

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 311

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO TREATMENT AND CARE OF THE DEVELOPMENTALLY DISABLED; AMENDING
2 SECTION 66-402, IDAHO CODE, TO REVISE A DEFINITION AND TO MAKE TECHNICAL
3 CORRECTIONS.
4

5 Be It Enacted by the Legislature of the State of Idaho:

6 SECTION 1. That Section 66-402, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 66-402. DEFINITIONS. As used in this chapter:

9 (1) "Adult" means an individual eighteen (18) years of age or older.

10 (2) "Artificial life-sustaining procedures" means any medical proce-
11 dure or intervention ~~which that~~ utilizes mechanical means to sustain or sup-
12 plant a vital function. Artificial life-sustaining procedures shall not in-
13 clude the administration of medication, and it shall not include the per-
14 formance of any medical procedure deemed necessary to alleviate pain, or any
15 procedure ~~which that~~ could be expected to result in the recovery or long-term
16 survival of the patient and his restoration to consciousness.

17 (3) "Department" means the Idaho department of health and welfare.

18 (4) "Director" means the director of the department of health and wel-
19 fare.

20 (5) "Developmental disability" means a chronic disability of a person
21 ~~which that~~ appears before the age of twenty-two (22) ~~years of age~~ and:

22 (a) Is attributable to an impairment, such as intellectual disability,
23 cerebral palsy, epilepsy, autism or other condition found to be closely
24 related to or similar to one (1) of these impairments that requires sim-
25 ilar treatment or services, or is attributable to dyslexia resulting
26 from such impairments; and

27 (b) Results in substantial functional limitations in three (3) or more
28 of the following areas of major life activity: self-care, receptive and
29 expressive language, learning, mobility, self-direction, capacity for
30 independent living, or economic self-sufficiency; and

31 (c) Reflects the need for a combination and sequence of special, in-
32 terdisciplinary or generic care, treatment or other services ~~which that~~
33 are of lifelong or extended duration and individually planned and coor-
34 dinated.

35 (6) "Emancipated minor" means an individual between fourteen (14) and
36 eighteen (18) years of age who has been married or whose circumstances indi-
37 cate that the parent-child relationship has been renounced.

38 (7) "Evaluation committee" means an interdisciplinary team of at least
39 three (3) individuals designated by the director or his designee to evaluate
40 an individual as required by the provisions of this chapter. Each committee
41 must include a physician licensed to practice medicine in the state of Idaho,
42 a licensed social worker or a licensed professional counselor, and a clini-

1 cal psychologist or such other individual who has a master's degree in psy-
 2 chology as designated by the department director. In a proceeding governed
 3 by section 66-404, Idaho Code, a licensed independent practitioner may be
 4 used instead of a physician. Each committee member must be specially qual-
 5 ified by training and experience in the diagnosis and treatment of persons
 6 with a developmental disability.

7 (8) "Facility" means the southwest Idaho treatment center, a nursing
 8 facility, an intermediate care facility, an intermediate care facility for
 9 people with intellectual disabilities, a licensed residential or assisted
 10 living facility, a group foster home, other organizations licensed to pro-
 11 vide twenty-four (24) hour care, treatment and training to the developmen-
 12 tally disabled, a mental health center, or an adult and child development
 13 center.

14 (9) "Lacks capacity to make informed decisions" means the inability, by
 15 reason of developmental disability, to achieve a rudimentary understanding
 16 of the purpose, nature, and possible risks and benefits of a decision, after
 17 conscientious efforts at explanation, but shall not be evidenced by improv-
 18 ident decisions within the discretion allowed nondevelopmentally disabled
 19 individuals.

20 (10) "Licensed independent practitioner" or "LIP" means:

21 (a) A licensed physician or physician assistant pursuant to section
 22 54-1803, Idaho Code; or

23 (b) A licensed ~~advance~~ advanced practice registered nurse pursuant to
 24 section 54-1402, Idaho Code.

25 (11) "Likely to injure himself or others" means:

26 (a) A substantial risk that physical harm will be inflicted by the re-
 27 spondent upon his own person as evidenced by threats or attempts to com-
 28 mit suicide or inflict physical harm on himself; or

29 (b) A substantial risk that physical harm will be inflicted by the re-
 30 spondent upon another as evidenced by behavior ~~which~~ that has caused
 31 such harm or ~~which~~ that places another person or persons in reasonable
 32 fear of sustaining such harm; or

33 (c) That the respondent is unable to meet essential requirements for
 34 physical health or safety.

35 (12) "Manage financial resources" means the actions necessary to ob-
 36 tain, administer and dispose of real, personal, intangible or business
 37 property, benefits and/or income.

38 (13) "Meet essential requirements for physical health or safety" means
 39 the actions necessary to provide health care, food, clothing, shelter, per-
 40 sonal hygiene and/or other care without which serious physical injury or
 41 illness would occur.

42 (14) "Minor" means an individual under age eighteen (18) years.

43 (15) "Protection and advocacy system" means the agency designated by
 44 the governor of the state of Idaho to provide advocacy services for people
 45 with disabilities pursuant to 42 U.S.C. ~~section~~ 6042.

46 (16) "Respondent" means the individual subject to judicial proceedings
 47 authorized by the provisions of this chapter.