



1995 SENATE BILL 591

February 28, 1996 - Introduced by Senators RUDE, BUETTNER, GROBSCHMIDT, COWLES, SCHULTZ, DRZEWIECKI, ROSENZWEIG, PANZER, BURKE and CLAUSING, cosponsored by Representatives JOHNSRUD, HUEBSCH, MEYER, ALBERS, WIRCH, NOTESTEIN, RYBA, SERATTI, BALDWIN, AINSWORTH, HUBER, KELSO, FREESE, HANSON, GREEN, KRUG, SPRINGER, WASSERMAN, SILBAUGH, KLUSMAN, BALDUS, MUSSER and R. YOUNG. Referred to Committee on Health, Human Services and Aging.

1 **AN ACT to renumber and amend** 46.96 (1) (a); **to amend** 46.96 (1) (b), 46.96 (2)
2 and 49.45 (25) (bg); **to repeal and recreate** 46.96 (2) and 49.45 (25) (bg); and
3 **to create** 46.96 (1) (ad), (am), (ap) and (at) and 46.96 (3m) (am) of the statutes;
4 **relating to:** independent living centers.

Analysis by the Legislative Reference Bureau

Under current state law, the department of health and social services (DHSS) must make grants of general purpose revenue and federal moneys received under the federal rehabilitation act to independent living centers for nonresidential services to severely disabled individuals. Independent living centers that receive these funds are required to comply with certain requirements and are periodically reviewed for compliance by DHSS. Under current federal law, independent living centers must comply with certain standards and provide certain assurances in order to receive federal funds.

This bill changes the definitions of "independent living center" and "severely disabled individual" to conform to the definitions under federal law. The bill requires that independent living centers that are receiving state funding on the date on which this bill becomes law comply with federal requirements by July 1, 1998. Further, the bill requires that independent living centers that first receive state funding after the date on which this bill becomes law comply with the federal requirements.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1

1 **SECTION 1.** 46.96 (1) (a) of the statutes is renumbered 46.96 (1) (ah) and
2 amended to read:

3 46.96 (1) (ah) “Independent living center” means a community-based public
4 ~~or, nonresidential private nonprofit, nonresidential program agency~~ that
5 ~~substantially involves the severely disabled individuals it serves in its policy~~
6 ~~direction and management~~ vests power and authority in individuals with
7 disabilities, that is designed and operated within a local community by individuals
8 with disabilities and that provides directly or indirectly through referral, those an
9 array of independent living services ~~which assist severely disabled individuals to~~
10 ~~increase personal self-determination and to minimize unnecessary dependence~~
11 ~~upon others, including independent living core services, on a cross-disability basis.~~

12 **SECTION 2.** 46.96 (1) (ad), (am), (ap) and (at) of the statutes are created to read:

13 46.96 (1) (ad) “Cross-disability basis” has the meaning given under 29 USC
14 796f-4 (b) (2).

15 (am) “Independent living core services” means information and referral
16 services, independent living skills training, peer counseling and individual and
17 systems advocacy.

18 (ap) “Independent living services” has the meaning given under 29 USC 706
19 (30).

20 (at) “Individual with disability” has the meaning given under 29 USC 706 (8)
21 (B).

22 **SECTION 3.** 46.96 (1) (b) of the statutes is amended to read:

23 46.96 (1) (b) “Severely disabled individual” means any individual with a severe
24 physical or mental impairment whose ability to function independently in his or her
25 family or community or whose ability to ~~engage or continue~~ obtain, maintain or

1 ~~advance~~ in employment is so substantially limited by the severity of his or her
2 ~~disability that comprehensive or vocational rehabilitation services are required to~~
3 and for whom the delivery of independent living services will improve significantly
4 either his or her ability to function independently in his or her family or community
5 or his or her ability to engage in employment.

6 **SECTION 4.** 46.96 (2) of the statutes, as affected by 1995 Wisconsin Act 27,
7 section 2349, is amended to read:

8 46.96 (2) The department shall make grants from the appropriation under s.
9 20.435 (5) (na) or (7) (c) or (kc) to independent living centers for nonresidential
10 services to severely disabled persons individuals.

11 **SECTION 5.** 46.96 (2) of the statutes, as affected by 1995 Wisconsin Act 27,
12 section 2350, and 1995 Wisconsin Act ... (this act), is repealed and recreated to read:

13 46.96 (2) The department shall make grants from the appropriations under s.
14 20.435 (7) (c) or (kc) to independent living centers for nonresidential services to
15 severely disabled individuals.

16 **SECTION 6.** 46.96 (3m) (am) of the statutes is created to read:

17 46.96 (3m) (am) Notwithstanding par. (a), all of the following apply:

18 1. Any independent living center that first receives funding under this section
19 after the effective date of this subdivision ... [revisor inserts date], shall comply with
20 requirements that are specified under 29 USC 796f-4.

21 2. Any independent living center that is receiving funding under this section
22 on the effective date of this subdivision ... [revisor inserts date], shall comply with
23 requirements under 29 USC 796f-4 by July 1, 1998.

24 **SECTION 7.** 49.45 (25) (bg) of the statutes is amended to read:

SECTION 7

1 49.45 (25) (bg) An independent living center, as defined in s. 46.96 (1) ~~(a)~~ (ah),
2 that is a certified case management provider may elect to provide case management
3 services to one or more of the categories of medical assistance beneficiaries specified
4 under par. (am). The amount of allowable charges for the services under the medical
5 assistance program that is not provided by the federal government shall be paid from
6 nonfederal, public funds received by the independent living center from a county,
7 city, village or town or from funds distributed under the appropriation under s.
8 20.435 (5) (bm) or as a grant under s. 46.96.

9 **SECTION 8.** 49.45 (25) (bg) of the statutes, as affected by 1995 Wisconsin Acts
10 27 and (this act), is repealed and recreated to read:

11 49.45 (25) (bg) An independent living center, as defined in s. 46.96 (1) (ah), that
12 is a certified case management provider may elect to provide case management
13 services to one or more of the categories of medical assistance beneficiaries specified
14 under par. (am). The amount of allowable charges for the services under the medical
15 assistance program that is not provided by the federal government shall be paid from
16 nonfederal, public funds received by the independent living center from a county,
17 city, village or town or from funds distributed as a grant under s. 46.96.

18 **SECTION 9. Effective dates.** This act takes effect on the day after
19 publication, except as follows:

20 (1) The repeal and recreation of sections 46.96 (2) and 49.45 (25) (bg) of the
21 statutes takes effect on July 1, 1996, or on the day after publication, whichever is
22 later.

23 **(END)**