

**STATEMENT OF SCOPE**  
**WISCONSIN DEPARTMENT OF HEALTH SERVICES**

**SCOPE TYPE:** Original  
**PROPOSED RULE TYPE:** Permanent  
**EMERGENCY:** Not applicable  
**CHAPTER/S:** DHS 1 Uniform Fee System  
DHS 5 Personnel Administration in Local Human Services Agencies  
DHS 10 Family Care  
DHS 12 Caregiver Background Checks  
DHS 15 Assessment for Occupied Beds in Nursing Homes and Intermediate Care Facilities for the Mentally Retarded  
DHS 40 Mental Health Day Treatment Services for Children  
DHS 60 Traffic and Conduct on State Treatment Institution Property  
DHS 61 Community Mental Health and Developmental Disabilities  
DHS 63 Community Support Programs for Chronically Mentally Ill Persons  
DHS 73 Selected Fiscal Management Procedures and Standards Under the Community Options Program and Medical Assistance Home and Community-Based Services Waiver  
DHS 75 Community Substance Abuse Service Standards  
DHS 88 Licensed Adult Family Homes  
DHS 101 Introductions and Definitions  
DHS 103 Eligibility  
DHS 104 Recipient Rights and Duties  
DHS 105 Provider Certification  
DHS 106 Provider Rights and Responsibilities  
DHS 107 Covered Services  
DHS 110 Emergency Medical Services Licensing, Certification, and Training Requirements  
DHS 122 Long-Term Care Facility Bed Additions and Capital Expenditures Review  
DHS 124 Hospitals  
DHS 129 Certification of Programs for Training and Testing Nurse Aides, Medication Aides and Feeding Assistants  
DHS 132 Nursing Homes  
DHS 134 Facilities Serving People with Developmental Disabilities  
DHS 152 Reimbursement for Treatment of Chronic Renal Disease

**SUMMARY**

**1. Description of rule objective/s**

The objective of the proposed rulemaking is to comply with 2019 Executive Order 15. The Order requires each state agency to review its administrative rules and replace any derogatory or offensive terms with current, inclusive terms.

Note: The Department is already in the process of revising or repealing many of the rule chapters listed above, as authorized by other Statements of Scope. In addition, current legislative proposals (2019 AB 20 and 2019 SB 19) aim to directly amend many of the affected rule chapters. The Department will replace outdated and non-inclusive terms as expeditiously as possible under the authority of this, or previously-approved Statements of Scope, and based upon the outcome of current legislative proposals.

## **2. Existing policies relevant to the rule**

Affected rule chapters contain terms that are no longer current or inclusive, such as “mentally retarded,” “mental retardation,” and “handicapped.”

## **3. Policies proposed to be included in the rule**

The Department proposes to update affected rules with current and inclusive terms, including related acronyms, such as “ICF/MR,” “ICF-MR,” and “QMRP.”

## **4. Analysis of policy alternative/s**

There are no reasonable alternatives to the rulemaking. The Department has been directed by Executive Order to update affected rules with current and inclusive terms.

## **5. Statutory authority for the rule**

### **a. Explanation of authority to promulgate the proposed rule**

Within certain parameters, the Department is authorized under s. 227.11 (2) (a), Stats., to promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute.

### **b. Statute/s that authorize/s the promulgation of the proposed rule**

Section 227.12 (2) (a), Stats.

### **c. Statute/s or rule/s that will affect the proposed rule or be affected by it**

None.

## **6. Estimates of the amount of time that state employees will spend to develop the rule and other necessary resources**

The Department estimates that it will take approximately 200 hours of time.

## **7. Description of all of the entities that may be affected by the rule, including any local governmental units, businesses, economic sectors, or public utility ratepayers who may reasonably be anticipated to be affected by the rule**

The proposed rule will affect categories of individuals referenced in affected rule provisions.

**8. Summary and preliminary comparison of any existing or proposed federal regulation that is intended to address the activities to be regulated by the rule**

There are no existing or proposed federal regulations that address the activities to be regulated by the rules.

**9. Anticipated economic impact, locally or state wide**

The proposed rule is anticipated to have little to no economic impact if promulgated.

**Agency contact/s**

Davis Ciotola  
Attorney  
Office of Legal Counsel  
Department of Health Services  
davis.ciotola@dhs.wisconsin.gov  
608-266-8428

Whitney Ederer  
Administrative Rules Manager  
Office of Legal Counsel  
Department of Health Services  
whitney.ederer@dhs.wisconsin.gov  
608-267-4029