

2019 Senate Bill 19 (LRB -1467)

An Act relating to: terminology changes for those with an intellectual disability in administrative rules.

2019

02-08. S. Introduced by Senators **Fitzgerald, Cowles, Darling, Feyen, Jacque, Johnson, Kooyenga, Marklein, Olsen, Petrowski, Risser, Schachtner, Shilling, Smith, Tiffany, Wanggaard and Ringhand**; cosponsored by Representatives **Jagler, Born, Ballweg, Brooks, Dittrich, Anderson, Edming, Gundrum, Hintz, Kitchens, Kolste, Kuglitsch, Kulp, Krug, Loudenbeck, Murphy, Mursau, Neubauer, Petersen, Petryk, Quinn, Ramthun, Schraa, Sinicki, Skowronski, Spiros, Spreitzer, Steffen, Subeck, Thiesfeldt, Tittl, Tranel, VanderMeer, Vorpapel and Wittke.** ..... 59

02-08. S. Read first time and referred to Committee on Government Operations, Technology and Consumer Protection ..... 59

02-12. S. Representative Ohnstad added as a cosponsor ..... 62

02-13. S. Representatives Shankland and Macco added as cosponsors ..... 64

02-15. S. Representative Rohrkaste added as a cosponsor ..... 72

02-19. S. Public hearing held

02-25. S. Representative Felzkowski added as a cosponsor ..... 84

02-26. S. Executive action taken

02-26. S. Report passage recommended by Committee on Government Operations, Technology and Consumer Protection, Ayes 5, Noes 0 ..... 87

02-26. S. Available for scheduling

04-05. S. Placed on calendar 4-9-2019 pursuant to Senate Rule 18(1) ..... 145

04-09. S. Senator Hansen added as a coauthor

04-09. S. Read a second time

04-09. S. Ordered to a third reading

04-09. S. Rules suspended

04-09. S. Read a third time and **passed**

04-09. S. Ordered immediately messaged

04-09. A. Received from Senate

04-09. A. Read

04-09. A. Rules suspended and taken up

04-09. A. Read a second time

04-09. A. Ordered to a third reading

04-09. A. Rules suspended

04-09. A. Read a third time and **concurred in**

04-09. A. Ordered immediately messaged

04-10. S. Received from Assembly concurred in

9MB



19en S B- 19

**ENROLLED BILL**

**Adopted Documents**

Original

Engrossed

Substitute Amdt

19-1467, 1

Amendments:  None or  Listed below.

---

---

---

Corrections:  None or  Listed by date below.

---

---

Topic:  Same as relating clause or  Indicated below.

---

---

4/10/17

*Curt J.*

Date

Enrolling Drafter



State of Wisconsin  
2019 - 2020 LEGISLATURE

LRB-1467/1  
TJD&EAW:kjf

## 2019 SENATE BILL 19

February 8, 2019 - Introduced by Senators FITZGERALD, COWLES, DARLING, FEYEN, JACQUE, JOHNSON, KOOYENGA, MARKLEIN, OLSEN, PETROWSKI, RISSER, SCHACHTNER, SHILLING, SMITH, TIFFANY, WANGGAARD and RINGHAND, cosponsored by Representatives JAGLER, BORN, BALLWEG, BROOKS, DITTRICH, ANDERSON, EDMING, GUNDRUM, HINTZ, KITCHENS, KOLSTE, KUGLITSCH, KULP, KRUG, LOUDENBECK, MURPHY, MURSAU, NEUBAUER, PETERSEN, PETRYK, QUINN, RAMTHUN, SCHRAA, SINICKI, SKOWRONSKI, SPIROS, SPREITZER, STEFFEN, SUBECK, THIESFELDT, TITTL, TRANEL, VANDERMEER, VORPAGEL and WITTKE. Referred to Committee on Government Operations, Technology and Consumer Protection.

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

---

*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.

---

*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

**SENATE BILL 19****SECTION 1**

1 individual to be cared for shall have at least 8 hours of supervised experience by  
2 someone who is knowledgeable in working with the type of individual or more than  
3 8 hours if necessary to ensure the provision of competent care.

4 **SECTION 2.** DHS 10.13 (3) of the administrative code is amended to read:

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

11 **SECTION 3.** DHS 10.13 (16) of the administrative code is amended to read:

12 DHS 10.13 (16) "Developmental disability" means a disability attributable to  
13 brain injury, cerebral palsy, epilepsy, autism, Prader-Willi syndrome, ~~mental~~  
14 ~~retardation~~ intellectual disability, or another neurological condition closely related  
15 to ~~mental retardation~~ intellectual disability or requiring treatment similar to that  
16 required for ~~mental retardation~~ intellectual disability, that has continued or can be  
17 expected to continue indefinitely and constitutes a substantial handicap to the  
18 afflicted individual. "Developmental disability" does not include senility that is  
19 primarily caused by the process of aging or the infirmities of aging.

20 **SECTION 4.** Chapter DHS 15 (title) of the administrative code is amended to  
21 read:

22 CHAPTER DHS 15

23 ASSESSMENT FOR OCCUPIED BEDS

24 IN NURSING HOMES AND

25 INTERMEDIATE CARE FACILITIES

## SENATE BILL 19

1                                   FOR THE ~~MENTALLY RETARDED~~  
2                                   INDIVIDUALS WITH INTELLECTUAL  
3                                   DISABILITIES

4           **SECTION 5.** DHS 15.01 of the administrative code is amended to read:

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

11          **SECTION 6.** DHS 15.02 (4), (5) and (7) of the administrative code are amended  
12 to read:

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

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

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

19          **SECTION 7.** DHS 15.04 (2) (c) of the administrative code is amended to read:

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

24          **SECTION 8.** DHS 61.022 (5) of the administrative code is amended to read:

## SENATE BILL 19

## SECTION 8

1 DHS 61.022 (5) “Developmental disability” means a disability attributable to  
2 ~~mental retardation~~ intellectual disability, cerebral palsy, epilepsy, autism or another  
3 neurologic condition closely related to ~~mental retardation~~ intellectual disability or  
4 requiring treatment similar to that required for ~~mental retardation~~ intellectual  
5 disability, which has continued or can be expected to continue indefinitely and  
6 constitutes a substantial handicap to the afflicted individual. Developmental  
7 disability does not include senility, which is primarily caused by the process of aging  
8 or the infirmities of aging.

9 SECTION 9. DHS 61.022 (9) of the administrative code is renumbered DHS  
10 61.022 (7m) and amended to read:

11 DHS 61.022 (7m) “~~Mental retardation~~ Intellectual disability” means  
12 subaverage general intellectual functioning ~~which~~ that originates during the  
13 developmental period and is associated with impairment in adaptive behavior.

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

15 DHS 61.022 (10) “Neurologic conditions” means disease states which require  
16 treatment similar to that required for ~~mental retardation~~ intellectual disabilities.

17 SECTION 11. DHS 61.43 (1) of the administrative code is amended to read:

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

21 SECTION 12. DHS 61.43 (2) (a) of the administrative code is amended to read:

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

25 SECTION 13. DHS 61.70 (1) (b) of the administrative code is amended to read:

**SENATE BILL 19**

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

4 **SECTION 14.** DHS 63.02 (7) of the administrative code is amended to read:

5 DHS 63.02 (7) “Chronic mental illness” means a mental illness which is severe  
6 in degree and persistent in duration, which causes a substantially diminished level  
7 of functioning in the primary aspects of daily living and an inability to cope with the  
8 ordinary demands of life, which may lead to an inability to maintain stable  
9 adjustment and independent functioning without long-term treatment and support  
10 and which may be of lifelong duration. “Chronic mental illness” includes  
11 schizophrenia as well as a wide spectrum of psychotic and other severely disabling  
12 psychiatric diagnostic categories, but does not include organic mental disorders or  
13 a primary diagnosis of ~~mental retardation~~ intellectual disability or of alcohol or drug  
14 dependence.

15 **SECTION 15.** DHS 63.02 (12) of the administrative code is amended to read:

16 DHS 63.02 (12) “Developmental disability” has the meaning prescribed in s.  
17 51.01 (5) (a), Stats., namely, a disability attributable to brain injury, cerebral palsy,  
18 epilepsy, autism, ~~mental retardation~~ an intellectual disability, or another  
19 neurological condition closely related to ~~mental retardation~~ an intellectual disability  
20 or requiring treatment similar to that required for ~~mental retardation~~ an intellectual  
21 disability, which has continued or can be expected to continue indefinitely and  
22 constitutes a substantial handicap to the afflicted individual. “Developmental  
23 disability” does not include senility which is primarily caused by the process of aging  
24 or the infirmities of aging.

25 **SECTION 16.** DHS 63.02 (14) of the administrative code is amended to read:

**SENATE BILL 19****SECTION 16**

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

9 **SECTION 17.** DHS 73.07 (1) (b) of the administrative code is amended to read:

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

16 **SECTION 18.** DHS 73.07 (2) (a) 5. of the administrative code is amended to read:

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

21 **SECTION 19.** DHS 101.03 (41) (intro.) of the administrative code is amended to  
22 read:

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



**SENATE BILL 19**

1           **SECTION 20.** DHS 101.03 (130) of the administrative code is amended to read:

2           DHS 101.03 (**130**) "Preventive or maintenance occupational therapy" means  
3 occupational therapy procedures which are provided to forestall deterioration of the  
4 patient's condition or to preserve the patient's current status. Preventive or  
5 maintenance occupational therapy makes use of the procedures and techniques of  
6 minimizing further deterioration in areas including, but not limited to, the  
7 treatment of arthritic conditions, multiple sclerosis, upper extremity contractures,  
8 chronic or recurring mental illness and ~~mental retardation~~ intellectual disability.

9           **SECTION 21.** DHS 105.09 (4) (b) of the administrative code is amended to read:

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

12           **SECTION 22.** DHS 105.12 of the administrative code is amended to read:

13           **DHS 105.12 ICFs for ~~mentally retarded persons~~ individuals with**  
14 **intellectual disabilities or ~~persons~~ individuals with related conditions.** For  
15 MA certification, institutions for ~~mentally retarded persons~~ individuals with  
16 intellectual disabilities or ~~persons~~ individuals with related conditions shall be  
17 licensed pursuant to s. 50.03, Stats., and ch. DHS 134.

18           **SECTION 23.** DHS 107.09 (4) (o) 2. of the administrative code is amended to  
19 read:

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

25           **SECTION 24.** DHS 107.09 (5) (d) of the administrative code is amended to read:

**SENATE BILL 19****SECTION 24**

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

6 **SECTION 25.** DHS 107.13 (2) (d) 2. of the administrative code is amended to  
7 read:

8 DHS 107.13 (2) (d) 2. Psychotherapy for ~~persons~~ individuals with the primary  
9 diagnosis of developmental disabilities, including ~~mental retardation~~ intellectual  
10 disabilities, except when they experience psychological problems that necessitate  
11 psychotherapeutic intervention.

12 **SECTION 26.** DHS 122.02 (2) (a) and (b) of the administrative code are amended  
13 to read:

14 DHS 122.02 (2) (a) The conversion of a skilled nursing facility under 42 CFR  
15 442 Subpt. D or an intermediate care facility under 42 CFR 442 Subpt. F to an  
16 intermediate care facility for ~~the mentally-retarded~~ individuals with intellectual  
17 disabilities under 42 CFR 442, Subpt. G, for purposes of medical assistance  
18 certification;

19 (b) The conversion of an intermediate care facility for ~~the mentally-retarded~~  
20 individuals with intellectual disabilities under 42 CFR 442 Subpt. G to a skilled  
21 nursing facility under 42 CFR 442 Subpt. D or an intermediate care facility under  
22 42 CFR 442 Subpt. F, for purposes of medical assistance certification;

23 **SECTION 27.** DHS 129.03 (19) (c) of the administrative code is amended to read:

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

**SENATE BILL 19**

1           **SECTION 28.** DHS 129.07 (1) (a) 1. b. of the administrative code is amended to  
2 read:

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

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

7           DHS 129.09 (6) (c) *Student nurses.* A person currently enrolled as a student  
8 nurse who has completed a basic nursing course at a school approved by the  
9 Wisconsin Board of Nursing under s. 441.01 (4), Stats., is eligible to be employed as  
10 a nurse aide in a hospital, facility for the developmentally disabled, or  
11 federally-certified intermediate care facility for the ~~mentally retarded~~ individuals  
12 with intellectual disabilities even if that person is not included on the registry and  
13 even if that person has not successfully completed a competency evaluation program  
14 under sub. (5) (c).

15           **SECTION 30.** DHS 129.09 (7) of the administrative code is amended to read:

16           DHS 129.09 (7) **EMPLOYMENT PROHIBITIONS.** A federally-certified nursing home  
17 may not hire or continue to employ a nurse aide who has a finding of abuse, neglect  
18 or misappropriation entered on the registry as a result of an incident that occurred  
19 in a federally-certified nursing home. A federally-certified intermediate care  
20 facility for the ~~mentally retarded~~ individuals with intellectual disabilities may not  
21 hire or continue to employ a nurse aide who has a finding of abuse, neglect or  
22 misappropriation entered on the registry.

23           **SECTION 31.** DHS 132.13 (4) (intro.) of the administrative code is amended to  
24 read:

**SENATE BILL 19****SECTION 31**

1 DHS 132.13 (4) (intro.) “Developmental disability” means ~~mental retardation~~  
2 intellectual disability or a related condition, such as cerebral palsy, epilepsy or  
3 autism, but excluding mental illness and infirmities of aging, which is:

4 **SECTION 32.** DHS 132.51 (2) (d) 1. of the administrative code is amended to  
5 read:

6 DHS 132.51 (2) (d) 1. No person who has a developmental disability may be  
7 admitted to a facility unless the facility is certified as an intermediate care facility  
8 for the ~~mentally retarded~~ individuals with intellectual disabilities, except that a  
9 person who has a developmental disability and who requires skilled nursing care  
10 services may be admitted to a skilled nursing facility.

11 **SECTION 33.** DHS 132.695 (2) (d) (intro.) of the administrative code is amended  
12 to read:

13 DHS 132.695 (2) (d) (intro.) “~~QMRP QIDP~~” or “qualified ~~mental retardation~~  
14 intellectual disabilities professional” means a person who has specialized training  
15 in ~~mental retardation~~ intellectual disabilities or at least one year of experience in  
16 treating or working with ~~mentally retarded persons~~ individuals with intellectual  
17 disabilities and is one of the following:

18 **SECTION 34.** DHS 132.695 (4) (c) 2. of the administrative code is amended to  
19 read:

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

24 **SECTION 35.** DHS 134.13 (9) (intro.) of the administrative code is amended to  
25 read:

## SENATE BILL 19

1 DHS 134.13 (9) (intro.) “Developmental disability” means ~~mental retardation~~  
2 intellectual disability or a related condition such as cerebral palsy, epilepsy or  
3 autism, but excluding mental illness and infirmities of aging, which is:

4 SECTION 36. DHS 134.13 (39) of the administrative code is amended to read:

5 DHS 134.13 (39) “~~QMRP QIDP~~” or “qualified ~~mental retardation intellectual~~  
6 disabilities professional” means a person who has specialized training in ~~mental~~  
7 ~~retardation intellectual disabilities~~ or at least one year of experience in treating or  
8 working with people with ~~mental retardation intellectual disabilities~~ or other  
9 developmental disabilities, and is one of the following:

10 SECTION 37. DHS 134.31 (3) (h) of the administrative code is amended to read:

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

16 SECTION 38. DHS 134.42 (title), (1) and (2) (intro.) of the administrative code  
17 are amended to read:

18 DHS 134.42 (title) ~~Qualified mental retardation intellectual~~  
19 ~~disabilities professional (QMRP) (QIDP).~~ (1) Every facility shall have at least  
20 one qualified ~~mental retardation intellectual disabilities~~ professional on staff in  
21 addition to the administrator, except that in a facility with 50 or fewer beds the  
22 administrator, if qualified, may perform the duties of the ~~QMRP QIDP~~.

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

24 SECTION 39. DHS 134.47 (4) (d) 3. of the administrative code is amended to  
25 read:

**SENATE BILL 19****SECTION 39**

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

5 **SECTION 40.** DHS 134.53 (4) (c) 2. of the administrative code is amended to read:

6 DHS 134.53 (4) (c) 2. Unless the resident is receiving respite care or unless  
7 precluded by circumstances posing a danger to the health, safety or welfare of a  
8 resident, prior to any permanent involuntary removal under sub. (2) (b), a planning  
9 conference shall be held at least 14 days before removal with the resident, the  
10 resident's guardian, if any, any appropriate county agency and any persons  
11 designated by the resident, including the resident's physician or the facility ~~QMRP~~  
12 QIDP, to review the need for relocation, assess the effect of relocation on the resident,  
13 discuss alternative placements and develop a relocation plan which includes at least  
14 those activities listed in subd. 3.

15 **SECTION 41.** DHS 134.60 (1) (a) 2. of the administrative code is amended to  
16 read:

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

22 **SECTION 42.** DHS 134.60 (2) (a) 1., 2. and 3. of the administrative code are  
23 amended to read:

24 DHS 134.60 (2) (a) 1. "DD level I" means the classification of ~~a person an~~  
25 individual who functions as profoundly or severely retarded has a profound or severe

**SENATE BILL 19**

1 intellectual disability; is under the age of 18; is severely physically handicapped; is  
2 aggressive, assaultive or a security risk; or manifests psychotic-like behavior and  
3 may engage in maladaptive behavior persistently or frequently or in behavior that  
4 is life-threatening. This person's individual's habilitation program emphasizes  
5 basic ADL skills and requires intensive staff effort.

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

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

16 **SECTION 43.** DHS 134.60 (2) (a) 6. to 9. of the administrative code are amended  
17 to read:

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

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

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

**SENATE BILL 19****SECTION 43**

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

4           **SECTION 44.** DHS 134.60 (3) (a) 2. of the administrative code is amended to  
5 read:

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

11           **SECTION 45.** DHS 134.60 (4) (e) of the administrative code is amended to read:

12           DHS 134.60 (4) (e) *Habilitative or rehabilitative therapies.* Any habilitative or  
13 rehabilitative therapy ordered by a physician or dentist shall be administered by a  
14 therapist or ~~QMRP~~ QIDP. Any treatments and changes in treatments shall be  
15 documented in the resident's record.

16           **SECTION 46.** DWD 272.09 (1) (e) of the administrative code is amended to read:

17           DWD 272.09 (1) (e) "Institution" means an entity which may be either a public  
18 or private entity and either a nonprofit or a for profit entity that receives more than  
19 50% of its income from providing residential care for sick, aged, or mentally ill ~~or~~  
20 ~~retarded~~ persons or persons with intellectual disabilities. "Institution" includes  
21 hospitals, nursing homes, intermediate care facilities, rest homes, convalescent  
22 homes, homes for the elderly and infirm, halfway houses, and residential centers for  
23 the treatment of drug addiction or alcoholism, whether licensed under s. 50.01,  
24 Stats., or not licensed.

25           **SECTION 47.** DWD 272.09 (1) (n) of the administrative code is amended to read:



**SENATE BILL 19**

1           DWD 272.09 (1) (n) “Worker with a disability” means an individual whose  
2 earnings or productive capacity is impaired by a physical or ~~mental~~ intellectual  
3 disability, including those relating to age or injury, for the work to be performed.  
4 Disabilities which may affect earning or productive capacity include blindness,  
5 mental illness, ~~mental retardation~~ intellectual disabilities, cerebral palsy,  
6 alcoholism and drug addiction. The following, taken by themselves, are not  
7 considered disabilities for the purposes of this section: vocational, social, cultural, or  
8 educational disabilities; chronic unemployment; receipt of welfare benefits;  
9 nonattendance at school; juvenile delinquency; and correctional parole or probation.  
10 Further, a disability which may affect earning or productive capacity for one type of  
11 work may not have this effect for another type of work.

12           **SECTION 48.** PSC 113.012 (11) of the administrative code is amended to read:

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

17           **SECTION 49.** PSC 134.02 (20) of the administrative code is amended to read:

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

22           **SECTION 50.** PSC 134.062 (8) (c) 3. of the administrative code is amended to  
23 read:

24           PSC 134.062 (8) (c) 3. A statement that the customer should communicate  
25 immediately upon receipt of the notice with the utility’s designated office, listing a

**SENATE BILL 19****SECTION 50**

1 telephone number, if he or she disputes the notice of delinquent account, if he or she  
2 wishes to negotiate a deferred payment agreement as an alternative to  
3 disconnection, if any resident is seriously ill, or if there are other circumstances, as  
4 the presence of infants or young children in the household, the presence of aged or  
5 handicapped residents in the household, the presence of residents who use life  
6 support systems or equipment or residents who have ~~mental retardation or other~~  
7 developmental or mental intellectual disabilities.

8 **SECTION 51.** PSC 134.0624 (1) of the administrative code is amended to read:

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

20 **SECTION 52.** PSC 134.0624 (4) of the administrative code is amended to read:

21 PSC 134.0624 (4) CONDITIONS FOR DISCONNECTION. A utility may disconnect only  
22 those households whose gross quarterly incomes are above 250% of the federal  
23 income poverty guidelines and where health and safety would not be endangered,  
24 because of the infirmities of age, ~~mental retardation~~, other developmental or ~~mental~~

**SENATE BILL 19**

1 intellectual disabilities or like infirmities incurred at any age or the frailties  
2 associated with being very young, if service were terminated or not restored.

3 **SECTION 53.** PSC 185.12 (17) of the administrative code is amended to read:

4 PSC 185.12 (17) "Protective service emergency" means a threat to the health  
5 or safety of a resident because of the infirmities of aging, ~~mental retardation~~, other  
6 developmental or ~~mental~~ intellectual disabilities, or like infirmities incurred at any  
7 age, or the frailties associated with being very young;

8 **SECTION 54.** PSC 185.37 (11) (f) 3. of the administrative code is amended to  
9 read:

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

19 **SECTION 55.** SPS 326.10 (15) of the administrative code is amended to read:

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

24 **SECTION 56. Nonstatutory provisions.**

