

2001 DRAFTING REQUEST

Bill

Received: 09/20/2000

Received By: kenneda

Wanted: As time permits

Identical to LRB:

For: Administration-Budget (608) 267-9546

By/Representing: Jablonsky

This file may be shown to any legislator: NO

Drafter: kenneda

May Contact:

Alt. Drafters:

Subject: Mental Health - miscellaneous

Extra Copies:

Pre Topic:

DOA:.....Jablonsky -

Topic:

Alternate services at developmentally disabled centers

Instructions:

See Attached

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 09/26/2000	hhagen 10/02/2000 hhagen 10/02/2000		_____			S&L
/1			pgreensl 10/03/2000	_____	gretskl 10/03/2000		S&L
/2	kenneda 10/04/2000	hhagen 10/04/2000	martykr 10/04/2000	_____	lrb_docadmin 10/04/2000		S&L
/3	kenneda 11/16/2000	jdyer 11/17/2000	jfrantze 11/20/2000	_____	lrb_docadmin 11/20/2000		S&L

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/3	kenneda 11/16/2000	jdyer 11/17/2000 <i>1/24 hnh #1/4</i>	jfrantzc 11/20/2000 <i>1/24</i>		lrb_docadmin 11/20/2000		

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B 11/17 JLD *J 11/17* *J 11/20 PG*

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FE Sent For:

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DHFS

Department of Health and Family Services
2001-2003 Biennial Budget Statutory Language Request
September 11, 2000

Alternate Services at the Centers for the Developmentally Disabled

Current Language

Chapter 51 of the statutes provides statutory authority for the Centers for the Developmentally Disabled.

Proposed Change

Amend Chapter 51 to allow the Centers for the Developmentally Disabled to offer services besides the institution-level services currently provided.

Effect of the Change

The Centers will have the flexibility to expand their programs to provide a broad array of services to individuals with developmental disabilities and their families outside of an institutional setting.

Rationale for the Change

Currently the Centers provide primarily ICF/MR care, although there is a provision in statute that allows them to provide outpatient services to other entities. Statutes also appear to allow the Centers to provide some services in addition to residential care. However, this language does not appear to give the Centers the latitude to offer a variety of alternative services or to contract with any entity except a county. ?

The Department would like Centers to have the authority to contract with agencies and entities other than the counties to provide services that are not available elsewhere. Currently the Centers contract primarily with counties even though contracting with an intermediary, such as a treatment agency, might be a more efficient way to provide services to individuals. This mechanism would be similar to that established in the last biennium that allowed the mental health institutes to offer alternative services.

Certain areas of the state are especially affected by a lack of available services for individuals living in the community. In some areas there may not be specialists or appropriately trained providers to meet the needs of persons with complex disabilities, including developmental disabilities in combination with physical deformities, medical fragility, and/or a dual diagnosis.

Centers possess a considerable body of expert knowledge, particularly in dealing with challenging patients. If the Centers were allowed to contract out their services on an outpatient basis, this expertise would become more widely available. The Department would like to be able to offer a variety of services such as dental and mental health services, physical therapy, psychiatric/psychological services, general medical services, pharmacy services, and orthotics. By doing so, the Centers could provide services within the context of an extended continuum of care and help keep individuals in community living arrangements.

Desired Effective Date: Upon Passage of the Budget Bill
Agency: DHFS
Agency Contact: Ellen Hadidian
Phone: 266-8155

DHFS

Department of Health and Family Services
2001-2003 Biennial Budget Statutory Language Request
June 19, 2000

DCTF Position Flexibility

Current Language

No language.

Proposed Change

1. Create a separate program revenue continuing appropriation with \$0 expenditure authority.
2. Create 10.0 FTE in the appropriation. Specify that, before the positions can be filled, the Department must submit a request to the Department of Administration (DOA), explaining the need for the position and specifying the revenue source that will fund the positions. When DOA approves the use of the positions, they can also approve appropriate expenditure authority.

Effect of the Change

The Department would be able to develop alternative services at the Mental Health Institutes (MHIs) and Centers for the Developmentally Disabled for communities and other agencies and to quickly obtain staff who will provide these services.

Rationale for the Change

As the MHIs and Centers broaden the scope of their activities to providing alternative services on a fee basis to other agencies, there is increasing need for expedited approval for program revenue position authority. When the Department receives requests for its services through revenue generating projects, the Department must be able to provide these services in a timely fashion.

The legislative process of obtaining new program revenue positions is very lengthy and time-consuming. By establishing a pool of positions upon which the Department can draw when a service is requested, the Department can ensure that new services can be provided. Giving DOA ~~the~~ the authority to approve the use of the positions and expenditure authority in the program ensures that state policy and budget guidelines will not be circumvented.

Desired Effective Date:

Upon Passage of the Budget Bill

Agency:

DHFS

Agency Contact:

Ellen Hadidian

Phone:

266-8155

-0424 - Alternative Services at DD Centers

* ① 51.06 (1) should be split - part of it is a purpose (repeal?) and part is a requirement for DHFS to provide services

② For alternative services

* ② Do they want provisions like ^{all} those in 46.043? Which ones?

New - Short-term residential services (not exclusively ^{inpt})

Make sure not limited to on grounds of DD Center

No rules

-0190 Appropriation

① Do they contemplate an approp. for s. 46.043 + new DD language that replaces 20.435(2)(gk)? If so, with -0- expenditure authority, won't be able to spend anything for services may now be providing

② No. of positions are not specified in statutes - are in underlying budget documents

③ Wording:

" All moneys received under ss. 46.043 and 51.06 () (), for purposes

* ④ Does the E-mail language replace the proposal, with respect to the expenditure authority?

-0- expend
app. authority
to DD
center
law

Kennedy, Debora

From: Hadidian, Ellen
Sent: Wednesday, September 20, 2000 9:25 AM
To: Kennedy, Debora
Cc: Daggett, Cynthia; Flood, Laura; Jablonsky, Sue
Subject: stat language questions

Hi Debora,

This is in response to your question about our request for a new appropriation for DCTF. You mentioned that we need to clarify the source of the money that is being received in the appropriation and the priority for programs receiving funding from this appropriation.

We would like to link this appropriation language to our request for language that will allow the Dept. to provide alternative services from the DD Centers.

This language would be similar to what was done for the mental Health Institutions in the last biennium (s.46.043). The appropriation would have some kind of general language, similar to what is in 20.435 (4) (gm) for vital records, where all funds received for services are deposited in this appropriation. Then the approp. language would allow us to use this money to pay for services authorized under the new alternative services at the DD Centers language. Something like this:

"Amounts in the schedules for purposes specified in (new language & 46.043). All moneys received under () and as reimbursement for services provided by DCTF staff activities under () shall be credited to this appn. account."

} program revenue
continuing

There will have to be a distinction between the revenue we get for non-institutional activities and what we get for institutional activities, which will still go into (2)(gk) [228 & 229]).

It may be helpful for us to meet with you and go over some of the problems that have to be resolved for this language. Cindy Daggett, Laura Flood (the deputy DCTF administrator) and I would be glad to come over and discuss these issues at your convenience. Please let me know how you would like to proceed.

Kennedy, Debora

From: Flood, Laura
Sent: Tuesday, September 26, 2000 10:07 AM
To: Kennedy, Debora
Cc: Hadidian, Ellen; Green, Mary; Hughes, Michael
Subject: Language for DD centers and alternative services.

This is follow up on your questions and to confirm the approach:

Should the language parallell institute lanaguage in section 43.043.

Yes-With the exception that the langauge should NOT restrict alternative services for the centers to ONLY outpatient as is done with instututes in 43.043. Centers must be able to offer the alternative service on-grounds, or as a part of the residential services at the center.

You asked if the new lnauage for centers shopuld include the provision that requires alternative services offered to adhere to any applicable state statue/licensing or other administrative code and the answer is yes.

I indicated the provision requiring admionistrative ccode should not be included in the centers lanaugage however I misnterpreted that [propviosion. I believe it siompl;y erquires us to fol;opw any admn. code that currently exists in the Dept. pertaining to the servioce offered(such as liscensing code) and YES that provsiion should also appear in the centers language. the new langauge for enters should not require development or promulgation of admin. code to carry out this new section of statue however.

finally- althougth your arguement to eliminate purpose language is compelling-timing for us is not yet right to do so. Keep reminding me over the years though as at some point it wi; be rel;atively "safe" to do so!

thanks for your help!



SOON - In edit 9/28

State of Wisconsin
2001 - 2002 LEGISLATURE

D-NOTE

LRB-042421

DAK...
hmb
+
jlc

DOA:.....Jablonsky - Alternate services at developmentally disabled centers

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

Do Not Gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MENTAL ILLNESS AND DEVELOPMENTAL DISABILITIES

Under current law, DHFS may authorize the Mendota Mental Health Institute and the Winnebago Mental Health Institute to provide services other than inpatient mental health services, under contracts with public or private entities, when DHFS determines that there is a need for community services to be supplemented. Payments for these services are credited to a program revenue appropriation and are used to provide the services. Also under current law, the Northern Center for the Developmentally Disabled, Southern Center for the Developmentally Disabled, and Central Center for the Developmentally Disabled are operated by DHFS to provide various services to persons with developmental disability and to return those persons to the community when their needs can be met at the local level.

This bill authorizes DHFS to allow a center for the developmentally disabled to offer, when DHFS determines that community services need to be supplemented, short-term residential services, dental and mental health services, physical therapy, psychiatric and psychological services, general medical services, pharmacy services, and orthotics. These services may be provided only under a contract between DHFS and specified entities, to persons who are referred by the entity. Further, the services are governed by the terms of the contract or by statutes or administrative rules that regulate facilities, govern certain mental health services, and provide mental health

*

* patient rights. In the event of a conflict between contract provisions and these statutes or rules, the services must comply with the contractual, statutory, or rules provision that is most protective of the health, safety, welfare, or rights of the recipient of the services, as determined by the center for the developmentally disabled. Specified mental health statutes, including emergency detention and commitment laws, and zoning and other county, city, town, or village ordinances, do not apply to provision of the services.

The bill creates a continuing appropriation of program revenue, to which payments for outpatient services provided by mental health institutes and payments for alternative services provided by centers for the developmentally disabled must be credited, and which is used for provision of the services. ~~DHFS may not expend moneys from the appropriation for service provision by the centers for the developmentally disabled unless DOA first approves the expenditure.~~

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. 20.435 (2) (gk) of the statutes is amended to read:

2 20.435 (2) (gk) *Institutional operations and charges.* The amounts in the
3 schedule for care, other than under s. 51.06 (1r), provided by the centers for the
4 developmentally disabled, to reimburse the cost of providing the services and to
5 remit any credit balances to county departments that occur on and after
6 July 1, 1978, in accordance with s. 51.437 (4rm) (c); for care, other than under s.
7 46.043, provided by the mental health institutes, to reimburse the cost of providing
8 the services and to remit any credit balances to county departments that occur on and
9 after January 1, 1979, in accordance with s. 51.42 (3) (as) 2.; for maintenance of
10 state-owned housing at centers for the developmentally disabled and mental health
11 institutes; for repair or replacement of property damaged at the mental health
12 institutes or at centers for the developmentally disabled; and for reimbursing the
13 total cost of using, producing and providing services, products and care. All moneys
14 received as payments from medical assistance on and after August 1, 1978; as

1 payments from all other sources including other payments under s. 46.10 and
 2 payments under s. 51.437 (4rm) (c) received on and after July 1, 1978; as medical
 3 assistance payments, other payments under s. 46.10 and payments under s. 51.42
 4 (3) (as) 2. received on and after January 1, 1979; ~~as payments under s. 46.043~~; as
 5 payments for the rental of state-owned housing and other institutional facilities at
 6 centers for the developmentally disabled and mental health institutes; for the sale
 7 of electricity, steam or chilled water; as payments in restitution of property damaged
 8 at the mental health institutes or at centers for the developmentally disabled; for the
 9 sale of surplus property, including vehicles, at the mental health institutes or at
 10 centers for the developmentally disabled; and for other services, products and care
 11 shall be credited to this appropriation, except that any payment under s. 46.10
 12 received for the care or treatment of patients admitted under s. 51.10, 51.15 or 51.20
 13 for which the state is liable under s. 51.05 (3), of patients admitted under s. 55.06 (9)
 14 (d) or (e) for which the state is liable under s. 55.05 (1), of forensic patients committed
 15 under ch. 971 or 975, admitted under ch. 975 or transferred under s. 51.35 (3) or of
 16 patients transferred from a state prison under s. 51.37 (5), to Mendota mental health
 17 institute or Winnebago mental health institute shall be treated as general purpose
 18 revenue — earned, as defined under s. 20.001 (4).

History: 1971 c. 125 ss. 138 to 155, 522 (1); 1971 c. 211, 215, 302, 307, 322; 1973 c. 90, 198, 243; 1973 c. 284 s. 32; 1973 c. 308, 321, 322, 333, 336; 1975 c. 39 ss. 153 to 173, 732 (1), (2); 1975 c. 41 s. 52; 1975 c. 82, 224, 292; 1975 c. 413 s. 18; 1975 c. 422, 423; 1975 c. 430 ss. 1, 2, 80; 1977 c. 29 ss. 236 to 273, 1657 (18); 1977 c. 112; 1977 c. 203 s. 106; 1977 c. 213, 233, 327; 1977 c. 354 s. 101; 1977 c. 359; 1977 c. 418 ss. 129 to 137, 924 (18) (d), 929 (55); 1977 c. 428 s. 115; 1977 c. 447; 1979 c. 32 s. 92 (11); 1979 c. 34, 48; 1979 c. 102 s. 237; 1979 c. 111, 175, 177; 1979 c. 221 ss. 118g to 133, 2202 (20); 1979 c. 238, 300, 331, 361; 1981 c. 20 ss. 301 to 356b, 2202 (20) (b), (d), (g); 1981 c. 93 ss. 3 to 8, 186; 1981 c. 298, 314, 317, 359, 390; 1983 a. 27 ss. 318 to 410, 2202 (20); 1983 a. 192, 199, 245; 1983 a. 333 s. 6; 1983 a. 363, 398, 410, 427; 1983 a. 435 ss. 2, 3, 7; 1983 a. 538; 1985 a. 24, 29, 56, 73, 120, 154, 176, 255, 281, 285, 332; 1987 a. 27, 339, 368, 398, 399, 402; 1987 a. 403 ss. 25, 256; 1987 a. 413; 1989 a. 31, 53; 1989 a. 56 ss. 13, 259; 1989 a. 102; 1989 a. 107 ss. 11, 13, 17 to 37; 1989 a. 120, 122, 173, 199, 202, 318, 336, 359; 1991 a. 6, 39, 189, 269, 275, 290, 315, 322; 1993 a. 16, 27, 76, 98, 99, 168, 183, 377, 437, 445, 446, 450, 469, 479, 490, 491; 1995 a. 27 ss. 806 to 961r, 9126 (19); 1995 a. 77, 98; 1995 a. 216 ss. 26, 27; 1995 a. 266, 276, 289, 303, 404, 417, 440, 448, 464, 468; 1997 a. 27 ss. 211, 214, 216, 217, 527 to 609; 1997 a. 35, 105, 231, 237, 280, 293; 1999 a. 5, 9, 32, 52, 84, 103, 109, 113, 133, 185, 186.

19 **SECTION 2.** 20.435 (4) (jd) of the statutes is created to read:

20 20.435 (4) (jd) *Alternative services of institutes and centers.* All moneys
 21 received as payments for services provided under ss. 46.043 and 51.06 (1r), for the
 22 purpose of providing those services. ~~No expenditure may be made from this~~

1 ~~appropriation for the provision of services under s. 51.06 (1) except on approval of~~
 2 ~~the department of administration after a determination that the expenditure is~~
 3 ~~necessary~~

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

4 SECTION 3. 46.043 (2) of the statutes is amended to read:

5 46.043 (2) Services under this section may be provided only under contract
 6 between the department and a county department under s. 46. 215, 46.22 or 46.23,
 7 a school district or another public or private entity within the state to persons
 8 referred from those entities, at the discretion of the department. The department
 9 shall charge the referring entity all costs associated with providing the services.
 10 Unless a referral is made, the department may not offer services under this section
 11 to the person who is to receive the services or his or her family. The department may
 12 not impose a charge for services under this section upon the person receiving the
 13 services or his or her family. The department shall credit any revenues received
 14 under this section to the appropriation account under s. 20.435 (2) (gk) (4) (jd).

INSERT
4-14

History: 1999 a. 9.

15 SECTION 4. 51.06 (1) (intro.) of the statutes is renumbered 51.06 (1) and
 16 amended to read:

17 51.06 (1) PURPOSE. The purpose of the northern center for developmentally
 18 disabled, central center for developmentally disabled and southern center for
 19 developmentally disabled is to provide services needed by developmentally disabled
 20 citizens of this state ~~which~~ that are otherwise unavailable to them, and to return
 21 ~~such~~ those persons to the community when their needs can be met at the local level.

22 Services to be provided by the department at such centers shall include:

History: 1975 c. 430; 1981 c. 20; 1985 a. 29 ss. 1061 to 1064, 3200 (56); 1985 a. 176; 1991 a. 39; 1993 a. 16; 1995 a. 27 s. 9145 (1); 1997 a. 27, 164; 1999 a. 9.

23 SECTION 5. 51.06 (1m) (intro.) of the statutes is created to read:

(Intro.)

1 51.06 (1m) SERVICES. (Services to be provided by the department at centers for
2 the developmentally disabled shall include:

3 SECTION 6. 51.06 (1) (a) to (d) of the statutes are renumbered 51.06 (1m) (a) to
4 (d).

5 SECTION 7. 51.06 (1r) of the statutes is created to read:

6 51.06 (1r) ALTERNATIVE SERVICES. (a) In addition to services provided under
7 sub. (1m), the department may, when the department determines that community
8 services need to be supplemented, authorize a center for the developmentally
9 disabled to offer short-term residential services, dental and mental health services,
10 physical therapy, psychiatric and psychological services, general medical services,
11 pharmacy services, and orthotics.

12 (b) Services under this subsection may be provided only under contract
13 between the department and a county department under s. 46.215, 46.22, 46.23,
14 51.42 or 51.437, a school district, or another public or private entity within the state
15 to persons referred from those entities, at the discretion of the department. The
16 department shall charge the referring entity all costs associated with providing the
17 services. Unless a referral is made, the department may not offer services under this
18 subsection to the person who is to receive the services or to his or her family. The
19 department may not impose a charge for services under this subsection upon the
20 person receiving the services or upon his or her family. Any revenues received under
21 this subsection shall be credited to the appropriation account under s. 20.435 (4) (jd).

22 (c) 1. Services under this subsection are governed by subchapter XVI of ch. 48
23 and ss. 50.03, 50.032, 50.033, 50.034 (1) to (3), 50.035, 50.04, 50.09, 51.04, 51.42 (7)
24 (b), and 51.61, for the application of which the services shall be considered to be
25 provided by a private entity, by rules promulgated under those statutes, and by the

1 terms of the contract between the department, except that, in the event of a conflict
 2 between the contractual terms and the statutes or rules, the services shall comply
 3 with the contractual, statutory, or rules provision that is most protective of the
 4 service recipient's health, safety, welfare, or rights.

5 2. Sections 46.03 (18), 46.10, 51.15 (2), 51.20 (13) (c) 1., and 51.42 (3) (as) and
 6 zoning or other ordinances or regulations of the county, city, town, or village in which
 7 the services are provided or the facility is located do not apply to the services under
 8 this subsection.

9 3. The department may not be required, by court order or otherwise, to offer
 10 services under this subsection.

11 (d) A residential facility operated by a center for the developmentally disabled
 12 that is authorized by the department under this subsection may not be considered
 13 to be a hospital, as defined in s. 50.33 (2), an inpatient facility, a state treatment
 14 facility, or a treatment facility.

Insert
6-14

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delete
extra
lines

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(END)

D-NOTE

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0424/?dn

DAK ~~...~~

mt
+
jld

To Sue Jablonsky and Ellen Hadidian:

Please review this draft very carefully. I have incorporated most of s. 46.043 in s. 51.06 (1r). ✓

Debra A. Kennedy
Managing Attorney
Phone: (608) 266-0137
E-mail: debra.kennedy@legis.state.wi.us

Section #. 46.10 (8m) (b) 2. of the statutes is amended to read:

(1m)

46.10 (8m) (b) 2. Paragraph (a) 2. and 4. does not apply to services provided under s. 51.06 (1) (d) that are billed under s. 51.437 (4m) (c) 2m. and does not apply to treatment and services provided under s. 51.42 (3) (aw) 1. d.

History: 1971 c. 125; 1971 c. 213 s. 5; 1973 c. 90 ss. 223, 223m, 560 (3); 1973 c. 198, 333; 1975 c. 39 ss. 347 to 350, 734; 1975 c. 41, 94; 1975 c. 189 s. 99 (2); 1975 c. 198, 199, 224; 1975 c. 413 s. 18; 1975 c. 428; 1975 c. 430 ss. 6, 80; 1977 c. 29, 203; 1977 c. 418 ss. 294 to 295, 924 (50), 929 (18); 1977 c. 428; 1977 c. 447 s. 206; 1977 c. 449 ss. 75, 497; 1979 c. 34; 1979 c. 102 ss. 236 (4), 237; 1979 c. 117, 221, 331; 1981 c. 20 ss. 755 to 758, 2202 (20) (i), (n); 1981 c. 81; 1983 a. 27 ss. 955m, 2202 (20); 1985 a. 29, 176, 281, 332; 1987 a. 307; 1989 a. 31, 56, 96, 212; 1991 a. 39, 221, 315, 316; 1993 a. 16, 27, 385, 437, 446, 479, 481; 1995 a. 27 ss. 2054, 2055, 9130 (4); 1995 a. 77, 224, 404; 1997 a. 3, 27, 35, 237, 308; 1999 a. 9, 103.

Handwritten signature and "INS 4-14" with a large arrow pointing to the right.

Section #. 49.45 (30m) of the statutes is amended to read:

(1m)

49.45 (30m) CERTAIN SERVICES FOR DEVELOPMENTALLY DISABLED. A county shall provide the portion of the services under s. 51.06 ~~(1)~~(d) to individuals who are eligible for medical assistance that is not provided by the federal government.

History: 1971 c. 40 s. 93; 1971 c. 42, 125; 1971 c. 213 s. 5; 1971 c. 215, 217, 307; 1973 c. 62, 90, 147; 1973 c. 333 ss. 106g, 106h, 106j, 201w; 1975 c. 39; 1975 c. 223 s. 28; 1975 c. 224 ss. 54h, 56 to 59m; 1975 c. 383 s. 4; 1975 c. 411; 1977 c. 29, 418; 1979 c. 34 ss. 837f to 838, 2102 (20) (a); 1979 c. 102, 177, 221, 355; 1981 c. 20 ss. 839 to 854, 2202 (20) (r); 1981 c. 93, 317; 1983 a. 27 ss. 1046 to 1062m, 2200 (42); 1983 a. 245, 447, 527; 1985 a. 29 ss. 1026m to 1031d, 3200 (23), (56), 3202 (27); 1985 a. 120, 176, 269; 1985 a. 332 ss. 91, 251 (5), 253; 1985 a. 340; 1987 a. 27 ss. 989r to 1000s, 2247, 3202 (24); 1987 a. 186, 307, 339, 399; 1987 a. 403 s. 256; 1987 a. 413; 1989 a. 6; 1989 a. 31 ss. 1402 to 1452g, 2909g, 2909i; 1989 a. 107, 173, 310, 336, 351, 359; 1991 a. 22, 39, 80, 250, 269, 315, 316; 1993 a. 16 ss. 1362g to 1403, 3883; 1993 a. 27, 107, 112, 183, 212, 246, 269, 335, 356, 437, 446, 469; 1995 a. 20; 1995 a. 27 ss. 2947 to 3002r, 7299, 9126 (19), 9130 (4), 9145 (1); 1995 a. 191, 216, 225, 289, 303, 398, 417, 457; 1997 a. 3, 13, 27, 114, 175, 191, 237, 252, 293; 1999 a. 9, 63, 103, 180, 185.

End of INS 4-14

Section #. 51.437 (4rm) (c) 2m. of the statutes is amended to read:

(1m)

51.437 (4rm) (c) 2m. Bill the county department of developmental disabilities services for services provided under s. 51.06 (1) (d) to individuals who are eligible for medical assistance that are not provided by the federal government, using the procedure established under subd. 1.

History: 1971 c. 307, 322; 1973 c. 90, 333; 1975 c. 39, 199, 430; 1977 c. 26 ss. 39, 75; 1977 c. 29; 1977 c. 354 s. 101; 1977 c. 418; 1977 c. 428 s. 85, 86, 115; 1979 c. 32, 117, 221, 330, 355; 1981 c. 20, 93, 329; 1983 a. 27, 365, 375, 524; 1985 a. 29 ss. 1094 to 1105m, 3200 (56) (a); 1985 a. 120, 176, 307, 332; 1987 a. 27; 1989 a. 31, 56, 107, 262; 1991 a. 39, 274, 315; 1993 a. 16, 83; 1995 a. 27 ss. 3266m, 9116 (5), 9126 (19), 9145 (1); 1995 a. 64, 77, 92, 201, 225, 352, 417; 1997 a. 27, 35, 164, 252; 1999 a. 9.

End of INS 6-14

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0424/1dn
DAK:hmh&jld:pg

October 3, 2000

To Sue Jablonsky and Ellen Hadidian:

Please review this draft very carefully. I have incorporated most of s. 46.043 in s. 51.06 (1r).

Debora A. Kennedy
Managing Attorney
Phone: (608) 266-0137
E-mail: debora.kennedy@legis.state.wi.us

10/3 From Sue Jablonsky

- 0424/1

Redraft to place new appropriation in 20.435(2)

SOON - 2u edit 10/4

2001 - 2002 LEGISLATURE

D-NOTE

LRB-0424/2

DAK:hmh&jld

stays

DOA:.....Jablonsky - Alternate services at developmentally disabled centers
FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

Do Not go

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau
HEALTH AND HUMAN SERVICES

MENTAL ILLNESS AND DEVELOPMENTAL DISABILITIES

Under current law, DHFS may authorize the Mendota Mental Health Institute and the Winnebago Mental Health Institute to provide services other than inpatient mental health services, under contracts with public or private entities, when DHFS determines that there is a need for community services to be supplemented. Payments for these services are credited to a program revenue appropriation and are used to provide the services. Also under current law, the Northern Center for the Developmentally Disabled, Southern Center for the Developmentally Disabled, and Central Center for the Developmentally Disabled are operated by DHFS to provide various services to persons with developmental disability and to return those persons to the community when their needs can be met at the local level.

This bill authorizes DHFS to allow a center for the developmentally disabled to offer, when DHFS determines that community services need to be supplemented, short-term residential services, dental and mental health services, physical therapy, psychiatric and psychological services, general medical services, pharmacy services, and orthotics. These services may be provided only under a contract between DHFS and specified entities, to persons who are referred by the entity. Further, the services are governed by the terms of the contract or by statutes or administrative rules that regulate facilities, govern certain mental health services, and provide mental health

patient rights. In the event of a conflict between contract provisions and these statutes or rules, the services must comply with the contractual, statutory, or rules provision that is most protective of the health, safety, welfare, or rights of the recipient of the services, as determined by the center for the developmentally disabled. Specified mental health statutes, including emergency detention and commitment laws, and zoning and other county, city, town, or village ordinances, do not apply to provision of the services.

The bill creates a continuing appropriation of program revenue, to which payments for outpatient services provided by mental health institutes and payments for alternative services provided by centers for the developmentally disabled must be credited, and which is used for provision of the services.

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. 20.435 (2) (gk) of the statutes is amended to read:

2 20.435 (2) (gk) *Institutional operations and charges.* The amounts in the
3 schedule for care, other than under s. 51.06 (1r), provided by the centers for the
4 developmentally disabled, to reimburse the cost of providing the services and to
5 remit any credit balances to county departments that occur on and after
6 July 1, 1978, in accordance with s. 51.437 (4rm) (c); for care, other than under s.
7 46.043, provided by the mental health institutes, to reimburse the cost of providing
8 the services and to remit any credit balances to county departments that occur on and
9 after January 1, 1979, in accordance with s. 51.42 (3) (as) 2.; for maintenance of
10 state-owned housing at centers for the developmentally disabled and mental health
11 institutes; for repair or replacement of property damaged at the mental health
12 institutes or at centers for the developmentally disabled; and for reimbursing the
13 total cost of using, producing and providing services, products and care. All moneys
14 received as payments from medical assistance on and after August 1, 1978; as
15 payments from all other sources including other payments under s. 46.10 and

1 payments under s. 51.437 (4rm) (c) received on and after July 1, 1978; as medical
 2 assistance payments, other payments under s. 46.10 and payments under s. 51.42
 3 (3) (as) 2. received on and after January 1, 1979; ~~as payments under s. 46.043~~; as
 4 payments for the rental of state-owned housing and other institutional facilities at
 5 centers for the developmentally disabled and mental health institutes; for the sale
 6 of electricity, steam or chilled water; as payments in restitution of property damaged
 7 at the mental health institutes or at centers for the developmentally disabled; for the
 8 sale of surplus property, including vehicles, at the mental health institutes or at
 9 centers for the developmentally disabled; and for other services, products and care
 10 shall be credited to this appropriation, except that any payment under s. 46.10
 11 received for the care or treatment of patients admitted under s. 51.10, 51.15 or 51.20
 12 for which the state is liable under s. 51.05 (3), of patients admitted under s. 55.06 (9)
 13 (d) or (e) for which the state is liable under s. 55.05 (1), of forensic patients committed
 14 under ch. 971 or 975, admitted under ch. 975 or transferred under s. 51.35 (3) or of
 15 patients transferred from a state prison under s. 51.37 (5), to Mendota mental health
 16 institute or Winnebago mental health institute shall be treated as general purpose
 17 revenue — earned, as defined under s. 20.001 (4). (2) (j)

18 SECTION 2. 20.435 ~~(4)(d)~~ of the statutes is created to read:

19 20.435 ~~(4)(d)~~ *(Alternative services of institutes and centers)*. All moneys
 20 received as payments for services provided under ss. 46.043 and 51.06 (1r), for the
 21 purpose of providing those services.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

22 SECTION 3. 46.043 (2) of the statutes is amended to read:

1 46.043 (2) Services under this section may be provided only under contract
2 between the department and a county department under s. 46. 215, 46.22 or 46.23,
3 a school district or another public or private entity within the state to persons
4 referred from those entities, at the discretion of the department. The department
5 shall charge the referring entity all costs associated with providing the services.
6 Unless a referral is made, the department may not offer services under this section
7 to the person who is to receive the services or his or her family. The department may
8 not impose a charge for services under this section upon the person receiving the
9 services or his or her family. The department shall credit any revenues received
10 under this section to the appropriation account under s. 20.435 (2) (gk) ~~(4)(j)~~.

11 SECTION 4. 46.10 (8m) (b) 2. of the statutes is amended to read:

12 46.10 (8m) (b) 2. Paragraph (a) 2. and 4. does not apply to services provided
13 under s. 51.06 (1) (1m) (d) that are billed under s. 51.437 (4rm) (c) 2m. and does not
14 apply to treatment and services provided under s. 51.42 (3) (aw) 1. d.

15 SECTION 5. 49.45 (30m) of the statutes is amended to read:

16 49.45 (30m) CERTAIN SERVICES FOR DEVELOPMENTALLY DISABLED. A county shall
17 provide the portion of the services under s. 51.06 (1) (1m) (d) to individuals who are
18 eligible for medical assistance that is not provided by the federal government.

19 SECTION 6. 51.06 (1) (intro.) of the statutes is renumbered 51.06 (1) and
20 amended to read:

21 51.06 (1) PURPOSE. The purpose of the northern center for developmentally
22 disabled, central center for developmentally disabled and southern center for
23 developmentally disabled is to provide services needed by developmentally disabled
24 citizens of this state ~~which~~ that are otherwise unavailable to them, and to return

restore
to
PLAIN

(j)

1 such those persons to the community when their needs can be met at the local level.

2 ~~Services to be provided by the department at such centers shall include:~~

3 SECTION 7. 51.06 (1) (a) to (d) of the statutes are renumbered 51.06 (1m) (a) to
4 (d).

5 SECTION 8. 51.06 (1m) (intro.) of the statutes is created to read:

6 51.06 (1m) SERVICES. (intro.) Services to be provided by the department at
7 centers for the developmentally disabled shall include:

8 SECTION 9. 51.06 (1r) of the statutes is created to read:

9 51.06 (1r) ALTERNATIVE SERVICES. (a) In addition to services provided under
10 sub. (1m), the department may, when the department determines that community
11 services need to be supplemented, authorize a center for the developmentally
12 disabled to offer short-term residential services, dental and mental health services,
13 physical therapy, psychiatric and psychological services, general medical services,
14 pharmacy services, and orthotics.

15 (b) Services under this subsection may be provided only under contract
16 between the department and a county department under s. 46.215, 46.22, 46.23,
17 51.42, or 51.437, a school district, or another public or private entity within the state
18 to persons referred from those entities, at the discretion of the department. The
19 department shall charge the referring entity all costs associated with providing the
20 services. Unless a referral is made, the department may not offer services under this
21 subsection to the person who is to receive the services or to his or her family. The
22 department may not impose a charge for services under this subsection upon the
23 person receiving the services or upon his or her family. Any revenues received under
24 this subsection shall be credited to the appropriation account under s. 20.435 ~~(4)(a)~~.

(2)(j)

1 (c) 1. Services under this subsection are governed by subchapter XVI of ch. 48
2 and ss. 50.03, 50.032, 50.033, 50.034 (1) to (3), 50.035, 50.04, 50.09, 51.04, 51.42 (7)
3 (b), and 51.61, for the application of which the services shall be considered to be
4 provided by a private entity, by rules promulgated under those statutes, and by the
5 terms of the contract between the department, except that, in the event of a conflict
6 between the contractual terms and the statutes or rules, the services shall comply
7 with the contractual, statutory, or rules provision that is most protective of the
8 service recipient's health, safety, welfare, or rights.

9 2. Sections 46.03 (18), 46.10, 51.15 (2), 51.20 (13) (c) 1., and 51.42 (3) (as) and
10 zoning or other ordinances or regulations of the county, city, town, or village in which
11 the services are provided or the facility is located do not apply to the services under
12 this subsection.

13 3. The department may not be required, by court order or otherwise, to offer
14 services under this subsection.

15 (d) A residential facility operated by a center for the developmentally disabled
16 that is authorized by the department under this subsection may not be considered
17 to be a hospital, as defined in s. 50.33 (2), an inpatient facility, a state treatment
18 facility, or a treatment facility.

19 **SECTION 10.** 51.437 (4rm) (c) 2m. of the statutes is amended to read:

20 51.437 (4rm) (c) 2m. Bill the county department of developmental disabilities
21 services for services provided under s. 51.06 (1) (1m) (d) to individuals who are
22 eligible for medical assistance that are not provided by the federal government, using
23 the procedure established under subd. 1.

24 (END)

D-NOTE

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0424/2dn
DAK.lmh&jld.pg
Stays↑

Schedule

To Sue Jablonsky and Ellen Hadidian:

This redraft renumbers the appropriation that was created in the ~~01~~⁰²-0424/1 draft as s. 20.435 (4) (jd) to be s. 20.435 (2) (j).

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~~01~~ LRB*

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0424/2dn
DAK:hmh&jld:km

October 4, 2000

To Sue Jablonsky and Ellen Hadidian:

This redraft rennumbers the appropriation that was created in the LRB-0424/1 draft as s. 20.435 (4) (jd) to be s. 20.435 (2) (j).

Debora A. Kennedy
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-424

11/16/00 From Sen Jablonsky.

Make continued appropriation an annual
appropriation.



300N - Inedit 11/16
State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-0424/23
DAK:hmb&jld:lk

DOA:.....Jablonsky - Alternate services at developmentally disabled centers

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

1 AN ACT ~~...;~~ relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MENTAL ILLNESS AND DEVELOPMENTAL DISABILITIES

Under current law, DHFS may authorize the Mendota Mental Health Institute and the Winnebago Mental Health Institute to provide services other than inpatient mental health services, under contracts with public or private entities, when DHFS determines that there is a need for community services to be supplemented. Payments for these services are credited to a program revenue appropriation and are used to provide the services. Also under current law, the Northern Center for the Developmentally Disabled, Southern Center for the Developmentally Disabled, and Central Center for the Developmentally Disabled are operated by DHFS to provide various services to persons with developmental disability and to return those persons to the community when their needs can be met at the local level.

This bill authorizes DHFS to allow a center for the developmentally disabled to offer, when DHFS determines that community services need to be supplemented, short-term residential services, dental and mental health services, physical therapy, psychiatric and psychological services, general medical services, pharmacy services, and orthotics. These services may be provided only under a contract between DHFS and specified entities, to persons who are referred by the entity. Further, the services are governed by the terms of the contract or by statutes or administrative rules that regulate facilities, govern certain mental health services, and provide mental health

patient rights. In the event of a conflict between contract provisions and these statutes or rules, the services must comply with the contractual, statutory, or rules provision that is most protective of the health, safety, welfare, or rights of the recipient of the services, as determined by the center for the developmentally disabled. Specified mental health statutes, including emergency detention and commitment laws, and zoning and other county, city, town, or village ordinances, do not apply to provision of the services.

The bill creates ~~an annual~~ ^{an annual} appropriation of program revenue, to which payments for outpatient services provided by mental health institutes and payments for alternative services provided by centers for the developmentally disabled must be credited, and which is used for provision of the services.

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.** 20.435 (2) (gk) of the statutes is amended to read:

2 20.435 (2) (gk) *Institutional operations and charges.* The amounts in the
3 schedule for care, other than under s. 51.06 (1r), provided by the centers for the
4 developmentally disabled, to reimburse the cost of providing the services and to
5 remit any credit balances to county departments that occur on and after
6 July 1, 1978, in accordance with s. 51.437 (4rm) (c); for care, other than under s.
7 46.043, provided by the mental health institutes, to reimburse the cost of providing
8 the services and to remit any credit balances to county departments that occur on and
9 after January 1, 1979, in accordance with s. 51.42 (3) (as) 2.; for maintenance of
10 state-owned housing at centers for the developmentally disabled and mental health
11 institutes; for repair or replacement of property damaged at the mental health
12 institutes or at centers for the developmentally disabled; and for reimbursing the
13 total cost of using, producing and providing services, products and care. All moneys
14 received as payments from medical assistance on and after August 1, 1978; as
15 payments from all other sources including other payments under s. 46.10 and

1 payments under s. 51.437 (4rm) (c) received on and after July 1, 1978; as medical
 2 assistance payments, other payments under s. 46.10 and payments under s. 51.42
 3 (3) (as) 2. received on and after January 1, 1979; ~~as payments under s. 46.043~~; as
 4 payments for the rental of state-owned housing and other institutional facilities at
 5 centers for the developmentally disabled and mental health institutes; for the sale
 6 of electricity, steam or chilled water; as payments in restitution of property damaged
 7 at the mental health institutes or at centers for the developmentally disabled; for the
 8 sale of surplus property, including vehicles, at the mental health institutes or at
 9 centers for the developmentally disabled; and for other services, products and care
 10 shall be credited to this appropriation, except that any payment under s. 46.10
 11 received for the care or treatment of patients admitted under s. 51.10, 51.15 or 51.20
 12 for which the state is liable under s. 51.05 (3), of patients admitted under s. 55.06 (9)
 13 (d) or (e) for which the state is liable under s. 55.05 (1), of forensic patients committed
 14 under ch. 971 or 975, admitted under ch. 975 or transferred under s. 51.35 (3) or of
 15 patients transferred from a state prison under s. 51.37 (5), to Mendota mental health
 16 institute or Winnebago mental health institute shall be treated as general purpose
 17 revenue — earned, as defined under s. 20.001 (4).

The amounts in the schedule to provide services

SECTION 2. 20.435 (2) (j) of the statutes is created to read:

20.435 (2) (j) *Alternative services of institutes and centers.* ~~All moneys received as payments for services provided under ss. 46.043 and 51.06 (1r), for the purpose of providing those services.~~

All moneys received as payments for services under ^{s.} 46.043 and 51.06 (1r)

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 3. 46.043 (2) of the statutes is amended to read:

shall be credited to this appropriation account.

22

1 46.043 (2) Services under this section may be provided only under contract
2 between the department and a county department under s. 46. 215, 46.22 or 46.23,
3 a school district or another public or private entity within the state to persons
4 referred from those entities, at the discretion of the department. The department
5 shall charge the referring entity all costs associated with providing the services.
6 Unless a referral is made, the department may not offer services under this section
7 to the person who is to receive the services or his or her family. The department may
8 not impose a charge for services under this section upon the person receiving the
9 services or his or her family. The department shall credit any revenues received
10 under this section to the appropriation account under s. 20.435 (2) (~~gk~~) (j).

11 **SECTION 4.** 46.10 (8m) (b) 2. of the statutes is amended to read:

12 46.10 (8m) (b) 2. Paragraph (a) 2. and 4. does not apply to services provided
13 under s. 51.06 (1) (1m) (d) that are billed under s. 51.437 (4m) (c) 2m. and does not
14 apply to treatment and services provided under s. 51.42 (3) (aw) 1. d.

15 **SECTION 5.** 49.45 (30m) of the statutes is amended to read:

16 49.45 (30m) CERTAIN SERVICES FOR DEVELOPMENTALLY DISABLED. A county shall
17 provide the portion of the services under s. 51.06 (1) (1m) (d) to individuals who are
18 eligible for medical assistance that is not provided by the federal government.

19 **SECTION 6.** 51.06 (1) (intro.) of the statutes is renumbered 51.06 (1) and
20 amended to read:

21 51.06 (1) PURPOSE. The purpose of the northern center for developmentally
22 disabled, central center for developmentally disabled and southern center for
23 developmentally disabled is to provide services needed by developmentally disabled
24 citizens of this state ~~which that~~ are otherwise unavailable to them, and to return

1 such those persons to the community when their needs can be met at the local level.

2 ~~Services to be provided by the department at such centers shall include:~~

3 **SECTION 7.** 51.06 (1) (a) to (d) of the statutes are renumbered 51.06 (1m) (a) to
4 (d).

5 **SECTION 8.** 51.06 (1m) (intro.) of the statutes is created to read:

6 **51.06 (1m) SERVICES.** (intro.) Services to be provided by the department at
7 centers for the developmentally disabled shall include:

8 **SECTION 9.** 51.06 (1r) of the statutes is created to read:

9 **51.06 (1r) ALTERNATIVE SERVICES.** (a) In addition to services provided under
10 sub. (1m), the department may, when the department determines that community
11 services need to be supplemented, authorize a center for the developmentally
12 disabled to offer short-term residential services, dental and mental health services,
13 physical therapy, psychiatric and psychological services, general medical services,
14 pharmacy services, and orthotics.

15 (b) Services under this subsection may be provided only under contract
16 between the department and a county department under s. 46.215, 46.22, 46.23,
17 51.42, or 51.437, a school district, or another public or private entity within the state
18 to persons referred from those entities, at the discretion of the department. The
19 department shall charge the referring entity all costs associated with providing the
20 services. Unless a referral is made, the department may not offer services under this
21 subsection to the person who is to receive the services or to his or her family. The
22 department may not impose a charge for services under this subsection upon the
23 person receiving the services or upon his or her family. Any revenues received under
24 this subsection shall be credited to the appropriation account under s. 20.435 (2) (j).

1 (c) 1. Services under this subsection are governed by subchapter XVI of ch. 48
2 and ss. 50.03, 50.032, 50.033, 50.034 (1) to (3), 50.035, 50.04, 50.09, 51.04, 51.42 (7)
3 (b), and 51.61, for the application of which the services shall be considered to be
4 provided by a private entity, by rules promulgated under those statutes, and by the
5 terms of the contract between the department, except that, in the event of a conflict
6 between the contractual terms and the statutes or rules, the services shall comply
7 with the contractual, statutory, or rules provision that is most protective of the
8 service recipient's health, safety, welfare, or rights.

9 2. Sections 46.03 (18), 46.10, 51.15 (2), 51.20 (13) (c) 1., and 51.42 (3) (as) and
10 zoning or other ordinances or regulations of the county, city, town, or village in which
11 the services are provided or the facility is located do not apply to the services under
12 this subsection.

13 3. The department may not be required, by court order or otherwise, to offer
14 services under this subsection.

15 (d) A residential facility operated by a center for the developmentally disabled
16 that is authorized by the department under this subsection may not be considered
17 to be a hospital, as defined in s. 50.33 (2), an inpatient facility, a state treatment
18 facility, or a treatment facility.

19 **SECTION 10.** 51.437 (4rm) (c) 2m. of the statutes is amended to read:

20 51.437 (~~4rm~~) (c) 2m. Bill the county department of developmental disabilities
21 services for services provided under s. 51.06 (~~4~~) (1m) (d) to individuals who are
22 eligible for medical assistance that are not provided by the federal government, using
23 the procedure established under subd. 1.

24 (END)

1/23/01 From Sue Gablonsky:

Redraft - 0424/3

Change approp. to (2) (g)



DOA:.....Jablonsky - Alternate services at developmentally disabled centers
FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

1 *Do not gen*
AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau
HEALTH AND HUMAN SERVICES

MENTAL ILLNESS AND DEVELOPMENTAL DISABILITIES

Under current law, DHFS may authorize the Mendota Mental Health Institute and the Winnebago Mental Health Institute to provide services other than inpatient mental health services, under contracts with public or private entities, when DHFS determines that there is a need for community services to be supplemented. Payments for these services are credited to a program revenue appropriation and are used to provide the services. Also under current law, the Northern Center for the Developmentally Disabled, Southern Center for the Developmentally Disabled, and Central Center for the Developmentally Disabled are operated by DHFS to provide various services to persons with developmental disability and to return those persons to the community when their needs can be met at the local level.

This bill authorizes DHFS to allow a center for the developmentally disabled to offer, when DHFS determines that community services need to be supplemented, short-term residential services, dental and mental health services, physical therapy, psychiatric and psychological services, general medical services, pharmacy services, and orthotics. These services may be provided only under a contract between DHFS and specified entities, to persons who are referred by the entity. Further, the services are governed by the terms of the contract or by statutes or administrative rules that regulate facilities, govern certain mental health services, and provide mental health

patient rights. In the event of a conflict between contract provisions and these statutes or rules, the services must comply with the contractual, statutory, or rules provision that is most protective of the health, safety, welfare, or rights of the recipient of the services, as determined by the center for the developmentally disabled. Specified mental health statutes, including emergency detention and commitment laws, and zoning and other county, city, town, or village ordinances, do not apply to provision of the services.

The bill creates an annual appropriation of program revenue, to which payments for outpatient services provided by mental health institutes and payments for alternative services provided by centers for the developmentally disabled must be credited, and which is used for provision of the services.

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.** 20.435 (2) (gk) of the statutes is amended to read:

2 20.435 (2) (gk) *Institutional operations and charges.* The amounts in the
3 schedule for care, other than under s. 51.06 (1r), provided by the centers for the
4 developmentally disabled, to reimburse the cost of providing the services and to
5 remit any credit balances to county departments that occur on and after
6 July 1, 1978, in accordance with s. 51.437 (4rm) (c); for care, other than under s.
7 46.043, provided by the mental health institutes, to reimburse the cost of providing
8 the services and to remit any credit balances to county departments that occur on and
9 after January 1, 1979, in accordance with s. 51.42 (3) (as) 2.; for maintenance of
10 state-owned housing at centers for the developmentally disabled and mental health
11 institutes; for repair or replacement of property damaged at the mental health
12 institutes or at centers for the developmentally disabled; and for reimbursing the
13 total cost of using, producing and providing services, products and care. All moneys
14 received as payments from medical assistance on and after August 1, 1978; as
15 payments from all other sources including other payments under s. 46.10 and

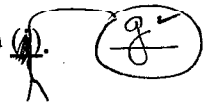
1 payments under s. 51.437 (4rm) (c) received on and after July 1, 1978; as medical
 2 assistance payments, other payments under s. 46.10 and payments under s. 51.42
 3 (3) (as) 2. received on and after January 1, 1979; ~~as payments under s. 46.043~~; as
 4 payments for the rental of state-owned housing and other institutional facilities at
 5 centers for the developmentally disabled and mental health institutes; for the sale
 6 of electricity, steam or chilled water; as payments in restitution of property damaged
 7 at the mental health institutes or at centers for the developmentally disabled; for the
 8 sale of surplus property, including vehicles, at the mental health institutes or at
 9 centers for the developmentally disabled; and for other services, products and care
 10 shall be credited to this appropriation, except that any payment under s. 46.10
 11 received for the care or treatment of patients admitted under s. 51.10, 51.15 or 51.20
 12 for which the state is liable under s. 51.05 (3), of patients admitted under s. 55.06 (9)
 13 (d) or (e) for which the state is liable under s. 55.05 (1), of forensic patients committed
 14 under ch. 971 or 975, admitted under ch. 975 or transferred under s. 51.35 (3) or of
 15 patients transferred from a state prison under s. 51.37 (5), to Mendota mental health
 16 institute or Winnebago mental health institute shall be treated as general purpose
 17 revenue — earned, as defined under s. 20.001 (4).

18 **SECTION 2.** 20.435 (2) ~~(3)~~ of the statutes is created to read:

19 20.435 (2) ~~(3)~~ *Alternative services of institutes and centers.* The amounts in the
 20 schedule to provide services under ss. 46.043 and 51.06 (1r). All moneys received as
 21 payments for services under ss. 46.043 and 51.06 (1r) shall be credited to this
 22 appropriation account.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

23 **SECTION 3.** 46.043 (2) of the statutes is amended to read:

1 46.043 (2) Services under this section may be provided only under contract
2 between the department and a county department under s. 46. 215, 46.22 or 46.23,
3 a school district or another public or private entity within the state to persons
4 referred from those entities, at the discretion of the department. The department
5 shall charge the referring entity all costs associated with providing the services.
6 Unless a referral is made, the department may not offer services under this section
7 to the person who is to receive the services or his or her family. The department may
8 not impose a charge for services under this section upon the person receiving the
9 services or his or her family. The department shall credit any revenues received
10 under this section to the appropriation account under s. 20.435 (2) (gk) (1). 

11 **SECTION 4.** 46.10 (8m) (b) 2. of the statutes is amended to read:

12 46.10 (8m) (b) 2. Paragraph (a) 2. and 4. does not apply to services provided
13 under s. 51.06 (1) (1m) (d) that are billed under s. 51.437 (4m) (c) 2m. and does not
14 apply to treatment and services provided under s. 51.42 (3) (aw) 1. d.

15 **SECTION 5.** 49.45 (30m) of the statutes is amended to read:

16 49.45 (30m) CERTAIN SERVICES FOR DEVELOPMENTALLY DISABLED. A county shall
17 provide the portion of the services under s. 51.06 (1) (1m) (d) to individuals who are
18 eligible for medical assistance that is not provided by the federal government.

19 **SECTION 6.** 51.06 (1) (intro.) of the statutes is renumbered 51.06 (1) and
20 amended to read:

21 51.06 (1) PURPOSE. The purpose of the northern center for developmentally
22 disabled, central center for developmentally disabled and southern center for
23 developmentally disabled is to provide services needed by developmentally disabled
24 citizens of this state ~~which~~ that are otherwise unavailable to them, and to return

1 ~~such~~ those persons to the community when their needs can be met at the local level.

2 ~~Services to be provided by the department at such centers shall include:~~

3 **SECTION 7.** 51.06 (1) (a) to (d) of the statutes are renumbered 51.06 (1m) (a) to
4 (d).

5 **SECTION 8.** 51.06 (1m) (intro.) of the statutes is created to read:

6 51.06 (1m) SERVICES. (intro.) Services to be provided by the department at
7 centers for the developmentally disabled shall include:

8 **SECTION 9.** 51.06 (1r) of the statutes is created to read:

9 51.06 (1r) ALTERNATIVE SERVICES. (a) In addition to services provided under
10 sub. (1m), the department may, when the department determines that community
11 services need to be supplemented, authorize a center for the developmentally
12 disabled to offer short-term residential services, dental and mental health services,
13 physical therapy, psychiatric and psychological services, general medical services,
14 pharmacy services, and orthotics.

15 (b) Services under this subsection may be provided only under contract
16 between the department and a county department under s. 46.215, 46.22, 46.23,
17 51.42, or 51.437, a school district, or another public or private entity within the state
18 to persons referred from those entities, at the discretion of the department. The
19 department shall charge the referring entity all costs associated with providing the
20 services. Unless a referral is made, the department may not offer services under this
21 subsection to the person who is to receive the services or to his or her family. The
22 department may not impose a charge for services under this subsection upon the
23 person receiving the services or upon his or her family. Any revenues received under
24 this subsection shall be credited to the appropriation account under s. 20.435 (2) (g).

1 (c) 1. Services under this subsection are governed by subchapter XVI of ch. 48
2 and ss. 50.03, 50.032, 50.033, 50.034 (1) to (3), 50.035, 50.04, 50.09, 51.04, 51.42 (7)
3 (b), and 51.61, for the application of which the services shall be considered to be
4 provided by a private entity, by rules promulgated under those statutes, and by the
5 terms of the contract between the department, except that, in the event of a conflict
6 between the contractual terms and the statutes or rules, the services shall comply
7 with the contractual, statutory, or rules provision that is most protective of the
8 service recipient's health, safety, welfare, or rights.

9 2. Sections 46.03 (18), 46.10, 51.15 (2), 51.20 (13) (c) 1., and 51.42 (3) (as) and
10 zoning or other ordinances or regulations of the county, city, town, or village in which
11 the services are provided or the facility is located do not apply to the services under
12 this subsection.

13 3. The department may not be required, by court order or otherwise, to offer
14 services under this subsection.

15 (d) A residential facility operated by a center for the developmentally disabled
16 that is authorized by the department under this subsection may not be considered
17 to be a hospital, as defined in s. 50.33 (2), an inpatient facility, a state treatment
18 facility, or a treatment facility.

19 **SECTION 10.** 51.437 (4rm) (c) 2m. of the statutes is amended to read:

20 51.437 (~~4rm~~) (c) 2m. Bill the county department of developmental disabilities
21 services for services provided under s. 51.06 (~~1~~) (1m) (d) to individuals who are
22 eligible for medical assistance that are not provided by the federal government, using
23 the procedure established under subd. 1.

24 (END)



(TODAY)
State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-0424/5

DAK:hmh&jld:pg
stays

D-NOTE

DOA:.....Jablonsky – Alternate services at developmentally disabled centers

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

1 *Do not get*
AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MENTAL ILLNESS AND DEVELOPMENTAL DISABILITIES

Under current law, DHFS may authorize the Mendota Mental Health Institute and the Winnebago Mental Health Institute to provide services other than inpatient mental health services, under contracts with public or private entities, when DHFS determines that there is a need for community services to be supplemented. Payments for these services are credited to a program revenue appropriation and are used to provide the services. Also under current law, the Northern Center for the Developmentally Disabled, Southern Center for the Developmentally Disabled, and Central Center for the Developmentally Disabled are operated by DHFS to provide various services to persons with developmental disability and to return those persons to the community when their needs can be met at the local level.

This bill authorizes DHFS to allow a center for the developmentally disabled to offer, when DHFS determines that community services need to be supplemented, short-term residential services, dental and mental health services, physical therapy, psychiatric and psychological services, general medical services, pharmacy services, and orthotics. These services may be provided only under a contract between DHFS and specified entities, to persons who are referred by the entity. Further, the services are governed by the terms of the contract or by statutes or administrative rules that regulate facilities, govern certain mental health services, and provide mental health

patient rights. In the event of a conflict between contract provisions and these statutes or rules, the services must comply with the contractual, statutory, or rules provision that is most protective of the health, safety, welfare, or rights of the recipient of the services, as determined by the center for the developmentally disabled. Specified mental health statutes, including emergency detention and commitment laws, and zoning and other county, city, town, or village ordinances, do not apply to provision of the services.

The bill creates an annual appropriation of program revenue, to which payments for outpatient services provided by mental health institutes and payments for alternative services provided by centers for the developmentally disabled must be credited, and which is used for provision of the services.

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.** 20.435 (2) (g) of the statutes is created to read:

2 20.435 (2) (g) *Alternative services of institutes and centers.* The amounts in the
3 schedule to provide services under ss. 46.043 and 51.06 (1r). All moneys received as
4 payments for services under ss. 46.043 and 51.06 (1r) shall be credited to this
5 appropriation account.

 ***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

6 **SECTION 2.** 20.435 (2) (gk) of the statutes is amended to read:

7 20.435 (2) (gk) *Institutional operations and charges.* The amounts in the
8 schedule for care, other than under s. 51.06 (1r), provided by the centers for the
9 developmentally disabled, to reimburse the cost of providing the services and to
10 remit any credit balances to county departments that occur on and after
11 July 1, 1978, in accordance with s. 51.437 (4rm) (c); for care, other than under s.
12 46.043, provided by the mental health institutes, to reimburse the cost of providing
13 the services and to remit any credit balances to county departments that occur on and
14 after January 1, 1979, in accordance with s. 51.42 (3) (as) 2.; for maintenance of

1 state-owned housing at centers for the developmentally disabled and mental health
2 institutes; for repair or replacement of property damaged at the mental health
3 institutes or at centers for the developmentally disabled; and for reimbursing the
4 total cost of using, producing and providing services, products and care. All moneys
5 received as payments from medical assistance on and after August 1, 1978; as
6 payments from all other sources including other payments under s. 46.10 and
7 payments under s. 51.437 (4rm) (c) received on and after July 1, 1978; as medical
8 assistance payments, other payments under s. 46.10 and payments under s. 51.42
9 (3) (as) 2. received on and after January 1, 1979; ~~as payments under s. 46.043~~; as
10 payments for the rental of state-owned housing and other institutional facilities at
11 centers for the developmentally disabled and mental health institutes; for the sale
12 of electricity, steam or chilled water; as payments in restitution of property damaged
13 at the mental health institutes or at centers for the developmentally disabled; for the
14 sale of surplus property, including vehicles, at the mental health institutes or at
15 centers for the developmentally disabled; and for other services, products and care
16 shall be credited to this appropriation, except that any payment under s. 46.10
17 received for the care or treatment of patients admitted under s. 51.10, 51.15 or 51.20
18 for which the state is liable under s. 51.05 (3), of patients admitted under s. 55.06 (9)
19 (d) or (e) for which the state is liable under s. 55.05 (1), of forensic patients committed
20 under ch. 971 or 975, admitted under ch. 975 or transferred under s. 51.35 (3) or of
21 patients transferred from a state prison under s. 51.37 (5), to Mendota mental health
22 institute or Winnebago mental health institute shall be treated as general purpose
23 revenue — earned, as defined under s. 20.001 (4).

24 **SECTION 3.** 46.043 (2) of the statutes is amended to read:

1 46.043 (2) Services under this section may be provided only under contract
2 between the department and a county department under s. 46. 215, 46.22 or 46.23,
3 a school district or another public or private entity within the state to persons
4 referred from those entities, at the discretion of the department. The department
5 shall charge the referring entity all costs associated with providing the services.
6 Unless a referral is made, the department may not offer services under this section
7 to the person who is to receive the services or his or her family. The department may
8 not impose a charge for services under this section upon the person receiving the
9 services or his or her family. The department shall credit any revenues received
10 under this section to the appropriation account under s. 20.435 (2) ~~(gk)~~ (g).

11 **SECTION 4.** 46.10 (8m) (b) 2. of the statutes is amended to read:

12 46.10 (8m) (b) 2. Paragraph (a) 2. and 4. does not apply to services provided
13 under s. 51.06 ~~(1)~~ (1m) (d) that are billed under s. 51.437 (4rm) (c) 2m. and does not
14 apply to treatment and services provided under s. 51.42 (3) (aw) 1. d.

15 **SECTION 5.** 49.45 (30m) of the statutes is amended to read:

16 49.45 (30m) CERTAIN SERVICES FOR DEVELOPMENTALLY DISABLED. A county shall
17 provide the portion of the services under s. 51.06 ~~(1)~~ (1m) (d) to individuals who are
18 eligible for medical assistance that is not provided by the federal government.

19 **SECTION 6.** 51.06 (1) (intro.) of the statutes is renumbered 51.06 (1) and
20 amended to read:

21 51.06 (1) PURPOSE. The purpose of the northern center for developmentally
22 disabled, central center for developmentally disabled and southern center for
23 developmentally disabled is to provide services needed by developmentally disabled
24 citizens of this state ~~which~~ that are otherwise unavailable to them, and to return

1 such those persons to the community when their needs can be met at the local level.

2 ~~Services to be provided by the department at such centers shall include:~~

3 SECTION 7. 51.06 (1) (a) to (d) of the statutes are renumbered 51.06 (1m) (a) to

4 (d). *and 51.06(1m)(d), as renumbered, is amended to read:*

INSERT 5-4A

5 SECTION 8. 51.06 (1m) (intro.) of the statutes is created to read:

6 51.06 (1m) SERVICES. (intro.) Services to be provided by the department at
7 centers for the developmentally disabled shall include:

8 SECTION 9. 51.06 (1r) of the statutes is created to read:

9 51.06 (1r) ALTERNATIVE SERVICES. (a) In addition to services provided under
10 sub. (1m), the department may, when the department determines that community
11 services need to be supplemented, authorize a center for the developmentally
12 disabled to offer short-term residential services, dental and mental health services,
13 physical therapy, psychiatric and psychological services, general medical services,
14 pharmacy services, and orthotics.

15 (b) Services under this subsection may be provided only under contract
16 between the department and a county department under s. 46.215, 46.22, 46.23,
17 51.42, or 51.437, a school district, or another public or private entity within the state
18 to persons referred from those entities, at the discretion of the department. The
19 department shall charge the referring entity all costs associated with providing the
20 services. Unless a referral is made, the department may not offer services under this
21 subsection to the person who is to receive the services or to his or her family. The
22 department may not impose a charge for services under this subsection upon the
23 person receiving the services or upon his or her family. Any revenues received under
24 this subsection shall be credited to the appropriation account under s. 20.435 (2) (g).

INSERT
5-4B

1 (c) 1. Services under this subsection are governed by subchapter XVI of ch. 48
2 and ss. 50.03, 50.032, 50.033, 50.034 (1) to (3), 50.035, 50.04, 50.09, 51.04, 51.42 (7)
3 (b), and 51.61, for the application of which the services shall be considered to be
4 provided by a private entity, by rules promulgated under those statutes, and by the
5 terms of the contract between the department, except that, in the event of a conflict
6 between the contractual terms and the statutes or rules, the services shall comply
7 with the contractual, statutory, or rules provision that is most protective of the
8 service recipient's health, safety, welfare, or rights.

9 2. Sections 46.03 (18), 46.10, 51.15 (2), 51.20 (13) (c) 1., and 51.42 (3) (as) and
10 zoning or other ordinances or regulations of the county, city, town, or village in which
11 the services are provided or the facility is located do not apply to the services under
12 this subsection.

13 3. The department may not be required, by court order or otherwise, to offer
14 services under this subsection.

15 (d) A residential facility operated by a center for the developmentally disabled
16 that is authorized by the department under this subsection may not be considered
17 to be a hospital, as defined in s. 50.33 (2), an inpatient facility, a state treatment
18 facility, or a treatment facility.

19 **SECTION 10.** 51.437 (4rm) (c) 2m. of the statutes is amended to read:

20 51.437 (4rm) (c) 2m. Bill the county department of developmental disabilities
21 services for services provided under s. 51.06 (~~1~~) (1m) (d) to individuals who are
22 eligible for medical assistance that are not provided by the federal government, using
23 the procedure established under subd. 1.

24 (END)

D-NOTE

DOA:.....Jablonsky - Intensive treatment beds at centers for developmentally disabled

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MENTAL ILLNESS AND DEVELOPMENTAL DISABILITIES

INSERT
A

¶ Currently, the state centers for the developmentally disabled must provide services for up to 36 persons with developmental disability who are also diagnosed as mentally ill or who exhibit extremely aggressive and challenging behaviors.

This bill increases to up to 50 the number of persons with developmental disability and mental illness or extreme behaviors that the state centers for the developmentally disabled must serve.

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:

SECTION 1. 51.06 (1) (d) of the statutes is amended to read:

INSERT 5-4 ~~A~~

1 51.06 (1) (d) Services for up to ~~36~~ 50 individuals with developmental disability
2 who are also diagnosed as mentally ill or who exhibit extremely aggressive and
3 challenging behaviors.

(END)

1m ^(B)

**2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0424/5ins
DAK:hmh&jld:pg

INSERT 5-4B

***NOTE: This is reconciled s. 51.06 (1m) (d). This SECTION has been affected by drafts with the following LRB numbers: LRB-0424/4 and LRB-0435/1.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0424/5dn
DAK:hmh/11/11:pg

Date

To Sue Jablonsky:

This draft incorporates the treatment of s. 51.06 (1) (d) (renumbered to s. 51.06 (1m) (d)) from LRB-0435/1. The draft reconciles LRB-0424/4 and LRB-0435/1. It replaces LRB-0435 in the compiled bill.

Debora A. Kennedy
Managing Attorney
Phone: (608) 266-0137
E-mail: debora.kennedy@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0424/5dn
DAK:hmh:rs

February 7, 2001

To Sue Jablonsky:

This draft incorporates the treatment of s. 51.06 (1) (d) (renumbered to s. 51.06 (1m) (d)) from LRB-0435/1. The draft reconciles LRB-0424/4 and LRB-0435/1. It replaces LRB-0435 in the compiled bill.

Debora A. Kennedy
Managing Attorney
Phone: (608) 266-0137
E-mail: debora.kennedy@legis.state.wi.us



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-0424/5
DAK:hmh&jld:rs

DOA:.....Jablonsky – Alternate services at developmentally disabled centers

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MENTAL ILLNESS AND DEVELOPMENTAL DISABILITIES

Under current law, DHFS may authorize the Mendota Mental Health Institute and the Winnebago Mental Health Institute to provide services other than inpatient mental health services, under contracts with public or private entities, when DHFS determines that there is a need for community services to be supplemented. Payments for these services are credited to a program revenue appropriation and are used to provide the services. Also under current law, the Northern Center for the Developmentally Disabled, Southern Center for the Developmentally Disabled, and Central Center for the Developmentally Disabled are operated by DHFS to provide various services to persons with developmental disability and to return those persons to the community when their needs can be met at the local level.

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patient rights. In the event of a conflict between contract provisions and these statutes or rules, the services must comply with the contractual, statutory, or rules provision that is most protective of the health, safety, welfare, or rights of the recipient of the services, as determined by the center for the developmentally disabled. Specified mental health statutes, including emergency detention and commitment laws, and zoning and other county, city, town, or village ordinances, do not apply to provision of the services.

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1 **SECTION 1.** 20.435 (2) (g) of the statutes is created to read:

2 20.435 (2) (g) *Alternative services of institutes and centers.* The amounts in the
3 schedule to provide services under ss. 46.043 and 51.06 (1r). All moneys received as
4 payments for services under ss. 46.043 and 51.06 (1r) shall be credited to this
5 appropriation account.

 ****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

6 **SECTION 2.** 20.435 (2) (gk) of the statutes is amended to read:

7 20.435 (2) (gk) *Institutional operations and charges.* The amounts in the
8 schedule for care, other than under s. 51.06 (1r), provided by the centers for the
9 developmentally disabled, to reimburse the cost of providing the services and to
10 remit any credit balances to county departments that occur on and after
11 July 1, 1978, in accordance with s. 51.437 (4rm) (c); for care, other than under s.

1 46.043, provided by the mental health institutes, to reimburse the cost of providing
2 the services and to remit any credit balances to county departments that occur on and
3 after January 1, 1979, in accordance with s. 51.42 (3) (as) 2.; for maintenance of
4 state-owned housing at centers for the developmentally disabled and mental health
5 institutes; for repair or replacement of property damaged at the mental health
6 institutes or at centers for the developmentally disabled; and for reimbursing the
7 total cost of using, producing and providing services, products and care. All moneys
8 received as payments from medical assistance on and after August 1, 1978; as
9 payments from all other sources including other payments under s. 46.10 and
10 payments under s. 51.437 (4rm) (c) received on and after July 1, 1978; as medical
11 assistance payments, other payments under s. 46.10 and payments under s. 51.42
12 (3) (as) 2. received on and after January 1, 1979; ~~as payments under s. 46.043~~; as
13 payments for the rental of state-owned housing and other institutional facilities at
14 centers for the developmentally disabled and mental health institutes; for the sale
15 of electricity, steam or chilled water; as payments in restitution of property damaged
16 at the mental health institutes or at centers for the developmentally disabled; for the
17 sale of surplus property, including vehicles, at the mental health institutes or at
18 centers for the developmentally disabled; and for other services, products and care
19 shall be credited to this appropriation, except that any payment under s. 46.10
20 received for the care or treatment of patients admitted under s. 51.10, 51.15 or 51.20
21 for which the state is liable under s. 51.05 (3), of patients admitted under s. 55.06 (9)
22 (d) or (e) for which the state is liable under s. 55.05 (1), of forensic patients committed
23 under ch. 971 or 975, admitted under ch. 975 or transferred under s. 51.35 (3) or of
24 patients transferred from a state prison under s. 51.37 (5), to Mendota mental health

SECTION 2

1 institute or Winnebago mental health institute shall be treated as general purpose
2 revenue — earned, as defined under s. 20.001 (4).

3 **SECTION 3.** 46.043 (2) of the statutes is amended to read:

4 46.043 (2) Services under this section may be provided only under contract
5 between the department and a county department under s. 46. 215, 46.22 or 46.23,
6 a school district or another public or private entity within the state to persons
7 referred from those entities, at the discretion of the department. The department
8 shall charge the referring entity all costs associated with providing the services.
9 Unless a referral is made, the department may not offer services under this section
10 to the person who is to receive the services or his or her family. The department may
11 not impose a charge for services under this section upon the person receiving the
12 services or his or her family. The department shall credit any revenues received
13 under this section to the appropriation account under s. 20.435 (2) (~~gk~~) (g).

14 **SECTION 4.** 46.10 (8m) (b) 2. of the statutes is amended to read:

15 46.10 (8m) (b) 2. Paragraph (a) 2. and 4. does not apply to services provided
16 under s. 51.06 (~~1~~) (1m) (d) that are billed under s. 51.437 (4rm) (c) 2m. and does not
17 apply to treatment and services provided under s. 51.42 (3) (aw) 1. d.

18 **SECTION 5.** 49.45 (30m) of the statutes is amended to read:

19 49.45 (30m) CERTAIN SERVICES FOR DEVELOPMENTALLY DISABLED. A county shall
20 provide the portion of the services under s. 51.06 (~~1~~) (1m) (d) to individuals who are
21 eligible for medical assistance that is not provided by the federal government.

22 **SECTION 6.** 51.06 (1) (intro.) of the statutes is renumbered 51.06 (1) and
23 amended to read:

24 51.06 (1) PURPOSE. The purpose of the northern center for developmentally
25 disabled, central center for developmentally disabled and southern center for

1 developmentally disabled is to provide services needed by developmentally disabled
2 citizens of this state ~~which~~ that are otherwise unavailable to them, and to return
3 ~~such~~ those persons to the community when their needs can be met at the local level.
4 ~~Services to be provided by the department at such centers shall include:~~

5 **SECTION 7.** 51.06 (1) (a) to (d) of the statutes are renumbered 51.06 (1m) (a) to
6 (d) and 51.06 (1m) (d), as renumbered, is amended to read:

7 51.06 (1m) (d) Services for up to ~~36~~ 50 individuals with developmental
8 disability who are also diagnosed as mentally ill or who exhibit extremely aggressive
9 and challenging behaviors.

****NOTE: This is reconciled s. 51.06 (1m) (d). This SECTION has been affected by
drafts with the following LRB numbers: LRB-0424/4 and LRB-0435/1.

10 **SECTION 8.** 51.06 (1m) (intro.) of the statutes is created to read:

11 51.06 (1m) SERVICES. (intro.) Services to be provided by the department at
12 centers for the developmentally disabled shall include:

13 **SECTION 9.** 51.06 (1r) of the statutes is created to read:

14 51.06 (1r) ALTERNATIVE SERVICES. (a) In addition to services provided under
15 sub. (1m), the department may, when the department determines that community
16 services need to be supplemented, authorize a center for the developmentally
17 disabled to offer short-term residential services, dental and mental health services,
18 physical therapy, psychiatric and psychological services, general medical services,
19 pharmacy services, and orthotics.

20 (b) Services under this subsection may be provided only under contract
21 between the department and a county department under s. 46.215, 46.22, 46.23,
22 51.42, or 51.437, a school district, or another public or private entity within the state
23 to persons referred from those entities, at the discretion of the department. The

SECTION 9

1 department shall charge the referring entity all costs associated with providing the
2 services. Unless a referral is made, the department may not offer services under this
3 subsection to the person who is to receive the services or to his or her family. The
4 department may not impose a charge for services under this subsection upon the
5 person receiving the services or upon his or her family. Any revenues received under
6 this subsection shall be credited to the appropriation account under s. 20.435 (2) (g).

7 (c) 1. Services under this subsection are governed by subchapter XVI of ch. 48
8 and ss. 50.03, 50.032, 50.033, 50.034 (1) to (3), 50.035, 50.04, 50.09, 51.04, 51.42 (7)
9 (b), and 51.61, for the application of which the services shall be considered to be
10 provided by a private entity, by rules promulgated under those statutes, and by the
11 terms of the contract between the department, except that, in the event of a conflict
12 between the contractual terms and the statutes or rules, the services shall comply
13 with the contractual, statutory, or rules provision that is most protective of the
14 service recipient's health, safety, welfare, or rights.

15 2. Sections 46.03 (18), 46.10, 51.15 (2), 51.20 (13) (c) 1., and 51.42 (3) (as) and
16 zoning or other ordinances or regulations of the county, city, town, or village in which
17 the services are provided or the facility is located do not apply to the services under
18 this subsection.

19 3. The department may not be required, by court order or otherwise, to offer
20 services under this subsection.

21 (d) A residential facility operated by a center for the developmentally disabled
22 that is authorized by the department under this subsection may not be considered
23 to be a hospital, as defined in s. 50.33 (2), an inpatient facility, a state treatment
24 facility, or a treatment facility.

25 **SECTION 10.** 51.437 (4rm) (c) 2m. of the statutes is amended to read:

