

**2019 DRAFTING REQUEST**

**Bill**

For: **John Jagler (608) 266-9650** Drafter: **tdodge**  
 By: **Charlie** Secondary Drafters:  
 Date: **1/9/2019** May Contact:  
 Same as LRB: **-1467**

Submit via email: **YES**  
 Requester's email: **Rep.Jagler@legis.wisconsin.gov**  
 Carbon copy (CC) to: **tamara.dodge@legis.wisconsin.gov**

**Pre Topic:**

No specific pre topic given

**Topic:**

Remove mental retardation and related terms from administrative code

**Instructions:**

See attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	ewheeler 1/14/2019	kfollett 1/16/2019			
/P1			mbarman 1/16/2019		
/1			mbarman 1/18/2019	mbarman 1/22/2019	

FE Sent For: *2*

*Not Needed*

<END>



EW

1327/PI

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

INSCA

The Department of Children and Families, the Public Service Commission, the Department of Health Services and Professional Services, the Department of Workforce Development, Safety

1 AN ACT relating to: terminology changes for those with an intellectual disability  
2 in rules promulgated by the Department of Health Services.

Administrative

**Analysis by the Legislative Reference Bureau**

This bill substitutes the phrase "intellectual disability" and similar phrases for "mental retardation," "mentally retarded," and similar phrases in rules promulgated by the Department of Health Services. The bill also changes the definition of "intellectual disability" in those rules.

promulgated by DHS

INS 1-3

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

3 SECTION 1. DHS 10.13 (3) of the administrative code is amended to read:

4 DHS 10.13 (3) "Adult protective services" means protective services for  
5 mentally retarded individuals with intellectual disabilities and other  
6 developmentally disabled persons, for aged infirm persons, for chronically mentally  
7 ill persons and for persons developmental disabilities, for individuals with  
8 infirmities of aging, for individuals with chronic mental illness, and for individuals  
9 with other like incapacities incurred at any age as defined in s. 55.02, Stats.

1           **SECTION 2.** DHS 10.13 (16) of the administrative code is amended to read:

2           DHS 10.13 (16) “Developmental disability” means a disability attributable to  
3           brain injury, cerebral palsy, epilepsy, autism, Prader-Willi syndrome, ~~mental~~  
4           ~~retardation~~ intellectual disability, or another neurological condition closely related  
5           to ~~mental retardation~~ intellectual disability or requiring treatment similar to that  
6           required for ~~mental retardation~~ intellectual disability, that has continued or can be  
7           expected to continue indefinitely and constitutes a substantial handicap to the  
8           afflicted individual. “Developmental disability” does not include senility that is  
9           primarily caused by the process of aging or the infirmities of aging.

10           **SECTION 3.** Chapter DHS 15 (title) of the administrative code is amended to  
11           read:

12    CHAPTER DHS 15  
13    ASSESSMENT FOR OCCUPIED BEDS  
14    IN NURSING HOMES AND  
15    INTERMEDIATE CARE FACILITIES  
16    FOR THE MENTALLY RETARDED  
17    INDIVIDUALS WITH INTELLECTUAL  
18    DISABILITIES

19           **SECTION 4.** DHS 15.01 of the administrative code is amended to read:

20           **DHS 15.01 Authority and purpose.** This chapter is promulgated under the  
21           authority of s. 50.14 (5) (b), Stats., to establish procedures and other requirements  
22           necessary for levying and collecting the monthly assessment imposed under s. 50.14  
23           (2), Stats., on all licensed beds in intermediate care facilities for ~~the mentally~~  
24           ~~retarded (ICF-MR)~~ individuals with intellectual disabilities (ICF-IID) and nursing  
25           homes, except facilities that are located outside the state.

1           **SECTION 5.** DHS 15.02 (4), (5) and (7) of the administrative code are amended  
2 to read:

3           DHS 15.02 (4) "Facility" means an ~~ICF-MR~~ ICF-IID or nursing home.

4           (5) "~~ICF-MR~~ ICF-IID" or "intermediate care facility for ~~the mentally retarded~~  
5 individuals with intellectual disabilities" means a facility or distinct part of a facility  
6 defined under 42 USC 1396d (d) and regulated under ch. DHS 134.

7           (7) "Nursing home" has the meaning prescribed under s. 50.01 (3), Stats.,  
8 except that it does not include an ~~ICF-MR~~ ICF-IID.

9           **SECTION 6.** DHS 15.04 (2) (c) of the administrative code is amended to read:

10          DHS 15.04 (2) (c) In a facility having some beds that are licensed as ~~ICF-MR~~  
11 ICF-IID beds and some beds that are licensed as nursing home beds, separate  
12 calculations shall be performed for the ~~ICF-MR~~ ICF-IID beds and for the nursing  
13 home beds.

14          **SECTION 7.** DHS 61.022 (5) of the administrative code is amended to read:

15          DHS 61.022 (5) "Developmental disability" means a disability attributable to  
16 ~~mental retardation~~ intellectual disability, cerebral palsy, epilepsy, autism or another  
17 neurologic condition closely related to ~~mental retardation~~ intellectual disability or  
18 requiring treatment similar to that required for ~~mental retardation~~ intellectual  
19 disability, which has continued or can be expected to continue indefinitely and  
20 constitutes a substantial handicap to the afflicted individual. Developmental  
21 disability does not include senility, which is primarily caused by the process of aging  
22 or the infirmities of aging.

23          **SECTION 8.** DHS 61.022 (9) of the administrative code is renumbered DHS  
24 61.022 (7m) and amended to read:

1 DHS 61.022 (7m) "~~Mental retardation~~ Intellectual disability" means  
2 subaverage general intellectual functioning ~~which~~ that originates during the  
3 developmental period and is associated with impairment in adaptive behavior.

4 SECTION 9. DHS 61.022 (10) of the administrative code is amended to read:

5 DHS 61.022 (10) "Neurologic conditions" means disease states which require  
6 treatment similar to that required for ~~mental retardation~~ intellectual disabilities.

7 SECTION 10. DHS 61.43 (1) of the administrative code is amended to read:

8 DHS 61.43 (1) PERSONNEL. There shall be an administrator and staff as  
9 required under ch. DHS 134, and federal standards regulating intermediate care  
10 facilities for ~~the mentally retarded~~ individuals with intellectual disabilities.

11 SECTION 11. DHS 61.43 (2) (a) of the administrative code is amended to read:

12 DHS 61.43 (2) (a) Program requirements shall comply with appropriate  
13 sections of ch. DHS 134, and federal standards regulating intermediate care  
14 facilities for ~~the mentally retarded~~ individuals with intellectual disabilities.

15 SECTION 12. DHS 61.70 (1) (b) of the administrative code is amended to read:

16 DHS 61.70 (1) (b) Integrate its services with those provided by other facilities  
17 in the county which serve the mentally ill, ~~mentally retarded~~ individuals with  
18 intellectual disabilities, and alcoholics and drug abusers;

19 SECTION 13. DHS 63.02 (7) of the administrative code is amended to read:

20 DHS 63.02 (7) "Chronic mental illness" means a mental illness which is severe  
21 in degree and persistent in duration, which causes a substantially diminished level  
22 of functioning in the primary aspects of daily living and an inability to cope with the  
23 ordinary demands of life, which may lead to an inability to maintain stable  
24 adjustment and independent functioning without long-term treatment and support  
25 and which may be of lifelong duration. "Chronic mental illness" includes

1 schizophrenia as well as a wide spectrum of psychotic and other severely disabling  
2 psychiatric diagnostic categories, but does not include organic mental disorders or  
3 a primary diagnosis of ~~mental retardation~~ intellectual disability or of alcohol or drug  
4 dependence.

5 **SECTION 14.** DHS 63.02 (12) of the administrative code is amended to read:

6 DHS 63.02 (12) "Developmental disability" has the meaning prescribed in s.  
7 51.01 (5) (a), Stats., namely, a disability attributable to brain injury, cerebral palsy,  
8 epilepsy, autism, ~~mental retardation~~ an intellectual disability, or another  
9 neurological condition closely related to ~~mental retardation~~ an intellectual disability  
10 or requiring treatment similar to that required for ~~mental retardation~~ an intellectual  
11 disability, which has continued or can be expected to continue indefinitely and  
12 constitutes a substantial handicap to the afflicted individual. "Developmental  
13 disability" does not include senility which is primarily caused by the process of aging  
14 or the infirmities of aging.

15 **SECTION 15.** DHS 63.02 (14) of the administrative code is amended to read:

16 DHS 63.02 (14) "Mental illness" means mental disorder to such an extent that  
17 an afflicted person requires care and treatment for his or her own welfare or the  
18 welfare of others or of the community. For purposes of involuntary commitment,  
19 "mental illness" means a substantial disorder of thought, mood, perception,  
20 orientation or memory which grossly impairs judgment, behavior, capacity to  
21 recognize reality or ability to meet the ordinary demands of life, but does not include  
22 organic mental disorder or a primary diagnosis of ~~mental retardation~~ intellectual  
23 disability, or of alcohol or drug dependence.

24 **SECTION 16.** DHS 73.07 (1) (b) of the administrative code is amended to read:

1 DHS 73.07 (1) (b) "~~Mental retardation~~ Intellectual disability" means  
2 significant subaverage general intellectual functioning usually defined as an  
3 intelligence quotient (IQ) level of 70 or below accompanied by significant deficits or  
4 impairments in adaptive functioning with onset before the age of 18 that originates  
5 during the developmental period and is associated with impairment in adaptive  
6 behavior.

7 SECTION 17. DHS 73.07 (2) (a) 5. of the administrative code is amended to read:

8 DHS 73.07 (2) (a) 5. The participant has a diagnosis of mental retardation  
9 intellectual disability and the county department has determined the severity to be  
10 such that it would preclude the ability to act as an employer and competently manage  
11 funds.

12 SECTION 18. DHS 101.03 (41) (intro.) of the administrative code is amended to  
13 read:

14 DHS 101.03 (41) (intro.) "Developmental disability" means ~~mental retardation~~  
15 intellectual disability or a related condition such as cerebral palsy, epilepsy, or  
16 autism, but excluding mental illness and infirmities of aging, which is:

17 SECTION 19. DHS 101.03 (130) of the administrative code is amended to read:

18 DHS 101.03 (130) "Preventive or maintenance occupational therapy" means  
19 occupational therapy procedures which are provided to forestall deterioration of the  
20 patient's condition or to preserve the patient's current status. Preventive or  
21 maintenance occupational therapy makes use of the procedures and techniques of  
22 minimizing further deterioration in areas including, but not limited to, the  
23 treatment of arthritic conditions, multiple sclerosis, upper extremity contractures,  
24 chronic or recurring mental illness and ~~mental retardation~~ intellectual disability.

25 SECTION 20. DHS 105.09 (4) (b) of the administrative code is amended to read:

1 DHS 105.09 (4) (b) A home or portion of a home certified as an ICF/MR ICF-IID  
2 is exempt from this section.

3 SECTION 21. DHS 105.12 of the administrative code is amended to read:

4 DHS 105.12 ICFs for ~~mentally retarded persons~~ individuals with  
5 intellectual disabilities or ~~persons~~ individuals with related conditions. For  
6 MA certification, institutions for ~~mentally retarded persons~~ individuals with  
7 intellectual disabilities or ~~persons~~ individuals with related conditions shall be  
8 licensed pursuant to s. 50.03, Stats., and ch. DHS 134.

9 SECTION 22. DHS 107.09 (4) (o) 2. of the administrative code is amended to  
10 read:

11 DHS 107.09 (4) (o) 2. In an institution for ~~mentally retarded persons~~  
12 individuals with intellectual disabilities or persons with related conditions, the team  
13 shall also make a psychological evaluation of need for care. The psychological  
14 evaluation shall be made before admission or authorization of payment, but may not  
15 be made more than 3 months before admission.

16 SECTION 23. DHS 107.09 (5) (d) of the administrative code is amended to read:

17 DHS 107.09 (5) (d) ICF-level services provided to a developmentally disabled  
18 person admitted after September 15, 1986, to an ICF facility other than to a facility  
19 certified under s. DHS 105.12 as an intermediate care facility for ~~the mentally~~  
20 ~~retarded~~ individuals with intellectual disabilities unless the provisions of s. DHS  
21 132.51 (2) (d) 1. have been waived for that person; and

22 SECTION 24. DHS 107.13 (2) (d) 2. of the administrative code is amended to  
23 read:

24 DHS 107.13 (2) (d) 2. Psychotherapy for ~~persons~~ individuals with the primary  
25 diagnosis of developmental disabilities, including ~~mental retardation~~ intellectual



1 disabilities, except when they experience psychological problems that necessitate  
2 psychotherapeutic intervention.

3 **SECTION 25.** DHS 122.02 (2) (a) and (b) of the administrative code are amended  
4 to read:

5 DHS 122.02 (2) (a) The conversion of a skilled nursing facility under 42 CFR  
6 442 Subpt. D or an intermediate care facility under 42 CFR 442 Subpt. F to an  
7 intermediate care facility for ~~the mentally retarded~~ individuals with intellectual  
8 disabilities under 42 CFR 442, Subpt. G, for purposes of medical assistance  
9 certification;

10 (b) The conversion of an intermediate care facility for ~~the mentally retarded~~  
11 individuals with intellectual disabilities under 42 CFR 442 Subpt. G to a skilled  
12 nursing facility under 42 CFR 442 Subpt. D or an intermediate care facility under  
13 42 CFR 442 Subpt. F, for purposes of medical assistance certification;

14 **SECTION 26.** DHS 129.03 (19) (c) of the administrative code is amended to read:

15 DHS 129.03 (19) (c) An intermediate care facility for ~~the mentally retarded~~  
16 individuals with intellectual disabilities.

17 **SECTION 27.** DHS 129.07 (1) (a) 1. b. of the administrative code is amended to  
18 read:

19 DHS 129.07 (1) (a) 1. b. The needs of a client with Alzheimer's disease,  
20 dementia, mental illness, ~~mental retardation~~ intellectual disability, or other  
21 cognitive disabilities or impairments.

22 **SECTION 28.** DHS 129.09 (6) (c) of the administrative code is amended to read:

23 DHS 129.09 (6) (c) *Student nurses.* A person currently enrolled as a student  
24 nurse who has completed a basic nursing course at a school approved by the  
25 Wisconsin Board of Nursing under s. 441.01 (4), Stats., is eligible to be employed as

1 a nurse aide in a hospital, facility for the developmentally disabled, or  
2 federally-certified intermediate care facility for the mentally retarded individuals  
3 with intellectual disabilities even if that person is not included on the registry and  
4 even if that person has not successfully completed a competency evaluation program  
5 under sub. (5) (c).

6 **SECTION 29.** DHS 129.09 (7) of the administrative code is amended to read:

7 DHS 129.09 (7) EMPLOYMENT PROHIBITIONS. A federally-certified nursing home  
8 may not hire or continue to employ a nurse aide who has a finding of abuse, neglect  
9 or misappropriation entered on the registry as a result of an incident that occurred  
10 in a federally-certified nursing home. A federally-certified intermediate care  
11 facility for the mentally retarded individuals with intellectual disabilities may not  
12 hire or continue to employ a nurse aide who has a finding of abuse, neglect or  
13 misappropriation entered on the registry.

14 **SECTION 30.** DHS 132.13 (4) (intro.) of the administrative code is amended to  
15 read:

16 DHS 132.13 (4) (intro.) "Developmental disability" means ~~mental retardation~~  
17 intellectual disability or a related condition, such as cerebral palsy, epilepsy or  
18 autism, but excluding mental illness and infirmities of aging, which is:

19 **SECTION 31.** DHS 132.51 (2) (d) 1. of the administrative code is amended to  
20 read:

21 DHS 132.51 (2) (d) 1. No person who has a developmental disability may be  
22 admitted to a facility unless the facility is certified as an intermediate care facility  
23 for the mentally retarded individuals with intellectual disabilities, except that a  
24 person who has a developmental disability and who requires skilled nursing care  
25 services may be admitted to a skilled nursing facility.

1           **SECTION 32.** DHS 132.695 (2) (d) (intro.) of the administrative code is amended  
2 to read:

3           DHS 132.695 (2) (d) (intro.) "~~QMRP QIDP~~" or "qualified ~~mental retardation~~  
4 intellectual disabilities professional" means a person who has specialized training  
5 in ~~mental retardation~~ intellectual disabilities or at least one year of experience in  
6 treating or working with ~~mentally retarded persons~~ individuals with intellectual  
7 disabilities and is one of the following:

8           **SECTION 33.** DHS 132.695 (4) (c) 2. of the administrative code is amended to  
9 read:

10          DHS 132.695 (4) (c) 2. Individual care plans shall be reassessed and updated  
11 at least quarterly by the interdisciplinary team, with more frequent updates if an  
12 individual's needs warrant it, and at least every 30 days by the ~~QMRP QIDP~~ to  
13 review goals.

14          **SECTION 34.** DHS 134.13 (9) (intro.) of the administrative code is amended to  
15 read:

16          DHS 134.13 (9) (intro.) "Developmental disability" means ~~mental retardation~~  
17 intellectual disability or a related condition such as cerebral palsy, epilepsy or  
18 autism, but excluding mental illness and infirmities of aging, which is:

19          **SECTION 35.** DHS 134.13 (39) of the administrative code is amended to read:

20          DHS 134.13 (39) "~~QMRP QIDP~~" or "qualified ~~mental retardation~~ intellectual  
21 disabilities professional" means a person who has specialized training in ~~mental~~  
22 ~~retardation~~ intellectual disabilities or at least one year of experience in treating or  
23 working with people with ~~mental retardation~~ intellectual disabilities or other  
24 developmental disabilities, and is one of the following:

25          **SECTION 36.** DHS 134.31 (3) (h) of the administrative code is amended to read:

1 DHS 134.31 (3) (h) *Outside activities*. Meet with and participate in activities  
2 of social, religious and community groups at the resident's discretion and with the  
3 permission of the resident's parents, if the resident is under 18 years of age, or  
4 guardian, if any, unless contraindicated as documented by the ~~QMRP~~ QIDP in the  
5 resident's record.

6 SECTION 37. DHS 134.42 (title), (1) and (2) (intro.) of the administrative code  
7 are amended to read:

8 DHS 134.42 (title) **Qualified ~~mental-retardation~~ intellectual**  
9 **disabilities professional (~~QMRP~~) (QIDP)**. (1) Every facility shall have at least  
10 one qualified ~~mental-retardation~~ intellectual disabilities professional on staff in  
11 addition to the administrator, except that in a facility with 50 or fewer beds the  
12 administrator, if qualified, may perform the duties of the ~~QMRP~~ QIDP.

13 (2) (intro.) The duties of the ~~QMRP~~ QIDP shall include:

14 SECTION 38. DHS 134.47 (4) (d) 3. of the administrative code is amended to  
15 read:

16 DHS 134.47 (4) (d) 3. In measurable terms, documentation by the qualified  
17 ~~mental-retardation~~ intellectual disabilities professional of the resident's  
18 performance in relationship to the objectives contained in the individual program  
19 plan;

20 SECTION 39. DHS 134.53 (4) (c) 2. of the administrative code is amended to read:

21 DHS 134.53 (4) (c) 2. Unless the resident is receiving respite care or unless  
22 precluded by circumstances posing a danger to the health, safety or welfare of a  
23 resident, prior to any permanent involuntary removal under sub. (2) (b), a planning  
24 conference shall be held at least 14 days before removal with the resident, the  
25 resident's guardian, if any, any appropriate county agency and any persons

1 designated by the resident, including the resident's physician or the facility QMRP  
2 QIDP, to review the need for relocation, assess the effect of relocation on the resident,  
3 discuss alternative placements and develop a relocation plan which includes at least  
4 those activities listed in subd. 3.

5 **SECTION 40.** DHS 134.60 (1) (a) 2. of the administrative code is amended to  
6 read:

7 DHS 134.60 (1) (a) 2. Membership on the interdisciplinary team for resident  
8 care planning may vary based on the professions, disciplines and service areas that  
9 are relevant to the resident's needs, but shall include a qualified ~~mental retardation~~  
10 intellectual disabilities professional and a nurse, and a physician as required under  
11 s. DHS 134.66 (2) (a) 2. and (c).

12 **SECTION 41.** DHS 134.60 (2) (a) 1., 2. and 3. of the administrative code are  
13 amended to read:

14 DHS 134.60 (2) (a) 1. "DD level I" means the classification of ~~a person~~ an  
15 individual who ~~functions as profoundly or severely retarded~~ has a profound or severe  
16 intellectual disability; is under the age of 18; is severely physically handicapped; is  
17 aggressive, assaultive or a security risk; or manifests psychotic-like behavior and  
18 may engage in maladaptive behavior ~~persistently~~ or frequently or in behavior that  
19 is life-threatening. This person's individual's habilitation program emphasizes  
20 basic ADL skills and requires intensive staff effort.

21 2. "DD level II" means the classification of ~~a person~~ an individual who ~~functions~~  
22 ~~as moderately retarded~~ has a moderate intellectual disability and who may  
23 occasionally engage in maladaptive behavior. This person's individual's health  
24 status may be stable or unstable. This person individual is involved in a habilitation  
25 program to increase abilities in ADL skills and social skills.

1           3. "DD level III" means the classification of ~~a person~~ an individual who  
2           ~~functions as mildly retarded~~ has a mild intellectual disability and who may rarely  
3           engage in maladaptive behavior. This ~~person's~~ individual's health status is usually  
4           stable. This ~~person~~ individual is involved in a habilitation program to increase  
5           domestic and vocational skills.

6           **SECTION 42.** DHS 134.60 (2) (a) 6. to 9. of the administrative code are amended  
7           to read:

8           DHS 134.60 (2) (a) 6. "~~Mildly retarded~~ Mild intellectual disability" means a  
9           diagnosis of an intelligence quotient (IQ) of 50 to 55 at the lower end of a range to 70  
10          at the upper end.

11          7. "~~Moderately retarded~~ Moderate intellectual disability" means a diagnosis of  
12          an intelligence quotient (IQ) of 35 to 40 at the lower end of a range to 50 to 55 at the  
13          upper end.

14          8. "~~Profoundly retarded~~ Profound intellectual disability" means a diagnosis of  
15          an intelligence quotient (IQ) below 20 to 25.

16          9. "~~Severely retarded~~ Severe intellectual disability" means a diagnosis of an  
17          intelligence quotient (IQ) of 20 to 25 at the lower end of a range to 35 to 40 at the upper  
18          end.

19          **SECTION 43.** DHS 134.60 (3) (a) 2. of the administrative code is amended to  
20          read:

21          DHS 134.60 (3) (a) 2. An individual post-institutionalization plan, as part of  
22          the IPP developed before discharge by a qualified ~~mental retardation~~ intellectual  
23          disabilities professional and other appropriate professionals. This shall include  
24          provision for appropriate services, protective supervision and other follow-up  
25          services in the resident's new environment.



Insert

INS 1-3

**SECTION 1.** DCF 52.59 (9) (a) 2. of the administrative code is amended to read:

DCF 52.59 (9) (a) 2. Staff shall have respite care training designed around the specific needs of individuals for which care is provided, such as autism, epilepsy, cerebral palsy and ~~mental retardation~~ intellectual disabilities. As part of this training, staff who have not already had some experience working with the type of individual to be cared for shall have at least 8 hours of supervised experience by someone who is knowledgeable in working with the type of individual or more than 8 hours if necessary to ensure the provision of competent care.

INS 14-6

**SECTION 2.** DWD 272.09 (1) (e) of the administrative code is amended to read:

DWD 272.09 (1) (e) "Institution" means an entity which may be either a public or private entity and either a nonprofit or a for profit entity that receives more than 50% of its income from providing residential care for sick, aged, or mentally ill or retarded persons or persons with intellectual disabilities. "Institution" includes hospitals, nursing homes, intermediate care facilities, rest homes, convalescent homes, homes for the elderly and infirm, halfway houses, and residential centers for the treatment of drug addiction or alcoholism, whether licensed under s. 50.01, Stats., or not licensed.

**SECTION 3.** DWD 272.09 (1) (n) of the administrative code is amended to read:

DWD 272.09 (1) (n) "Worker with a disability" means an individual whose earnings or productive capacity is impaired by a physical or mental intellectual disability, including those relating to age or injury, for the work to be performed.



Disabilities which may affect earning or productive capacity include blindness, mental illness, ~~mental retardation~~ intellectual disabilities, cerebral palsy, alcoholism and drug addiction. The following, taken by themselves, are not considered disabilities for the purposes of this section: vocational, social, cultural, or educational disabilities; chronic unemployment; receipt of welfare benefits; nonattendance at school; juvenile delinquency; and correctional parole or probation. Further, a disability which may affect earning or productive capacity for one type of work may not have this effect for another type of work.

**SECTION 4.** PSC 113.012 (11) of the administrative code is amended to read:

PSC 113.012 (11) "Protective service emergency" means a threat to the health or safety of a resident because of the infirmities of aging, ~~mental retardation~~, other developmental or ~~mental~~ intellectual disabilities, or like infirmities incurred at any age, or the frailties associated with being very young.

**SECTION 5.** PSC 134.02 (20) of the administrative code is amended to read:

PSC 134.02 (20) "Protective service emergency" means a threat to the health or safety of a resident because of the infirmities of aging, ~~mental retardation~~, other developmental or ~~mental~~ intellectual disabilities, or like infirmities incurred at any age, or the frailties associated with being very young.

**SECTION 6.** PSC 134.062 (8) (c) 3. of the administrative code is amended to read:

PSC 134.062 (8) (c) 3. A statement that the customer should communicate immediately upon receipt of the notice with the utility's designated office, listing a telephone number, if he or she disputes the notice of delinquent account, if he or she wishes to negotiate a deferred payment agreement as an alternative to disconnection, if any resident is seriously ill, or if there are other circumstances, as the presence of infants or young children in the household, the presence of aged or

handicapped residents in the household, the presence of residents who use life support systems or equipment or residents who have ~~mental retardation or other~~ developmental or ~~mental~~ intellectual disabilities.

**SECTION 7.** PSC 134.0624 (1) of the administrative code is amended to read:

PSC 134.0624 (1) **DECLARATION OF POLICY.** The public service commission of Wisconsin recognizes that there are many citizens of the state who, because of income, ~~infirmities of aging, mental retardation,~~ other developmental or ~~mental~~ intellectual disabilities or like infirmities incurred at any age, or the frailties associated with being very young, need protection from cold weather disconnections. This section is intended to provide that protection as enumerated below. It is the further intent of the public service commission that these rules be used as guidelines to identify those customers who are not covered by sub. (3). For households subject to disconnection under this section, any disconnection permitted by this chapter during the cold weather period defined below shall be made only as a last resort, after all other legal means of recourse have been attempted and proven unsuccessful.

**SECTION 8.** PSC 134.0624 (4) of the administrative code is amended to read:

PSC 134.0624 (4) **CONDITIONS FOR DISCONNECTION.** A utility may disconnect only those households whose gross quarterly incomes are above 250% of the federal income poverty guidelines and where health and safety would not be endangered, because of the ~~infirmities of age, mental retardation,~~ other developmental or ~~mental~~ intellectual disabilities or like infirmities incurred at any age or the frailties associated with being very young, if service were terminated or not restored.

**SECTION 9.** PSC 185.12 (17) of the administrative code is amended to read:

PSC 185.12 (17) "Protective service emergency" means a threat to the health or safety of a resident because of the infirmities of aging, ~~mental retardation,~~ other

✓  
developmental or ~~mental~~ intellectual disabilities, or like infirmities incurred at any age, or the frailties associated with being very young;

**SECTION 10.** PSC 185.37 (11) (f) 3. of the administrative code is amended to read:

PSC 185.37 (11) (f) 3. A statement that the customer shall communicate immediately upon receipt of the notice with the utility's designated office, listing a telephone number, if the customer disputes the notice of delinquent account, if the customer wishes to negotiate a deferred payment agreement as an alternative to disconnection, if any resident is seriously ill, or if there are other extenuating circumstances, as the presence of infants or young children in the household, the presence of aged, or persons with disabilities in the household, the presence of residents who use life support systems or equipment or residents who have ~~mental retardation or other~~ developmental or mental intellectual disabilities;

**SECTION 11.** SPS 326.10 (15) of the administrative code is amended to read:

f  
SPS 326.10 (15) "Protective services emergency" means a threat to the health or safety of a community resident because of the infirmities of aging, ~~mental retardation,~~ other developmental or mental intellectual disabilities, or the frailties associated with being very young.



No  
change

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

1     **AN ACT relating to:** terminology changes for those with an intellectual disability  
2             in administrative rules.

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*Analysis by the Legislative Reference Bureau*

This bill substitutes the phrase "intellectual disability" and similar phrases for "mental retardation," "mentally retarded," and similar phrases in rules promulgated by the Department of Health Services, the Department of Children and Families, the Public Service Commission, the Department of Safety and Professional Services, and the Department of Workforce Development. The bill also changes the definition of "intellectual disability" in rules promulgated by DHS.

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

3             **SECTION 1.** DCF 52.59 (9) (a) 2. of the administrative code is amended to read:  
4             DCF 52.59 (9) (a) 2. Staff shall have respite care training designed around the  
5             specific needs of individuals for which care is provided, such as autism, epilepsy,  
6             cerebral palsy and ~~mental retardation~~ intellectual disabilities. As part of this  
7             training, staff who have not already had some experience working with the type of

1 (1) The legislative reference bureau shall make the following terminology  
2 changes in any notes to rules promulgated by the department of health services or  
3 the department of safety and professional services:

4 (a) "Mental retardation" to "intellectual disability".

5 (b) "Intermediate care facility for the mentally retarded" to "intermediate care  
6 facility for individuals with intellectual disabilities."

7 (c) "ICF/MR" or "ICF-MR" to "ICF-IID."

8 (END)

**Walker, Dan**

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**From:** Bellin, Charlie  
**Sent:** Friday, January 18, 2019 3:35 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -1327/1

Please Jacket LRB -1327/1 for the ASSEMBLY.