

## Chapter PW-MH 60

## MENTAL HYGIENE

PW-MH 60.02	Traffic and conduct on Mendota State Hospital property		and Training School property
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PW-MH 60.05	Traffic, parking, and conduct on Northern Wisconsin Colony	PW-MH 60.30	Standards, community day services program for mentally handicapped

**PW-MH 60.01 History:** Cr. Register, February, 1959, No. 38, eff. 3-1-59; r. Register, August, 1972, No. 200, eff. 9-1-72.

**PW-MH 60.02 Traffic and conduct on Mendota State Hospital property.** (1) **DEFINITIONS.** Unless the context otherwise requires:

(a) "Department" is the Wisconsin State Department of Public Welfare.

(b) "Hospital" is the Mendota State Hospital.

(c) "Superintendent" is the Superintendent of the Mendota State Hospital.

(d) "Road" or "driveway" includes courts, circles, drives and lanes.

(2) **POLICE OFFICERS.** Such persons as shall be authorized by the hospital superintendent as to the hospital property shall be constituted police officers and shall have the power to enforce these rules and regulations, and for the purposes thereof shall police the properties under their respective jurisdictions. Such officers shall have all the powers provided in section 46.05 (2), Wis. Stats., except where such powers are specifically limited or modified by the department. Said police officers shall be identified by an appropriate shield or badge bearing the words "Police, Mendota State Hospital", and bearing a number, which badge shall be conspicuously worn when enforcing these regulations. Such officers may warn motor vehicle operators regarding defective equipment and require the owners to have the defects repaired.

(3) **MOTOR VEHICLE REGULATIONS.** (a) 1. No person not holding a valid and current operator's license issued under chapter 343, Wis. Stats., shall operate any motor vehicle on any roadway, driveway or parking lot of the hospital unless exempt under the provisions of section 343.05 (2), Wis. Stats., from the requirement that he hold such a license in order to operate a motor vehicle on the highways of this state, and no person shall operate a motor vehicle on said grounds except on what clearly appears to be driveways, roadways or parking lots.

2. No person shall operate any motor vehicle on any driveway, roadway or parking lot of the hospital unless the same has been prop-

erly registered as provided by chapter 341, Wis. Stats., unless exempt under an applicable provision of section 341.05, Wis. Stats., from the requirement that the vehicle be registered in order that it may be operated on the highways of this state.

(b) All provisions of chapter 346, Wis. Stats., entitled "Rules of the Road", which are applicable to highways as defined in section 340.01 (22), Wis. Stats., are hereby adopted for the regulation of traffic on the roadways and driveways under the control of the superintendent except as follows:

1. Provisions of chapter 346, Wis. Stats., which are in conflict with any specific provision of these regulations.
2. Penalty provisions of chapter 346, Wis. Stats.
3. Sections 346.61 through 346.74, Wis. Stats.

(4) **PARKING.** (a) Parking is prohibited at all times on the hospital grounds, roadways and driveways, except that the superintendent of the hospital or his designated representative (as to the hospital property) are authorized to establish necessary parking areas on the properties under his jurisdiction, including areas having parking spaces reserved for specified persons and areas as appropriate and safe for parking for specific groups at specific times, providing such areas are properly posted.

(b) Parking in any reserved parking area is prohibited to persons other than those specifically assigned to such area by the superintendent; and motor vehicles so assigned to any of the reserved parking areas shall be identified by an appropriate parking permit affixed to the rear bumper of vehicle so designated by the superintendent.

(c) Parking is prohibited at all times in areas which must be kept clear for the passage of fire apparatus. Said areas shall be designated by the proper superintendent by standard signs reading, "Fire Zone, No Parking At Any Time, Day or Night".

(d) Parking is prohibited at all times in areas which must be kept clear for vehicles to load and unload. Such areas shall be designated by the proper superintendent by standard signs reading, "Loading Zone, 30-Minute Limit, Day or Night".

(e) Parking is prohibited at all times as follows:

1. In a driveway.
2. In a firelane.
3. Across a line marking the outside limits of a parking stall.
4. Overtime in a zone having a maximum designated time limit for parking.
5. In a stall already occupied in whole or in part by another motor vehicle.
6. In any area designated as a "no parking" zone.
7. Within 4 feet of the outside limits of any loading or unloading dock or zone.

(f) Motor vehicles parked in a restricted parking area without a permit, or motor vehicles parked in a fire zone, loading zone or no parking zone, or in a parking area at time when parking therein is prohibited, and unlicensed or partially dismantled motor vehicles, may be towed off the premises and stored at the owner's expense.

b. An equivalent combination of training and experience may be substituted for these requirements, in considering personnel holding responsible administrative positions in county mental hospitals, community mental health clinics and day care programs for the mentally handicapped prior to the effective date of these rules.

2. Disability program coordinators. Graduation from an accredited college with an advanced degree in psychology, medicine, social work, rehabilitation, special education, hospital administration or related field. Additional years of supervisory experience in a related field may be substituted for the advanced degree requirement. A minimum of 4 years of relevant experience. An equivalent combination of training and experience may also be considered.

(b) Program personnel. Qualifications of program personnel are those established for approval of programs under sections 51.36, 51.38, 51.25, and 51.26, Wis. Stats. Standards for salaries approved under those sections shall apply under these rules.

(5) QUALITY OF PROFESSIONAL SERVICES. Standards established for approval of community mental health clinics, day care programs for the mentally handicapped, and county mental hospitals shall apply.

(6) REQUIREMENTS FOR INSERVICE AND EDUCATIONAL LEAVE PROGRAMS FOR PERSONNEL. Personnel policies shall incorporate provisions for inservice training and educational leave programs for program personnel.

(7) PATIENT FEE SCHEDULES. Each program shall establish fee schedules based on ability to pay, in accordance with sections 51.36 and 51.38, Wis. Stats. Liability for payment of services provided by county mental hospitals shall be determined in accordance with section 46.10, Wis. Stats.

(8) ELIGIBILITY OF PATIENTS. No person shall be denied service on the basis of age, race, color, creed, location, or inability to pay.

**History:** Cr. emerg. eff. 12-17-71; cr. Register, August, 1972, No. 200, eff. 9-1-72.

**PW-MH 60.30 Standards, community day services program for mentally handicapped.** (1) ADMINISTRATIVE STANDARDS. (a) The community day services center shall maintain individual and cumulative daily attendance records of clients. The center shall also maintain administrative records necessary for statistical reporting to the Division of Mental Hygiene, Department of Health and Social Services, 1 West Wilson Street, Madison, Wisconsin 53702. The following are included in those reports to be forwarded to the division of mental hygiene:

1. Report on persons actively receiving day services. This report provides a monthly statistical summary

2. Report on persons admitted to day services. This report provides information about the client, such as: age, sex, source of referral, nature of handicap, previous care and training, including type and amount of services.

3. Report on persons withdrawn from enrollment in day services centers. This report provides information about the major reason for withdrawal from enrollment.

(b) The center shall maintain necessary and adequate administrative records to provide sound fiscal budgeting and fiscal expenditures.

1. A monthly report of actual expenditures of the day services center shall be submitted to the Division of Mental Hygiene, Department of Health and Social Services, 1 West Wilson Street, Madison, Wisconsin 53702.

2. A total operating budget for the current year, the proposed budget for the next fiscal year, and the anticipated source of funds for the proposed budget shall be submitted. The completed budget forms shall be submitted with the original and each subsequent application. Centers whose budget year differs from the state's fiscal year of July 1 to June 30 are nevertheless required to submit their estimate on a July 1 to June 30 fiscal year basis.

3. The form indicating budget estimate of employees' salaries and travel shall list employees by name and position, with individual amounts budgeted for each employee's salary and travel. Salaries must be allocated to the proper program.

4. The form indicating budget estimate of community day care services board per diem and travel shall list board members by term, office held, and representative group with the individual amounts budgeted for per diem and travel. This form shall be submitted with the original and each subsequent application.

(c) A cumulative record shall be maintained for each client attending the center and shall include:

1. Name, birthdate, full names of both parents, and home and work addresses and telephone numbers of both parents

**Note:** The word parent shall mean guardian if appropriate and shall apply only if the client is minor/dependent.

2. Name, address, and telephone number of family physician. Name, address, and telephone number of person to be notified in case of emergency.

3. A form concerning:

a. Permission to contact the family or center physician in case of emergency.

b. Appropriate releases of information as deemed necessary.

4. Record of current physical examination(s), social, psychological and/or psychiatric evaluation(s) and of related health matters.

5. Date client enters and leaves program.

6. Record of daily attendance of each client.

7. Individual client objectives stated in measurable and meaningful terms, based upon the identified needs of the client.

8. Summary of each parent/family consultation.

9. Written documentation obtained from the superintendent of the local public educational agency, documenting legal excuse or exclusion from the public school program for school age persons.

10. Other pertinent information.

(d) The director of the section 51.38, Wis. Stats., program shall, in cooperation with the community day care services board, establish a policy respecting the confidentiality and use of client records.

(e) Each program shall have a written admission policy.

1. The policy shall include a statement of compliance with the 1964 Civil Rights Act.

2. The policy shall relate to those mentally handicapped individuals to be provided day services.

a. Those clients not of public school age.

b. Those mentally handicapped individuals of school age unable to benefit from and/or those not programmed for in the community public school. In the case of a school age person, written documentation that the individual has been legally excused, or excluded from school attendance, shall be obtained from the superintendent of the local public educational agency before an individual is formally admitted to a day services program.

3. An initial assessment of the type and degree of mental handicap shall be documented in writing and included in the client's records. The initial assessment shall include a physical examination by a licensed physician and an examination by a licensed psychologist and/or board eligible psychiatrist, whichever is applicable, preferably prior to admission but not later than 15 days after admission to the center. Each professional shall use a recognized nomenclature as a basis for diagnosis and reporting (APA, SRA, AAMD or WHO). Community mental health clinics should be utilized for testing and evaluation where possible.

**Note:** American Psychiatric Association, Rehabilitation Services Administration of Social and Rehabilitation Service, a division of the Department of Health, Education and Welfare, American Association on Mental Deficiency, World Health Organization.

4. An evaluation of the client's social and family background shall be obtained by a professionally trained social worker, preferably prior to admission but no later than 15 days after admission to the center.

(f) Minimum size of center. A center shall serve not less than 4 clients.

(g) Length of operation. 1. Each center shall meet section 51.38, Wis. Stats., program standards as defined in this chapter.

2. Each program shall operate a minimum of nine consecutive months per fiscal year.

(h) Personnel policies. Personnel policies including fringe benefits shall be established by the community day care services board and shall be submitted with the original application. Personnel policies shall comply with local, state and federal regulations. Salaries and fringe benefits shall be similar to equivalent positions in the local community and/or state.

(i) An organizational chart shall be submitted with the original application and when subsequent revisions are made.

(j) Job descriptions. A job description shall be prepared for each position and included in the original application; additions and revisions shall be included in annual reapplications.

(k) Fee schedule. A fee schedule established by the community day care services board shall be submitted with the original application and when subsequent revisions are made. Fees shall be based on ability to pay. An approved program under section 51.38, Wis. Stats., may not deny services to the residents of the area it serves on the basis of inability to pay.

(l) The day services director shall not leave the premises during the hours of operation without delegating necessary responsibilities to a competent adult. This adult shall not be a client of the day services center.

(m) Equipment. The center shall provide sufficient and appropriate equipment to meet the varied needs of the group being served.

(n) Physical plant. Each day service center shall comply with Wis. Adm. Code chapter Ind 57. There shall be an inspection of each center facility by the department of industry, labor and human relations or local building inspector to determine compliance with local and state regulations and codes; this inspector will file with the center a written statement of conformance to regulations. Department of health and social services approval in writing shall be received prior to admission of day services clients to the center. An annual review shall be conducted and confirmed in any subsequent reapplication.

(o) Health and safety. All state and local health, fire, and safety regulations shall be met. If a conflict in regulations exists, the highest standard shall prevail.

(p) Transportation. Transportation to and from the center should be arranged by the program.

(q) Insurance. Each center shall carry workmen's compensation insurance in accordance with Chapter 102, Wis. Stats., and the provisions of the federal social security act. Each center shall carry public liability and property damage insurance. Safety, health, and unemployment compensation insurance provisions shall be made by the center in accordance with state and local ordinances.

(r) Federal and state wage and hour regulations. Day services centers providing sheltered work activity shall comply with all federal and state wage and hour regulations and be certificated, where applicable, by the wage and hour and public contracts, division of the U.S. Department of Labor.

(s) Mentally handicapped clients under the auspices of division of mental hygiene who are being funded through Purchase of Care and Services (Title IV 1967 Amendment of Social Security Act of 1935) shall meet all requirements as identified in purchase of care and services contract and eligibility contingencies in addition to all section 51.38, Wis. Stats., requirements.

(2) PERSONNEL STANDARDS. (a) Not less than 2 persons, one of whom shall be a staff person, shall be in the center at all times during the hours of center operation; the other(s) may be a volunteer(s).

(b) Each day care services board shall appoint a day services administrator who shall be responsible to the day care services board in the operation of the program according to section 51.38 (7), Wis. Stats. The day services administrator shall have a master's degree in a relevant field and 4 years of professional experience in working with the mentally handicapped. At least one of the 4 years shall be in an administrative or supervisory capacity. Additional years of administrative or supervisory experience in a related area may be substituted for the degree requirement.

(c) Each center day services director shall be at least 21 years old and shall have a minimum of a bachelor's degree. The director shall have had professional training and experience with the mentally handicapped and demonstrated supervisory and administrative ability. The director shall be responsible for the daily operation and administration of the day services program. The minimum education requirement may be waived by the secretary of the department of health and social services if the director has had 5 years of related

experience and has demonstrated supervisory and administrative ability.

(d) The assistant director shall have a minimum of 2 years formalized training beyond high school and appropriate experience in working with mentally handicapped clients or in a related area. Two years of experience may substitute for one year of formalized training.

(e) Staff members of the day services center shall have had education, training, and/or experience suitable for the position for which they are employed.

(f) Professional staff members shall meet the requirements of their recognized professional association, or if not applicable, shall have had education and experience in keeping with these standards and program needs.

(g) Consultative staff shall meet professional requirements of their profession and be specifically knowledgeable in the area for which their services are contracted.

(h) Volunteers, adequately supervised, may assist in the center's program. The director shall identify the orientation and training needs relative to the parameters of the day services program; the director shall continually provide for training and supervision.

(i) The day services center shall keep on file a record of a current (within the past 2 years) medical examination by a qualified physician of each staff person employed in the day services program of the operating agency. The record shall certify the staff person's freedom from communicable disease and attest to physical, mental and emotional competence to care for mentally handicapped clients. The day services centers may assume the matchable expense of necessary examinations. Where 4 or more children below age 7 are served, day services centers shall comply with Wis. Adm. Code section PW-CY 40.12 (1) (b).

(j) Personnel are required to upgrade their present level of education and training through appropriate courses offered at accredited colleges or universities, summer institutes, inservice training programs, etc. Specific fiscal year recommendations include a minimum of 40 hours (time spent in formal training session) of advanced training in administration, special education, accounting, reporting, and/or other related services for the mentally handicapped, to be taken by the day services administrator, day services director, assistant director and program staff members. Inservice training for volunteers shall be provided on a regular basis by the director and/or appropriate specialists or consultants. Day services centers should assume the matchable expense of required inservice training.

(k) All inservice educational and training activities conducted by the agency shall be under the supervision and direction of the director. These activities shall be based on structured written guidelines.

(3) PROGRAM STANDARDS. (a) The intent of community day services shall be to assist mentally handicapped persons in the acquisition of knowledge and skills which will enable them to improve their personal, social, educational and vocational functioning and other persistent life needs to the maximum of their abilities.

(b) The objectives of a program shall be clearly stated in meaningful and measurable terms and based upon the needs of the clients served as indicated by initial and subsequent evaluation.

(c) The center's day to day operation shall be directed and supervised by a qualified, professionally-trained and experienced person who meets the job qualifications of a day services director

(d) The day services center shall comply with staffing patterns specified in this section.

(e) Each center shall provide instructional materials and equipment appropriate to program objectives and client needs.

(f) For a more effective program there shall be a social/functional evaluation and examination by the program staff in cooperation with a board eligible psychiatrist and/or licensed psychologist, at least annually, to include prognoses, progress and appropriate recommendations.

(g) Each day services center shall have a systematically planned and ongoing evaluation program. Program data collection and analysis to describe the functioning of the program shall be maintained, and program evaluation to determine the effectiveness of various services shall be carried out. This requires an explicit statement of objectives, identification of methods of measuring the extent to which these objectives are fulfilled, and implementation of procedures for taking measurements periodically.

(h) Ongoing evaluation of each client shall be based upon identified need.

(i) Community day care services shall comply with the following requirements for staff/client ratio and hours of operation:

DIRECT STAFF TO CLIENT RATIO		GROUP SIZE	TIME OF OPERATION
Below chronological age 4	1:4	No more than 8 in a group	10 hours per week
4-6 years	1:7	No more than 15 in a group	16 hours per week
6-20 years	1:10	Not more than 25 in a group	20 hours per week
21 & over		Staff/client ratio shall be adjusted according to the ages of the clients in the group, the program activity, and the needs of the client	20 hours per week
Field Staff—Home Services		According to client, family needs	According to client, family needs

(4) RESPONSIBILITIES OF THE COMMUNITY DAY CARE SERVICES BOARD.

(a) The powers and duties of the community day care services board as cited in section 51.38, Wis. Stats., are:

1. Appoint the administrator of the community day care program, who shall be responsible to the board in the operation of the program.
2. With the cooperation of the administrator, define the program and formulate the necessary policies to implement the program.
3. Establish salaries and personnel policies for the program.
4. Review and evaluate the services of the day care program to assure conformance with the basic plan and budget, including periodic reporting to the director, local public officials, the program



administrators and the public. When indicated, the board shall make recommendations for changes in program and services.

5. Assist in arranging and promoting local financial support for the program from private and public sources.

6. Assist in arranging cooperative working agreements with other public and private, health, vocational and welfare services, and with other related agencies.

7. Establish fee schedules based upon ability to pay.

8. Review the fiscal practices, the annual plan and budget, and make recommendations.

(5) POWERS AND DUTIES OF THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES. (a) All records shall be available for review by appropriate department of health and social services' staff to ensure compliance with federal/state standards and statutes.

(b) The department shall review and evaluate local programs and approve all personnel and their performances. It shall have the power to withdraw funds from any program which is not being administered in accordance with the statutes, its eligibility rules, prescribed standards, approved plan, and approved budget.

(c) The department at its discretion may make exceptions to any standard when it is assured that the granting of such an exception will not be detrimental to the mentally handicapped person receiving the day services. All appeals to the department of health and social services shall be initiated through community day services board action.

(d) A new agency or program center added to a previously approved program in a community, that is, where a day care services board has already been established, shall be regarded by the state as program expansion and will be considered for funding only at the time of the yearly reapplication for the new fiscal year beginning each July 1.

**History:** Cr. Register, September, 1972, No. 201, eff. 10-1-72.