

# Massachusetts House of Representatives Bill Summary

**Bill No:** H 1876

**Title:** An Act To Change The Title Of The Department Of Retardation

**Sponsor:** Rep. Michael Costello

**Committee:** Children, Families and Persons with Disabilities

**Hearing Date:** 6/27/07

**Similar Matters:**

**Prior History:** H.2870 of '05, fav.; Health Care Financing, fav.; House Rules.

**Current Law:**

**Summary:** This bill calls for changing the name of the Department of Mental Retardation to the Department of Developmental Services and accordingly renames the Commissioner. It cites 57 places in the M.G.L. which need amending to accomplish this goal.

Staff: Lisa Rosenfeld

**HOUSE . . . . . No. 1876**

---

---

**The Commonwealth of Massachusetts**

**PETITION OF:**

Michael A. Costello	John V. Fernandes
Stephen R. Canessa	Cynthia S. Creem
Louis L. Kafka	Viriato Manuel deMacedo
William M. Straus	Thomas J. Calter
David M. Torrissi	Cory Atkins
Lida E. Harkins	Todd M. Smola
Timothy J. Toomey, Jr.	John D. Keenan
John W. Scibak	Thomas P. Kennedy
Tom Sannicandro	Robert L. Hedlund
Denise Provost	Robert L. Rice, Jr.
Frank I. Smizik	David Heim
James B. Eldridge	Richard J. Ross
Karyn E. Polito	Alice Hanlon Peisch
Barbara A. L'Italien	Theodore C. Speliotis
Stephen M. Brewer	Stephen Stat Smith
James E. Timilty	Christopher J. Donelan
Edward M. Augustus, Jr.	Michael J. Moran
Barry R. Finegold	Therese Murray
Steven M. Walsh	
Patricia A. Haddad	
Alice K. Wolf	

**In the Year Two Thousand and Seven.**

**AN ACT TO CHANGE THE TITLE OF THE DEPARTMENT OF RETARDATION.**

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

**SECTION 1.** Section 11 of chapter 5 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out, in line 40, the words "mental retardation" and inserting in place thereof the following words:-  
developmental services.

SECTION 2. Section 81 of chapter 6 of the General Laws, as so appearing, is hereby amended by striking out, in lines 4 and 5, the words "mental retardation" and inserting in place thereof the following words:- developmental services.

SECTION 3. Section 16 of chapter 6A, as so appearing, is hereby amended by striking out, in line 30, the words "department of mental retardation" and inserting in place thereof the following words:- developmental services.

SECTION 4. Section 17 of chapter 10 of the General Laws, as so appearing, is hereby amended by striking out, in line 7, the words "mental retardation" and inserting in place thereof the following words:- developmental services.

SECTION 5. Paragraph (b) of section 2A of chapter 18 of the General Laws, as appearing in section 9 of chapter 123 of the acts of 2006, is hereby amended by striking out the words "department of mental retardation" and inserting in place thereof the following words:- department of developmental services.

SECTION 6. Paragraph (c) of said chapter 2A of said chapter 18, as so appearing, is hereby amended by striking out the words "department of mental retardation" and inserting in place thereof the following words:- department of developmental services.

SECTION 7. Paragraph (e) of said section 2A of said chapter 18, as so appearing, is hereby amended by striking out the words "department of mental retardation" and inserting in place thereof the following words:- department of developmental services.

SECTION 8. Section 21 of chapter 19 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out, in line 3, the words "mental retardation" and inserting in place thereof the following words:- developmental services.

SECTION 9. Said section of said chapter 19, as so appearing, is hereby amended by striking out, in line 283, the words "mental retardation's" and inserting in place thereof the following words:- developmental services's.

SECTION 10. The first paragraph of section 1 of chapter 19B of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking

out the first sentence and inserting in place thereof the following sentence:-  
There shall be department of developmental services, in this chapter called the department, and a commissioner of developmental services who shall have and shall exercise exclusive supervision and control of the department.

SECTION 11. Section 2 of said chapter 2 of said chapter 19B, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

The secretary of health and human services shall appoint, with the approval of the governor, a commissioner of developmental services who shall serve at the pleasure of the secretary and may be removed by the secretary at any time, subject to the approval of the governor.

SECTION 12. Section 3 of said chapter 19B, as so appearing, is hereby amended by striking out, in line 3, the words "mental retardation" and inserting in place thereof the following words:- developmental services.

SECTION 13. Section 18 of said chapter 19B, as so appearing, is hereby amended by striking out, in lines 5 and 6 and in line 20, the words "mental retardation" and inserting in place thereof, in each instance, the following words:- developmental services.

SECTION 14. Said section 18 of said chapter 19B, as so appearing, is hereby further amended by striking out, in line 28, the words "mental retardation's" and inserting in place thereof the following words:- developmental services's.

SECTION 15. Section 3 of chapter 19D of the General Laws, as so appearing, is hereby amended by striking out, in line 3, the words "mental retardation" and inserting in place thereof the following words:- developmental services.

SECTION 16. Section 59 of chapter 22C of the General Laws, as so appearing, is hereby amended by striking out, in lines 2, 4 and 26, the words "mental retardation" and inserting in place thereof, in each instance, the following words:- developmental services.

SECTION 17. Section 2RRR of chapter 29 of the General Laws, as appearing in section 8 of chapter 58 of the acts of 2006, is hereby amended by striking out the words "Department of Mental Retardation Trust Fund" and inserting in place thereof the following words:- Department of Developmental Services Trust Fund.

SECTION 18. Section 9B of chapter 30 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out, in line 2, the words

"mental retardation" and inserting in place thereof the following words:- developmental services.

SECTION 19. Section 9C of said chapter 30, as so appearing, is hereby amended by striking out, in line 2, the words "mental retardation" and inserting in place thereof the following words:- developmental services.

SECTION 20. Section 9D of said chapter 30, as so appearing, is hereby amended by striking out, in line 2, the words "mental retardation" and inserting in place thereof the following words:- developmental services.

SECTION 21. Section 24A of said chapter 30, as so appearing, is hereby amended by striking out, in line 19, the words "mental retardation" and inserting in place thereof the following words:- developmental services.

SECTION 22. Section 91 of chapter 32 of the General Laws, as so appearing, is hereby amended by striking out, in line 46, the words "mental retardation" and inserting in place thereof the following words:- developmental services.

SECTION 23. Section 2A of chapter 38 of the General Laws, as so appearing, is hereby amended by striking out, in lines 33, and 54, the words "mental retardation" and inserting in place thereof, in each instance, the following words:- developmental services.

SECTION 24. Section 13 of chapter 58 of the General Laws, as so appearing, is hereby amended by striking out, in line 9, the words "mental retardation" and inserting in place thereof the following words:- developmental services.

SECTION 25. Section 1 of chapter 71B of the General laws, as so appearing, is hereby amended by striking out, in line 54, the words "mental retardation" and inserting in place thereof the following words:- developmental services.

SECTION 26. Section 2 of said chapter 71B, as so appearing, is hereby amended by striking out, in line 2, the words "mental retardation" and inserting in place thereof the following words:- developmental services.

SECTION 27. Said section 2 of said chapter 71B, as so appearing, is hereby further amended by striking out, in line 63, the words "mental retardation" and inserting in place thereof the following words:- developmental services.

SECTION 28. Section 3 of said chapter 71B, as so appearing, is hereby amended by striking out, in lines 3, 61, lines 97 and 98, 122 and 162, the words "mental retardation" and inserting in place thereof, in each instance, the following words:- developmental services.

SECTION 29. Section 9 of said chapter 71B, as so appearing, is hereby amended by striking out, in line 2, the words "mental retardation" and inserting in place thereof the following words:- developmental services.

SECTION 30. Section 10 of said chapter 71B, as so appearing, is hereby amended by striking out, in lines 7, 37, 44, 66, the words "mental retardation" and inserting in place thereof, in each instance, the following words:- developmental services.

SECTION 31. Section 12 of said chapter 71B, as so appearing, is hereby amended by striking out, in lines 3 and 27, the words "mental retardation" and inserting in place thereof, in each instance, the following words:- developmental services.

SECTION 32. Section 12B of said chapter 71B, as so appearing, is hereby amended by striking out, in line 12, the words "mental retardation" and inserting in place thereof the following words:- developmental services.

SECTION 33. Section 1 of chapter 90C of the General Laws, as so appearing, is hereby amended by striking out, in line 65, the words "mental retardation" and inserting in place thereof the following words:- developmental services.

SECTION 34. Section 67F of chapter 111 of the General Laws, as so appearing, is hereby amended by striking out, in line 39, the words "mental retardation" and inserting in place thereof the following words:- developmental services.

SECTION 35. Section 70E said chapter 111, as so appearing, is hereby by striking out, in lines 9 and 10, the words "mental retardation" and inserting in place thereof the following words:- developmental services.

SECTION 36. Section 71 of said chapter 111, as so appearing, is hereby amended by striking out, in line 180, the words "mental retardation" and inserting in place thereof the following words:- developmental services.

SECTION 37. Section 3 of chapter 111G of the General Laws, as so appearing, is hereby amended by striking out, in line 4, the words "mental retardation" and inserting in place thereof the following words:- developmental services.

SECTION 38. Section 18A of chapter 118G of the General Laws, as so appearing, is hereby amended by striking out, in line 362, the words "mental retardation" and inserting in place thereof the following words:- developmental services.

SECTION 39. Section 51B of chapter 119 of the General Laws, as so appearing, is hereby amended by striking out, in line 138, the words "mental retardation" and inserting in place thereof the following words:- developmental services.

SECTION 40. Chapter 123B of the General Laws is hereby amended by striking out the caption preceding section 1 and inserting in place thereof the following caption:- DEVELOPMENTAL SERVICES.

SECTION 41. Section 1 of said chapter 123B, as appearing in the 2004 Official Edition, is hereby amended by striking out the definitions of "Commissioner" and "Department" and inserting in place thereof the following 2 definitions:-  
"Commissioner", the commissioner of developmental services.  
"Department", the department of developmental services.

SECTION 42. Section 49B of chapter 127 of the General Laws, as so appearing, is hereby amended by striking out, in lines 5 and 6, the words "mental retardation" and inserting in place thereof the following words:- developmental services.

SECTION 43. Section 30A of chapter 149 of the General laws, as so appearing, is hereby amended by striking out, in line 21, the words "mental retardation" and inserting in place thereof the following words:- developmental services.

SECTION 44. Section 30B of said chapter 149, as so appearing, is hereby amended by striking out, in line 14, the words "mental retardation" and inserting in place thereof the following words:- developmental services.

SECTION 45. Section 28 of chapter 152 of the General Laws, as so appearing, is hereby amended by striking out, in line 15, the words "mental retardation" and inserting in place thereof the following words:- developmental services.

SECTION 46. Section 16 of chapter 195 of the General Laws, as so appearing, is hereby amended by striking out, in lines 9 and 14, the words "mental retardation" and inserting in place thereof, in each instance, the following words:- developmental services.

SECTION 47. Section 6A of chapter 201 of the General Laws, as so appearing, is hereby amended by striking out, in line 27, the words "mental retardation" and inserting in place thereof the following words:- developmental services.

SECTION 48. Section 7 of said chapter 201, as so appearing, is hereby amended by striking out, in line 4, the words "mental retardation" and inserting in place thereof the following words:- developmental services.

SECTION 49. Section 13 of said chapter 201, as so appearing, is hereby amended by striking out, in line 6, the words "mental retardation" and inserting in place thereof the following words:- developmental services.

SECTION 50. Section 7 of chapter 206 of the General Laws, as so appearing, is hereby amended by striking out, in line 3, the words "mental retardation" and inserting in place thereof the following words:- developmental services.

SECTION 51. Section 24 of said chapter 206, as so appearing, is hereby amended by striking out, in line 6, the words "mental retardation" and inserting in place thereof the following words:- developmental services.

SECTION 52. The third paragraph of section 54 of chapter 599 of the acts of 1986 is hereby amended by striking out, in lines 8 and 9, the words "mental retardation" and inserting in place thereof the following words:- developmental services.

SECTION 53. Section 56 of said chapter 599 is hereby amended by striking out, in line 2, the words "mental retardation" and inserting in place thereof the following words:- developmental services.

SECTION 54. Section 57 of said chapter 599 is hereby amended by striking out, in line 4, the words "mental retardation" and inserting in place thereof the following words:- developmental services.

SECTION 55. Section 58 of said chapter 599 is hereby amended by striking out, in line 2, the words "mental retardation" and inserting in place thereof the following words:- developmental services.

SECTION 56. Section 59 of said chapter 599 is hereby amended by striking out, in line 2 and in lines 3 and 4, the words "mental retardation" and inserting in place thereof, in each instance, the following words:- developmental services.

SECTION 57. Section 60 of said chapter 599 is hereby amended by striking out, in lines 5, 9 and 14, the words "mental retardation" and inserting in place thereof, in each instance, the following words:- developmental services.

1105

MARS ASSOCIATES SPRINGFIELD

DR. RAYTON

H 1876 CHANCE 2 JUNE

INTERVIEW W/ MR. COSTELLO

VIOLE - ABANDON LETTERS

mike costello

WILL GET US CLIP REPORT

H. 1876

**Change the Name of DMR  
FACT SHEET  
H 1876**

**An Act Establishing the Department of Developmental Services  
Chief Sponsor: Representative Costello of Newburyport**

**The problem:** Self-advocates and many others have been working diligently to Change the name of the Department of Mental Retardation for many years to a more respectful name. Terminology and names change over time. There needs to be use of respectful language when referring to individuals with challenges. Mental retardation is a diagnosis and should not be a label. Nationally, many organizations and agencies have changed their name, dropping the term out of respect for the people they serve and/or work with. Over forty states have removed the name from their title. The Northeast region is one of the last places where some states have the MR name in their title. In Connecticut, a January 2007 report to their Governor recommends the name change from the Department of Mental Retardation to the Department of Developmental Services.

The name change will show our state supports treating all people with respect and dignity. It will assist in the problem of how people view themselves and how people are perceived in Massachusetts.

Last legislative session, Representative Michael Costello filed a bill on people's behalf to Change the Name to the Department of Developmental Services. The bill is refiled as an Act establishing the Department of Developmental Services.

**What the Bill does:** The bill establishes the Department of Developmental Services by striking out the DMR name in appropriate statute and replacing it with the new name. **The bill only changes the name.** Eligibility for services remains the same. It would make Massachusetts one of the last states in the country to remove MR from its' name. It provides individuals with dignity and respect by the state agency that provides services to them.

**For more Information:** Please contact Ed Bielecki at Massachusetts Advocates Standing Strong, at 1-866-iamable (MA toll free) or 1-781-789-2110 (cell) or mass1998@earthlink.net See the video Label Jars not People at [www.mikecostello.org](http://www.mikecostello.org) where people discuss why the name must change.

## **An Act To Change The Title of the Department of Mental Retardation Fact Sheet (H.B. 1876)**

- The proposed new name is The Department of Developmental Services
- Supported by The ARC of Massachusetts (Board vote June 14, 2006)
- Eliminating the label of “mental retardation” is the first step to embracing inclusion. Labels usually do no one any good and may, in some cases, cause harm. Many believe the stigma attached with “mental retardation” limits the opportunity for people with developmental disabilities
- It is time to move forward with a new name that supports choice, self-determination and meaningful relationships
- Connecticut DMR changed its name (12/6/06)
- People who receive DMR services support the name change (see video at <http://www.mikecostello.org>)
- Commissioner Gerry Morrissey has stated publicly he supports a name change

H. 1876 An Act To Change The Title Of The Department Of Mental Retardation

Rep. Coakley-Rivera moves to redraft H.1879 to read as follows:-

SECTION 1. Section 1 of Chapter 19B is hereby amended by striking out the first sentence and inserting in place thereof the following paragraphs:-

“There shall be a department of developmental disability services, in this chapter called the department, and a commissioner of developmental disability services who shall have and shall exercise exclusive supervision and control of the department. All action of said department shall be taken by the commissioner, or under the direction of said commissioner, by such agents or subordinate officers as he shall determine.

The department of developmental disability services shall serve the same population as the former department of mental retardation and shall not exclude any said person who is currently receiving services from the department of mental retardation nor shall the department of developmental disability services include any said person who is not currently receiving services from the department of mental retardation. This does not preclude the department of developmental disability services from expanding the population served at a later time.

The name change in the department of mental retardation shall take effect on June 30, 2009.”