

1 SB470
2 126666-1
3 By Senator Irons
4 RFD: Health
5 First Read: 04-MAY-11

SYNOPSIS: Under existing law, the Department of Mental Health is responsible for the administration of all mental health and intellectual disability services in this state.

This bill would provide that all references to "intellectual disability" be changed to "developmental disability" and all references to "people with intellectual disabilities" to be changed to "people with developmental disabilities" as such terms are used throughout Title 22, and elsewhere, as found in the Code of Alabama 1975, as appropriate.

This bill would provide Medicaid waivers for individuals with developmental disabilities.

A BILL
TO BE ENTITLED
AN ACT

1 To amend Section 22-50-2.1, of the Code of Alabama
2 1975, relating to the Department of Mental Health; to change
3 the terminology from "intellectual disability" to
4 "developmental disability" and to change the terminology from
5 "people with intellectual disabilities" to "people with
6 developmental disabilities"; and to add Section 2 of this act
7 to the Code of Alabama 1975, to provide for Medicaid waivers.
8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

9 Section 1. Section 22-50-2.1, Code of Alabama 1975,
10 is amended to read as follows:

11 "22-50-2.1.

12 "(a) All rights, duties, property, real or personal,
13 and all other effects existing in names of the Department of
14 Mental Health and Mental Retardation, or in any other name by
15 which the department has been known, shall continue in the
16 name of the Department of Mental Health. Any existing or
17 future reference to the Department of Mental Health and Mental
18 Retardation, or any other name by which the department has
19 been known, in any existing law, contract, or other instrument
20 shall constitute a reference to the Department of Mental
21 Health.

22 "(b) The Advisory Board of Trustees for the
23 Department of Mental Health and Mental Retardation shall
24 continue in existence as the Advisory Board of Trustees of the
25 Department of Mental Health.

26 "(c) A reasonable transition period for the name
27 change shall be allowed to permit an orderly and

1 cost-effective transition relating particularly to the use of
2 equipment and supplies. All letterhead, business cards, forms,
3 and any other materials in use by the commission containing
4 the name Department of Mental Health and Mental Retardation
5 shall continue to be used by the Department of Mental Health
6 until the supplies are exhausted. Replacement supplies shall
7 contain the name of the Department of Mental Health.

8 "(d) In addition to changes in Section 29-7-13, the
9 Code Commissioner, at times determined appropriate, shall
10 change all references to mental retardation in this code as
11 follows: All references to "mentally retarded" or "people with
12 an intellectual disability" shall be changed to "people with
13 ~~an intellectual~~ a developmental disability" and all references
14 to "mental retardation" ~~shall be changed to~~ or "intellectual
15 disability" shall be changed to "developmental disability."
16 ~~This change in terminology is intended to be a name change~~
17 ~~only and it shall not limit or expand the eligibility for any~~
18 ~~programs or services provided by any state or local agency.~~
19 This change in terminology is intended to reflect the
20 understanding that intellectual disabilities are but a subset
21 of a wider range of developmental disabilities. For purposes
22 of this subsection, the terms "intellectual disability" and
23 "developmental disability" have the meanings provided in
24 Section 2 of the act adding this sentence."

25 Section 2. For purposes of this act and Title 22,
26 the following words shall have the following meanings:

27 (1) AGENCY. The Alabama Medicaid Agency.

1 (2) DEVELOPMENTAL DISABILITY. A severe, chronic
2 disability of an individual that:

3 a. Is attributable to a mental or physical
4 impairment or combination of mental and physical impairments.

5 b. Is manifested before the individual attains age
6 22.

7 c. Is likely to continue indefinitely.

8 d. Results in substantial functional limitations in
9 three or more of the following areas of major life activity:

10 1. Self-care.

11 2. Receptive and expressive language.

12 3. Learning.

13 4. Mobility.

14 5. Self-direction.

15 6. Capacity for independent living.

16 7. Economic self-sufficiency.

17 e. Reflects the individual's need for a combination
18 and sequence of special, interdisciplinary, or generic
19 services, individualized supports, or other forms of
20 assistance that are of lifelong or extended duration and are
21 individually planned and coordinated.

22 (3) INTELLECTUAL DISABILITY. A developmental
23 disability attributable to a mental impairment.

24 (4) WAIVER. The home and community based waiver
25 program operated within the State of Alabama by the Alabama
26 Medicaid Agency, including, but not limited to, the following:

27 a. Elderly and Disabled Waiver.

1 b. HIV/AIDS Waiver.

2 c. Living at Home Waiver.

3 d. Intellectual Disabilities Waiver.

4 e. State of Alabama Independent Living Waiver.

5 f. Technology Assisted Waiver for Adults.

6 Section 3. The agency shall not deny eligibility for
7 a waiver to applicants with developmental disabilities solely
8 for the lack of an intellectual disability finding if such
9 applicants would otherwise be eligible under the federal
10 regulations.

11 Section 4. This act shall become effective on the
12 first day of the third month following its passage and
13 approval by the Governor, or its otherwise becoming law.