

1971 Senate Bill 53

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CHAPTER 322, Laws of 1971

AN ACT to create 15.197 (1)n), 20.435 (2) (en), 51.435, 51.436 and 51.437 of the statutes, relating to creating a developmental disabilities services board.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. LEGISLATIVE INTENT. The legislature, to promote growth of the state's human resources by improving the delivery of services to mentally retarded persons and those with other developmental disabilities, recognizes the need to:

(1) Develop and coordinate state services for mentally retarded persons and persons with other developmental disabilities through governmental agency cooperation.

(2) Assist counties in establishing and developing a continuum services for the mentally retarded and persons with other developmental disabilities through locally administered and locally controlled programs.

(3) Encourage increased staff training for state and local government personnel working with the mentally retarded and persons with other developmental disabilities.

(4) Fix the primary governmental responsibility for the delivery of services to mentally retarded and persons with other developmental disabilities with the counties.

(5) Establish a fixed point of referral in the community to aid the mentally retarded, persons with other developmental disabilities and their families.

(6) Pattern facilities, programs and eligibility for services to meet the needs of each developmentally disabled person regardless of age or degree of handicap.

SECTION 2. DEFINITIONS. The following definitions shall be used for purposes of interpreting and administering this act:

(1) "Developmental disability" means a disability attributable to mental retardation, cerebral palsy, epilepsy, or another neurological condition closely related to mental retardation or requiring treatment similar to that required for mentally retarded, which disability has originated before the individual has attained 18 years of age, has continued or can be expected to continue indefinitely and constitutes a substantial handicap to the afflicted individual.

(2) "Services" means specialized services or special adaptations of generic services directed toward the alleviation of a developmental disability or toward the social, personal, physical or economic habilitation or rehabilitation of an individual with such a disability, and includes diagnosis, evaluation, treatment, personal care, day care, domiciliary care, special living arrangements, training, education, sheltered employment, recreation, counseling of the individual with a developmental disability and his family, pro-

pective and other social and socio-legal services, information and referral services, follow-along services and transportation services necessary to assure delivery of services to persons with developmental disabilities.

SECTION 3. 15.197 (11n) of the statutes is created to read:

15.197 (11n) COUNCIL ON DEVELOPMENTAL DISABILITIES.

Vetoed
in part

There is created a ~~17-member~~ council, appointed for staggered 4-year terms, on developmental disabilities to be appointed in the following manner:

Vetoed
in part

(a) Agencies of the state providing direct services to the mentally retarded and those with other developmental disabilities shall be represented by ~~4~~ / members of the council, ~~one / each~~ to be designated by:

1. The chairman, department of industry, labor and human relations.
2. The secretary, department of health and social services.
3. The state superintendent of public instruction.
4. The president of the university of Wisconsin.

Vetoed
in part

(b) Public and private nonprofit agencies of the state's political subdivisions providing direct services to the mentally retarded and those with other developmental disabilities shall be represented by ~~4~~ / members of the council to be appointed by the governor with due consideration given to:

1. The appointee's demonstrated interest in the problems associated with developmental disabilities.
2. A reasonably equitable representation of those communities located in the state's urban and rural poverty areas.

Vetoed
in part

(c) The mentally retarded and those with other developmental disabilities, as consumers of the services provided by state and local agencies, both public and private, shall be represented by ~~4~~ / ~~four~~ / ~~four~~ / ~~4~~ members of the council to be appointed by the governor from among the state's developmentally disabled citizens or their parents with due consideration given to:

1. The type and relative incidence of developmental disabilities among the state's population.
2. The appointee's demonstrated interest in the problems associated with developmental disabilities.
3. A reasonably equitable representation of the communities located in the state's urban and rural poverty areas.
4. The recommendations of state-wide or local nonprofit organizations representing the interests of those affected by developmental disabilities.

SECTION 4. At the appropriate place in the schedule in section 20.005 of the statutes, insert the following amounts for the purposes indicated:

20.435 HEALTH AND SOCIAL SERVICES. 1971-72 1972-73

DEPARTMENT OF
(2) MENTAL HEALTH SERVICES

(en) Aids to community mental retardation and other developmental disabilities services

SECTION 5. 20.435 (2) (en) of the statutes is created to read:

20.435 (2) (en) Aids to community mental retardation and other developmental disabilities. The amounts in the schedule for the purpose of s. 51.437.

SECTION 6. 51.435 of the statutes is created to read:

51.435 DUTIES OF THE COUNCIL ON DEVELOPMENTAL DISABILITIES. (1) The council shall:

(a) Designate appropriate state or local agencies for the administration of programs and fiscal resources made available to the state under federal legislation affecting the delivery of services to the developmentally disabled.

(b) Develop, approve and continue modification of a state-wide plan for the delivery of services, including the construction of facilities, to the developmentally disabled.

(c) Review and approve program and fiscal plans submitted by community developmental disabilities services boards when such plans require the expenditure of federal or state funds in their implementation.

(d) Continue evaluation of state and local services to the developmentally disabled.

(e) Provide continuing counsel to the governor and legislature.

(2) The council may establish such reasonable administrative rules and procedures as are essential to the exercise of its responsibilities.

SECTION 7. 51.436 of the statutes is created to read:

51.436 DISTRICT OFFICES. (1) The secretary of health and social services ~~may / establish / district / offices / staffed / with / employes / skilled / in / solving / the / problems / which / arise / when / counties / attempt / to / provide / needed / services / for / their / developmentally / disabled / citizens.~~

Vetoed
in part

~~(2) The district offices shall:~~

(a) Maintain a listing of present or potential resources for serving the needs of the developmentally disabled, including private and public persons, associations and agencies ~~found / within / the / district.~~

Vetoed
in part

(b) Collect factual information concerning the problems ~~within / the / district.~~

(c) Provide information, advice and assistance to communities ~~within / the / district~~ and try to coordinate their activities on behalf of the developmentally disabled.

(d) Assist counties ~~within / a / district~~ in obtaining professional services on a shared-time basis.

Vetoed
in part

(e) Establish and maintain liaison with all state and local agencies ~~within / the / district~~ to establish a continuum of services, consultative and informational.

SECTION 8. 51.437 of the statutes is created to read:

51.437 RESPONSIBILITY OF COUNTY GOVERNMENT. (1) The county boards have the primary governmental responsibility for the well-being of those developmentally disabled citizens residing within their respective counties and the families of the mentally retarded insofar as the usual resultant family stresses bear on the well-being of the developmentally disabled citizen. Adjacent counties, lacking the financial resources and professional personnel needed to provide or secure such services on a single-county basis, may and shall be encouraged to combine their energies and financial resources to provide these joint services and facilities with the approval of the council on developmental disabilities. This responsibility includes:

(a) The development, approval and continuing modification of a county or multicounty plan for the delivery of services, including the construction of facilities, to those citizens affected by developmental disabilities.

1. The purpose of such planning shall be to insure the delivery of needed services and the prevention of unnecessary duplication, fragmentation of services and waste of resources. Plans shall include, to the fullest extent possible, participation by existing and planned agencies of the state, counties, municipalities, school districts and all other public and private agencies as are required to, or may agree to, participate in the delivery of services.

2. Plans shall, to the fullest extent possible, be coordinated with and integrated into plans developed by regional comprehensive health planning agencies.

(b) Providing continuing counsel to public and private agencies as well as other appointed and elected bodies within the county.

(c) Establishing a program of citizen information and education concerning the problems associated with developmental disabilities.

(d) Establishing a fixed point of referral within the community for developmentally disabled persons and their families.

(2) The county board shall establish community developmental disabilities services boards to furnish services within the counties. If the community developmental disabilities services board cannot furnish these services, the boards shall secure such services elsewhere.

(3) The community developmental disabilities board shall not furnish services and programs provided by the department of public instruction and local educational agencies.

(4) In counties having a population of less than 500,000, the community developmental disabilities services board shall be composed of not less than 9 nor more than 15 persons of recognized ability and demonstrated interest in the problems of the developmentally disabled but not more than 3 members shall be appointed from the county board of supervisors. Except that when counties combine to furnish services, the community developmental disabilities services board shall be composed of 11 members and with 2 additional members for each combining county in excess of 2. Appointments shall be made by the county boards of the combining counties in a manner acceptable to the combining counties, but each of the combining counties may appoint only 2 members from its county board. At least one-third of the members serving at any one time

shall be appointed from the developmentally disabled citizens or their parents residing in the county or combining counties. Appointments shall be for staggered 3-year terms. Vacancies shall be filled for the residue of the unexpired term in the manner that original appointments are made. Any member may be removed from office for cause by a two-thirds vote of the appointing authority, on due notice in writing and hearing of the charges against him.

(5) In counties having a population of 500,000 or more, the board of public welfare established under s. 46.21 shall constitute the governing and policy-making board of directors. Such counties shall not combine with other counties. The appointment, composition and term of the members of the board of such counties shall be governed by s. 46.21.

(6) The community developmental disabilities services board shall:

(a) Establish a community developmental disabilities services program, appoint the director of the program, establish salaries and personnel policies for the program and arrange and promote local financial support for the program.

(b) Assist in arranging cooperative working agreements with other health, educational, vocational and welfare services, public or private, and with other related agencies.

(c) Enter into contracts to provide or secure services from other agencies or resources including out-of-state agencies or resources.

(d) Comply with the state requirements for the program.

(7) **DIRECTOR: POWERS.** The director shall operate, maintain and improve the community developmental disabilities services program.

(a) The director and the board shall prepare:

1. An annual comprehensive plan and budget of all funds necessary for the program and services authorized by this section.

2. An annual report of the operation of the program.

3. Such other reports as are required by the council on developmental disabilities and the county board.

(b) The director shall make recommendations to the community developmental disabilities services board for:

1. Personnel and salaries.

2. Changes in the program and services.

(8) **GRANTS.** (a) The secretary is authorized to make state grants-in-aid to counties of 40% of the eligible expenditures for the community developmental disabilities services program under this section.

(b) The secretary may make grants for the following expenditures:

1. Salaries.

2. Contract facilities and services.

3. Operation, maintenance and service costs.

4. Per diem and travel expenses of board members.

5. Other expenditures specifically approved and authorized by the secretary.

(c) No grants-in-aid shall be made for the following expenditures:

1. Expenditures for services included in the actual per capita cost of maintenance, care and treatment of residents at the institutions specified in s. 46.10.

2. Capital expenditures.

3. Expenditures for which reimbursement from the state is claimed under any other state law.

4. Expenditures for full-time inpatient care in excess of 30 days per 12-month period in hospital facilities defined in s. 140.24 (1) (a) and (c) and excluding those institutions specified in s. 46.10.

5. Recoveries made from federal funds and recoveries made for inpatient or residential maintenance, care and treatment at hospital or residential facilities other than those institutions specified in s. 46.10.

(d) At the beginning of each fiscal year, the secretary shall allocate available funds for disbursement during the fiscal year in accordance with approved state and local plans and budgets, and shall, during the fiscal year, review the budgets and expenditures of the several community developmental disabilities services boards, and if funds are not needed for a program to which they were allocated, he may, after reasonable notice and opportunity for hearing, withdraw such funds as are unencumbered and reallocate them to other programs, or withdraw funds from any local program which is not being administered in accordance with its approved plans and budget.

(9) CARE. (a) Authorization for residential care of any developmentally disabled person at a facility other than those institutions specified in s. 46.10 shall be provided under a contractual agreement between the board and the facility. The need for residential care shall be determined by the director of the program prior to the admission of the developmentally disabled person to the residential facility.

(b) Where any of the community developmental disabilities services authorized are provided by any of the institutions specified in s. 46.10, the costs of such services shall be segregated from the costs of residential care provided at such institutions. The uniform cost record-keeping system established under s. 46.18 (8), (9) and (10) shall provide for such segregation of costs.

(10) DAY CARE. (a) Except in counties of 500,000 residents or more, the community developmental disabilities services board shall assume the powers of any existing community day care services board under s. 51.38. Day care services shall continue to be administered and assisted with state grants-in-aid as before with the following exceptions:

1. Section 51.28 (6) is not effective.

~~2. The county may, upon recommendation of the director, transfer any person not developmentally disabled and enrolled in a day care program authorized under s. 51.38 to the community mental health care services or another appropriate program.~~

Vetoed
in part

(b) The secretary of health and social services may modify rules necessary to allow the continuation of day care program services.

(c) In counties having a population of 500,000 or more, the board of public welfare shall integrate day care programs for the retarded and those with other developmental disabilities into the community developmental disabilities program and appoint a director to administer the overall developmental disabilities services program.

~~SECTION 9. RECONCILIATION. If this act and 1971 Senate Bill 31 are both enacted, then the references to section 31.38 of the statutes in section 31.43 of the statutes, as created by this act, are changed to 31.41.~~

Vetoed
in part