarded” wherever it appears and by substituting instead the language “intellectually disabled.”

SECTION 27. Tennessee Code Annotated 63-7-102(10)(B), is amended by deleting the language “persons with mental retardation” and by substituting instead the language “people with intellectual disabilities.”

SECTION 28. Tennessee Code Annotated 63-7-102(10)(C), is amended in the first sentence by deleting the language “the mentally retarded” and by substituting instead the language, “people with intellectual disabilities.”

SECTION 29. Tennessee Code Annotated 68-11-705, is amended by deleting the language “mentally retarded” and by substituting instead the language “intellectually disabled”.

SECTION 30. Tennessee Code Annotated 71-6-113(b), is amended by deleting the language, “physical illness, mental retardation or developmental disabilities” and by substituting instead the language “physical illness, intellectual disability or developmental disabilities.”

SECTION 31. Tennessee Code Annotated 71-6-124(a)(1)(A), is amended by deleting the language “mental retardation” and by substituting instead the language “intellectual disabilities” and further amended by deleting the language “division of intellectual disabilities services (DIDS), department of finance and administration” and by substituting instead the following language “the department of intellectual and developmental disabilities (DIDD)”.

SECTION 32. Tennessee Code Commission is authorized to make changes to appropriate provisions of Tennessee Code Annotated in order to effectuate the intent of Public chapters 734 and 1100 of the Public Acts of 2010 with respect to references to mental retardation and similar terms and the creation of the department of intellectual and developmental disabilities.

SECTION 33. This act shall take effect upon becoming a law, the public welfare requiring it.