



1995 ASSEMBLY BILL 245

March 23, 1995 - Introduced by Representatives WARD, SERATTI, ZIEGELBAUER, HAHN, SILBAUGH, MUSSER, OTTE, REYNOLDS, KLUSMAN, GRONEMUS, PORTER, GARD, DUFF, KAUFERT, KREIBICH, LADWIG, HARS DORF, HANDRICK, GOETSCH, GROBSCHMIDT, GROTHMAN, LEHMAN, HUBER and FOTI, cosponsored by Senator PETAK. Referred to Committee on Mandates.

1 **AN ACT to repeal** 46.27 (3) (a) and 46.985 (3) (b) 3. to 8.; **to renumber and**
2 **amend** 46.27 (4) (a), 46.27 (4) (c), 46.985 (3) (a) and 46.985 (3) (b) (intro.), 1. and
3 **to amend** 46.27 (2) (e), 46.27 (3) (b) 5., 46.27 (3) (cm), 46.27 (3) (e), 46.27 (3g)
4 (a), 46.27 (3g) (b), 46.27 (9) (c), 46.82 (3) (a) 10., 46.985 (2) (c), 46.985 (2) (d),
5 46.985 (3) (c), 46.985 (4) (a) and 46.985 (4) (c); and **to create** 46.27 (3d), 46.27
6 (4m), 46.985 (3) (b) 1. bm. and cm. and 46.985 (3) (b) 2. of the statutes; **relating**
7 **to:** changing certain requirements for administration of the long-term support
8 community options program, aging program and family support program.

Analysis by the Legislative Reference Bureau

Currently, the long-term support community options program (commonly known as "COP") provides long-term community support services to certain persons as an alternative to nursing home care. Currently, the county board of supervisors must designate a county department of social services, human services, community programs or developmental disabilities services or an aging unit to administer the COP within the county. (An aging unit is an agency of county or tribal government, a unit within a county department of human services or social services or a private, nonprofit corporation that provides specific services related to elderly county residents or tribal members, including preparation of a county or tribal comprehensive plan for aging resources.) Also under COP, the county board of supervisors of a participating county must select a county long-term support planning committee. The planning committee must, in turn, annually develop a community options plan that meets specific requirements for review and approval by the county board of supervisors and the department of health and social services (DHSS).

This bill authorizes, rather than requires, a county board of supervisors to create a county long-term support planning committee. If the county board does not create such a committee, the county department or aging unit that administers the COP for the county must develop the community options plan for review and approval. If the community options plan that was developed for 1995 has been approved by the county board of supervisors and by DHSS, the requirement for annual submittal of the community options plan may be fulfilled by submittal of an addendum to the plan that includes only any proposed plan changes.

Under the bill, if the county or tribal comprehensive plan for aging resources that was developed for 1995 has been approved by the county board of supervisors and by DHSS, the requirement for annual submittal of the plan may be fulfilled by submittal of an addendum to the plan that includes only any proposed plan changes. In addition, if an aging unit administers COP within a county, the aging unit may combine preparation of the county or tribal comprehensive plan for aging resources with the community options plan.

Currently, the family support program provides assistance to parents of disabled children to care for the children in their homes rather than in institutions. Under the family support program, participating county departments of human services, community programs or developmental disabilities services must appoint members to or appoint an existing committee as a family support advisory committee to assist in developing a family support program plan, which must meet specific requirements, for review and approval by the county board of supervisors and by DHSS.

This bill authorizes, rather than requires, a county department to appoint a family support advisory committee. If the county department does not appoint such a committee, the county department that administers the family support program must develop the family support program plan for review and approval. The bill eliminates 6 of 8 items currently required for inclusion in the program plan and, instead, requires that the plan include submittal of the county's budget for services and detailed information about any procedures to be undertaken by the county department in support of the proposed program and the estimated number of families that will be assessed and served under the program. Lastly, if the family support program plan that was developed for 1995 has been approved by the county board of supervisors and by DHSS, the requirement for annual submittal of the plan may be fulfilled by submittal of an addendum to the plan that includes only any proposed plan changes.

For further information see the *state and local* 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:

1 **SECTION 1.** 46.27 (2) (e) of the statutes is amended to read:

1 46.27 (2) (e) Review and approve or disapprove the community options plan or,
2 if sub. (4m) (c) applies, the addendum, of each county participating in the program.
3 If sub. (4m) (d) applies, the department shall review and approve or disapprove the
4 plan or addendum submitted under that paragraph.

5 **SECTION 2.** 46.27 (3) (a) of the statutes is repealed.

6 **SECTION 3.** 46.27 (3) (b) 5. of the statutes is amended to read:

7 46.27 (3) (b) 5. The departments under subs. 1. and 2. jointly, if the county
8 long-term support planning committee or the entity specified in sub. (4m) (a) 2.
9 develops no more than one annual community options plan under sub. (4) (4m).

10 **SECTION 4.** 46.27 (3) (cm) of the statutes is amended to read:

11 46.27 (3) (cm) Review and approve, disapprove or amend a community options
12 plan or, if sub. (4m) (c) applies, the addendum, to participate in the program, prior
13 to submitting the plan or the addendum to the department. If sub. (4m) (d) applies,
14 the county board of supervisors shall review and approve, disapprove or amend the
15 plan or addendum submitted under that paragraph.

16 **SECTION 5.** 46.27 (3) (e) of the statutes is amended to read:

17 46.27 (3) (e) Except as provided in sub. (3g), after implementing the program
18 for 12 months and within the limits of state and federal funds allocated under sub.
19 (7), provide noninstitutional community alternatives for a significant number of
20 persons in each of the groups listed in sub. (4) (a) ~~1~~ and eligible under sub. (6). The
21 department shall determine what constitutes a “significant number of persons” for
22 each participating county, based on county size and on the statewide proportion of
23 persons from each group receiving medical assistance in a nursing home, and,
24 beginning on January 1, 1994, shall annually adjust each determination to reflect
25 changes in the state population of eligible persons and to reflect purposes for which

1 increased funds, if any, are appropriated by the legislature for the program. If a
2 county fails to meet the “significant number of persons” requirement under this
3 paragraph, all of the following apply:

4 1. For a county with an annual allocation for provision of long-term community
5 support services under sub. (7) (b) 1m. that exceeds \$185,000, the department shall,
6 unless the department finds that an emergency or unusual circumstance exists,
7 designate a portion of the county’s allocation for increased service in each calendar
8 year that the county fails to meet the requirement, to one or more of the groups
9 specified under sub. (4) (a) 1. ~~a. to e~~ to 5.

10 2. For a county with an annual allocation for provision of long-term community
11 support services under sub. (7) (b) 1m. that is \$185,000 or less, the department may
12 designate a portion of the county’s allocation for increased service in each calendar
13 year that the county fails to meet the requirement, to one or more of the groups
14 specified under sub. (4) (a) 1. ~~a. to e~~ to 5.

15 **SECTION 6.** 46.27 (3d) of the statutes is created to read:

16 46.27 (3d) POWERS OF PARTICIPATING COUNTIES. The county board of supervisors
17 of any county participating in the program may create an interagency long-term
18 support planning committee, which, if created, shall have the composition specified
19 in sub. (4) and the duties specified in sub. (4m) (a).

20 **SECTION 7.** 46.27 (3g) (a) of the statutes is amended to read:

21 46.27 (3g) (a) That the county has disproportionately lengthy waiting lists for
22 services under sub. (7) or under sub. (11) for one or more of the groups listed in sub.
23 (4) (a) ~~1~~.

24 **SECTION 8.** 46.27 (3g) (b) of the statutes is amended to read:

1 46.27 **(3g)** (b) That demographic or other data indicate that the county's
2 population is significantly at variance with the statewide proportion of persons from
3 each group listed in sub. (4) (a) ~~1~~, receiving medical assistance in a nursing home.

4 **SECTION 9.** 46.27 (4) (a) of the statutes is renumbered 46.27 (4), and 46.27 (4)
5 (intro.), as renumbered, is amended to read:

6 46.27 **(4)** (intro.) ~~The county board of supervisors shall select the county~~ If sub.
7 (3d) applies, the long-term support planning committee, which that the county
8 board of supervisors creates shall include at a minimum the following members:

9 **SECTION 10.** 46.27 (4) (c) of the statutes is renumbered 46.27 (4m) (b), and 46.27
10 (4m) (b) (intro.), as renumbered, is amended to read:

11 46.27 **(4m)** (b) (intro.) ~~The planning committee shall develop a community~~
12 ~~options plan for participation in the program.~~ The community options plan shall
13 include all of the following:

14 **SECTION 11.** 46.27 (4m) of the statutes is created to read:

15 46.27 **(4m)** COMMUNITY OPTIONS PLAN. (a) A community options plan for
16 participation in the program shall be developed in each county by one of the
17 following:

18 1. If sub. (3d) applies, the long-term support planning committee.

19 2. If the county board of supervisors does not create a long-term support
20 planning committee under sub. (3d), the entity designated under sub. (3) (b) to
21 administer the program.

22 (c) If a county has submitted a community options plan for 1995 that has been
23 reviewed and approved by the department under sub. (2) (e), the county may fulfill
24 the requirement under par. (a) by annually submitting to the department for review
25 and approval an addendum to the county's most recently approved community

1 options plan. The addendum shall include only any changes that are proposed to the
2 approved community options plan.

3 (d) If an aging unit is designated under sub. (3) (b) to administer the program
4 in a county and if par. (a) 2. applies, the aging unit may prepare for review under sub.
5 (3) (cm) one plan or addendum that meets the requirements of this subsection and
6 of s. 46.82 (3) (a) 10.

7 **SECTION 12.** 46.27 (9) (c) of the statutes is amended to read:

8 46.27 (9) (c) All long-term community support services provided under this
9 pilot project in lieu of nursing home care shall be consistent with those services
10 described in the participating county's community options plan under sub. (4) (e)
11 (4m) and provided under sub. (5) (b). Each county participating in the pilot project
12 shall assess persons under sub. (6).

13 **SECTION 13.** 46.82 (3) (a) 10. of the statutes is amended to read:

14 46.82 (3) (a) 10. Actively incorporate and promote the participation of older
15 individuals in the preparation of a county or tribal comprehensive plan for aging
16 resources that identifies needs, goals, activities and county or tribal resources for
17 older individuals. If an aging unit has received approval from the county or tribal
18 commission on aging, the county board of supervisors and the department for the
19 plan required under this subdivision for 1995, the aging unit may fulfill the
20 requirement for a plan under this subdivision by annually submitting for review and
21 approval an addendum to the most-recently approved plan. The addendum shall
22 include only changes that are proposed to the approved comprehensive plan. If subd.
23 13. applies, the aging unit may prepare for review under this subdivision one plan
24 or addendum that meets the requirements of this subdivision and of s. 46.27 (4m) (d).

25 **SECTION 14.** 46.985 (2) (c) of the statutes is amended to read:

1 46.985 (2) (c) Specify the required content of the annual county department
2 program plan or addendum under the requirements of sub. (3) (b) 1.

3 **SECTION 15.** 46.985 (2) (d) of the statutes is amended to read:

4 46.985 (2) (d) Review and approve or disapprove each program plan or
5 addendum submitted under sub. (3) (c).

6 **SECTION 16.** 46.985 (3) (a) of the statutes is renumbered 46.985 (3m) and
7 amended to read:

8 46.985 (3m) (title) POWERS OF PARTICIPATING COUNTY DEPARTMENTS. ~~Appoint~~ Each
9 participating county department may appoint members to a family support advisory
10 committee or appoint an existing committee in the service area as the family support
11 advisory committee to assist in developing the program plan and to monitor the
12 program. The committee shall include, but need not be limited to, the following
13 members:

14 (a) Parents of disabled children including, if possible, parents from families
15 that participate in the program. To the maximum extent possible, the parents shall
16 be representative of the various disability, racial and ethnic groups in the service
17 area. The members specified under this ~~subdivision~~ paragraph shall constitute a
18 majority of the membership of the committee.

19 (b) Persons from the service area representing the county department under
20 s. 46.23, 51.42 or 51.437 and the county department under s. 46.215 or 46.22, school
21 districts and local health departments, as defined in s. 250.01 (4). At least one of the
22 committee members selected under this ~~subdivision~~ paragraph shall be a person
23 providing community social services to disabled children or families eligible for the
24 program.

1 (c) Persons in the service area who provide social or educational services to
2 disabled children other than the providers specified in ~~subd. 2 par. (b)~~.

3 **SECTION 17.** 46.985 (3) (b) (intro.), 1. and 2. of the statutes are renumbered
4 46.985 (3) (b) 1. (intro.), a. and b., and 46.985 (3) (b) 1. (intro.), as renumbered, is
5 amended to read:

6 46.985 (3) (b) 1. (intro.) ~~Cooperate with the committee appointed under par. (a)~~
7 ~~to prepare~~ Prepare, except as provided in subd. 2., a program plan in cooperation
8 with the committee appointed under sub. (3m), if any. The program plan shall
9 include all of the following:

10 **SECTION 18.** 46.985 (3) (b) 1. bm. and cm. of the statutes are created to read:

11 46.985 (3) (b) 1. bm. The final budget for services, as required under s. 46.031
12 (1) (a).

13 cm. Detailed information about any procedures to be undertaken by the county
14 department in support of subd. 1. a. and b.

15 **SECTION 19.** 46.985 (3) (b) 2. of the statutes is created to read:

16 46.985 (3) (b) 2. If a county department has received approval from the county
17 board of supervisors for the plan required under subd. 1. for 1995, the county
18 department may fulfill the requirement for a plan under subd. 1. by annually
19 submitting for review and approval an addendum to the most-recently approved
20 plan. The addendum shall include only changes to items under subd. 1. a. to cm. that
21 are proposed to the approved plan.

22 **SECTION 20.** 46.985 (3) (b) 3. to 8. of the statutes are repealed.

23 **SECTION 21.** 46.985 (3) (c) of the statutes is amended to read:

24 46.985 (3) (c) Submit the proposed program plan or addendum to the county
25 board of supervisors in each county in the service area for review. After approval by

1 the county board of supervisors in each county in which families are eligible to
2 participate in the program, the county department shall submit the proposed
3 program plan or addendum to the department.

4 **SECTION 22.** 46.985 (4) (a) of the statutes is amended to read:

5 46.985 (4) (a) Cooperate in the development of the program plan or addendum
6 under sub. (3) (b).

7 **SECTION 23.** 46.985 (4) (c) of the statutes is amended to read:

8 46.985 (4) (c) Implement the program in accordance with the program plan or
9 addendum.

10 (END)