



**Survival
Coalition**

of Wisconsin Disability Organizations

A Summary Report
on
Disability Issues
In Wisconsin
State Legislature

Spring 2008

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Overview of Session

The recent legislative session was a “mixed bag” from the perspective of the Survival Coalition. Some disability groups made substantial progress on certain fronts, while other groups experienced setbacks. As a cross-disability coalition, that is a matter of serious concern to us.

Approval of the Governor’s proposed expansion of Family Care and Aging and Disability Resource Centers (ADRCs) will mean the eventual elimination of waiting lists for adults with developmental disabilities or physical disabilities in a number of new counties, which is good news. However, disability advocates continue to have concerns about the way Family Care is being implemented, specifically an over reliance on congregate settings and limited emphasis on self-directed supports.


The Children’s Medicaid Waivers also received a biennial funding increase of \$9.5 million (state and federal funds combined), the first funding increase in the last five biennial budgets. This will significantly reduce waiting lists for children.


On the other hand, funding for community services for children and adults with mental illness was not increased, which continues the unfortunate multi-year trend of the state favoring certain disability groups over others. While some youth with severe emotional disturbances will be served through the additional funding for children’s waivers, the failure to increase funding for Comprehensive Community Services (CCS) and Coordinated Service Teams (CST) will leave many others waiting for services. The Legislature failed to address the county match issues for CCS and Community Support Program (CSP) services, which is requiring counties to put up more county funds to access federal matching funds.


In other areas, Medicaid Personal Care rates only went up 1.5% in Year 2 (the Survival Coalition goal was 5% for the biennium). Categorical Aides for Special Education were increased by \$53 million over the biennium (the Survival Coalition goal was \$100 million).

The special budget repair session ended in late May, with an agreement by Governor Doyle to make sizable cuts in the state budget for FY 2009. Unfortunately, at the time of this report it is not known what proportion of those cuts will be made in state programs that serve people with disabilities. So it is impossible to predict whether any of these cuts will have a detrimental impact on children and adults with disabilities. Obviously, this approach to “budget repair” excludes people with disabilities and the rest of the public from helping to prioritize the programs which should be exempted from cuts.


Long Term Care

 The 2007-09 Biennial Budget for long term care programs turned out fairly well for disability advocates. The Governor’s proposed funding to expand Family Care to many new counties and to create Aging and Disability Resource Centers in an even larger number of counties was approved by the Legislature. The Legislature added additional funding to enable counties with high “county overmatch” spending on long term care services to reduce their spending as Family Care starts up in each county, and to create a new Family Care advocacy program for people under age 60.




 One downside of this budget was the failure of the Legislature to provide reasonable rate increases for the **Medicaid Personal Care Program** (the increase in the budget was only 1.5% in year 2). Survival Coalition advocated for a 5% increase. The Community Integration Program (CIP 1B) received no rate increase at all.

 A bill **reducing the nursing**

home bed cap for Wisconsin from 51,795 to 42,000 beds did pass the Legislature. (AB 674)


 A proposed bill providing a new definition for **“service animal”** was viewed as helping one group and hurting another one. Survival Coalition had difficulty supporting this bill because we are a cross disability coalition. The bill did not advance.(AB 287/SE 111)


Other Bills

	Bill	Description
	SB 268	Community oversight of residential care facilities for children and youth, group homes, CBRFs, AFH.(FAILED)
	SB 283	Requires DHFS to establish standards of care and treatment for people with Alzheimer’s in residential facilities. (FAILED)
	SB 393	Increase requirements for Personal Care Worker background check time frame from 4 yrs. to 2 yrs. Applies only to PC Agencies. The bill will provide background check information to the clients. (PASSED)


Children's Long Term Care


Survival Coalition priorities to support services and systems reform for children and youth with disabilities and their families resulted in mixed success. While none of the systems change priorities were approved, for the first time in over a decade the Legislature approved significant funding to address waiting lists for children.


 The Legislature approved **funding to serve children on waiting lists** for long-term supports by \$9.5 million (all funds). The new funding must be used with the Children's Waivers to maximize the federal contribution. All counties received new funding to: 1) serve children on waiting lists, 2) provide one time funding for urgent high cost needs and 3) serve youth on waiting lists who will be transitioning into adult long-term supports within one year who are a) 17 and over in counties that are starting Family Care in the 07-09 biennium, and b) youth at least 21 years old in counties that are not coming on-line with Family Care in the 07-09 biennium.

 The Legislature failed to advance improvements in the **children's system change initiatives** that would have funded demonstration projects to evaluate the use of managed care to meet the long-term support needs of children and an infrastructure for information, assistance, advocacy, and access to supports and services

that is responsive to the unique needs of children and families.


 The Legislature failed to provide **comprehensive health care coverage** for middle income children with significant medical costs or disability, those who do not meet the level of care for Katie Beckett or the Children's Waivers. This group has significant needs that are not covered in the Badger Care+ benchmark plan. These children need a way to buy into the services and medication available in the more comprehensive standard plan.

 In addition to funding to serve eligible children on waiting lists, the passage of **Badger Care+** is a huge step toward access to health care for all children.


 The Legislature approved revisions to the **Family Support Program** language that will require counties to develop policies to serve families based on urgent and crisis needs in addition to how long they have been on a waiting list.

Education

The right to receive a free appropriate public education (FAPE) is mandated in both federal and Wisconsin law. However, insufficient funding of special education, and an inadequately and inequitably funded general education system has resulted in school districts facing the hard choice of either violating special education law and failing to provide FAPE, or reducing funding for regular education programs in order to meet their legal obligations to students with disabilities.


 **Increase special education**

categorical aids: The Survival Coalition sought \$100 million increase over the biennium. The 2007-09 biennial budget increased this funding by \$53 million.

 **Expand and improve**



inclusive early child care and learning: The Survival Coalition sought: a) enhanced professional development in the area of inclusion; b) establishment of a child care quality rating system, which would include rating the capacity of child care centers to include children with disabilities; and c) expand 4 year old kindergarten options which would allow more 4 year old children with disabilities to participate in regular education settings. The biennial budget did not enhance child care in any way. It did provide a modest

increase in funding for 4 year old kindergarten.

 **Reform school finance**


system: The Survival Coalition sought a fundamental reform of our school finance system to remove revenue caps and increase funding for special education. The biennial budget did not reform the school finance system at all. However, in addition to the modest increase to special education funding, there were also increases to the Milwaukee Student Achievement program (\$10 million); the School Breakfast program (\$3.3 million); the SAGE program (\$27 million); School Transportation (\$40/student traveling 12 or more miles to school); High Poverty district funding (\$21 million); Small Rural District funding (\$3.6 million).


Other Bills


	Bill	Description
	AB 402	Open Enrollment permits a school district to consider additional criteria related to the disciplinary and criminal history of a pupil when deciding whether to accept or reject the nonresident pupil. (FAILED)
	SB 42	School policies on bullying would have required all schools to have policies.(FAILED)


Mental Health

Priorities to support funding and services for people with mental illnesses fared poorly in the 2007-2008 legislative session. With the exception of some increases in the criminal justice area the Legislature did not support the issues identified by Survival Coalition:


 **Comprehensive Community Services.** The Legislature failed to increase the non-federal share of Medicaid for this service. (budget)


 **Systems of Care.** The Legislature failed to expand funding for collaborative systems of care for youth with serious emotional disturbances. (budget and AB700)


 **Parity.** The Legislature failed to pass legislation to create parity in commercial insurance coverage for mental health and substance abuse disorders. (budget and SB375)

 **Corrections.** The Legislature did approve funds to increase mental health services at the Taycheedah Correctional Institution and also approved proceeding with planning for a mental health treatment facility for female offenders similar to Wisconsin Resource Center. It may not be a coincidence that the State was facing legal action from the US Department of Justice and the American Civil Liberties Union in relation to mental health care for female offenders.

The most significant “successes” for mental health advocates were in limiting the potential negative consequences of two bills:

 Advocates worked ensure that legislation conforming Wisconsin to the **national instant background check system** did not go beyond what was required by the federal government in ways that might be discriminatory to persons with mental illnesses. (AB424/SB216)


 Advocates worked with the Department of Health and Family Services to limit expansions on mental health information that can be shared without consent as part of the Governor’s eHealth initiative. (AB793/SB487)


 The Legislature did approve a bill that would modify current statutory requirements related to the **Wisconsin Council on Mental Health** which were designed to enhance stakeholder representation on the Council. (AB173)


Healthcare and Insurance

Health insurance access continues to be a significant issue for people with disabilities and the people who serve them. But a divided Legislature, with very different philosophies about health care, failed to pass any piece of significant legislation related to health care. Comprehensive health care reform legislation—Healthy Wisconsin—was introduced in the Senate but failed to pass before the session ended. The Survival Coalition was supportive of many aspects of the legislation, including the fact that it would eliminate denials due to pre-existing conditions and would provide equitable coverage of mental health and substance abuse disorders. Survival did have concerns about the impact on agencies employing personal care workers. While access to affordable health insurance would be advantageous to many of these workers, the ability of these agencies to meet their share of the costs was limited by the fact that they are primarily publicly financed and inadequately reimbursed. (SB562)



The Legislature failed to pass three bills that would have expanded current requirements for health insurance coverage:

 **Autism.** The Senate passed legislation to require commercial insurance coverage of autism spectrum disorders. However the Assembly, which opposes health insurance mandates, tried to modify the bill to simply fund an expansion of the current state-funded program. This failed to pass the Assembly prior to the end of the session. (SB178/AB417)

 **Hearing aids and cochlear implants** legislation to require health insurance coverage of these products for infants and young children passed the Senate but failed to pass the Assembly (AB133/SB88).

 **Mental Health/Substance Abuse** legislation failed to pass. This legislation would have required equal coverage of mental health and substance abuse disorders (SB375).

Other Bills

	Bill	Description
	AB691	Would have removed the marriage penalty for a certain class of individuals eligible for Medicaid. (FAILED)
	SB144	Would have made a number of changes to conform Wisconsin to federal law related to divestment and eligibility as they impact Medicaid long term care services. (FAILED)

Voting

The 2007 legislative session ushered in new era in election administration in Wisconsin. The Legislature created the Government Accountability Board (GAB) to oversee elections, ethics, and campaign-finance laws in Wisconsin. The GAB replaces the former Elections Board and Ethics Board with a panel of six non-partisan retired judges.

👍 **Creation of a Government Accountability Board,** enforcement of elections, ethics, and lobbying regulation laws, venue for prosecution of certain offenses, granting rule-making authority, making appropriations, and providing penalties passed the Legislature (SB1)

👍 **Public access to voter registration identification numbers** bill passed. (AB 295)

👍 **A bill enabling voters to elect that a photo identification**

be required in order to vote did not pass. (SB 200/AB 549)

👍 **Elimination of same day registration and change other registration deadlines** for voters did not pass. (AB 158)

👍 **A resolution requiring photo identification** in order to vote and register to vote at the polls on Election Day did not pass. The resolution was for a constitutional amendment on photo identification. It failed last session on a second consideration. (AJR 17)

Voting right issues are important to Survival Coalition and the disability movement. Participating in the electoral process is an important aspect of citizenship and empowerment.


Survival Coalitions supports legislation which will remove barriers and makes it easier for people with disabilities to vote.

And yet, due to existing barriers people with disabilities vote at a rate 15% below the rate of the general population.





Housing


Survival Coalition supports increasing the availability of integrated, affordable and accessible housing for persons with disabilities.

 **Extending the life of a Tax Incremental District** and allowing municipalities to use revenue from the extra year toward housing. Passed the Senate.


unanimously, but failed in the Assembly. (SB426)


 **Property tax exemption for non-profit associations**, failed in the Assembly. (SB403)

 Legislation that would direct WHEDA to require housing developments that use tax credits to incorporate Universal Design for increased accessibility of new housing was not included in the Governor's budget or introduced as separate legislation.

 **WHEDA** did work with advocates to revise their scoring system to improve the accessibility section.


funding streams to fund a state housing trust fund at the level of \$80 million was removed from the budget. (FAILED)

 **Real estate transfer fee:** Increase in real estate transfer fee along with other dedicated


 Dedicate **funding** to support housing in the community for people moving out of institutional living. (FAILED)


Transportation


Survival Coalition seeks systems change to develop an affordable, accessible, responsive network of transportation systems that improve options for individuals with disabilities.

 Legislation requiring assistance from gas station employees for **dispensing fuel & displaying signage** failed. (AB 882)

transporting persons with disabilities to display **driver identification**. Failed (AB 665)

 Legislation expanding the certifiers for **disabled plates** did pass. (AB 169)







 Legislation to increase the State's investment by \$6 million in the next 2 years to improve access to vital **transportation services** did not pass. The budget did include a 2% increase: only \$803,000. for less than what we wanted. (Budget)

 Legislators failed to pass a bill requiring specialty medical vehicles

Areas for Improvement

- ◆ **Address inadequate funding for the mental health system by reducing required county match for Medicaid services, increasing funding for Coordinated Services Teams, and addressing the inequities in private insurance coverage for mental illness and substance abuse disorders.**
- ◆ **Address inadequate rates for personal care and the Community Integration Program (CIP 1B).**
- ◆ **Address the growing problem of direct care workers who have no health insurance.**
- ◆ **Address the need for private health insurance to provide a full range of services needed for people with disabilities.**
- ◆ **Address the need for more accessible and affordable transportation for people with disabilities.**
- ◆ **Improve access to dental services for people with disabilities.**
- ◆ **Increase funding for special education categorical aid.**
- ◆ **Reform school finance system.**

Other Legislation

	Bill	Description
	AB 461	Equal protection for state employees under ADA. (FAILED)
	AB 272	Campaign finance reform. (FAILED)
	SB 12	Broad legislation to achieve campaign finance reform in legislative race. Includes new spending limits, increased public financing and disclosure of donor for issue ads. (FAILED)
	SB 171	Full public financing to candidates for the Wisconsin Supreme Court who agree to limit their campaign spending to \$400,000. (FAILED)
	AB 139	Create new independent panel to conduct review of deaths in correctional institutions. (FAILED)
	AB 87	Modifying the definition of income and assets under the homestead tax credit (less people will be able to claim credit). (FAILED)

Guide



Positive effect for people with disabilities



Negative effect for people with disabilities



Mixed or neutral effect for people with disabilities

SURVIVAL COALITION OF WISCONSIN DISABILITY ORGANIZATIONS

Our Vision : The Survival Coalition of Wisconsin Disability Organizations is committed to creating a society in which people with disabilities of all ages receive the services and supports needed, throughout their life span, and can choose to live their lives as they wish and be full participants in community life.

Guiding Principles: Survival Coalition is a cross-disability coalition which works in partnership with local organizations, coalitions, consumers, advocates, and families throughout the state and makes intensive efforts to ensure that our priorities promote and advance the wishes of people with disabilities and their families. The Coalition will promote policies, programs, and practices that advance integrated, individualized, community-based supports and services.

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Member Organizations

AARP- Wisconsin ■ Arc Dane County ■ Arc-Wisconsin Disability Association ■ Autism Society of South-eastern Wisconsin ■ Autism Society of Wisconsin ■ Brain Injury Association of Wisconsin ■ Coalition of Wisconsin Aging Groups ■ Community Alliance Providers of WI (CAPOW) ■ Dane County Developmental Disabilities Coalition ■ Disability Rights Wisconsin ■ Epilepsy Foundation, South Central Wisconsin ■ Family Voices ■ Grassroots Empowerment Project ■ Hearthstone ■ Independence First ■ Independent Living Council of Wisconsin ■ Learning Disabilities Association of Wisconsin ■ Mental Health America of Wisconsin ■ NAMI Wisconsin, Inc. ■ National Multiple Sclerosis Society, Wisconsin Chapter ■ Options for Independent Living ■ People First Wisconsin, Inc. ■ Rehabilitation for Wisconsin, Inc. ■ Service Employees International Union Local 150 ■ Society's Assets, Wisconsin. ■ The Steinhauer Group ■ United Cerebral Palsy of West Central Wisconsin ■ Waisman Center ■ Wisconsin ADAPT ■ Wisconsin Board for People with Developmental Disabilities ■ Wisconsin Coalition for Independent Living Centers ■ Wisconsin Council on Children and Families ■ Wisconsin Direct Care Alliance ■ Wisconsin FACETS ■ Wisconsin Occupational Therapy Association