

SB 74 file

### Committee Meeting Attendance Sheet

## Committee on Health, Children, Families, Aging and Long Term Care

Date: 7/22/03

Meeting Type: Executive Session

Location: 411 South

<u>Committee Member</u>	<u>Present</u>	<u>Absent</u>	<u>Excused</u>
Senator Carol Roessler, Chairs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Ted Kanavas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Ronald Brown	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Robert Welch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Dale Schultz	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Judith Robson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Charles Chvala	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Senator Robert Jauch	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Senator Tim Carpenter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: 7 2 2

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Senator Tim Carpenter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: 7 0 2

Excused

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WISCONSIN LEGISLATIVE COUNCIL  
REPORT TO THE LEGISLATURE

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SPECIAL COMMITTEE ON  
DEVELOPMENTAL  
DISABILITIES

April 16, 2003

RL 2003-12

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**SPECIAL COMMITTEE ON DEVELOPMENTAL DISABILITIES  
REPORT TO THE LEGISLATURE**

Prepared by:  
Laura Rose, Deputy Director, and Rachel Letzing, Staff Attorney  
April 16, 2003

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**CONTENTS**

<b><i>PART I - KEY PROVISIONS OF COMMITTEE RECOMMENDATIONS</i></b> .....	<b>3</b>
2003 Senate Bill 73.....	3
2003 Senate Bill 74.....	3
<b><i>PART II - COMMITTEE ACTIVITY</i></b> .....	<b>5</b>
Assignment .....	5
Summary of Meetings.....	5
<b><i>PART III - RECOMMENDATIONS INTRODUCED BY THE JOINT LEGISLATIVE     COUNCIL</i></b> .....	<b>9</b>
2003 Senate Bill 73.....	7
2003 Senate Bill 74.....	11
<b><i>APPENDIX 1 - COMMITTEE AND JOINT LEGISLATIVE COUNCIL VOTES</i></b> .....	<b>15</b>
<b><i>APPENDIX 2 - LIST OF JOINT LEGISLATIVE COUNCIL MEMBERS</i></b> .....	<b>17</b>
<b><i>APPENDIX 3 - LIST OF COMMITTEE MEMBERS</i></b> .....	<b>19</b>
<b><i>APPENDIX 4 - COMMITTEE MATERIALS LIST</i></b> .....	<b>21</b>

## PART I

### KEY PROVISIONS OF COMMITTEE RECOMMENDATIONS

The Special Committee on Developmental Disabilities recommends the following proposals to the Joint Legislative Council for introduction in the 2003-04 Session of the Legislature.

#### 2003 SENATE BILL 73, RELATING TO REQUIRING THE CREATION OF A TASK FORCE TO DEVELOP A PLAN FOR THE STATE CENTERS FOR THE DEVELOPMENTALLY DISABLED

- Requires the Department of Health and Family Services (DHFS) to create a task force charged to develop a plan for the state centers for the developmentally disabled. The task force, comprised of individuals representing stakeholder groups and agencies, must develop a plan to maximize the potential for independent living of current center residents, according to their wishes. The task force must also develop a plan for the future of the centers.

#### 2003 SENATE BILL 74, 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 WAIVER 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

- Adds four legislative members to the Wisconsin Council on Developmental Disabilities; also requires the council to report annually to the Legislature on waiting lists for services for persons with developmental disabilities.
- Makes the following changes to the Children's Long-Term Support Redesign pilot by: (1) directing the Department of Health and Family Services (DHFS) to seek the necessary federal waivers and enactment of necessary statutory language and funding for the Children's Long-Term Support Redesign Pilot as soon as possible before July 1, 2004; (2) providing 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 (MA) with high medical costs, and the expansion of MA to include services focused on the needs of children with developmental disabilities and their families; and (3) requiring DHFS to provide transitional services to families whose children with physical or developmental disabilities are preparing to enter the adult service system.

- Requires DHFS to develop a plan to require one administrative subunit with DHFS to administer all institutional and community-based services for persons with developmental disabilities, and to combine all funding under the MA program for institutional and community-based services into one appropriation, to the extent permitted by federal law.

## PART II

### COMMITTEE ACTIVITY

#### ASSIGNMENT

The Joint Legislative Council established the Special Committee by a May 18, 2000 mail ballot and appointed the Co-Chairs and members by June 13 and August 14, 2000 mail ballots, respectively. The Special Committee was directed to review funding issues, staffing concerns and ways to streamline the bureaucracy that provides services to people with developmental disabilities. The committee was directed to focus on providing opportunities for persons with developmental disabilities to live independently, and to review the implications of the *Olmstead* decision.

Membership of the Special Committee, appointed by an August 14, 2000 mail ballot consisted of 2 Senators, 2 Representatives and 9 Public Members. A list of the committee membership is set forth in **Appendix 3**.

#### SUMMARY OF MEETINGS

The Special Committee held eight meetings at the State Capitol in Madison on the following dates:

October 3, 2000	January 18, 2001
November 17, 2000	February 16, 2001
November 27, 2000	March 19, 2001
December 14, 2000	April 27, 2001

The committee meeting activity summary is:

October 3, 2000. The Special Committee reviewed a Staff Brief on developmental disabilities issues, including a description of community-based services, Family Care, the Medical Assistance Program and residential institutions for the developmentally disabled. In addition, the committee reviewed information prepared by staff regarding laws relating to protective placement, guardianship and conservatorship, and on the U.S. Supreme Court decision *Olmstead v. L.C.* The committee also received briefings from Michael F. Kruley, Special Assistant to the Regional Manager, Department of Health and Human Services, Office for Civil Rights--Region V; Sandra Hammer Affirmative Action/Civil Rights Compliance Office, Neil Gebhart, Office of Legal Counsel, and Joyce Allen, Office of Strategic Finance, DHFS; Gerry Born, Executive Director, the ARC-Wisconsin; and Jim Balestrieri, President, Homes for Independent Living.

November 17, 2000. The Special Committee reviewed information, prepared by staff, regarding the brain injury waiver (BIW) program, the DHFS 2001-03 Biennial Budget requests relating to developmental disabilities, the effect of the personal care worker rate increase, and the self-determination service delivery model. The committee also heard a presentation from

Erica Andres, Program Coordinator, Wisconsin CareGivers Association. The committee identified speakers to invite to the public hearing on November 27, 2000 and identified issues it wanted to explore at future meetings including regulatory issues concerning residential facilities serving persons with developmental disabilities, the long-term care redesign for children, and whether the committee should have input into the state's *Olmstead* plan.

November 27, 2000. The Special Committee held a public hearing and heard presentations from invited speakers. Seventeen people testified at the public hearing regarding the need for increased funding to eliminate the waiting lists for CIP-IB, Community Options Program (COP), Family Support and the Birth-to-Three program; the rate increase for personal care workers; the need for respite care; and the shortage of direct-care workers. The committee then heard presentations from invited speakers regarding counties' funding concerns about long-term care services for the developmentally disabled; Family Care; the proposed alternative to Family Care; the Children's Long-Term Care Redesign pilot; self-determination projects; transitional services for developmentally disabled students ages 18 to 21; the Wisconsin Conservation Corps; the Lifespan Respite Care projects; and workforce shortages and training issues.

December 14, 2000. The Special Committee heard a presentation from Bill Burke, an attorney for the Voice of the Retarded, regarding issues stemming from the *Olmstead* decision. The committee then began reviewing Memo No. 7, *Summary of Recommendations Offered for Committee Discussion* (December 8, 2000), which set forth the recommendations that had been made either by members of the committee or by persons testifying before the committee. As the committee discussed Memo No. 7, it determined that several of the items in the memo, and certain issues raised during the course of the meeting, should be prepared in the form of bill drafts.

January 18, 2001. The Special Committee heard presentations from People First of Dane County and People First of Wisconsin, regarding the need to close the State Centers for the Developmentally Disabled, and from the Wisconsin Council on Developmental Disabilities, regarding possible legislative recommendations discussed by the committee. The committee then completed its discussion of Memo No. 7 and asked that several more bill drafts and a recommendation letter to the ADA Title II Advisory Committee be prepared for the committee's discussion.

February 16, 2001. The Special Committee heard presentations from Tom Alt, Deputy Secretary; Laura Flood, Administrator, Division of Care and Treatment Facilities; and Fredi Bove, Chief, Budget Section, DHFS, regarding the department's 1996 plan to close Southern Wisconsin Center for the Developmentally Disabled. The committee also heard a presentation from Shirley Patterson, Director of Continuing Care for Persons with Developmental Disabilities, Minnesota Department of Human Services, regarding the process and plan Minnesota developed to close its state institutional facilities for the developmentally disabled.

March 19, 2001. The Special Committee reviewed bill drafts and recommendation letters that had been requested by the Special Committee based on discussions of Memo No. 7 at previous meetings. The committee asked that several more bill drafts and a recommendation



letter to the Office of the Commissioner of Insurance, as well as redrafts of several bills, be prepared for the committee's discussion.

April 27, 2001. The Special Committee gave approval to three recommendation letters and several of the bill drafts. The committee also approved several other bill drafts, with amendments discussed at the meeting. In addition, the committee approved a request that staff prepare a bill draft increasing the cigarette tax and appropriating the additional funds to the waiting lists for developmental disabilities services. The co-chairs asked that the bill drafts be consolidated into four composite bill draft--one with fiscal items, one with nonfiscal items, one regarding the state centers task force, and one with the cigarette tax increase.

### PART III

## RECOMMENDATIONS INTRODUCED BY THE JOINT LEGISLATIVE COUNCIL

This part of the report provides background information on, and a description of two of the pieces of the legislation recommended by the Special Committee on Developmental Disabilities and introduced in the 2003-04 Session of the Legislature by the Joint Legislative Council.

### 2003 SENATE BILL 73, RELATING TO REQUIRING THE CREATION OF A TASK FORCE TO DEVELOP A PLAN FOR THE STATE CENTERS FOR THE DEVELOPMENTALLY DISABLED

#### State Centers Task Force

#### **Background**

The Special Committee heard testimony at several meetings regarding the future of the State Centers for the Developmentally Disabled and whether persons with developmental disabilities are appropriately placed in the state centers.

An attorney from the Voice of the Retarded discussed situations which he felt demonstrated that institutional placement was the appropriate placement choice for individuals with disabilities. At a later hearing, representatives from People First of Wisconsin and of Dane County expressed their belief that persons with developmental disabilities should not be institutionalized, and that the funding for the State Centers should be directed toward community programs. The committee also heard a presentation from representatives from DHFS, who outlined the department's 1996 plan to close Southern Center, and noted that the plan anticipated a three-year phase down of the center, which would lead to closure. The plan was not implemented.

In addition, the Special Committee heard a presentation from Shirley Patterson, Minnesota Department of Human Services, regarding the plan Minnesota developed to close institutional facilities for people with developmental disabilities. Ms. Patterson stated that the plan to phase out the institutions involved negotiations with key stakeholders, including union representatives, families and guardians. She explained that the state's strategy was to place some of the people with greater needs first through home and community-based waiver programs. She noted that a specific date had not been established to close Minnesota's three state institutions; rather, targets were established for a number of people that would be placed out of institutions every year. Ms. Patterson stated that the process of closing state facilities took over 11 years, and that as of June 30, 2000, Minnesota had moved the last person out of its state institutions.

After engaging in extensive discussions about the appropriate role of the State Centers in the long-term care system for people with developmental disabilities, the Special Committee requested a bill draft regarding the future of the State Centers.

## **Description of Bill**

The bill requires the DHFS to create a task force charged to develop a plan for the State Centers for the Developmentally Disabled. The task force must include representatives from the following stakeholder groups and agencies:

- The DHFS.
- The Department of Veterans Affairs.
- The Department of Corrections.
- The Governor's office.
- The American Federation of State, County and Municipal Employees union and other labor groups.
- Parents or guardians of current state center residents.
- Former and current state center residents.
- Advocates for persons with developmental disabilities.
- The board member of an intermediate care facility for the mentally retarded.
- Organizations that provide services to person with developmental disabilities in the community.
- County departments that provide services to persons with developmental disabilities.

By September 1, 2004, the task force must develop a plan for the State Centers for the Developmentally Disabled. The plan shall include any recommended statutory language changes needed to implement the plan. The department shall submit this language to the Legislature, and to the Department of Administration as part of its 2005-07 Biennial Budget request. The plan shall do the following:

- Specify the future role of the state centers for the developmentally disabled, and the state, in providing services for persons with developmental disabilities.
- Maximize the potential for independent living in the most appropriate setting for each person residing in the state centers, according to the person's wishes.
- Define and recommend changes in the role of one or more of the state centers, to functions other than as centers for the developmentally disabled.
- Ensure the provision of quality community-based services for persons who can be relocated from the state centers.

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

**2003 SENATE BILL 74, 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 WAIVER 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**

**Legislative Members: Wisconsin Council on Developmental Disabilities**

**Background**

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.

The council has the following duties:

- Designate appropriate state or local agencies for the administration of programs and fiscal resources made available to the council under federal legislation affecting the delivery of services to the developmentally disabled.
- Perform the following responsibilities related to the state plan for the delivery of services to the developmentally disabled and the construction of facilities:
  - ◆ Develop, approve and continue modification of the statewide plan.
  - ◆ Monitor and evaluate the implementation of the statewide plan.
- Review and advise the DHFS on community budgets and community plans for programs affecting persons with developmental disabilities.
- Participate in the development of, review, comment on and monitor all state plans in the state which relate to programs affecting persons with developmental disabilities.
- Serve as an advocate for persons with developmental disabilities.
- Provide continuing counsel to the Governor and the Legislature.

[ss. 15.197 (11n) and 51.437 (14r), Stats.]

During its deliberations, the Special Committee on Developmental Disabilities discussed whether the addition of legislative members to the council would increase awareness within the Legislature of issues affecting persons with developmental disabilities. The Special Committee also reviewed other state-level councils which contain legislative members, particularly the Council on Domestic Abuse under s. 15.197 (16), Stats., which has four legislative members.

### **Description of the Bill**

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

- Requires the Governor to appoint four 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.
- 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 in the end of each calendar year.

## *Children's Long-Term Support Redesign*

### **Background**

In 1997, the Wisconsin DHFS appointed a children's committee on long-term support as part of the effort to redesign the state system on long-term care. The children's long-term support committee identified the following systemic problems regarding the current system of children's long-term care service: access to long-term support services is complicated and inconsistent throughout the state, choice of available services often does not meet families' needs, coordination of services among programs is duplicative, quality assurance for services is poorly monitored and enforced, and funding of long-term care services is inadequate to meet the growing need for services.

In response to these concerns, the children's long-term support redesign committee developed a model to redesign the current system of care for children and their families which will 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 Special Committee determined that the current structure of long-term care services for children does not address the unique needs of developmentally disabled children and their families.

### **Description of the Bill**

The bill requires DHFS to seek the necessary federal waivers and enactment of necessary statutory language and funding to implement the children's long-term support redesign on a pilot basis as soon as possible before July 1, 2004. The bill also 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 MA with high medical costs, and the expansion of MA to include services focused on the needs of children with developmental disabilities and their families. DHFS is required to provide transitional services to families whose children with physical or developmental disabilities are preparing to enter the adult service system.

## **Administration and Funding of Developmental Disabilities Services**

### **Background**

At the time the Special Committee developed its recommendations, most services for persons with developmental disabilities were administered through three different divisions in the DHFS: the Division of Care and Treatment Facilities (state centers for the developmentally disabled); the Division of Health Care Financing (MA-funded services for persons with developmental disabilities); and the Division of Supportive Living (most community-based services for persons with developmental disabilities).

The Special Committee determined that the current structure for administering developmental disabilities services inhibits the ability to view the service system for persons with developmental disabilities as a whole.

Shortly before the bill was introduced, DHFS announced plans to recognize the DHFS by merging the Division of Care and Treatment Facilities and the Division of Supportive Living into one new division, the Division of Disability and Elder Services.

### **Description of the Bill**

The bill requires the 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 the department's budget request for the 2005-07 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 the department. 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 MA 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. The department must apply for any necessary waivers of federal MA statutes and regulations from the federal DHFS.

*Committee and Joint Legislative Council Votes*

The bills described in this report were first introduced in the 2001 Legislative Session as 2001 Senate Bills 231 and 289 and Assembly Bills 473 and 590. Neither bill passed in the 2001 Session, although parts of Senate Bill 289 and Assembly Bill 590 were incorporated into the 2001-03 Biennial Budget Bill (2001 Wisconsin Act 16) and enacted into law. (See *General Report of the Joint Legislative Council to the 2001-02 Legislature*, October 2002, pp. 9-10.) On March 12, 2003, the Joint Legislative Council voted unanimously to reintroduce the proposals into the 2003-04 Legislature. The votes by the Special Committee and by the Joint Legislative Council for introduction of the proposals are listed below.

**SPECIAL COMMITTEE VOTES**

The following drafts were recommended by the Special Committee on Developmental Disabilities to the Joint Legislative Council for introduction in the 2001-02 Session of the Legislature:

WLC: 0142/1, relating to requiring the creation of a task force to develop a plan to close at least one state center for the developmentally disabled, was recommended by a vote of Ayes, 13 (Sens. Robson and Roessler; Reps. Foti and Plouff; and Public Members Brinkman, Friese, Helgesen, McGwin, Olson, Ryan, Thompson, Ward and Wittenmyer); and Noes, 0.

WLC: 0059/2, relating to adding legislative members to the council on developmental disabilities, and requiring an annual report to the Legislature; WLC: 0060/2, relating to permitting counties to provide the nonfederal share of MA to create additional brain injury waiver slots; WLC: 0100/2, relating to requiring the DHFS to promulgate rules relating to registered nurse visits as part of a review of a plan of care for persons receiving personal care services under the MA program, and requiring rule-making; and WLC: 0116/1, relating to requiring the DHFS to develop a plan to require one subunit within the DHFS to administer all institutional and community-based services for persons with developmental disabilities; and to combine all funding under the MA program for institutional and community-based services into one appropriation.

The vote was as follows: Ayes, 13 (Sens. Robson and Roessler; Reps. Foti and Plouff; and Public Members Brinkman, Friese, Helgesen, McGwin, Olson, Ryan, Thompson, Ward and Wittenmyer); Noes, 0.

These drafts were subsequently redrafted as WLC: 0151/1.

**JOINT LEGISLATIVE COUNCIL VOTES**

At its March 12, 2003 meeting, the Joint Legislative Council voted unanimously to reintroduce 2003 Senate Bills 73 and 74 into the 2003-04 Session of the Legislature.



APPENDIX 2

JOINT LEGISLATIVE COUNCIL  
s. 13.81, Stats.

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This 22-member committee consists of the majority and minority party leadership of both houses of the Legislature, the co-chairs and ranking minority members of the Joint Committee on Finance, and 5 Senators and 5 Representatives appointed as are members of standing committees.

**DEVELOPMENTAL DISABILITIES,  
SPECIAL COMMITTEE ON**

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2614 Lunde Lane  
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**STUDY ASSIGNMENT:** The Committee is directed to review funding issues, staffing concerns and ways to streamline the bureaucracy that provides services to people with developmental disabilities. The study will focus on providing opportunities for persons with developmental disabilities to live independently. The Committee shall review the implications of the Olmstead decision. The Special Committee shall report its recommendations to the Joint Legislative Council by January 1, 2001.

Established and Cochairs appointed by a June 13, 2000 mail ballot; and members appointed by an August 14, 2000 mail ballot.

13 MEMBERS: 2 Senators; 2 Representatives and 9 Public Members.

**LEGISLATIVE COUNCIL STAFF:** Rachel Letzing, Staff Attorney; Laura Rose, Senior Staff Attorney; and Tracey Uselman, Support Staff.

Committee Materials List

October 3, 2000 Meeting

Staff Brief 00-3, Programs and Services for Persons With Developmental Disabilities in Wisconsin (9-27-00)

Memo No. 1, Laws Relating to Protective Placement, Guardianship and Conservatorship (9-27-00)

Memo No. 2, The Olmstead Decision (9-27-00)

November 17, 2000 Meeting

Memo No. 3, Brain Injury Waiver Program (11-9-00)

Memo No. 4, Department of Health and Family Services 2001-2003 Biennial Budget Requests Relating to Persons With Developmental Disabilities (11-9-00)

Memo No. 5, Effect of the Rate Increase for Personal Care Workers (11-9-00)

Memo No. 6, The Self-Determination Service Delivery Model for Persons With Developmental Disabilities (11-16-00)

RL 91-14, Legislation on Fair Housing and Community Living Arrangements (11-11-91)

RTC 97-16, Recommendations of the Joint Legislative Council's Special Committee on Programs for Developmentally Disabled Persons (26-98)

RL 97-9, Legislation on Programs for Persons With Developmental Disabilities (3-20-98)

Preliminary agenda for the November 17, 2000 meeting

December 14, 2000 Meeting

Memo No. 7, Summary of Recommendations Offered for Committee Discussion (12-8-00)

Memo No. 8, Attached Report Relating to Long-Term Care Work Force Issues (12-8-00)

Report No. 12 to the 1989 Legislature, Legislation on Developmental Disabilities Laws (9-21-89)

Preliminary agenda for the December 14, 2000 meeting

Audit Report 00-11, "An Evaluation, Division of Vocational Rehabilitation, Department of Workforce Development", Legislative Audit Bureau (10-00)

January 18, 2001 Meeting

Memo No. 9, Minnesota's Service System for Persons With Developmental Disabilities (1-11-01)

WLCS: 0058/1, relating to funding for the family support program and increasing an appropriation

WLCS: 0059/1, relating to adding legislative members to the council on developmental disabilities

**WLCS: 0060/1**, relating to permitting counties to provide the nonfederal share of medical assistance to create additional brain injury waiver slots

**WLCS: 0061/1**, relating to piloting the children's long term support redesign and increasing an appropriation

**WLCS: 0062/1**, relating to requiring the department of health and family services to implement, on a pilot basis, an alternative model to the family care program before increasing the number of counties in which family care operates

**WLCS: 0063/1**, relating to providing funding for developmental disabilities services, requiring rule-making and increasing an appropriation

**Preliminary agenda** for the January 18, 2001 meeting

#### **February 16, 2001 Meeting**

**Memo No. 10, Attached Report Relating to States' Developmental Disabilities Funding (2-13-01)**

**Memo No. 11, The Business Employees' Skills Training (BEST) Program (2-13-01)**

**WLC: 0063/2**, relating to providing funding for developmental disabilities services, requiring rule-making and increasing an appropriation

**WLC: 0085/1**, relating to prohibiting promulgation of administrative rules with a fiscal effect until the legislature appropriates sufficient funds to implement the rule

**WLC: 0100/1**, relating to requiring the department of health and family services to promulgate rules relating to registered nurse visits as part of a review of a plan of care for persons receiving personal care services under the medical assistance program, and requiring rule-making

**Draft letter to Secretary of Health and Human Services, Tommy G. Thompson and Members of Wisconsin's Congressional delegation**, regarding support for paying parents who are caregivers to their minor children (2-9-01)

**Draft letter to George Potarcke, Chairperson, ADA Title II Advisory Committee, and Tom Rand, Chairperson, Wisconsin Council on Long-Term Care**, regarding recommendations for an Olmstead plan for Wisconsin (2-9-01)

**Letter with attachments, from Maureen Arcand**, relating to aging and developmental disabilities (1-30-01)

**Preliminary agenda** for the February 16, 2001 meeting

**Testimony, from Tom Alt**, Deputy Secretary, Department of Health and Family Services, from his February 16, 2001 presentation to the Special Committee

#### **March 19, 2001 Meeting**

**WLC: 0100/1**, relating to requiring the department of health and family services to promulgate rules relating to registered nurse visits as part of a review of a plan of care for persons receiving personal care services under the medical assistance program, and requiring rule-making

**Letter, from Jim Balestrieri**, President, Homes for Independent Living, to Steve Foti (2-26-01)

**Memo**, from Kathleen McGwin, to the Special Committee on Developmental Disabilities (February 16, 2001)

**Preliminary agenda** for the March 19, 2001 meeting

**April 27, 2001 Meeting**

**Handout**, Respite Care Association of Wisconsin, Inc., distributed at the request of Public Member Nancy Olson (undated)

**Draft letter**, to Secretary Tommy Thompson, U.S. Department of Health and Human Services and Members of the Wisconsin Congressional Delegation (4-12-01)

**Draft letter**, to the Commissioner of Insurance, relating to liability issues of concern to providers of developmental disabilities services (4-26-01)

**LRB-2132/2**, relating to respite care projects and making an appropriation

**Memorandum**, from Kevin Underwood, President, Wisconsin Parents Coalition for the Retarded, Inc., to the Special Committee (4-17-01)

**WLC: 0058/2**, relating to funding for the family support program and increasing an appropriation

**WLC: 0059/2**, relating to adding legislative members to the council on developmental disabilities, and requiring an annual report to the legislature

**WLC: 0060/2**, relating to permitting counties to provide the nonfederal share of medical assistance to create additional brain injury waiver slots

**WLC: 0063/3**, relating to providing funding for services for persons with developmental disabilities who are on waiting lists for services; requiring the department of health and family services to establish criteria for distribution of this funding; and to develop a plan to eliminate waiting lists for services for persons with developmental disabilities by the end of state fiscal year 2004-05; requiring the council on developmental disabilities to evaluate, and report to the legislature, the number of persons with developmental disabilities on waiting lists for services at the end of each calendar year; requiring rule-making; and making an appropriation

**WLC: 0100/2**, relating to requiring the department of health and family services to promulgate rules relating to registered nurse visits as part of a review of a plan of care for persons receiving personal care services under the medical assistance program, and requiring rule-making

**WLC: 0116/1**, relating to requiring the department of health and family services to develop a plan to require one subunit within the department of health and family services to administer all institutional and community-based services for persons with developmental disabilities; and to combine all funding under the medical assistance program for institutional and community-based services into one appropriation

**WLC: 0142/1**, relating to requiring the creation of a task force to develop a plan to close at least one state center for the developmentally disabled

**WLC: 0146/1**, relating to requiring annual adjustments to the rates for the community integration program for residents of state centers and the community integration program for persons with mental retardation and the community aids basic county allocation, to reflect changes in the consumer price index

**Preliminary agenda for the April 27, 2001 meeting**

State of Wisconsin  
JOINT LEGISLATIVE COUNCIL

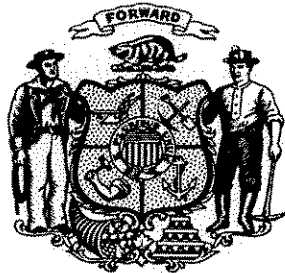
APR 21 2003

SB 74

*Co-Chairs*

ALAN LASEE  
President, State Senate

STEVE WIECKERT  
Representative, State Assembly



LEGISLATIVE COUNCIL STAFF  
Terry C. Anderson  
*Director*  
Laura D. Rose  
*Deputy Director*

TO: MEMBERS OF THE SPECIAL COMMITTEE ON DEVELOPMENTAL  
DISABILITIES

FROM: Terry C. Anderson, Director *TCA*

DATE: April 21, 2003

For your information, the Joint Legislative Council has reintroduced two of the proposals recommended by the Special Committee. The Joint Legislative Council introduced the proposals as **2003 Senate Bill 73**, relating to requiring the creation of a task force to develop a plan for the state centers for the developmentally disabled, and **2003 Senate Bill 74**, 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 waiver 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.

A copy of the Senate Bills and Wisconsin Legislative Council Report to the Legislature, RL 2003-12, dated April 16, 2003, are enclosed for your information. You will be informed when the bills are scheduled for public hearings.

If you have any questions relating to the above report or bills, please feel free to contact Laura Rose or Rachel Letzing at this office.

TCA:wu;rv  
Enclosures

## **Jermstad, Sara**

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**From:** Rose, Laura  
**Sent:** Monday, June 30, 2003 1:19 PM  
**To:** Jermstad, Sara  
**Subject:** RE: July 22 hearing

Sara,

SBs 73 and 74 were reintroduced into the 2003 session by the Legislative Council by a unanimous voice vote on March 12, 2003.

The bills were originally introduced into the 2001 session. The Committee and Legislative Council Votes were as follows:

**SB 73:** (WLC: 0142/1), relating to requiring the creation of a task force to develop a plan to close at least one state center for the developmentally disabled, was recommended by a Committee vote of Ayes, 13 (Sens. Robson and Roessler; Reps. Foti and Plouff; and Public Members Brinkman, Friese, Helgesen, McGwin, Olson, Ryan, Thompson, Ward and Wittenmyer); and Noes, 0.

At its May 15, 2001 meeting, the Joint Legislative Council voted to introduce WLC: 0142/1 on a roll call vote as follows: Ayes, 19 (Reps. Rhoades, Black, Bock, Foti, Freese, Gard, Huber, Jensen, Lehman and Meyerhofer; and Sens. Risser, Baumgart, Burke, Chvala, Darling, George, Grobschmidt, Robson and Zien); Noes, 0; and Absent, 3 (Rep. Stone; and Sens. Panzer and Rosenzweig). The proposal was subsequently introduced as 2001 Senate Bill 231 and 2001 Assembly Bill 473.

**SB 74:** (WLC: 0059/2), relating to adding legislative members to the council on developmental disabilities, and requiring an annual report to the Legislature; WLC: 0060/2, relating to permitting counties to provide the nonfederal share of MA to create additional brain injury waiver slots; WLC: 0100/2, relating to requiring the DHFS to promulgate rules relating to registered nurse visits as part of a review of a plan of care for persons receiving personal care services under the MA program, and requiring rule-making; and WLC: 0116/1, relating to requiring the DHFS to develop a plan to require one subunit within the DHFS to administer all institutional and community-based services for persons with developmental disabilities; and to combine all funding under the MA program for institutional and community-based services into one appropriation.

The Committee vote was as follows: Ayes, 13 (Sens. Robson and Roessler; Reps. Foti and Plouff; and Public Members Brinkman, Friese, Helgesen, McGwin, Olson, Ryan, Thompson, Ward and Wittenmyer); Noes, 0.

These drafts were subsequently redrafted as WLC: 0151/1.

At its May 15, 2001 meeting, the JLC voted to introduce WLC: 0151/1 into both houses of the Legislature on a roll call vote of Ayes, 18 (Reps. Rhoades, Bock, Foti, Freese, Gard, Huber, Jensen, Lehman and Meyerhofer; and Sens. Risser, Baumgart, Burke, Chvala, Darling, George, Grobschmidt, Robson and Zien); Noes, 0; and Absent, 4 (Reps. Black and Stone; and Sens. Panzer and Rosenzweig).



-----Original Message-----

**From:** Jermstad, Sara  
**Sent:** Monday, June 30, 2003 11:25 AM  
**To:** Rose, Laura  
**Subject:** RE: July 22 hearing

Laura,

SB 73 and 74 were from the Special Committee on Developmentally Disabilities - SB73 relates to the creation of a task force to develop a plan for closing the centers and SB74 relates to adding legislators to the Council on DD, expanding eligibility and requiring submission of waiver requests, etc. I believe the Discipline of Health Care Professionals bills were not re-introduced by Leg Council this session. In fact, Senator Roessler is planning to (re) introduce those bills soon.

Thank you for the votes for the other bills. I appreciate it.

Sara

Sara Jermstad  
Office of Senator Carol Roessler  
Sara.Jermstad@legis.state.wi.us  
(608)266-5300 / 888-736-8720

-----Original Message-----

**From:** Rose, Laura  
**Sent:** Monday, June 30, 2003 10:14 AM  
**To:** Jermstad, Sara  
**Subject:** RE: July 22 hearing

Sara,

SBs 73 and 74 were developed by the Special Committee on Discipline of Health Care Professionals. That committee met in 1999, and the report I sent over before contains the committee and Legislative Council votes on that bill. Those bills were reintroduced into the 2001 session by the Legislative Council on March 14, 2001 by a unanimous voice vote.

Here are the committee and Legislative Council votes on the other bills:

#### **MENTAL HEALTH PARITY: SBs 71 and 72:**

##### **SPECIAL COMMITTEE VOTES**

- WLC: 0119/1, relating to treatment of prescription drug costs, diagnostic testing, and payments under mandated coverage of mental health and alcoholism and other drug abuse problems: Ayes, 14 (Sen. Hansen; Reps. Vrakas and Lehman; and Public Members Beilman, Frett, Gross, Krumholz, Moulthrop, Reider, Rosenzweig, Schick, Slota-Varma, Wieske, and Yunk); Noes, 0; and Absent, 0. [The recommended proposal was subsequently drafted as LRB-1978/2.]
- WLC: 0120/1, relating to increasing coverage limits for insurance coverage of nervous or mental health disorders or alcoholism or other drug abuse problems: Ayes, 8 (Sen. Hansen; Rep. Lehman; and Public Members Beilman, Gross, Moulthrop, Rosenzweig, Slota-Varma, and Yunk); Noes, 6 (Rep. Vrakas; and Public Members, Frett, Krumholz, Reider, Schick, and Wieske); Absent, 0. [The recommended proposal was subsequently drafted as LRB-1979/1.]

##### **JOINT LEGISLATIVE COUNCIL VOTES**

The Joint Legislative Council voted to recommend the proposed bill drafts on March 12, 2003. The votes on the drafts were as follows:

*Rep. Freese moved, seconded by Sen. Panzer, that LRB-1978/2, relating to treatment of prescription drug costs, diagnostic testing, and payments under mandated insurance coverage of treatment for nervous and mental disorders and alcoholism and other drug abuse problems and granting rule-making authority, be introduced by the Joint Legislative Council. The motion passed by a voice vote.*

*[Sen. Welch asked that the record reflect that he voted "no" on LRB-1978/2.]*

*Sen. Erpenbach moved, seconded by Rep. Coggs, that LRB-1979/1, relating to increasing the limits for insurance coverage of nervous or mental health disorders or alcoholism or other drug abuse problems, be introduced by the Joint Legislative Council. The motion passed on a roll call vote as follows:*

*Ayes, 13 (Sens. Erpenbach, Harsdorf, Panzer, and Risser; and Reps. Coggs, Foti, Freese, Kaufert, Kreuser, Lehman, Schneider, Townsend, and Travis); Noes, 4 (Sens. Lasee, Darling, and Welch; and Rep. Wieckert); Absent, 4 (Sens. Decker, Ellis, and George; and Rep. Gard); and Vacancy, 1. [Rep. Gard noted that had he been present, he would have voted "Aye" on LRB-1979/1.]*

## **RELATIVE CAREGIVERS: SB 82:**

### **SPECIAL COMMITTEE VOTES**

By a mail ballot dated February 10, 2003, the Special Committee voted to recommend WLC: 0127/1 to the JLC for introduction in the 2003-04 Session of the Legislature. The votes on the draft were as follows:

· WLC: 0127/1, relating to the kinship care program, notice of guardianship proceedings, creating a medical services consent form, and requesting the joint legislative council to study guardianship and legal custody: Ayes, 12 (Sen. Moore; Reps. Kestell, Krug, and Ott; and Public Members Albrecht, Cabraal, Gonzalez, Hafner, Huber, Kratz, McAllister, and Medaris); and Noes, 0.

### **JOINT LEGISLATIVE COUNCIL VOTES**

At its February 19, 2003 meeting, the Joint Legislative Council voted as follows on the following recommendation of the Special Committee:

Introduction by the Joint Legislative Council of WLC: 0127/1 **PASSED** by a unanimous voice vote. WLC: 01271 was subsequently introduced as 2003 Assembly Bill 201 and 2003 Senate Bill 82.

## **STATE TRIBAL RELATIONS: SB 192:**

· WLC: 0148/1, relating to tribal administration of rehabilitation reviews for persons who otherwise may not operate, be employed at, contract with, or reside at an entity that provides care for children or adults and granting rule-making authority. The motion passed on a vote of *Ayes, 12* (Reps. Musser, Boyle, Hines, Pettis, and Sherman;

Sen. Zien; and Public Members Bichler, Brown, Gordon, Ninham, Puskarenko, and Taylor; *Noes, 1* (Rep. Coggs); and *Not Voting, 4* (Sen. George; and Public Members Besaw, Bigboy, and Thundercloud). This was subsequently redrafted by the LRB as LRB-2552/1.

The Legislative Council vote was Ayes, 15 (Sens. Erpenbach, Brown, Harsdorf, Risser, Lasee, Darling, Welch, Decker; Reps. Wieckert, Freese, Kaufert, Lehman, Schneider, Townsend and Travis); No, 2 (Rep. Gard and Sen. Ellis); Not voting, 4 (Reps. Coggs, Kreuser and Sens. George and Panzer); and Rep. Foti indicating that he would have voted "no" if present.

-----Original Message-----

**From:** Jermstad, Sara  
**Sent:** Thursday, June 26, 2003 4:23 PM  
**To:** Rose, Laura  
**Subject:** July 22 hearing

Laura,

You probably noticed that all the bills we will be hearing at the July 22 hearing are Leg Council bills. Carol would like to know what the Leg Council votes were for each of the bills. Would you be able to find that out for me?

Thank you,  
Sara

Sara Jermstad  
Office of Senator Carol Roessler  
Sara.Jermstad@legis.state.wi.us  
(608)266-5300 / 888-736-8720

**Halbur, Jennifer**

---

**To:** Radloff, Gary  
**Subject:** Amendments to SB 74

Gary,

I received two amendments from LRB for SB 74. In looking at my notes from our meeting, it looks like all of the areas of concern were addressed. Rachel Letzing and Laura Rose are out today so I thought I would check with you to find out if you have seen the drafts. Let me know if you still think there are unresolved issues with the bill. If not, I can probably add SB 74 to the September 4th calendar. Let me know what you think.

Thanks,

Jennifer

8/27/03

- Gave Gary a copy of the amendments.

Date: July 22, 2003

To: Sen. Carol Roessler, Chair  
Senate Committee on Health, Children, Families, Aging and Long-Term Care

From: Denise Konicki, Member  
Wisconsin Council on Developmental Disabilities

Re: SB 74: Regarding developmental disabilities services

The Council appreciates the hard work done by the Study Committee on Developmental Disabilities and the Legislative Council to produce this legislation in 2001. The Council supported most of the provisions of the original legislation. Developments since 2001, however, have eliminated the need for most of the provisions of the bill. Since the Council has reservations about adding four legislators to its membership, the Council prefers that this bill not move forward.

Council Membership:

The Council had a dilemma about adding the four legislative members and went through a lengthy debate about this provision. The Council appreciates the Legislative Council's intent to bring developmental disability issues to the forefront and to strengthen collaboration between the Legislature and the Council. Unfortunately, adding four legislative members would result in logistical problems for the Council.

Federal law requires that at least 60% of the membership of the Council must consist of "consumers", i.e., individuals with developmental disabilities or their immediate family or guardians. In addition, one-third of the 60% must be individuals with developmental disabilities, one-third must be family members or guardians, and one-third may fall into either category.

Federal law also requires members who represent state entities that administer federal developmental disability funds (DHFS, DWD, DPI); the Waisman Center; the Wisconsin Coalition for Advocacy; providers of public DD services, private non-profit providers, and non-governmental agencies concerned with services for individuals with developmental disabilities.

The Council currently has 9 agency representatives and 18 consumer members, so we are in compliance with federal law. If four members from the Legislature were added, the Council would need to add another consumer to remain in compliance with federal law, bringing our total membership to 32. Such a large membership would make it more difficult to conduct meetings and ensure all members have a chance to be heard.

During the discussion of this provision, a number of consumers expressed concern about being able to speak freely in the presence of legislators. Some of the core advocacy positions

Sen. Carol Roessler  
July 22, 2003  
Page 2

important to consumers taken by the Council, such as the elimination of all waiting lists for services by the 2005-2007 biennium, could be seen as unrealistic by legislators. A concern is that consumers may find it difficult to voice opinions about what they feel is necessary if legislators with intimate knowledge of the state's fiscal and political climate are present.

Because of these concerns, the Council prefers to use methods other than membership to develop greater collaboration with legislators.

Waiting List Report:

The legislation requires the Council to submit an annual report to the legislature regarding the Department of Health and Family Services' waiting list data. The Council is not opposed to this provision.

Children's Long-Term Care Redesign:

The 2003-2005 biennial budget included \$686,800 in state funds and \$825,000 in federal funds to pilot the Redesign over the biennium. The Department of Health and Family Services has also submitted the necessary waiver requests to the federal government. This provision of the bill is unnecessary at this time.

Consolidating Funding of Developmental Disabilities Services:

The Council strongly supports consolidating funding for community services and institutional services. Pooling these resources would eliminate the "institutional bias" which provides more money for people to stay in institutions than they could receive for community services. People should have the same access to funding and services in their own homes as they currently have to live in institutions.

The Department of Health and Family Services has already consolidated administration of institutional and community services in one division. The 2003-2005 biennial budget includes provisions to shift funding for ICFs-MR to county control. The Department may not be able to pool funding, however, because of federal requirements. If federal legislation is passed, pooling funding may be feasible.

Thank you for your consideration of this testimony



22 EAST MIFFLIN STREET, SUITE 900  
MADISON, WI 53703  
TOLL FREE: 1.866.404.2700  
PHONE: 608.663.7188  
FAX: 608.663.7189

## MEMORANDUM

TO: Honorable Members of the Senate Committee on Health, Children,  
Families, Aging and Long Term Care

FROM: Sarah Diedrick-Kasdorf, Senior Legislative Associate *SDK*

DATE: July 22, 2003

SUBJECT: Comments on Senate Bill 74

The Wisconsin Counties Association (WCA) would like to make a few comments on Senate Bill 74, relating to the administration and funding of developmental disabilities services.

WCA supports those portions of Senate Bill 74 regarding the children's long term support redesign. We also support the requirement that the Council on Developmental Disabilities evaluate the waiting lists for developmental disabilities services compiled by the Department of Health and Family Services and its submittal of an annual report regarding the status of the waiting lists to the Legislature at the end of each calendar year. However, while a report to the Legislature is a positive step, inaction by the Legislature to reduce these waiting lists puts significant pressure on county officials and the already overburdened property taxpayers.

WCA does, however, have some questions regarding the provision requiring, as part of the DHFS 2005-07 budget submission, a plan that provides that funding under the medical assistance program for institutional services and home and community-based waiver services for persons with developmental disabilities be combined into one appropriation to the extent permissible under federal law. Generally speaking, WCA is seeking clarification as to the definition of "institutional services" and if funding to be combined includes funding allocated to county nursing homes through the nursing home formula and the intergovernmental transfer program.

Thank you for considering our comments.



**WISCONSIN COALITION FOR ADVOCACY**

THE PROTECTION AND ADVOCACY SYSTEM FOR PEOPLE WITH DISABILITIES

**TESTIMONY REGARDING SB 74**

by

Jeffrey Spitzer-Resnick

Managing Attorney

July 22, 2003

The Wisconsin Coalition for Advocacy (WCA) is the state's designated protection and advocacy (P & A) agency for people with disabilities. Like the Wisconsin Council on Developmental Disabilities (Council), one of our main sources of funding for this work is the federal Developmental Disabilities (DD) Act, which makes us a genuine partner with the Council. Indeed, pursuant to the federal DD Act, which requires one member to be from the state's P & A agency, I am a proud member of the Council.

WCA appreciates the hard work done by the Study Committee on Developmental Disabilities and the Legislative Council to produce this legislation in 2001, which is now embodied in SB 74. Developments since 2001, however, have eliminated the need for many of the provisions of the bill. In addition, WCA has reservations about adding four legislators to its membership.

Council Membership:

WCA understands that the Council had a dilemma about adding the four legislative members and went through a lengthy debate about this provision. As a member of the Council, I participated in those discussions. WCA certainly appreciates the Legislative Council's intent to bring developmental disability issues to the forefront and to strengthen collaboration between the Legislature and the Council. Unfortunately, adding four legislative members would result in logistical and financial problems for the Council.

Federal law requires that at least 60% of the membership of the Council must consist of "consumers," i.e., individuals with developmental disabilities or their immediate family or guardians. Federal law also requires members who represent state entities that administer federal developmental disability funds (DHFS, DWD, DPI); the Waisman Center; WCA; providers of public DD services, private non-profit providers, and non-governmental agencies concerned with services for individuals with developmental disabilities.

There are currently no vacancies on the Council. If four members from the Legislature were mandated, the Council would need to add another consumer to remain in compliance with federal law, bringing the Council's total membership to 31.



WCA is concerned with the increased costs associated with adding members. It is our understanding that adding a consumer member increases meeting costs by approximately \$1,200 per year. Consumers with developmental disabilities often have much greater travel costs than other members because of the need for wheelchair accessible vans, personal assistants, etc. Though \$1,200 may seem to be an insignificant amount compared to the Council's annual allocation, it is our understanding that the Council's operations budget cannot cover the increase due to sharply rising health insurance costs.

Due to these concerns, WCA would welcome the opportunity to work with the Legislature to develop methods to promote greater collaboration on DD issues without the addition of legislative members to the Council.

Waiting List Report:

The legislation requires the Council to submit an annual report to the legislature regarding the Department of Health and Family Services' waiting list data. WCA supports this provision as it would enhance the legislature's knowledge of the waiting list crisis in Wisconsin, and hopefully the progress we will make to resolve that crisis.

Children's Long-Term Care Redesign:

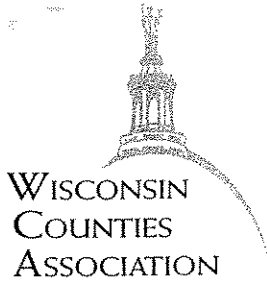
The 2003-2005 biennial budget included \$686,800 in state funds and \$825,000 in federal funds to pilot the Redesign over the biennium, which was both proposed by the Governor and adopted by the legislature, and now awaits the Governor's signature. The Department of Health and Family Services has also submitted the necessary waiver requests to the federal government. Therefore, WCA believes this provision of the bill is unnecessary at this time.

Consolidating Funding of Developmental Disabilities Services:

WCA strongly supports consolidating funding for community services and institutional services. Pooling these resources would eliminate the "institutional bias" which provides more money for people to stay in institutions than they could receive for community services. People should have the same access to funding and services in their own homes as they currently have to live in institutions.

The Department of Health and Family Services (DHFS) has already consolidated administration of institutional and community services in one division. The 2003-2005 biennial budget includes provisions to shift funding for ICFs-MR to county control. DHFS may not be able to pool funding, however, because of federal requirements. If federal legislation is passed, pooling funding may be feasible.

Thank you for your consideration of my testimony. Committee members should always feel free to contact me if you have issues related to people with disabilities which you would like to discuss.



22 EAST MIFFLIN STREET, SUITE 900  
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PHONE: 608.663.7188  
FAX: 608.663.7189

## MEMORANDUM

TO: Honorable Members of the Senate Committee on Health, Children,  
Families, Aging and Long Term Care

FROM: Sarah Diedrick-Kasdorf, Senior Legislative Associate *SDK*

DATE: July 22, 2003

SUBJECT: Comments on Senate Bill 74

The Wisconsin Counties Association (WCA) would like to make a few comments on Senate Bill 74, relating to the administration and funding of developmental disabilities services.

WCA supports those portions of Senate Bill 74 regarding the children's long term support redesign. We also support the requirement that the Council on Developmental Disabilities evaluate the waiting lists for developmental disabilities services compiled by the Department of Health and Family Services and its submittal of an annual report regarding the status of the waiting lists to the Legislature at the end of each calendar year. However, while a report to the Legislature is a positive step, inaction by the Legislature to reduce these waiting lists puts significant pressure on county officials and the already overburdened property taxpayers.

WCA does, however, have some questions regarding the provision requiring, as part of the DHFS 2005-07 budget submission, a plan that provides that funding under the medical assistance program for institutional services and home and community-based waiver services for persons with developmental disabilities be combined into one appropriation to the extent permissible under federal law. Generally speaking, WCA is seeking clarification as to the definition of "institutional services" and if funding to be combined includes funding allocated to county nursing homes through the nursing home formula and the intergovernmental transfer program.

Thank you for considering our comments.



Date: July 22, 2003

To: Sen. Carol Roessler, Chair  
Senate Committee on Health, Children, Families, Aging and Long-Term Care

From: Denise Konicki, <sup>DK/cr</sup> Member  
Wisconsin Council on Developmental Disabilities

Re: SB 74: Regarding developmental disabilities services

The Council appreciates the hard work done by the Study Committee on Developmental Disabilities and the Legislative Council to produce this legislation in 2001. The Council supported most of the provisions of the original legislation. Developments since 2001, however, have eliminated the need for most of the provisions of the bill. Since the Council has reservations about adding four legislators to its membership, the Council prefers that this bill not move forward.

#### Council Membership:

The Council had a dilemma about adding the four legislative members and went through a lengthy debate about this provision. The Council appreciates the Legislative Council's intent to bring developmental disability issues to the forefront and to strengthen collaboration between the Legislature and the Council. Unfortunately, adding four legislative members would result in logistical problems for the Council.

Federal law requires that at least 60% of the membership of the Council must consist of "consumers", i.e., individuals with developmental disabilities or their immediate family or guardians. In addition, one-third of the 60% must be individuals with developmental disabilities, one-third must be family members or guardians, and one-third may fall into either category.

Federal law also requires members who represent state entities that administer federal developmental disability funds (DHFS, DWD, DPI); the Waisman Center; the Wisconsin Coalition for Advocacy; providers of public DD services, private non-profit providers, and non-governmental agencies concerned with services for individuals with developmental disabilities.

The Council currently has 9 agency representatives and 18 consumer members, so we are in compliance with federal law. If four members from the Legislature are added, the Council would need to add another consumer to remain in compliance with federal law, bringing our total membership to 32. Such a large membership would make it more difficult to conduct meetings and ensure all members have a chance to be heard.

During the discussion of this provision, a number of consumers expressed concern about being able to speak freely in the presence of legislators. Some of the core advocacy positions

Sen. Carol Roessler

July 22, 2003

Page 2

important to consumers taken by the Council, such as the elimination of all waiting lists for services by the 2005-2007 biennium, could be seen as unrealistic by legislators. A concern is that consumers may find it difficult to voice opinions about what they feel is necessary if legislators with intimate knowledge of the state's fiscal and political climate are present.

Because of these concerns, the Council prefers to use methods other than membership to develop greater collaboration with legislators.

Waiting List Report:

The legislation requires the Council to submit an annual report to the legislature regarding the Department of Health and Family Services' waiting list data. The Council is not opposed to this provision.

Children's Long-Term Care Redesign:

The 2003-2005 biennial budget included \$686,800 in state funds and \$825,000 in federal funds to pilot the Redesign over the biennium. The Department of Health and Family Services has also submitted the necessary waiver requests to the federal government. This provision of the bill is unnecessary at this time.

Consolidating Funding of Developmental Disabilities Services:

The Council strongly supports consolidating funding for community services and institutional services. Pooling these resources would eliminate the "institutional bias" which provides more money for people to stay in institutions than they could receive for community services. People should have the same access to funding and services in their own homes as they currently have to live in institutions.

The Department of Health and Family Services has already consolidated administration of institutional and community services in one division. The 2003-2005 biennial budget includes provisions to shift funding for ICFs-MR to county control. The Department may not be able to pool funding, however, because of federal requirements. If federal legislation is passed, pooling funding may be feasible.

Thank you for your consideration of this testimony

Halbur, Jennifer

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**From:** Asbjornson, Karen  
**Sent:** Tuesday, July 22, 2003 9:02 AM  
**To:** Jermstad, Sara; Halbur,  
**Subject:** FW: SB 74

CR email fyi - this is the one I printed for you.

Karen Asbjornson  
Office of Senator Carol Roessler  
(608) 266-5300/1-888-736-8720  
Karen.Asbjornson@legis.state.wi.us

-----Original Message-----

**From:** krr.underwood@verizon.net [mailto:res08i8g@verizon.net]  
**Sent:** Tuesday, July 22, 2003 8:44 AM  
**To:** Senator Tim Carpenter; Senator Robert Jauch; Senator Charles Chvala; Senator Judith Robson; Senator Dale Schultz; Senator Carol Roessler; Senator Ted Kanavas; Senator Ron Brown; Senator Robert Welch  
**Subject:** SB 74

July 22, 2003

To: Senate Committee on Health, Children, Families, Aging & Long-Term Care  
Senator Carol Roessler, Chair

RE: Senate Bill 74

Please read and enter my written comments as testimony for the record for the public hearing for Senate Bill 74.

My name is Rebecca Underwood. I am the parent and co-legal guardian of a developmentally disabled adult child.

**I am opposed to the portion of Senate Bill 74 which proposes to combine into one appropriation funding both institutional and home and community based waiver services (HCBS) for persons with developmental disabilities.**

As many of you are probably already aware, the Department of Health & Family Services has been notified that they are currently in violation of Medicaid policy because of the practice of billing service costs associated with non-institutionalized developmentally disabled individuals or non-State Center institutionalized individuals under the State Center Medicaid reimbursement requests.

The receipt of Medicaid dollars in institutional settings is tied to an extensive array of federal and state regulations. I will agree that some of these regulations are nit-picky. However, institutional settings are required to adhere to all regulations and maintain the highest level of quality care to remain fully Medicaid certified to qualify for Medicaid funds. These regulations do not apply to HCBS waiver services. I see no provision in SB 74 which will require all service settings to be held accountable against a uniform system of regulations to qualify for the receipt of Medicaid dollars. Funding should not be combined into one appropriation pot until all are held accountable to identical standards.

07/23/2003

As you may know, the General Accounting Office has just released a report questioning the quality of care in federally-funded community-based settings and the ability of the federal government, via existing oversight requirements and mechanisms to truly know the level of care being provided. A single stream funding concept, without changing the varied oversight mechanisms, may only increase concerns.

By federal law, the costs associated with the waiver program MUST be less than the costs associated with institutional programs. Perhaps this is one reason service costs of non-institutionalized individuals were added to the State Centers operating costs. The Department has already, in 1 fiscal year, increased the operating costs of the Centers by adding on at least a half million dollars worth of service costs not attributable to the long term care of Center residents. Combining into one appropriation pot could only make it easier for the Department to inflate the cost of care at the Centers for the express purpose of closing them and denying our most medically fragile mentally retarded individuals the choice of service setting best equipped to meet their varied needs.

The State Centers, certified and reimbursed as Intermediate Care Facilities for the Mentally Retarded (ICFs/MR) are reimbursed on a formula unique to the Centers. Thus, their Medicaid reimbursement is higher than other ICFs/MR. Perhaps this another reason why service costs associated with individuals from Jackson Center and Hearthside were included in Central Center's Medicaid reimbursement request.

For the 2 reasons just stated, different reimbursement rates and different regulations governing the receipt of Medicaid dollars, please reject the portion of SB 74 which provides for the combining into one appropriation funding for institutional and HCBS waiver programs for persons with developmental disabilities.

In reference to the plan to centralize services for persons with developmental disabilities, I thought that was already done with the merger of the Division of Care & Treatment Facilities with the Division of Supportive Living to create the Division of Disability & Elder Services this past March. IF the idea behind a unified system and one appropriation is to allow people to move freely along the continuum of services, then all programs must truly have a revolving door. No program, in particular, institutional services, must be excluded by denying admissions and forcing people out against their wishes.

Thank you for the opportunity to express my views.

Rebecca Underwood  
669 McCarthy Drive  
Hartford, WI 53027  
(920) 474-4201

## Halbur, Jennifer

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**From:** Rose, Laura  
**Sent:** Tuesday, August 12, 2003 9:43 AM  
**To:** Halbur, Jennifer  
**Subject:** RE: Sept Hearings

Okay, sounds good. I have some ideas to modify SB 74. A lot has happened since that bill was drafted that make several of the provisions unnecessary.

I want to let you know my schedule for the next couple of weeks. I would like to be able to attend any meetings you are able to set up on committee rules and bills, but I am not going to be around too much over the next couple of weeks. I will be in every day this week except Friday. Next week, I will only be in on Tuesday, August 19th, but I have another hearing that day that begins at 1:00 p.m. I would be free that morning, however.

The week after next, I am working at the CSG Midwest Legislative Conference in Milwaukee (believe it or not, I am coordinating the spouse and guest entertainment!!) on Monday-Wednesday. I had planned to take off Thursday and Friday (8/28 and 8/29) but I could come in for a meeting if need be one of those days if necessary. I'll just be hanging around at home getting my kids ready for school.

At any rate, if it is too difficult to find meeting times to accommodate me, please go ahead without me. I can give you my input on the issues beforehand if I am unable to make any meetings scheduled.

Thanks Jennifer!

Laura

-----Original Message-----

**From:** Halbur, Jennifer  
**Sent:** Tuesday, August 12, 2003 9:29 AM  
**To:** Rose, Laura  
**Subject:** RE: Sept Hearings

Okay, I will talk to her today to firm up the agenda. The Department is concerned about SB 74 and Carol has agreed to meet with Gary Radloff (you'll be included also). We may schedule this and then if need be remove it from the agenda later.

Thanks for your help!!

-----Original Message-----

**From:** Rose, Laura  
**Sent:** Tuesday, August 12, 2003 9:27 AM  
**To:** Halbur, Jennifer  
**Subject:** RE: Sept Hearings

No, I agree with you that the exec should be first, because more Senators will be there then.

-----Original Message-----

**From:** Halbur, Jennifer  
**Sent:** Tuesday, August 12, 2003 9:26 AM  
**To:** Rose, Laura  
**Subject:** RE: Sept Hearings

I was thinking she should have the exec. first just to get those bills out of the way. Do you think it should be held after the public hearing?

-----Original Message-----

**From:** Rose, Laura  
**Sent:** Tuesday, August 12, 2003 9:08 AM  
**To:** Halbur, Jennifer  
**Subject:** RE: Sept Hearings

I don't think there is too much on September 4th. The conscience clause bill will bring out lots of people, but that will probably be the most controversial one. The HIV bill may also bring out a lot of people. The others shouldn't take too long. Does she plan on holding the exec first?

Laura

-----Original Message-----

**From:** Halbur, Jennifer  
**Sent:** Monday, August 11, 2003 6:23 PM  
**To:** Rose, Laura  
**Subject:** Sept Hearings

Laura,

Could you take a look at this attachment and let me know if you think there would be too much scheduled on Sept 4th? I tried to keep the items for Sept 16th light since the Joint Hearing is going to follow the Senate hearing. Carol wants to have a hearing on all of those items in Sept., so it is just a matter of deciding which bills will be heard on which days.

Thanks,

Jennifer

<< File: 8-11-03 possible Sept hearing items.doc >>



8-14-03

CR meeting with:

Peggy Handrich, DHFS

Gary Radloff, DHFS

Laura Rose, Leg. Council

Rachel Letzing, Leg. Council

**SENATE BILL 74**

## DHFS CONCERNS

### **Fiscal/Section 4...eligibility and services expansion**

- Fiscal note of \$45,475,600 all funds. (\$23,698,800 GPR).
- The bill is a one size fits all approach. The MA benefits cannot just target kids.
- This bill does not represent the recommendation of the Joint Legislative Council.
- Rachel Letzing could not explain how the bill got off track...maybe a misunderstanding of drafting instructions.
- The Joint Leg. Council Committee recommended a bill that did not have a fiscal effect and reflected the DHFS intent.
- The Dept. has already moved forward with a waiver (the bill requires HFS to seek waivers of federal MA statutes and regs. that are necessary to implement the Children's Long Term Support Redesign in pilot sites.).
- The waiver the DHFS submitted was sent to Feds. In June 2003. They had hoped to know if it would be accepted by Sept. 1<sup>st</sup> 2003, however the feds. gave the Dept. indication that they would know before Oct. 1<sup>st</sup>. HFS needs approval before Oct 1<sup>st</sup> due to the fact that Autism is also covered (budget change).

### NEXT STEPS

- It is possible that Section 4 needs to be changed to either state what has already been done by the Dept. or the language needs to be changed to meet HFS/JT Leg. Counsel Committee intent.
- DHFS, Rachel Letzing and Laura Rose will meet to determine what in the bill DHFS has already moved forward with and what needs to be changed to reflect DHFS/JT Leg Council Committee intent. After this is determined, Leg Council will put together amendments.

### **Institutional and Community Services Appropriations**

- The bill requires DHFS to develop a plan to administer and fund services for persons with developmental disabilities. The plan must provide that funding under the MA program for institutional services and home and community based waiver services for persons with dev. disabilities be combined into one appropriation.

- This appropriation would be separated from the MA “pot” of money. Currently, there are separate “pots” of money under MA but, for example, if there is savings in one area, the funds can be moved from that area to a different area. This flexibility would be gone relating to institutional services and home and community based waiver services.
- This is more of a voucher approach. Vouchers remove a person’s entitlement to services. A voucher system provides people with a set amount of dollars and the freedom to use those dollars for services they feel best meet their needs. The problem is that the voucher system usually provides more flexibility but less money.

### NEXT STEPS

- DHFS and Leg. Council will work together to put together an amendment which treats these appropriations like long term care funding. No set aside; yes, collapse together. Programmatic blending rather than budgetary blending.

### **Council on Developmental Disabilities Membership**

- This issue is really the concern of the Council. The problem relates to the current requirement that 60% of the council’s membership be developmentally disabled individuals, parents/guardians of developmentally disabled children...
- Adding Legislative membership will increase the number of dev. disabled members required. The feeling is that the Council will be too large and it will be difficult to create a quorum.

### NEXT STEPS

- Leg. Council will draft an amendment to remove the requirement that Legislators be added to the Council.



State of Wisconsin  
**Department of Health and Family Services**

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Jim Doyle, Governor  
Helene Nelson, Secretary

To: Members of the Senate Health, Children, Families, Aging and Long-Term Care Committee

From: Gary Radloff, DHFS Legislative Liaison

Re: Senate Bill 74 related to Children's Long-Term Support (CLTS) Redesign.

Senate Bill 74 would require the Department of Health and Family Services to develop a plan to administer and fund services for person with developmental disabilities. This analysis outlines some of the potential costs of the proposed programmatic changes in SB 74 if fully implemented.

The provision that Medicaid services should be expanded to "include services focused on the needs of children with developmental disabilities and their families." would be cost neutral. The CLTS Redesign committee has described improved coordination of services and flexibility between the children's home and community based waiver, that will be submitted to the Centers for Medicaid and Medicare Services (CMS), and Medicaid fee-for-services under the State Medicaid Plan.

However, the SB 74 language describes expansion of State Plan services, which would have a potentially significant cost. This cost is amplified by the fact that the expanded benefit could not be limited to children with long-term care needs as a State Plan amendment, the services must be available to all Medicaid eligibles. "Services focused on the needs of children with developmental disabilities and their families" could involve expanding MA services to include personal care services provided outside the individual's home and personal care services for instrumental activities of daily living. The new waivers allow DHFS to limit enrollment to the amount of funding available. There are currently 4,879 children on community care waiting lists. It is estimated that if MA services were expanded this way, the annual cost would be a minimum of \$45,475,600 AF (\$23,698,800 GPR) per year. Additional services such as pediatric medical care, could be added as well, which would further increase the cost.

The Department of Health and Family Services is willing to meet with committee members to discuss further these proposals and the cost to the state.

# DHFS

*Department of Health and Family Services*  
1999-2001 Biennial Budget Statutory Language Request  
September 11, 2000

Title: Children's Home and Community-Based Waiver

## **Current Language**

None

## **Proposed Change**

Request statutory authority to seek a children's home and community-based waiver (1915c) under the Medical Assistance Program. Suggested language is provided in the attachment.

## **Effect of the Change**

- The proposed waiver would be offered to children and families currently receiving services through the Family Support Program, COP, other waivers and Medicaid fee-for-service. Any new funds appropriated for children's services would operate within this new framework. Counties could also serve new children and families if they are able to provide additional local match funding.
- The waiver would define children who are at an institutional level of care with physical, sensory, developmental and significant health care needs as eligible. This waiver would be offered to participants of other waivers as a transfer option.
- New services added under the waiver would be available only to children.
- The waiver would also provide the possibility of serving children who have severe disabilities, but who do not meet the developmental disability criteria. The current waivers are written for persons who are "mentally retarded" and may not allow for other disabilities, such as some types of autism or a physical disability such as a degenerative nerve disorder.
- The proposed waiver would permit blending of currently fragmented services and funds.
- The waiver would maximize currently unmatched GPR by securing federal matching funds. The state and counties would be able to use current funding, such as FSP, COP or Community Aids as match for federal dollars thereby using existing service dollars to leverage additional funding through MA federal match. A local match option would also be included as part of the waiver.

## Rationale for the Change

Differing federal and state legislation and requirements govern each of several programs serving children, including the Family Support Program (FSP), COP and home and community-based waivers (CIP 1A, CIP1B and BIW). Eligibility criteria, entitlement, point of entry, allowable services and qualified providers vary across the programs. This has resulted in a complex, fragmented and inefficient system of long-term supports. There are currently 3,000 children on waiting lists for these services. Some of these children do not have access to needed community supports. Other may be accessing more expensive services through Medicaid or in costly institutional or foster care settings. In 1997, a Children's Redesign Committee was appointed by the Secretary of the Department of Health and Family Services to design an improved system of services and supports for children with long-term care needs. The proposed waiver is part of this redesign process.

**Desired Effective Date:** Upon passage of the budget  
**Agency:** DHFS  
**Agency Contact:** Lisa Kelly  
**Phone:** 266-5364  
73659

Attachment --

(1) Children's Long Term Support Redesign

(a) The department of health and family services shall, as soon as possible before July 1, 2002, seek waivers of federal medical assistance statutes and regulations from the federal department of health and human services that are necessary for pilot sites to implement the children's long-term support committee's model redesigning the current system of care for children with disabilities and their families, statutes as created by this act, would have all of the following characteristics:

1. Medicaid coverage of services under waiver programs under sections 46.985, 46.27 (11), 46.275, 46.277, 46.278 and 51.44 of the statutes would be expanded to include children with severe disabilities and long term care needs, as well as Medicaid eligible children with high medical costs, and to include services focused on children and families needs.
2. The administration of this program will be consistent with 46.985, including a family-centered assessment and planning process.
3. The home and community-based waiver will operate within rate tiers based upon a child's level of care and support needs. This will be defined in administrative code, as allowable under federal home and community-based Medicaid waiver regulations.
4. Supports and services will be coordinated with the Medicaid fee-for-service system including improved coordination with the prior authorization process.
5. The lead agency will meet the definition of an "administering agency" prescribed in 46.985(2)(a) namely, a county department, or a human service agency that administers the program under a contract with a county department.
6. Counties in which the pilot sites are located would provide or contract for the provision of, organize or arrange for long-term care supports to eligible children up to age 24 years, consistent with 46.985(1)(b) and 46.985(6)(f).
7. Information and assistance services operated by pilot sites would be required to provide, contract or arrange for the provision of services specified below:
  - (a) Information and referral services and other assistance at hours that are convenient for the public.
  - (b) Within the limits of available funding, provide prevention and intervention services.
  - (c) Counseling concerning public and private benefits programs.
  - (d) Assistance with understanding child and parent rights within the long-term care system.

8. Determine functional and financial eligibility for the children's long-term support waiver by coordinating with the department of health and family services, completing the following:
    - (a) A determination of functional eligibility for the children's long-term support benefit
    - (b) A determination of financial eligibility and of the maximum amount of cost sharing required for a family who is seeking long-term care services, under standards prescribed by the department.
    - (c) Assistance to a child and their family who is eligible for the children's long-term support benefit with respect to the choice of whether or not to participate in the waiver pilot.
    - (d) Assistance in enrolling in a waiver pilot for families who choose to enroll their children.
  9. The cost of the program would not exceed the cost of relevant aspects of the existing services programs noted above.
  10. Pilot sites would be required to blend the costs per child served in the areas of the sites under sections 46.985, 51.44, 46.27 (11), 46.275, 46.277 and 46.278 of the statutes.
  11. The department of health and family services will develop a methodology to distribute funding to pilot sites on a per child per month basis.
  12. Reinvest any funding saved by this new methodology into the children's long-term support system.
  13. Equitable assignment of priority on any necessary waiting lists, consistent with criteria prescribed by the department, for children who are eligible for the children's long-term support benefit, but for whom resources are not available.
  14. Transitional services to families whose children with physical or developmental disabilities are preparing to enter the adult service system.
  15. A determination of eligibility for state supplemental payments under 49.77, medical assistance under s.49.46, or the federal food stamp program under 7 USC 2011 to 2029.
- (b) If the federal waivers specified under paragraph (a) are approved, the department of health and family services shall as soon as possible before July 1, 2002, seek enactment of statutory language, including appropriation of necessary funding, to implement the model described under paragraph (a), as approved under the federal waivers.

Programmatic  
 To: Members of the Senate Health, Children, Families, Aging and Long-Term Care Committee  
 From: Gary Radloff, DHFS Legislative Liaison  
 Re: Senate Bill 74 related to Children's Long-Term Support (CLTS) Redesign.

*Not expanding current funding  
 Dept admin account as P Care*

*Case set as wife collapse together*

*Doesn't  
 vouchers  
 EAP  
 w/voucher*

*Target POP 5?  
 Isolates  
 pts  
 = NO*

Senate Bill 74 would require the Department of Health and Family Services to develop a plan to administer and fund services for person with developmental disabilities. This analysis outlines some of the potential costs of the proposed programmatic changes in SB 74 if fully implemented.

The provision that Medicaid services should be expanded to "include services focused on the needs of children with developmental disabilities and their families." would be cost neutral. The CLTS Redesign committee has described improved coordination of services and flexibility between the children's home and community based waiver, that will be submitted to the Centers for Medicaid and Medicare Services (CMS), and Medicaid fee-for-services under the State Medicaid Plan.

However, the SB 74 language describes expansion of State Plan services, which would have a potentially significant cost. This cost is amplified by the fact that the expanded benefit could not be limited to children with long-term care needs as a State Plan amendment, the services must be available to all Medicaid eligibles. "Services focused on the needs of children with developmental disabilities and their families" could involve expanding MA services to include personal care services provided outside the individual's home and personal care services for instrumental activities of daily living. The new waivers allow DHFS to limit enrollment to the amount of funding available. There are currently 4,879 children on community care waiting lists. It is estimated that if MA services were expanded this way, the annual cost would be a minimum of \$45,475,600 AF (\$23,698,800 GPR) per year. Additional services such as pediatric medical care, could be added as well, which would further increase the cost.

The Department of Health and Family Services is willing to meet with committee members to discuss further these proposals and the cost to the state.

Plops down

Can't target just to kids  
 Using sub all  
 trying to be innovative in redesign  
 LTRB Back to Oregon

Section 4

Rewrite Sec 4

Submitted June - Sept 05  
 before Oct. 1st Feb will act.  
AUTISM

not in best interest for SD to CHAPPED  
 Less & more choices  
 Removing entitlement.

not in interest  
 Best interest of client