

2003 DRAFTING REQUEST

Bill

Received: **02/05/2003**

Received By: **dkennedy**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Council - LRC**

By/Representing: **Laura Rose**

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

Drafter: **dkennedy**

May Contact:

Addl. Drafters:

Subject: **Mental Health - protect place**

Extra Copies:

Submit via email: **NO**

Pre Topic:

No specific pre topic given

Topic:

Council on developmental disabilities

Instructions:

Same as 2001 SB 289

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>
/?	dkennedy 02/11/2003	kgilfoy 02/11/2003		_____			S&L
/P1			chaskett 02/12/2003	_____	amentkow 02/12/2003		S&L
/1	dkennedy 02/14/2003	kgilfoy 02/17/2003	jfrantze 02/17/2003	_____	amentkow 02/17/2003	amentkow 02/18/2003	

FE Sent For:

AA intro.

<END>

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/?	dkennedy 02/11/2003	kgilfoy 02/11/2003					S&L
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Please jacket for Senale

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2/17
2/17
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1?	dkennedy	1/11 - 2/11/03 KMG	1/11 - 2/11 cph	cph/jf 2/11			

FE Sent For:

<END>

Kennedy, Debora

From: Rose, Laura
Sent: Wednesday, February 05, 2003 11:37 AM
To: Kennedy, Debora
Subject: SB-289



SB-289.url

i Debora,

Could you please redraft this bill as a 2003 bill? We are planning on asking the Leg. Council to reintroduce this bill.

I am also sending over one more bill for redrafting as a 2003 bill.

Do you have any sense of when these could be done?

Please call with any questions you may have.

01-3356

Thanks so very much!

Laura Rose

<http://www.legis.state.wi.us/2001/data/SB-289.pdf>

*Council on developmental
disabilities*

2/11/03: From Laura Rose:

*p. 5, l. 10 - change to 2005-02
p 4, ll 2 + 22 - change to 7/1/04*

By Wednesday, 2/12, if possible

2001 - 2002 LEGISLATURE

2001/P1

LRB-33564

DAK:kmg:PB



2001 SENATE BILL 289

LPS: check auto refs.

October 23, 2001 - Introduced by JOINT LEGISLATIVE COUNCIL. Referred to Committee on Health, Utilities, Veterans and Military Affairs.

Gen. Cat.

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

Analysis by the Legislative Reference Bureau

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

= = =

SENATE BILL 289

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.

SENATE BILL 289

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.

*LPS:
change
"format"
props to
"0.1" below*

① SECTION 1. 15.197 (11n) ~~(am)~~ ^{(am) 4.} of the statutes is created to read:
② 15.197 (11n) ~~(am)~~ ^{as} 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 2. 15.197 (11n) ~~(s)~~ ^d of the statutes is created to read:
⑥ 15.197 (11n) ~~(s)~~ ^d 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.

10 SECTION 3. 2001 Wisconsin Act 16, section 9123 (16rs) (b) (intro.) is amended
11 to read:

2004 ✓

SENATE BILL 289

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:

SECTION 4. 2001 Wisconsin Act 16, section 9123 (16rs) (b) 1. is created to read:

7 [2001 Wisconsin Act 16] Section 9123 (16rs) (b) 1. Eligibility under sections
 8 46.27 (11), 46.275, 46.277, 46.278, 46.985, and 51.44 of the statutes shall be expanded
 9 to include children with severe disabilities and long-term care needs and children
 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.

SECTION 5. 2001 Wisconsin Act 16, section 9123 (16rs) (b) 14. is created to read:

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

SECTION 6. 2001 Wisconsin Act 16, section 9123 (16rs) (c) is amended to 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
 25

2004

SENATE BILL 289

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).

SECTION 7. Nonstatutory provisions; health and family services.

4
5 (1) 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~~ ²⁰⁰⁵⁻⁰⁷ 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.

24 (2) MEDICAL ASSISTANCE WIVERS FOR DEVELOPMENTAL DISABILITIES SERVICES. The
25 department of health and family services shall determine whether any new waivers

SENATE BILL 289

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). ^{a.r.}

7

(END)

Debra - Please Redraft



WISCONSIN LEGISLATIVE COUNCIL

2001/p1 to include changes
made on p. 3. Please add
both bills for the Senate.
Please call up questions

Phone: (608) 266-1304 Fax: (608) 266-3831
Web: www.legis.state.wi.us/lc

Patricia



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
5TH FLOOR
MADISON, WI 53701-2037

STEPHEN R. MILLER
CHIEF

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

February 12, 2003

MEMORANDUM

To: Legislative Council - LRC

From: Debora A. Kennedy, Managing Attorney

Re: LRB-2001/P1 Council on developmental disabilities

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

_____ JACKET FOR ASSEMBLY D JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-0137 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-2001/P1
DAK:kmg:cph

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT to create** 15.197 (11n) (am) 4. and 15.197 (11n) (d) of the statutes; and
2 **to 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
6 the 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
10 Family Services to develop a plan to administer and fund services for persons
11 with 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.

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

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2005-07
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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.

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6 15.197 (11n) (d) 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.
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1 [2001 Wisconsin Act 16] Section 9123 (16rs) (b) (intro.) The department of
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21 under paragraph (b) are approved, the department of health and family services
22 shall, as soon as possible before July 1, 2004, 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

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 (1) **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 2005–07 biennium. The plan shall include the
11 following components:

12 (a) Institutional and community-based services for persons with
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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.

24 (2) **MEDICAL ASSISTANCE WAIVERS FOR DEVELOPMENTAL DISABILITIES SERVICES.** The
25 department of health and family services shall determine whether any new waivers

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
4 the federal department of health and human services that the department of health
5 and family services determines are necessary to administer funding for Medical
6 Assistance services as described in subsection (1) (b).

7

(END)

Kennedy, Debora

From: Letzing, Rachel
Sent: Thursday, February 13, 2003 4:46 PM
To: Kennedy, Debora
Subject: lrb-2001/p1



pref note.doc

Hi Debora,

Here is the new pref note for the council membership portion of lrb-2001/p1 - thanks for pointing out a new one was needed. In addition, please make the changes to the dates in the pref notes on p. 3 of the draft I noted earlier. Thanks for your help!

Rachel



(MONDAY, please)

State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-2001/11

DAK:kmg:qk

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

Gen. Cat.

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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.

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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~~.

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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.

2005-07

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 1.** 15.197 (11n) (am) 4. of the statutes is created to read:

2 15.197 (11n) (am) 4. 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 2.** 15.197 (11n) (d) of the statutes is created to read:

6 15.197 (11n) (d) 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.

10 **SECTION 3.** 2001 Wisconsin Act 16, section 9123 (16rs) (b) (intro.) is amended
11 to read:

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, 2004, 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 4.** 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 5.** 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 6.** 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, 2004, 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

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 (1) 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 2005–07 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.

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

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
4 the federal department of health and human services that the department of health
5 and family services determines are necessary to administer funding for Medical
6 Assistance services as described in subsection (1) (b).

7 (END)

Prefatory Note for LRB-2002/p1

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1. Legislative Members: Council on Developmental Disabilities

Under current law, as modified by 2001 Act 59, the council on developmental disabilities must consist of state residents appointed for staggered 4 year terms who represent all geographic areas of the state and who reflect the state's racial and ethnic diversity.

State residents appointed to the council must represent the following: (1) the department of workforce development, the department of health and family services, and the department of public instruction; (2) individuals with developmental disabilities who are any of the following: individuals with developmental disabilities, parents or guardians of children with developmental disabilities, or immediate relatives or guardians of adults with mentally impairing developmental disabilities; (3) the entity designated by the federal department of health and human services as a university center for excellence in developmental disabilities education, research and services; (4) the state protection and advocacy system; and (5) each of the local governmental agencies, non-governmental agencies and private non profit groups concerned with services for individuals with developmental disabilities.

In addition, current law requires at least 60% of the council's membership to be any of the following: (1) individuals with developmental disabilities, (2) parents or guardians of children with developmental disabilities, or (3) immediate relatives or guardians of adults with mentally impairing developmental disabilities. Of these individuals, at least one third must be individuals with developmental disabilities, one third must be parents or guardians of children with developmental disabilities or



immediate relatives or guardians of adults with mentally impairing developmental disabilities, and one third must be individuals with developmental disabilities, parents or guardians of children with developmental disabilities, or immediate relatives or guardians of adults with mentally impairing developmental disabilities. At least one of these members must reside in or have previously resided in an institution, including a state center for the developmentally disabled, or be the immediate relative or guardian of such an individual.

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This bill amends current law regarding the membership of the council on developmental disabilities as follows:

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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.

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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.

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