

**2001 Jr2 DRAFTING REQUEST**

**Assembly Amendment (AA-ASA1-AB1)**

Received: 03/11/2002

Received By: **kenneda**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Fiscal Bureau 266-8017**

By/Representing: **Arsenault**

This file may be shown to any legislator: **NO**

Drafter: **kenneda**

May Contact:

Addl. Drafters:

Subject: **Mental Health - protect place**

Extra Copies:

Submit via email: **NO**

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**Pre Topic:**

LFB:.....Arsenault -

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**Topic:**

Council on developmental disabilities; services for developmental disabilities; state centers for the developmentally disabled

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**Instructions:**

See Attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	kenneda 03/12/2002	gilfokm 03/12/2002		_____			
/1			kfollet 03/12/2002	_____	lrb_docadmin 03/12/2002		
/2	kenneda 03/12/2002	gilfokm 03/12/2002	rschluet 03/13/2002	_____	lrb_docadmin 03/13/2002		

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/?	kenneda 03/12/2002	gilfokm 03/12/2002					
/1		3/12 kmq	kfollet 03/12/2002		lrb_docadmin 03/12/2002		

FE Sent For:

3-13-3  
KF  
<END>

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/?	kenneda	3/12 dmj	KJ 3/12	KJ/LE 3/12			

FE Sent For:

<END>

# Budget Amendments 2002

[Redacted]

Foti

[Redacted]

The Leg Council Study Committee on DD recommended various policy changes related to the delivery of services to the DD community. SB 231 creates a task force to develop plans for the future of the state centers for the DD. Leg Council documents will be provided to illustrate the recommended changes.

[Redacted]

Health and Family Servic

[Redacted]

- 
- 
- 

[Redacted]

Leg Council Study Committee on Deveelopmental Disabilities Recommendations, as included in AB 590 and AB 473 (both are Leg. Council bills) and SB 231 as amended by the Senate.

[Redacted]

None

[Redacted]

[Redacted]

201

8

**Kennedy, Debora**

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**From:** Arsenault, Yvonne  
**Sent:** Saturday, March 09, 2002 1:28 PM  
**To:** Kennedy, Debora  
**Subject:** ARC drafting instructions

Debora -

Per ARC's actions, the following items need to be drafted as changes to JFC.

1. Intoxicated driver program - non-stat language.

Require DHFS to distribute the funding for the intoxicated driver program (IDP) for 2001-02 within two weeks of the bill's effective date.

The funding is in 20.435(7)(hy).

2. Incorporate AB 590 and SB 231 as amended into the bill.

-3357 8354

Let me know if you have any questions.

Thanks,  
Yvonne

Yvonne M. Arsenault  
Legislative Fiscal Bureau  
(608) 266-3847  
[Yvonne.Arsenault@legis.state.wi.us](mailto:Yvonne.Arsenault@legis.state.wi.us)

2001

Date (time) needed TUESDAY 3/12

LRB b 239711

**ARC CAUCUS BUDGET AMENDMENT  
[ONLY FOR CAUCUS]**

DAK King:

See form **AMENDMENTS — COMPONENTS & ITEMS.**

**January 2002 SPECIAL SESSION CAUCUS AMENDMENT  
TO ASSEMBLY SUBSTITUTE AMENDMENT 1  
TO 2001 ASSEMBLY BILL 1**

>>FOR CAUCUS SUPERAMENDMENT — NOT FOR INTRODUCTION<<

At the locations indicated, amend the substitute amendment as follows:

#. Page 10, line 6: *after that line insert:*

~~#. Page . . . . , line . . . . :~~

~~#. Page . . . . , line . . . . :~~

~~#. Page . . . . , line . . . . :~~

~~#. Page . . . . , line . . . . :~~

~~#. Page . . . . , line . . . . :~~

## 2001 ASSEMBLY BILL 590

October 29, 2001 - Introduced by JOINT LEGISLATIVE COUNCIL. Referred to  
Committee on Health.

1 AN ACT *to create* 15.197 (11n) (cm) and 15.197 (11n) (e) of the statutes; and *to*  
2 *affect* 2001 Wisconsin Act 16, section 9123 (16rs) (b) (intro.), 2001 Wisconsin  
3 Act 16, section 9123 (16rs) (b) 1., 2001 Wisconsin Act 16, section 9123 (16rs) (b)  
4 14. and 2001 Wisconsin Act 16, section 9123 (16rs) (c); **relating to:** adding  
5 legislative members to the council on developmental disabilities; requiring the  
6 council on developmental disabilities to report annually to the legislature;  
7 expanding eligibility, requiring submission of wavier requests by a specified  
8 date, and providing transitional services under a pilot program for long-term  
9 care of children with disabilities; requiring the department of health and family  
10 services to develop a plan to administer and fund services for persons with  
11 developmental disabilities; and requiring the exercise of rule-making  
12 authority.

---

***Analysis by the Legislative Reference Bureau***

This bill is explained in the NOTES provided by the joint legislative council in  
the bill.

**ASSEMBLY BILL 590**

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:***

PREFATORY NOTE: This bill was prepared for the joint legislative council's special committee on developmental disabilities. The bill contains the following provisions:

***1. Legislative Members: Council on Developmental Disabilities***

Under current law, the council on developmental disabilities consists of representatives from the following state agencies: (1) the department of workforce development; (2) the department of health and family services (DHFS); (3) the department of public instruction; and (4) the University of Wisconsin.

Also, under current law, the governor appoints additional members to the council for staggered 4-year terms, to represent the following: (1) public and private nonprofit agencies of the state's political subdivisions that provide direct services to persons with developmental disabilities; and (2) nongovernmental agencies and groups concerned with services to persons with developmental disabilities. The governor must make additional appointments to ensure that at least 1/2 of the council's membership consists of persons with developmental disabilities or their parents or guardians.

The bill restores language concerning the council on developmental disabilities that was vetoed by the governor in 2001 Wisconsin Act 16 (the biennial budget act). The restored language does the following:

a. Requires the governor to appoint 4 legislative members to the council on developmental disabilities, as designated by the speaker of the assembly, the assembly minority leader, the senate majority leader and the senate minority leader.

b. Requires the council to evaluate the waiting lists for developmental disabilities services compiled by DHFS and to submit an annual report regarding the status of the waiting lists to the legislature at the end of each calendar year.

***2. Children's Long-Term Support Redesign***

DHFS appointed a children's committee on long-term care as part of the effort to redesign the state system on long-term care. The children's long-term support redesign committee developed a model to redesign the current system of care for children and their families, to be implemented as a pilot program and funded by federal medicaid waiver funding. The children's home and community-based waiver would define children with physical, sensory, developmental and significant health care needs as eligible. The waiver would permit the blending of the family support program, the community options program (COP), and MA waiver funding into a single funding stream. The intended effects are to streamline services and secure additional federal matching funds. DHFS would offer the waiver to children and families currently receiving services through family support, COP, MA home and community-based waivers and MA fee-for-service. Under the waiver, the funds for these programs would be managed within individual budgets based upon the child's functional needs. DHFS would pilot this waiver on a statewide, voluntary basis. The current family care pilot counties would have the option of piloting the children's waiver and coordinating it with the family care program. Families already receiving long-term support services would be offered the opportunity to enroll in the children's waiver on a voluntary basis.

The biennial budget act requires DHFS to seek waivers of federal MA statutes and regulations that are necessary to implement the program in pilot sites. If the waivers are approved, the biennial budget act requires DHFS to seek statutory language to implement the children's long-term support redesign on a piloted basis.



**ASSEMBLY BILL 590**

The bill restores language governing the children's long-term support redesign pilot program that was vetoed by the Governor in the biennial budget act. The restored language does the following:

- a. Requires DHFS to seek the necessary federal waivers and enactment of necessary statutory language and funding as soon as possible before July 1, 2002.
- b. Provides for the expansion of eligibility under certain long-term care programs currently serving children to include children with severe disabilities and long-term care needs and children eligible for medical assistance with high medical costs, and the expansion of medical assistance to include services focused on the needs of children with developmental disabilities and their families.
- c. Requires DHFS to provide transitional services to families whose children with physical or developmental disabilities are preparing to enter the adult service system.

3. Administration and Funding of Developmental Disabilities Services

This bill requires DHFS to develop a plan to administer and fund services for persons with developmental disabilities, and to submit that plan to the department of administration as part of DHFS's budget request for the 2003-05 biennium. The plan that is submitted shall include any recommended statutory language changes that are needed to implement the plan. The plan must require all institutional and community-based services for persons with developmental disabilities to be administered within one administrative subunit of DHFS. The subunit designated to do this must be the subunit that is administering community-based services for persons with developmental disabilities as of the effective date of this act.

Further, the plan must provide that funding under the medical assistance program for institutional services and home and community-based waiver services for persons with developmental disabilities shall be combined into one appropriation to the extent permissible under federal law. DHFS must apply for any necessary waivers of federal MA statutes and regulations from the federal department of health and human services.

1 ✓ " SECTION <sup>14c g</sup> 15.197 (11n) (cm) of the statutes is created to read:

2 15.197 (11n) (cm) Four members of the legislature, of which one each is  
3 designated by the speaker of the assembly, the senate majority leader, and the  
4 minority leader in each house of the legislature and appointed by the governor.

5 SECTION <sup>14c h</sup> 15.197 (11n) (e) of the statutes is created to read:

6 15.197 (11n) (e) By January 31 annually, the council shall prepare a report for  
7 the preceding calendar year and shall submit the report to the legislature under s.  
8 13.172 (2). The report shall evaluate the waiting lists compiled by the department  
9 of health and family services for services for persons with developmental disabilities. "

#. Page 346, line 1: after that line insert:

10 ✓ " SECTION <sup>1160 dd</sup> 2001 Wisconsin Act 16, section 9123 (16rs) (b) (intro.) is amended  
11 to read:

## ASSEMBLY BILL 590

1 [2001 Wisconsin Act 16] Section 9123 (16rs) (b) (intro.) The department of  
2 health and family services shall, as soon as possible before July 1, 2002, seek waivers  
3 of federal medical assistance statutes and regulations from the federal department  
4 of health and human services that are necessary to implement, in pilot sites, the  
5 program. If the waivers are granted, the program shall have all of the following  
6 characteristics:

7 SECTION <sup>1160dg</sup> 2001 Wisconsin Act 16, section 9123 (16rs) (b) 1. is created to read:

8 [2001 Wisconsin Act 16] Section 9123 (16rs) (b) 1. Eligibility under sections  
9 46.27 (11), 46.275, 46.277, 46.278, 46.985, and 51.44 of the statutes shall be expanded  
10 to include children with severe disabilities and long-term care needs and children  
11 eligible for medical assistance with high medical costs, and medical assistance  
12 coverage of services shall be expanded to include services focused on the needs of  
13 children with developmental disabilities and their families.

14 SECTION <sup>1160dm</sup> 2001 Wisconsin Act 16, section 9123 (16rs) (b) 14. is created to read:

15 [2001 Wisconsin Act 16] Section 9123 (16rs) (b) 14. The department of health  
16 and family services shall provide transitional services to families whose children  
17 with physical or developmental disabilities are preparing to enter the adult service  
18 system.

19 SECTION <sup>1160dr</sup> 2001 Wisconsin Act 16, section 9123 (16rs) (c) is amended to read:

20 [2001 Wisconsin Act 16] Section 9123 (16rs) (c) If the federal waivers specified  
21 under paragraph (b) are approved, the department of health and family services  
22 shall, as soon as possible before July 1, 2002, seek enactment of statutory language,  
23 including appropriation of necessary funding, to implement the model described  
24 under paragraph (b), as approved under the federal waivers. Any new resources for  
25 supports and services for long-term care for children with disabilities and their

ASSEMBLY BILL 590

1 families shall be managed under the program after approval of the federal waivers  
2 specified in paragraph (b) and enactment of necessary statutory language to  
3 implement the model under paragraph (b). "

4 ~~SECTION 7. Nonstatutory provisions; health and family services.~~

5 " #. Page 358, line 15; after that line insert:

6 ~~PLAN FOR SERVICES FOR PERSONS WITH DEVELOPMENTAL DISABILITIES.~~ The  
7 department of health and family services shall develop a plan to administer and fund  
8 services for persons with developmental disabilities. The plan, which shall include  
9 any recommended statutory language changes that are needed to implement the  
10 plan, shall be included in that department's budget request that is submitted to the  
11 department of administration for the 2003-05 biennium. The plan shall include the  
12 following components:

13 (a) Institutional and community-based services for persons with  
14 developmental disabilities shall be administered within one administrative subunit  
15 of the department of health and family services. The subunit that is designated to  
16 administer these services shall be the subunit that is administering  
17 community-based services for persons with developmental disabilities on the  
18 effective date of this paragraph.

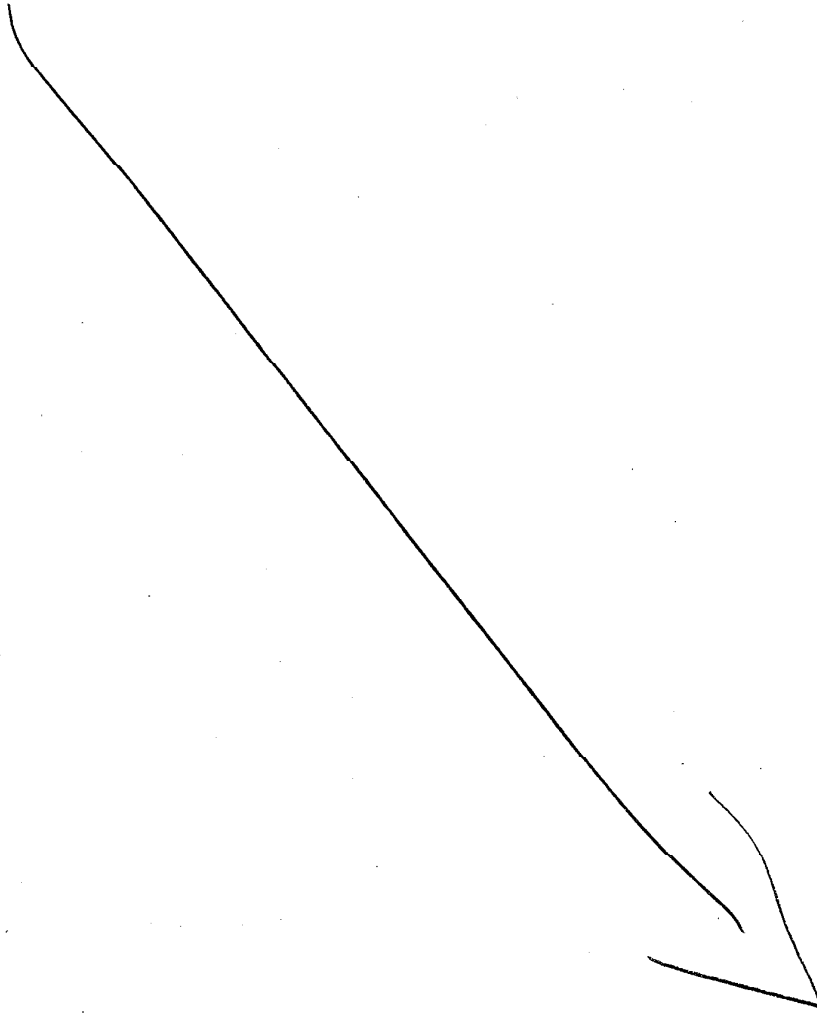
19 (b) Funding under the medical assistance program for institutional services  
20 and home and community-based waiver services for persons with developmental  
21 disabilities shall be combined into one appropriation, to the extent permissible under  
22 federal law. The funding in this appropriation may not be tied to any specific  
23 program or service setting, but shall be individually tailored to enable the person to  
24 live in the least restrictive setting appropriate to his or her needs and preferences.

25 ~~MEDICAL ASSISTANCE WAIVERS FOR DEVELOPMENTAL DISABILITIES SERVICES.~~ The  
department of health and family services shall determine whether any new waivers

**ASSEMBLY BILL 590**

1 under the medical assistance program are necessary to administer funding for  
2 medical assistance services as described in subsection (1) (b). That department shall  
3 apply for any waivers of federal medical assistance statutes and regulations from the  
4 federal department of health and human services that the department of health and  
5 family services determines are necessary to administer funding for medical  
6 assistance services as described in subsection (1) (b).

 (END)



## 2001 SENATE BILL 231

August 16, 2001 - Introduced by JOINT LEGISLATIVE COUNCIL. Referred to  
Committee on Human Services and Aging.

1 **AN ACT relating to:** requiring the creation of a task force to develop a plan for  
2 the state centers for the developmentally disabled.

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### *Analysis by the Legislative Reference Bureau*

This bill is explained in the NOTE provided by the joint legislative council in the  
bill.

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

PREFATORY NOTE: This bill was prepared for the joint legislative council's special  
committee on developmental disabilities. The bill requires the department of health and  
family services to create a task force charged to develop a plan for the state centers for  
the developmentally disabled. The task force must include representatives from the  
following stakeholder groups and agencies:

1. The department of health and family services.
2. The department of veterans affairs.
3. The department of corrections.
4. The governor's office.
5. The American Federation of State, County and Municipal Employees union and  
other labor groups.
6. Parents or guardians of current state center residents.
7. Former and current state center residents.
8. Advocates for persons with developmental disabilities.
9. The board member of an intermediate care facility for the mentally retarded.

**SENATE BILL 231**

10. Organizations that provide services to person with developmental disabilities in the community.

11. County departments that provide services to persons with developmental disabilities.

The task force is charged with developing a plan to do all of the following:

1. Specify the future role of the state centers for the developmentally disabled, and the state, in providing services for persons with developmental disabilities.

2. Maximize the potential for independent living in the most appropriate setting for each person residing in the state centers, according to the person's wishes.

3. Define and recommend changes in the role of one or more of the state centers, to functions other than as centers for the developmentally disabled.

4. Ensure the provision of quality community-based services for persons who can be relocated from the state centers.

5. Provide for transitional employment opportunities and services for existing staff of the state centers, in the event that one or more of the state centers closes or take on new functions.

1

**SECTION 1. Nonstatutory provisions; health and family services.**

2



**STATE CENTERS TASK FORCE.**

3 (a) The department of health and family services shall create a task force that  
4 shall develop a plan for the state centers for the developmentally disabled. The plan,  
5 which shall be completed by September 1, 2002, shall include any recommended  
6 statutory language changes needed to implement the plan. The department shall  
7 submit this recommended statutory language to the department of administration  
8 as part of the department of health and family services' 2003-05 biennial budget  
9 request and to the legislature. The plan shall do the following:

10 1. Specify the future role of the state and the state centers for the  
11 developmentally disabled in providing services for persons with developmental  
12 disabilities.

13 2. Attempt to maximize the potential for independent living in the most  
14 appropriate setting for each person residing in the state centers for the  
15 developmentally disabled, according to the person's wishes.

**SENATE BILL 231**

1           3. Define and recommend changes in the role of one or more of the state centers  
2 for the developmentally disabled, including functioning other than as a state center  
3 for the developmentally disabled.

4           4. Ensure the provision of quality community-based services for persons who  
5 are able to be relocated from the state centers.

6           5. Provide for transitional employment opportunities and services for existing  
7 staff of the state centers for the developmentally disabled, in the event that one or  
8 more of the state centers close or are assigned new functions.

9           (b) The department of health and family services shall appoint the membership  
10 of the task force described in paragraph (a). The task force shall include  
11 representatives of all of the following:

12           1. The department of health and family services.

13           2. The department of veterans affairs.

14           3. The department of corrections.

15           4. The governor's office.

16           5. The American Federation of State, County and Municipal Employees union  
17 and other labor unions.

18           6. Parents or guardians of current residents of the state centers for the  
19 developmentally disabled.

20           7. Former and current residents of the state centers for the developmentally  
21 disabled.

22           8. Advocates for persons with developmental disabilities.

23           9. A member of the board of an intermediate care facility for the mentally  
24 retarded.

**SENATE BILL 231**

**SECTION 1**

1           10. Organizations that provide services to persons with developmental  
2 disabilities in the community.

3           11. County departments that provide services to persons with developmental  
4 disabilities. ”.

5

(END)



**Kennedy, Debora**

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**From:** Arsenault, Yvonne  
**Sent:** Tuesday, March 12, 2002 3:29 PM  
**To:** Kennedy, Debora  
**Subject:** Changes to LRBb2397/1

Hi Debora -

Could you please incorporate Senate Amendment 1 to SB 231 and Assembly Amendment 2 to AB 590 into 2397? It wasn't initially clear that these should be incorporated into the draft but upon further clarification from ARC, it appears they should be included.

Thanks,  
Yvonne

Yvonne M. Arsenault  
Legislative Fiscal Bureau  
(608) 266-3847  
*Yvonne.Arsenault@legis.state.wi.us*

**SENATE AMENDMENT 1,  
TO 2001 SENATE BILL 231**

January 24, 2002 – Offered by COMMITTEE ON HUMAN SERVICES AND AGING.

- 1           At the locations indicated, amend the bill as follows:
- 2           **1.** Page 2, line 14: after “setting” insert “and ensure quality care and services”.
- 3           **2.** Page 3, line 1: delete “Definc” and substitute “If the task force recommends
- 4 closing a state center for the developmentally disabled, define”.
- 5           **3.** Page 3, line 16: after “union” insert “, the Service Employees International
- 6 union, District 1199,”.

7

(END)



TUES 3/12  
State of Wisconsin  
2001 - 2002 LEGISLATURE

January 2002 Special Session

LRBb2397/多2  
DAK:kmg:1

LFB:.....Arsenault – Council on developmental disabilities; services for developmental disabilities; state centers for the developmentally disabled

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT,

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO ASSEMBLY BILL 1

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 10, line 6: after that line insert:

3 “SECTION 14cg. 15.197 (11n) (cm) of the statutes is created to read:

4 15.197 (11n) (cm) Four members of the legislature, of which one each is  
5 designated by the speaker of the assembly, the senate majority leader, and the  
6 minority leader in each house of the legislature and appointed by the governor.

7 SECTION 14ch. 15.197 (11n) (e) of the statutes is created to read:

8 15.197 (11n) (e) By January 31 annually, the council shall prepare a report for  
9 the preceding calendar year and shall submit the report to the legislature under s.

1 13.172 (2). The report shall evaluate the waiting lists compiled by the department  
2 of health and family services for services for persons with developmental  
3 disabilities.”.

4 ✓ **2.** Page 346, line 1: after that line insert:

5 “**SECTION 1160dd.** 2001 Wisconsin Act 16, section 9123 (16rs) (b) (intro.) is  
6 amended to read:

INSERT 2-11

7 [2001 Wisconsin Act 16] Section 9123 (16rs) (b) (intro.) The department of  
8 health and family services shall, as soon as possible before July 1, 2002, seek waivers  
9 of federal medical assistance statutes and regulations from the federal department  
10 of health and human services that are necessary to implement, in pilot sites, the  
11 program. If the waivers are granted, the program shall have all of the following  
12 characteristics:

13 **SECTION 1160dg.** 2001 Wisconsin Act 16, section 9123 (16rs) (b) 1. is created  
14 to read:

15 [2001 Wisconsin Act 16] Section 9123 (16rs) (b) 1. Eligibility under sections  
16 46.27 (11), 46.275, 46.277, 46.278, 46.985, and 51.44 of the statutes shall be expanded  
17 to include children with severe disabilities and long-term care needs and children  
18 eligible for medical assistance with high medical costs, and medical assistance  
19 coverage of services shall be expanded to include services focused on the needs of  
20 children with developmental disabilities and their families.

21 **SECTION 1160dm.** 2001 Wisconsin Act 16, section 9123 (16rs) (b) 14. is created  
22 to read:

23 [2001 Wisconsin Act 16] Section 9123 (16rs) (b) 14. The department of health  
24 and family services shall provide transitional services to families whose children

1 with physical or developmental disabilities are preparing to enter the adult service  
2 system.

3 **SECTION 1160dr.** 2001 Wisconsin Act 16, section 9123 (16rs) (c) is amended to  
4 read:

5 [2001 Wisconsin Act 16] Section 9123 (16rs) (c) If the federal waivers specified  
6 under paragraph (b) are approved, the department of health and family services  
7 shall, as soon as possible before July 1, 2002, seek enactment of statutory language,  
8 including appropriation of necessary funding, to implement the model described  
9 under paragraph (b), as approved under the federal waivers. Any new resources for  
10 supports and services for long-term care for children with disabilities and their  
11 families shall be managed under the program after approval of the federal waivers  
12 specified in paragraph (b) and enactment of necessary statutory language to  
13 implement the model under paragraph (b).”.

14 **3.** Page 358, line 15: after that line insert:

15 “(3xx) PLAN FOR SERVICES FOR PERSONS WITH DEVELOPMENTAL DISABILITIES. The  
16 department of health and family services shall develop a plan to administer and fund  
17 services for persons with developmental disabilities. The plan, which shall include  
18 any recommended statutory language changes that are needed to implement the  
19 plan, shall be included in that department’s budget request that is submitted to the  
20 department of administration for the 2003-05 biennium. The plan shall include the  
21 following components:

22 (a) Institutional and community-based services for persons with  
23 developmental disabilities shall be administered within one administrative subunit  
24 of the department of health and family services. The subunit that is designated to

1 administer these services shall be the subunit that is administering  
2 community-based services for persons with developmental disabilities on the  
3 effective date of this paragraph.

4 (b) Funding under the medical assistance program for institutional services  
5 and home and community-based waiver services for persons with developmental  
6 disabilities shall be combined into one appropriation, to the extent permissible under  
7 federal law. The funding in this appropriation may not be tied to any specific  
8 program or service setting, but shall be individually tailored to enable the person to  
9 live in the least restrictive setting appropriate to his or her needs and preferences.

10 (3xy) MEDICAL ASSISTANCE WAIVERS FOR DEVELOPMENTAL DISABILITIES SERVICES.  
11 The department of health and family services shall determine whether any new  
12 waivers under the medical assistance program are necessary to administer funding  
13 for medical assistance services as described in subsection (1) (b). That department  
14 shall apply for any waivers of federal medical assistance statutes and regulations  
15 from the federal department of health and human services that the department of  
16 health and family services determines are necessary to administer funding for  
17 medical assistance services as described in subsection (1) (b).

18 (3xz) STATE CENTERS TASK FORCE.

19 (a) The department of health and family services shall create a task force that  
20 shall develop a plan for the state centers for the developmentally disabled. The plan,  
21 which shall be completed by September 1, 2002, shall include any recommended  
22 statutory language changes needed to implement the plan. The department shall  
23 submit this recommended statutory language to the department of administration  
24 as part of the department of health and family services' 2003–05 biennial budget  
25 request and to the legislature. The plan shall do the following:

1           1. Specify the future role of the state and the state centers for the  
2           developmentally disabled in providing services for persons with developmental  
3           disabilities.

*and ensure quality care and services*

4           2. Attempt to maximize the potential for independent living in the most  
5           appropriate setting for each person residing in the state centers for the  
6           developmentally disabled, according to the person's wishes.

7           3. Define and recommend changes in the role of one or more of the state centers  
8           for the developmentally disabled, including functioning other than as a state center  
9           for the developmentally disabled.

*If the task force recommends closing  
a state center for the developmentally  
disabled,*

10          4. Ensure the provision of quality community-based services for persons who  
11          are able to be relocated from the state centers.

12          5. Provide for transitional employment opportunities and services for existing  
13          staff of the state centers for the developmentally disabled, in the event that one or  
14          more of the state centers close or are assigned new functions.

15          (b) The department of health and family services shall appoint the membership  
16          of the task force described in paragraph (a). The task force shall include  
17          representatives of all of the following:

- 18           1. The department of health and family services.
- 19           2. The department of veterans affairs.
- 20           3. The department of corrections.
- 21           4. The governor's office.
- 22           5. The American Federation of State, County and Municipal Employees union

*, the Service Employees  
International Union,  
District 1199,*

23          and other labor unions.

24          6. Parents or guardians of current residents of the state centers for the  
25          developmentally disabled.

1           7. Former and current residents of the state centers for the developmentally  
2 disabled.

3           8. Advocates for persons with developmental disabilities.

4           9. A member of the board of an intermediate care facility for the mentally  
5 retarded.

6           10. Organizations that provide services to persons with developmental  
7 disabilities in the community.

8           11. County departments that provide services to persons with developmental  
9 disabilities.”.

10

(END)



**ASSEMBLY AMENDMENT 2,  
TO 2001 ASSEMBLY BILL 590**

February 26, 2002 – Offered by Representatives RHOADES and FOTI.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 7: delete “expanding eligibility,”.

3 **2.** Page 1, line 8: delete lines 8 and 9 and substitute “date and requiring a  
4 report on the status of the waiver requests; requiring the department of health and  
5 family”.

6 **3.** Page 4, line 5: after “program,” insert “If the waivers are granted, the  
7 department shall report this fact to relevant standing committees of the legislature  
8 within 30 days after the granting of the waivers and, otherwise, shall report on the  
9 status of the waiver requests to relevant standing committees of the legislature  
10 within 12 months after submitting the request for waivers.”

11 **4.** Page 4, line 7: delete lines 7 to 18.

12 (END)

INSERT  
2-11



State of Wisconsin  
2001 - 2002 LEGISLATURE  
January 2002 Special Session

LRBb2397/2  
DAK:kmg:rs

LFB:.....Arsenault – Council on developmental disabilities; services for developmental disabilities; state centers for the developmentally disabled

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT ,

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO ASSEMBLY BILL 1

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 10, line 6: after that line insert:

3 “SECTION 14cg. 15.197 (11n) (cm) of the statutes is created to read:

4 15.197 (11n) (cm) Four members of the legislature, of which one each is  
5 designated by the speaker of the assembly, the senate majority leader, and the  
6 minority leader in each house of the legislature and appointed by the governor.

7 SECTION 14ch. 15.197 (11n) (e) of the statutes is created to read:

8 15.197 (11n) (e) By January 31 annually, the council shall prepare a report for  
9 the preceding calendar year and shall submit the report to the legislature under s.

1 13.172 (2). The report shall evaluate the waiting lists compiled by the department  
2 of health and family services for services for persons with developmental  
3 disabilities.”.

4 **2.** Page 346, line 1: after that line insert:

5 “SECTION 1160dd. 2001 Wisconsin Act 16, section 9123 (16rs) (b) (intro.) is  
6 amended to read:

7 [2001 Wisconsin Act 16] Section 9123 (16rs) (b) (intro.) The department of  
8 health and family services shall, as soon as possible before July 1, 2002, seek waivers  
9 of federal medical assistance statutes and regulations from the federal department  
10 of health and human services that are necessary to implement, in pilot sites, the  
11 program. If the waivers are granted, the department shall report this fact to relevant  
12 standing committees of the legislature within 30 days after the granting of the  
13 waivers and, otherwise, shall report on the status of the waiver requests to relevant  
14 standing committees of the legislature within 12 months after submitting the  
15 request for waivers. If the waivers are granted, the program shall have all of the  
16 following characteristics:

17 SECTION 1160dr. 2001 Wisconsin Act 16, section 9123 (16rs) (c) is amended to  
18 read:

19 [2001 Wisconsin Act 16] Section 9123 (16rs) (c) If the federal waivers specified  
20 under paragraph (b) are approved, the department of health and family services  
21 shall, as soon as possible before July 1, 2002, seek enactment of statutory language,  
22 including appropriation of necessary funding, to implement the model described  
23 under paragraph (b), as approved under the federal waivers. Any new resources for  
24 supports and services for long-term care for children with disabilities and their

1 families shall be managed under the program after approval of the federal waivers  
2 specified in paragraph (b) and enactment of necessary statutory language to  
3 implement the model under paragraph (b).”.

4 **3.** Page 358, line 15: after that line insert:

5 “(3xx) PLAN FOR SERVICES FOR PERSONS WITH DEVELOPMENTAL DISABILITIES. The  
6 department of health and family services shall develop a plan to administer and fund  
7 services for persons with developmental disabilities. The plan, which shall include  
8 any recommended statutory language changes that are needed to implement the  
9 plan, shall be included in that department’s budget request that is submitted to the  
10 department of administration for the 2003–05 biennium. The plan shall include the  
11 following components:

12 (a) Institutional and community-based services for persons with  
13 developmental disabilities shall be administered within one administrative subunit  
14 of the department of health and family services. The subunit that is designated to  
15 administer these services shall be the subunit that is administering  
16 community-based services for persons with developmental disabilities on the  
17 effective date of this paragraph.

18 (b) Funding under the medical assistance program for institutional services  
19 and home and community-based waiver services for persons with developmental  
20 disabilities shall be combined into one appropriation, to the extent permissible under  
21 federal law. The funding in this appropriation may not be tied to any specific  
22 program or service setting, but shall be individually tailored to enable the person to  
23 live in the least restrictive setting appropriate to his or her needs and preferences.

1           (3xy) MEDICAL ASSISTANCE WAIVERS FOR DEVELOPMENTAL DISABILITIES SERVICES.

2           The department of health and family services shall determine whether any new  
3           waivers under the medical assistance program are necessary to administer funding  
4           for medical assistance services as described in subsection (1) (b). That department  
5           shall apply for any waivers of federal medical assistance statutes and regulations  
6           from the federal department of health and human services that the department of  
7           health and family services determines are necessary to administer funding for  
8           medical assistance services as described in subsection (1) (b).

9           (3xz) STATE CENTERS TASK FORCE.

10          (a) The department of health and family services shall create a task force that  
11          shall develop a plan for the state centers for the developmentally disabled. The plan,  
12          which shall be completed by September 1, 2002, shall include any recommended  
13          statutory language changes needed to implement the plan. The department shall  
14          submit this recommended statutory language to the department of administration  
15          as part of the department of health and family services' 2003–05 biennial budget  
16          request and to the legislature. The plan shall do the following:

17           1. Specify the future role of the state and the state centers for the  
18           developmentally disabled in providing services for persons with developmental  
19           disabilities.

20           2. Attempt to maximize the potential for independent living in the most  
21           appropriate setting and ensure quality care and services for each person residing in  
22           the state centers for the developmentally disabled, according to the person's wishes.

23           3. If the task force recommends closing a state center for the developmentally  
24           disabled, define and recommend changes in the role of one or more of the state centers

1 for the developmentally disabled, including functioning other than as a state center  
2 for the developmentally disabled.

3 4. Ensure the provision of quality community-based services for persons who  
4 are able to be relocated from the state centers.

5 5. Provide for transitional employment opportunities and services for existing  
6 staff of the state centers for the developmentally disabled, in the event that one or  
7 more of the state centers close or are assigned new functions.

8 (b) The department of health and family services shall appoint the membership  
9 of the task force described in paragraph (a). The task force shall include  
10 representatives of all of the following:

11 1. The department of health and family services.

12 2. The department of veterans affairs.

13 3. The department of corrections.

14 4. The governor's office.

15 5. The American Federation of State, County and Municipal Employees union,  
16 the Service Employees International union, District 1199, and other labor unions.

17 6. Parents or guardians of current residents of the state centers for the  
18 developmentally disabled.

19 7. Former and current residents of the state centers for the developmentally  
20 disabled.

21 8. Advocates for persons with developmental disabilities.

22 9. A member of the board of an intermediate care facility for the mentally  
23 retarded.

24 10. Organizations that provide services to persons with developmental  
25 disabilities in the community.

