

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

SENATE BILL 343

By: Cain

AS INTRODUCED

An Act relating to children; amending 10 O.S. 1991, Section 1408, which relates to developmental disabilities; clarifying gender references and outlining; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 10 O.S. 1991, Section 1408, is amended to read as follows:

Section 1408. A. ~~"Mentally retarded person"~~ as As used in Sections 1406 through 1424 of this title:

1. "Mentally retarded person" means a person afflicted with mental defectiveness from birth or from an early age to such an extent that ~~he~~ the person is incapable of managing ~~himself~~ his or her person or ~~his~~ the person's affairs, who for ~~his~~ the person's own welfare ~~or,~~ the welfare of others, or the welfare of the community requires supervision, control, ~~or~~ or care, and who is not mentally ill or of unsound mind to such an extent as to require ~~his~~ certification to an institution for the mentally ill;;

~~B. 2.~~ 2. "Resident" ~~as used in Sections 1406 through 1424 of this title shall mean~~ means a person admitted to and in residence in any of the institutions named in Section 1406 of this title, or on a vacation or extended vacation status from such institution~~;~~;

~~C. 3.~~ 3. "Accreditation Council for Services for Mentally Retarded and Other Developmentally Disabled Individuals" means the national private nonprofit organization established for the purpose of

promoting quality services for mentally retarded persons which is incorporated under that name;

~~D. 4.~~ "Developmental disability" as used in Sections 1406 through 1424 of this title means a severe, chronic disability of a person which:

~~1. Is~~

~~a.~~ is attributable to a mental or physical impairment or combination of mental and physical impairments, such as mental retardation, cerebral palsy, or autism;

~~2. Is~~

~~b.~~ is manifested before the person attains twenty-two (22) years of age;

~~3. Is~~

~~c.~~ is likely to continue indefinitely;

~~4. Results~~

~~d.~~ results in substantial functional limitations in three or more of the following areas of major life activity:

~~a.~~ (1) self-care,

~~b.~~ (2) receptive and expressive language,

~~c.~~ (3) learning,

~~d.~~ (4) mobility,

~~e.~~ (5) self-direction,

~~f.~~ (6) capacity for independent living, and

~~g.~~ (7) economic self-sufficiency; and

~~5. Reflects~~

~~e.~~ reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of lifelong or extended duration and are individually planned and coordinated. The term developmental disability shall not include mentally ill persons, as those persons are defined by Section 1-103 of Title

43A of the Oklahoma Statutes, whose sole disability is mental illness.

~~E. B.~~ B. Nothing in ~~subsection D~~ paragraph 4 of subsection A of this section shall be construed to render persons who are receiving services ~~upon the effective date of this act~~ through programs and services for mentally retarded persons offered by the Department of Human Services ~~as~~ ineligible for such services. The Department of Human Services may provide, within the limitations of funds and other resources available for such purpose, programs and services for persons with developmental disabilities who are not presently served by the Department of Human Services.

SECTION 2. This act shall become effective November 1, 2001.

48-1-431

CJ

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