

Chapter HSS 61

**COMMUNITY MENTAL HEALTH,  
DEVELOPMENTAL DISABILITIES AND  
ALCOHOLISM AND OTHER DRUG ABUSE  
SERVICES**

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**Note:** Sections HSS 61.01 to 61.25 replace PW-MH 60.10 to 60.30. Sections HSS 61.30 to 61.46 replace PW-MH 60.40 and 60.50.

**General Provisions**

**HSS 61.01 Introduction.** These are standards for a minimum level of services. They are intended to establish a basis to assure adequate services provided by 51.42/51.437 boards and services provided by agencies under contract with the boards.

**History:** Cr. Register, January, 1980, No. 289, eff. 2-1-80.

**HSS 61.02 Definitions.** The following definitions apply to all standards for community mental health, developmental disabilities, and alcoholism and other drug abuse services.

**Note:** For ease of reference, the definitions are categorized under general definitions, program element definitions and disability related definitions.

### General Definitions

(1) "Board" means a board of directors established under ss. 51.42/51.437, or 46.23, Stats.

(2) "Consultation" means providing assistance to a wide variety of local agencies and individuals. It includes indirect case consultation: the responding to specific requests of consultees to help resolve an individual case management problem or to improve the work function of the consultee. It includes problem related consultation: the providing of assistance to other human service agencies for educational purposes rather than individual case resolution. Consultation includes administrative and program consultation: the providing of assistance to local programs and government agencies in incorporating specific mental health, developmental disabilities and alcohol and other drug abuse principles into their programs.

(3) "Department" means the department of health and social services.

(4) "Education" means the provision of planned, structured learning experiences about a disability, its prevention, and work skills in the field. Education programs should be specifically designed to increase knowledge and to change attitudes and behavior. It includes public education and continuing education.

(a) Public education is the provision of planned learning experiences for specific lay or consumer groups and the general public. The learning experiences may be characterized by careful organization that includes development of appropriate goals and objectives. Public education may be accomplished through using generally accepted educational methods and materials.

(b) Continuing education is individual or group learning activities designed to meet the unique needs of board members, agency staffs, and providers in the community-based human service system. Learning activities may also be directed towards the educational goals of related care providers such as health care, social service, public school and law enforcement personnel. The purpose may be to develop personal or occupational potential by acquiring new skills and knowledge as well as heightened sensitivity to human service needs.

(5) "Employee or position, full-time," means as defined by the employing board or agency.

(6) "Public information" means information for public consumption provided through the use of mass media methods about services, programs, and the nature of the disability for which the services and programs are provided. It consists of such activities as writing news releases, news letters, brochures, speaking to civic groups or other assemblies, and use of local radio and television programs. Public information programs should be specifically planned and designed to inform.

### Program Element Definitions

(7) "Day services, medical and non-medical," means non-residential comprehensive coordinated services to enhance maturation and social development and alleviate a person's problem related to mental illness,

1. Any of the program's licenses or required local, state or federal approvals have been revoked, suspended, or have expired.
2. The program or its agents has or have been convicted of federal or state criminal statute violations for conduct performed under the Medical Assistance Program.
3. The program submitted or caused to be submitted false statements, for purposes of obtaining certification under these rules, which it knew, or should have known, to be false.
4. The program failed to maintain compliance to standards for which it was certified.
5. The program has failed to abide by the Federal Civil Rights Act of 1964 in providing services.

(e) Programs which allow certification to expire and do not initiate an application for renewal prior to the date of expiration will be terminated on the date of expiration without right to a hearing, thereafter, a new application must be submitted.

**History:** Cr. Register, January, 1980, No. 289, eff. 2-1-80.

**HSS 61.21 Reports required by the department.** Statistical and other reports required by the department shall be reported on the appropriate form, and at the times required by the department.

**History:** Cr. Register, January, 1980, No. 289, eff. 2-1-80.

**HSS 61.22 Revision of standards.** The department shall periodically review and revise these standards, not less frequently than every 5 years. Experiences in the application of the standards shall be incorporated into the review and revision process.

**History:** Cr. Register, January, 1980, No. 289, eff. 2-1-80.

**HSS 61.23 Confidentiality of records.** Records shall be kept on each recipient of services. Confidentiality of records shall be safeguarded. Files shall be locked when not in active use and kept in a secure place.

**History:** Cr. Register, January, 1980, No. 289, eff. 2-1-80.

**HSS 61.24 Education/information.** Each community services board shall develop a structured plan for a comprehensive program of public education, continuing education, and public information. In addition, education and preventive practices and procedures shall be a recognizable and an integral part of every program.

**History:** Cr. Register, January, 1980, No. 289, eff. 2-1-80.

**HSS 61.25 Private outpatient facility.** Program staff shall meet qualifications as specified in section HSS 61.06 for approval as an outpatient clinic under s. 632.89 Stats. In lieu of the requirements in PW-MH 60.65 (1), Wis. Adm. Code, a minimum of 4 hours each of psychiatry and psychology shall be provided weekly. An outpatient facility shall have demonstrated procedures for ensuring continuity of care for the client through either the facility itself or other appropriate program.

**History:** Cr. Register, January, 1980, No. 289, eff. 2-1-80.

**Community Developmental Disabilities  
Services**

**HSS 61.30 Introduction.** (1) **PURPOSE OF RULES.** The following rules establish service standards for community developmental disabilities programs whether directly operated by counties or contracted from private providers. These service standards shall apply to each of the 16 services mandated by ch. 51 Stats., and contain the minimal requirements for each service.

(a) For administrative purposes it is necessary to mesh the 16 services with the program elements used for reporting and budgeting for state grant-in-aid. In programming for individuals with developmental disabilities, the program elements of outpatient, day services, sheltered employment, transitional or community living, extended care and intervention are frequently referred to in relationship to the 16 required developmental disability services.

(2) **DEFINITIONS.** The following words and phrases have the designated meanings:

(a) "Board" means a community services governing and policy making board of directors as established under s. 51.42, s. 51.437 or s. 46.23 Stats.

(b) "Day care program" means comprehensive coordinated sets of services to the individual with a developmental disability in order to promote maturation and social development and skills in the areas of daily and community living and to provide an opportunity for the productive, constructive use of time. Day services programs are offered on a continuous basis for a routinely scheduled portion of a 24 hour day, in a non-residential setting.

1. Day services programs shall include day care and may include the additional developmental services of counseling, education, recreation, training, treatment, personal care, transportation and evaluation.

2. When any of these services are offered as part of an out-patient program, the appropriate standard shall apply.

(c) "Department" unless qualified, means the department of health and social services.

(d) "Director" means the program director appointed by the board or his or her designee.

(e) "Extended care program" means the provision of food and lodging and medical or nursing care on a continuous 24 hour a day basis for individuals with developmental disabilities who are unable to live in a less restrictive setting. Extended care programs are available in Wisconsin centers for the developmentally disabled.

1. Extended care programs shall include domiciliary care and any of the additional developmental disabilities services as needed by the person.

2. The appropriate standard shall apply.

(2) **PROGRAM.** (a) Program requirements shall comply with appropriate sections of chapter H 34, Wis. Adm. Code and federal standards relating intermediate care facilities for the mentally retarded.

(b) The centers shall provide the responsible board with a copy of the annual review of the service plan.

**History:** Cr. Register, January, 1980, No. 289, eff. 2-1-80.

**HSS 61.44 Special living arrangements services.** Special living arrangements may provide living quarters, meals and supportive services up to 24 hour per day for people in need of assistance in the areas of community and daily living but who require less care and supervision than is characteristic of individuals needing domiciliary or nursing home care. Special living arrangement services may be provided in foster homes, group foster homes, halfway houses, community based residential facilities, child welfare institutions, homes and apartments.

(1) **PERSONNEL.** Staff shall possess the personal qualities, skills and education necessary to meet the needs of the residents and comply with the appropriate sections of Wisconsin statutes, administrative codes and licensing rules.

(2) **PROGRAM.** (a) Program requirements shall comply with appropriate sections of Wisconsin statutes, administrative codes and licensing rules.

(b) The individual receiving special living arrangement services shall be employed or otherwise engaged away from the residential setting in accordance with the individual's service plan except in child welfare institutions.

(c) When special living arrangements are provided on a respite basis they shall meet the requirements of this section.

(d) Special living arrangement services shall be provided as recommended in the service plan.

(e) Appointed staff supervising the special living arrangement shall send a written report to the case manager or his or her designee at least every 6 months. The report shall contain a statement on progress toward the goals of the service plan and the recommendations for change in the service plan.

**History:** Cr. Register, January, 1980, No. 289, eff. 2-1-80.

**HSS 61.45 Transportation services.** Transportation services provide for the necessary travel of a developmentally disabled individual and if necessary, escorts to and from places in which the individual is receiving services recommended in the individual's service plan. Transportation may include taking services to the homebound, and includes but is not limited to delivery of raw materials and pick up of the finished product from homebound industries.

(1) **PERSONNEL.** (a) Any person operating a motor vehicle which transports either people with developmental disabilities or the products of their homebound industry, shall hold an appropriate operator's license from the department of transportation.

(b) All motor vehicle operators shall be covered by liability insurance.

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(c) Motor vehicles shall be inspected by, and meet the requirements of the department of transportation.

(2) PROGRAM. (a) When possible, regularly scheduled public transportation shall be used.

(b) When possible, transportation services shall be coordinated with the efforts of voluntary agencies and other agencies serving community groups.

**History:** Cr. Register, January, 1980, No. 289, eff. 2-1-80.

**HSS 61.46 Protective services.** (1) Protective services are a system of continuing socio-legal services designed to assist individuals who are unable to manage their own resources or to protect themselves from neglect, abuse, exploitation or degrading treatment and to help them exercise their rights as citizens. This system ensures that no right of a person with a developmental disability shall be modified without due process. It must be emphasized that insofar as protective services are concerned, it is not the services that are distinctive but rather the individual for whom the services are intended, along with reasons why the services are being provided.

(2) Protective services shall be provided under applicable sections of chs. 48, 55, and 880, Stats. and applicable sections of the department's administrative code.

(3) If any developmental disabilities services are provided as part of protective services, they shall comply with the appropriate standard.

**History:** Cr. Register, January, 1980, No. 289, eff. 2-1-80.