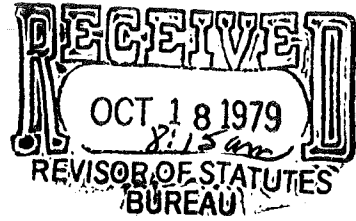


PW-MH 60

C E R T I F I C A T E

STATE OF WISCONSIN)
)SS
DEPT. OF HEALTH & SOCIAL SERVICES)




TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Donald E. Percy, Secretary of the Department of Health and Social Services and custodian of the official records of said department do hereby certify that the annexed rules relating to PW-MH 60.40 Standards for Community Developmental Disabilities Services were duly approved and adopted by this department on October 16, 1979.

I further certify that said copy has been compared by me with the original on file in this department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the department at the State Office Building, 1 W. Wilson Street, in the City of Madison, this 16th day of October, A.D. 1979.

Seal:



Donald E. Percy, Secretary
Department of Health & Social Services

ORDER OF THE
DEPARTMENT OF HEALTH AND SOCIAL SERVICES

ADOPTING, AMENDING

OR REPEALING RULES

Relating to rules concerning PW-MH 60.40, Standards for Community Developmental Disabilities Services.

Analysis prepared by the Department of Health and Social Services: PW-MH 60.40 establishes minimum program standards for the provision of developmental disabilities services whether through programs directly operated by counties or contracted from private providers. These service standards apply to each of the 16 services mandated by Chapter 51 of the Wisconsin Statutes and contain minimal requirements for each service. The purpose of the rules is to assure every Wisconsin citizen accessibility to a full range of adequate quality developmental disabilities services to meet their individual needs regardless of the geographic location of their residence.

Pursuant to authority vested in the Department of Health and Social Services by section 227.014(2), Wis. Stats., and sections 51.42(12), 51.437(16); the Department of Health and Social Services hereby repeals, and adopts rules interpreting section 51.437, Wis. Stats., as follows:

Sections PW-MH 60.40 and 60.50 are repealed and recreated as follows: PW-MH 60.40 to 60.56.

Standards - Community Developmental Disabilities Services

PW-MH 60.40 INTRODUCTION

(1) PURPOSE OF RULES. The following rules establish service standards for community developmental disabilities programs whether directly operated by counties or contracted from private providers. These service standards shall apply to each of the 16 services mandated by Chapter 51 of the Wisconsin Statutes and contain the minimal requirements for each service.

(a) For administrative purposes it is necessary to mesh the 16 services with the program elements used for reporting and budgeting for state grant-in-aid. In programming for individuals with developmental disabilities, the program elements of outpatient, day services, sheltered employment, transitional or community living, extended care and intervention are frequently referred to in relationship to the 16 required developmental disability services.

(2) DEFINITIONS. The following words and phrases have the designated meanings:

(a) "Board" means a community services governing and policy making board of directors as established under section 51.42, section 51.437 or section 46.23 Wis. Stats.

(b) "Day Care Program" means comprehensive coordinated sets of services to the individual with a developmental disability in order to promote maturation and social development and skills in the areas of daily and community living and to provide an opportunity for the productive, constructive use of time. Day services programs are offered on a continuous basis for a routinely scheduled portion of a 24 hour day, in a non-residential setting.

1. Day services programs shall include day care and may include the additional developmental disabilities services of counseling, education, recreation, training, treatment, personal care, transportation and evaluation.

2. When any of these services are offered as part of an out-patient program, the appropriate standard shall apply.

(c) "Department" unless qualified, means the department of health and social services.

(d) "Director" means the program director appointed by the board or his or her designee.

(e) "Extended Care Program" means the provision of food and lodging and medical or nursing care on a continuous 24 hour a day basis for individuals with developmental disabilities who are unable to live in a less restrictive setting. Extended care programs are available in Wisconsin centers for the developmentally disabled

1. Extended care programs shall include domiciliary care and any of the additional developmental disabilities services as needed by the person.

2. The appropriate standard shall apply.

(f) "Intervention Program" means programs designed to identify individuals with developmental disabilities in need of services and to assist them in obtaining the appropriate service.

1. Intervention programs may include information and referral, follow along, counseling, recreation and transportation.

(g) "Outpatient Program" means intermittent non-residential services in order to halt, ameliorate, or remove a developmental disability or a condition which aggravates a developmental disability in order to promote more effective functioning. Outpatient services may occur on a single contact basis or on a schedule of routine short visits over an extended period of time.

1. Outpatient programs may include the developmental disabilities services of diagnosis, evaluation, counseling, education, recreation, training, treatment, personal care and transportation.

2. When any of these services are offered as part of an out-patient program, the appropriate standard shall apply.

(h) "Rule" means a standard statement of policy or general order, including any amendment or repeal of general application and having the effect of law.

(i) "Sheltered Employment Program", means non-competitive remunerative employment and other necessary support services for individuals who are presently unemployable in the competitive labor market.

1. Sheltered employment programs shall include sheltered employment services or work activity services and may include the additional developmental disabilities services of counseling, education, recreation, training, personal care, transportation and evaluation.

2. When any of these services are offered as part of a sheltered employment program, the appropriate standard shall apply.

(j) "Transitional or Community Living Program", means non-medical, non-institutional, partially independent living situations for individuals with developmental disabilities which may provide food, lodging and appropriate support services to facilitate social development and independence and skills in areas of daily and community living.

1. Transitional and community living programs shall include special living arrangements and may include the additional developmental disabilities services of counseling, education, recreation, training, personal care, transportation and evaluation.

2. When any of these services are offered as part of a transitional or community living program, the appropriate standard shall apply.

(3) FAMILY INVOLVEMENT IN SERVICE PROVISION. The service providers shall keep the family closely informed of service plans and services provided to the person with a developmental disability. For the purposes of these 16 service standards the phrase ". . . the person with a developmental disability and the family. . ." means that the family will receive information, counseling or assistance if appropriate and as follows:

(a) The parents or legal guardian shall be included in all matters related to a person who has not attained majority.

(b) The legal guardian shall be included in all matters related to his or her ward in which the court had adjudicated the ward incompetent and the guardian legally responsible.

(c) The family or advocate of an adult with a developmental disability shall be involved at the request of the individual.

PW-MH 60.41 INFORMATION AND REFERRAL SERVICES Information and referral services provide a current complete listing of resources available to the person with a developmental disability. This information shall be cataloged and readily available to the person with a developmental disability, the professional serving the person with a developmental disability and other interested people.

(1) REQUIRED PERSONNEL. There shall be a person responsible for the information and referral service who shall have the skills and knowledge that would typically be acquired through a course of study leading to a bachelor's degree in one of the social service fields and one year of exper-

ience in human services or graduate education specializing in information services. This person shall have demonstrated knowledge of the local service delivery system as well as the resources available outside of the local system.

(2) PROGRAM. (a) The information and referral services shall solicit, catalog and disseminate information on all resources available to meet the needs of people with developmental disabilities. All information shall be disseminated in an unbiased manner. When necessary, individuals will be assisted in obtaining services in cooperation with the developmental disabilities follow along services.

(b) Whenever possible this service shall be coordinated with the information and referral activities of the other disability areas of the boards and other public agencies providing information and referral services.

(c) Each information and referral service shall have a written plan which describes its method of operation.

(d) Each information and referral service shall maintain the following information on all inquiries:

1. Mode of inquiry - personal visit, letter, phone call, and so forth.
2. From whom inquiry was received - consumer, professional, and so forth.
3. Type of information or referral needed.
4. Developmental disability for which information or referral was requested
5. The effectiveness of the referrals.

(e) There shall be an internal annual review of (2)(d) to ascertain where this service can be improved. Data that appears to point to gaps or weaknesses in community services shall be forwarded in writing to the board for consideration in the planning and budgeting process.

(f) Each information and referral services shall develop and implement a written plan for continuous, internal evaluation of the effectiveness of its program.

PW-MH 60.42 FOLLOW-ALONG SERVICES Follow-along services establish and maintain a relationship with a person with a developmental disability and the family for the purpose of assuring that the needs of a person with a developmental disability are identified and met. Follow-along services shall establish a catchment area system of case management which shall coordinate services to a person with a developmental disability whether that person receives services from one or many agencies.

(1) REQUIRED PERSONNEL. There shall be a case manager who has the skills and knowledges that would be typically acquired through a course of

study leading to a degree in a human services related field, and at least 2 years experience in developmental disabilities. This person shall be knowledgeable concerning the service delivery system and the resources available to the individual with a developmental disability. The case manager shall be responsible to the director of the board, or if contracted, to the director of the contracted agency.

(2) PROGRAM. (a) There shall be a system of case management which coordinates all services to people with developmental disabilities within the respective board catchment area.

(b) The board or the agency contracted for follow-along service shall develop a written plan to inform all people known to have a developmental disability and their family of the follow-along service as it relates to:

1. The obligation of the case manager in the development and supervision of a comprehensive, individualized service plan.

2. The availability of this service to people with a developmental disability on a life-long basis, regardless of the need for other service elements.

(c) The case manager shall be responsible for the development, coordination and implementation of a service plan for each individual receiving services other than information and referral, diagnosis, and transportation. This service plan shall be developed as specified under section 60.44 Evaluation Service.

(d) The case manager shall coordinate, his or her effort with the information and referral service to assist people with a developmental disability in obtaining a service they need which does or does not exist within the board mandate.

(e) The case manager shall provide an annual written summary to the director on each person who receives only follow-along service.

PW-MH 60.43 DIAGNOSTIC SERVICES. Diagnostic services are medical services, to identify the presence of a developmental disability.

(1) REQUIRED PERSONNEL. (a) Diagnosis shall be performed by a physician. Whenever possible the physician shall be a specialist in developmental disorders.

(b) There shall be additional personnel as necessary to meet the diagnostic needs of the individual.

(2) PROGRAM. (a) Diagnosis shall be provided when the person enters the service delivery system, if this has not already been completed, and periodically thereafter when changes in functioning indicate that a person's eligibility for services should be reassessed.

(b) The diagnosis shall include a physical assessment and may include a psychological assessment and a social history if they relate to the person's developmental disability.

(c) A written report on the type and degree of an individual's developmental disability shall be made to the director within 30 days after the referral for service has been made.

(d) The written report shall be available to the service providers on a need to know basis as specified in s. 51.30 Stats.

PW-MH 60.44 EVALUATION SERVICES Evaluation services are the systematic assessment of pertinent physical, psychological, vocational, educational, cultural, social, familial, economic, legal, environmental, mobility, and other factors affecting the individual with a developmental disability in order to develop a comprehensive service plan. Evaluation services shall include the initial formal evaluation as well as a mechanism for review and modification of the service plan.

(1) REQUIRED PERSONNEL. (a) There shall be a case manager who acts as coordinator.

(b) There shall be additional personnel as necessary to meet the evaluation needs of the individual. The evaluation shall, as needed, include assessments of a physician, psychologist, dentist, optometrist, speech pathologist, audiologist, professional vocational specialist, social worker, physical therapist, occupational therapist, nurse, or teacher.

(c) The person shall be actively involved in the evaluation process and family members, advocates or guardians of the individual shall be included if appropriate.

(d) In conjunction with the implementation of the service plan, staff within agencies shall be designated to provide continuous evaluation of a person's performance within a service or activity.

(2) PROGRAM. (a) The case manager shall be responsible for coordinating the formal evaluation. The formal evaluation shall, as needed, include personnel who are able to provide a systematic interdisciplinary assessment of physical, psychological, vocational, educational, cultural, social, economic, legal, environmental, familial, mobility, and other characteristics affecting the person with a developmental disability.

(b) The person shall receive a formal evaluation within 30 days of the referral for evaluation services.

(c) All or portions of evaluations done by local or state agencies such as local schools, centers for the developmentally disabled, division of vocational rehabilitation (DVR) or vocational technical adult education (VTAE) system which are less than one year old shall be reviewed.

(d) The case manager shall ensure that a written report is prepared which shall contain:

1. Recommendations on the nature and scope of services needed to correct or minimize the disabling condition or conditions and those services needed to promote or enhance the individual's total strengths and assets.

2. The extent to which the disability limits, or can be expected to limit, the individual and how and to what extent the disabling condition or conditions may be corrected or minimized.

(f) The case manager shall be responsible for the development of a service plan based upon the reports of the evaluators. The service plan shall be developed in cooperation with the individual and the family. The service plan shall state long and short-term objectives for the individual, services needed to meet objectives and a timetable for their attainment. The service plan shall also include agency case plans which shall contain outcome oriented, measurable objectives and a timetable for their attainment. It shall specify the types of activities in which the person shall participate and the activities shall be appropriate to the age as well as the functional level of the individual.

(g) The case manager shall coordinate the implementation of the service plan and shall review the agencies case plans and the written progress notes of the agency staff concerning the individual's progress toward the objectives contained in the service plan at least every 6 months.

(h) There shall be continuous evaluation which shall be the responsibility of the case manager and agency staff. As part of the continuous evaluation, the case manager shall hold at least an annual review of the service plan. This review shall include the individual, those persons responsible for providing services to the individual, and the family. Any of the people involved in the original assessment, may be included. The case manager shall ensure that a written summary report of the annual review is prepared.

(i) The case manager shall be responsible for coordinating formal re-evaluations of the individual based upon the recommendations from the annual review.

(j) The case manager shall be responsible for modifying the service plan based upon any significant change in the person's functioning and shall coordinate the implementation of the revised service plan.

PW-MH 60.45 COUNSELING SERVICES. Counseling services provide professional guidance based on knowledge of human behavior through the use of interpersonal skills to achieve specified goals.

(1) PERSONNEL. (a) The individual providing counseling services, except in the areas of medical and legal counseling, shall have the skills and knowledges that would be typically acquired through a course of study leading to a master's degree in one of the behavioral sciences and one year of training or experience in the specific area in which counseling is being offered.

(b) Medical counseling shall be provided by a licensed physician or a registered professional nurse in accord with the Professional Practice Act, and legal counseling shall be provided by a licensed attorney. Non-medical or non-legal counselors shall inform the person with a developmental disability and the family of what the statutes provide and the interpretations provided by administrative rules and guidelines in the legal and medical areas.

(2) PROGRAM. (a) Counseling services may assist the person with a developmental disability and the family to understand his or her capabilities and limitations or assist in the alleviations of problems of adjustment and interpersonal relationships.

(b) Counseling services shall assist the person with a developmental disability and the family with understanding the objectives in the individual's service plan.

(c) Counseling services shall be provided as recommended in the service plan.

(d) The counselor shall keep a written record for each counselee. The record shall contain summaries of each scheduled session and any other significant contact. The record shall include but is not limited to the following data:

1. Date of contact
2. Names, addresses and phone numbers of the people involved in contact.
3. Duration of the contact
4. Progress toward objectives of the counseling case plan
5. Recommendations for changes in counseling or the overall service plan

(e) The counselor shall send a written report to the case manager at least every 6 months. The report shall contain a statement on progress toward the goals of the service plan and the recommendations for changes in the service plan.

PW-MH 60.46 EDUCATION SERVICES. Education Services are structured learning experiences designed to develop ability to learn and acquire useful knowledge and basic academic skills, and to improve the ability to apply them to everyday living.

(1) AGENCY BASED PROGRAMS FOR BIRTH-3 YEARS. (a) Required Personnel.

1. There shall be a director who shall have skills and knowledges that typically would be acquired through a course of study leading to a bachelor's degree in child development, early childhood education or a closely related area.

2. Instructional and related personnel shall be certified or meet certification requirements as established by the department of public instruction.

3. The maximum number of children in a group and the ratio of children to direct service staff shall not exceed:

<u>Age</u>	<u>Maximum Number of Children in a Group Service</u>	<u>Minimum Number of Direct Staff to Children</u>
a. Under 1 year	6	1:2
b. 1 year - 3 years	8	1:4

(b) Program. 1. For children from birth to 3 years, the program emphasis shall be on cognitive, motor, social, communication and self help skills.

2. Whenever possible programming for the birth to 3 year old shall be done in conjunction with the parents or the persons primarily responsible for the care of the child.

3. Programming for the birth to 3 year old shall take into consideration the individual family environment of each child.

4. Educational services shall be provided as recommended in the service plan.

5. Designated staff involved in the education service shall send a written report to the case manager at least every six months. The report shall contain a statement on progress toward the objectives of the service plan and the recommendations for changes in the service plan.

(2) HOME-BASED SERVICES FOR BIRTH-3 YEARS. (a) Required personnel.

1. There shall be a home trainer who is certified by the department based on the criteria established by the Wisconsin Hometrainers Association, Inc. A licensed physical therapist or neuro-developmental occupational therapist also qualifies as home trainers.

(b) Program. 1. For children from birth to 3 years, the program emphasis shall be on cognitive, motor, social, communication and self help skills.

2. Whenever possible programming for the birth to 3 year old shall be done in conjunction with the parents or the persons primarily responsible for the care of the child.

3. Programming for the birth to 3 year old shall take into consideration the individual family environment of each child.

4. Educational services shall be provided as recommended in the service plan.

5. Designated staff involved in the education service shall send a written report to the case manager at least every 6 months. The report shall contain a statement on progress toward the objectives of the service plan and the recommendations for changes in the service plan.

(3) PROGRAMS SERVING INDIVIDUALS 18 YEARS AND OVER. (These programs requirements are specified in section 60.48, Training Services.)

PW-MH 60.47 RECREATION SERVICES. Recreation services are activities designed to meet specific individual needs such as individual self-expression, social interaction and entertainment; develop skills and interests leading to enjoyable and constructive use of leisure time; and improved well-being.

(1) PERSONNEL. There shall be a recreation director and staff as needed.

(2) PROGRAM. (a) The agency providing recreation services shall hold regularly scheduled activities which meet the needs, interests and abilities of individuals.

(b) The agency providing recreation services shall provide at least one of the following kinds of activities:

1. Active and passive
2. Individual and group
3. Social, physical and creative
4. Community involvement activities

(c) The agency providing recreation services shall provide suitable space for recreation programs.

(d) The agency providing recreation services shall provide the necessary supplies and equipment to meet the individual needs of clients.

(e) The agency providing recreation services shall utilize existing generic community social and recreation services, including personnel, supplies, equipment, facilities and programs when possible.

PW-MH 60.48 TRAINING SERVICES. Training services provide a planned and systematic sequence of formal and informal activities for adults designed to develop skills in performing activities of daily and community living including self-help, motor and communication skills and to enhance emotional, personal and social development. Training services are usually provided as day services, sheltered employment or transitional community living arrangements.

(1) PERSONNEL. (a) There shall be a director who shall have skills and knowledges that typically would be acquired through a course of study leading to a bachelor's degree in a human services related field and at least 3 years of related experience.

(b) Other staff. Program staff may include but is not limited to home trainers, specialists, and assistants. Staff or consultants shall be available, as needed, who are knowledgeable and skilled in adapting or modifying equipment and environments, and the application of special equipment for persons with physical disabilities.

(c) Personnel ratios. Personnel ratios shall be a minimum of one direct service staff for each 15 persons.

(2) PROGRAM. (a) Training service shall include at least one of the following programs to encourage and accelerate development in:

1. Independent and daily living skills.
2. Mobility skills.
3. Social development.
4. Vocational and work related skills.

(b) Training services shall be directed toward integrating the individual into the total family and community environment.

(c) Training services shall be provided as recommended in the service plan.

(d) Staff supervising the training service shall send a written report to the case manager or his or her designee at least every 6 months. The report shall contain a statement on progress toward the objectives of the service plan and recommendations for changes.

PW-MH 60.49 TREATMENT SERVICES. Treatment services provide coordinated medical or medically related interventions which halt, control or reverse processes which cause, aggravate or complicate developmental disabilities. The interventions may include dental and medical treatments, physical therapy, occupational therapy, speech therapy and other medical and ancillary medical programs.

(1) PERSONNEL. There shall be a professional licensed in the area in which he or she is prescribing, directing, administering, or supervising treatment services. All treatment services shall be in compliance with the professional rules and regulations of the licensing bodies.

(2) PROGRAM. (a) Treatment services shall be provided as recommended in the service plan.

(b) Designated staff involved in the treatment services shall send a written report to the case manager or his or her designee at least every 6 months. The report shall contain a statement on progress toward the objectives of the service plan and the recommendations for changes in the service plan.

PW-MH 60.50 SHELTERED EMPLOYMENT AND WORK ACTIVITY SERVICES. Sheltered employment services are non-competitive remunerative employment for an indefinite period of time for individuals who are presently unemployable in the competitive labor market. Work activity services are worklike therapeutic activities for handicapped persons whose physical or mental impairment is so severe as to make their productive capacity inconsequential (never more than 25% of the normal production capacity). Sheltered employment programs shall include sheltered employment services or work activity services and may include the additional developmental disabilities services of counseling, education, recreation, training, personal care and transportation.

(1) PERSONNEL. (a) There shall be a director who shall possess skills and knowledges that typically would be acquired through a course of study leading to a bachelor's degree in a human services field, with a minimum of two years supervisory or administrative experience in an agency which is programmed for the developmentally disabled or an appropriate industrial background with two years of relevant experience.

(b) There shall be a program director who shall possess the skills and knowledges that typically would be acquired through a course of study leading to a master's degree in psychology, rehabilitation or a closely related field with at least one year of experience in programming for the developmentally disabled. An additional two years of experience may provide those skills and knowledge typically acquired through study for a master's degree.

(c) There shall be a supervisor or supervisors who shall possess skills and knowledges that typically would be acquired through:

1. A course of study that would lead to a bachelor's degree in one of the human services, or

2. A minimum of two years of academic, technical or vocational training consistent with the type of work to be supervised or

3. A minimum of two years of experience in a work situation related to the type of work supervised.

(d) There may be a contract procurement specialist who shall have the skills and knowledges that typically would be acquired through a course of study leading to a bachelor's degree in an industrial, business, or related field. Two years of bidding, pricing, time study, marketing, advertising or sales experience may be substituted for a course of study.

(e) There may be a production manager who shall have the skills and knowledges that typically would be acquired through a course of study leading to a bachelor's degree in an engineering, business or industrial field. Business or industrial experience in a supervisory capacity can substitute for course study on a year for year basis.

(f) There shall be a vocational counselor who shall possess or be eligible for the provisional school counselor certificate and have the skills and knowledge typically acquired during a course of study leading to a master's degree in counseling and guidance.

(g) Additional staff or consultants shall be available, as needed, who are knowledgeable and skilled in adapting or modifying equipment and environments, and the application of special equipment for persons with physical disabilities.

(h) Agencies offering sheltered employment or work activities shall maintain the following staff ratios when the program is operating:

1. There shall be a minimum of 2 supervisory personnel for the first 15 sheltered or work activity employees.

2. There shall be one additional direct service personnel for each additional 15 sheltered or work activity employees or fraction thereof.

(i) Agencies offering sheltered employment or work activities shall make services available a minimum of 20 hours per week.

(2) PROGRAM. (a) Sheltered employment and work activity shall include remunerative work including supervision and instruction in work tasks and observance of safety principles in a realistic work atmosphere. A realistic work atmosphere is most effectively provided within a community job site setting, whenever possible.

1. Work orientation shall be provided to encourage good work habits. It shall include proper care of equipment and materials, correct handling of tools and machines, good attendance, punctuality, and safe work practices. It shall afford disciplined interpersonal work tolerance and work pace consistent with the client's potential.

2. The layout of work positions and the assignment of operations shall ensure the efficient flow of work and appropriate relationship of each operation to all other operations in its sequence with respect to the time required for its completion. The organization of work shall embody an awareness of safe practices and of the importance of time and motion economy in relation to the needs of individuals being served.

3. Information concerning health and special work considerations which should be taken into account in the assignment of clients shall be clearly communicated in writing to supervisory personnel.

4. Vocational counseling shall be available.

(b) The agency offering sheltered employment or work activity, shall maintain provisions either within its parent organization or through cooperative agreements with the division of vocational rehabilitation or other job placing agencies, for the placement in regular industry of any of its clients who may qualify for such placement. Clients shall be informed of the availability of such services for placement in competitive industry.

(c) The agency offering sheltered work or work activity shall maintain payroll sub-minimum wage certificates and other records for each client employed in compliance with the Fair Labor Standards Act.

(d) The agency offering sheltered employment or work activity shall provide the client with effective grievance procedures.

(e) The agency offering sheltered employment or work activity shall provide the clients with paid vacation, holidays and a minimum of 5 sick days per year.

(f) Sheltered employment or work activity shall be provided as recommended in the service plan.

(g) Appointed staff supervising the sheltered employment or work activity shall send a written report to the case manager at least every 6

months. The report shall contain a statement on progress toward the objectives of the service plan and the recommendations for changes.

(h) Commission on accreditation of rehabilitation facilities (CARF) accreditation for sheltered employment or work activities may substitute for all except pars. (2)(f) and (2)(g) of this section.

PW-MH 60.51 DAY CARE. Day care is clustered and coordinated sets of services provided to an individual with a developmental disability on a scheduled portion of a 24 hour day. Day care shall include at least 2 of the following: counseling, education, recreation, or training. It may also include any one or combination of the following: evaluation, transportation, treatment and personal care.

(1) PERSONNEL. (a) There shall be a director who shall have the skills and knowledges typically acquired through a course of study leading to a bachelor's degree in a human services related field, with a minimum of two years' supervisory or administrative experience in programming for the developmentally disabled.

(b) There shall be additional personnel as required under appropriate sections of the service standards.

(2) PROGRAM. Program requirements shall be as specified in appropriate sections of the service standards. Day care should be provided in generic day care programs whenever possible.

PW-MH 60.52 PERSONAL CARE SERVICES. Personal care services include the provision of meals, clothing and bodily care. They are designed to maintain health and well-being, to improve development and to prevent regression. Personal care services can be delivered at home or in sheltered apartments.

(1) PERSONNEL. (a) The case manager shall be responsible for coordinating the delivery of personal care services.

(b) There shall be additional staff as needed and staff shall have training or experience in that area in which care or services are provided.

(2) PROGRAM. (a) Personal care services shall be provided in the least restrictive setting.

(b) Personal care services shall be provided on a long-term basis as well as a short-term care basis.

(c) Personal care services shall be provided as recommended in the service plan.

(d) The case manager shall review the personal care service plan with the person receiving the services at least every 6 months.

PW-MH 60.53 DOMICILIARY CARE SERVICE. Domiciliary care services are provided by the state developmental disabilities centers.

(1) PERSONNEL. There shall be an administrator and staff as required under chapter H34, Wis. Adm. Code and federal standards regulating intermediate care facilities for the mentally retarded.

(2) PROGRAM. (a) Program requirements shall comply with appropriate sections of chapter H34, Wis. Adm. Code and federal standards regulating intermediate care facilities for the mentally retarded.

(b) The centers shall provide the responsible board with a copy of the annual review of the service plan.

PW-MH 60.54 SPECIAL LIVING ARRANGEMENTS SERVICES. Special living arrangements may provide living quarters, meals and supportive services up to 24 hour per day for people in need of assistance in the areas of community and daily living but who require less care and supervision than is characteristic of individuals needing domiciliary or nursing home care. Special living arrangement services may be provided in foster homes, group foster homes, halfway houses, community based residential facilities, child welfare institutions, homes and apartments.

(1) PERSONNEL. Staff shall possess the personal qualities, skills and education necessary to meet the needs of the residents and comply with the appropriate sections of Wisconsin statutes, administrative codes and licensing rules.

(2) PROGRAM. (a) Program requirements shall comply with appropriate sections of Wisconsin statutes, administrative codes and licensing rules.

(b) The individual receiving special living arrangement services shall be employed or otherwise engaged away from the residential setting in accordance with the individual's service plan except in child welfare institutions.

(c) When special living arrangements are provided on a respite basis they shall meet the requirements of this section.

(d) Special living arrangement services shall be provided as recommended in the service plan.

(e) Appointed staff supervising the special living arrangement shall send a written report to the case manager or his or her designee at least every 6 months. The report shall contain a statement on progress toward the goals of the service plan and the recommendations for change in the service plan.

PW-MH 60.55 TRANSPORTATION SERVICES. Transportation services provide for the necessary travel of a developmentally disabled individual and if necessary, escorts to and from places in which the individual is receiving services recommended in the individual's service plan. Transportation may include taking services to the homebound, and includes but is not limited to delivery of raw materials and pick up of the finished product from homebound industries.

(1) PERSONNEL. (a) Any person operating a motor vehicle which transports either people with developmental disabilities or the products of their

homebound industry, shall hold an appropriate operator's license from the department of transportation.

(b) All motor vehicle operators shall be covered by liability insurance.

(c) Motor vehicles shall be inspected by, and meet the requirements of the department of transportation.

(2) PROGRAM. (a) When possible, regularly scheduled public transportation shall be used.

(b) When possible, transportation services shall be coordinated with the efforts of voluntary agencies and other agencies serving community groups.

PW-MH 60.56 PROTECTIVE SERVICES. Protective services are a system of continuing socio-legal services designed to assist individuals who are unable to manage their own resources or to protect themselves from neglect, abuse, exploitation or degrading treatment and to help them exercise their rights as citizens. This system ensures that no right of a person with a developmental disability shall be modified without due process. It must be emphasized that insofar as protective services are concerned, it is not the services that are distinctive but rather the individual for whom the services are intended, along with reasons why the services are being provided.

Protective services shall be provided under applicable sections of Chapters 48, 55, and 880, Wis. Stats. and applicable sections of the department's administrative code.

If any developmental disabilities services are provided as part of protective services, they shall comply with the appropriate standard.

The rules, and repeals contained in this order shall take effect on the date as provided in section 227.026(1), Wis. Stats.

Dated:

WISCONSIN DEPARTMENT OF HEALTH
AND SOCIAL SERVICES

Seal:



DONALD E. PERCY
SECRETARY



State of Wisconsin \ DEPARTMENT OF HEALTH & SOCIAL SERVICES

October 16, 1979

OFFICE OF THE SECRETARY
1 WEST WILSON STREET
MADISON, WISCONSIN 53702

Mr. Orlan Prestegard
Revisor of Statutes
411 West, State Capitol
Madison, WI 53702

Dear Mr. Prestegard:

As provided in section 227.023, Wis. Stats., there is hereby submitted a certified copy of PW-MH 60.40 of the Wisconsin Administrative Code, pertaining to Standards for Community Developmental Disabilities Services, as adopted by this department on October 16, 1979. In accordance with section 227.018(2), Wis. Stats., the rule was sent to the appropriate legislative committees for review. A legislative hearing was held and suggested legislative revisions were made.

This rule is being submitted to the Governor as required by section 14.06, Wis. Stats., and to the Secretary of State as required by section 227.023, Wis. Stats.

Sincerely,

A handwritten signature in dark ink, appearing to read 'D.E.P.', with a large, stylized flourish at the end.

Donald E. Percy
Secretary

Enclosure