



State of Wisconsin
Council on Physical Disabilities

ANNUAL REPORT

July 1, 2002 through June 30, 2003

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Background

Origin

The Wisconsin Council on Physical Disabilities was created by the state legislature in 1989 with the passage of Act 202. The Council is administratively attached to the Office for Persons with Physical Disabilities (OPPD) in the Division of Disability and Elder Services (DDES), Department of Health and Family Services (DHFS).

Mission

The Council's work is guided by the five major tasks it was given by the state legislature in section 46.29 of the state statutes.

- 1) Develop and implement a state plan for services to people with physical disabilities.
- 2) Advise state agencies on programs and policies affecting people with physical disabilities.
- 3) Promote public awareness of the abilities of people with physical disabilities and the barriers they face.
- 4) Encourage the development of programs and policies that prevent physical disabilities.
- 5) Submit recommendations in an annual report to the state legislature.

Vision

The Council envisions a world where all persons with physical disabilities have access to the same life choices and opportunities as any other Wisconsin citizen.

It is the Council's philosophy to promote the inclusion and use of technology which benefits the lives of people with physical disabilities; to encourage the development and use of programs and policies that enable citizens with physical disabilities to determine and direct their lives; to promote initiatives that encourage people with physical disabilities to participate in the workforce to their maximum capacity; and to advocate on behalf of citizens with physical disabilities to make policies and programs more responsive to their needs.

Definition

Wisconsin Statute 15.197 (4) defines a physical disability as *a physical condition, including an anatomical loss or musculoskeletal, neurological, respiratory or cardiovascular impairment, which results from injury, disease or congenital disorder and which significantly interferes with or significantly limits at least one of the following major life activities of a person: self-care; walking; mobility other than walking; breathing; employment; performance of manual tasks unrelated to employment; receptive and expressive language; education; or capacity for independent living.*

Members

The Council is comprised of 14 members appointed by the Governor for staggered three-year terms. One Council position is reserved for the Governor's representative, and the rest are unpaid volunteers. At least six members must be people with physical disabilities and at least one member must be a service provider to people with physical disabilities.

In fiscal year 2003, the volunteer members serving full or partial terms were: **JorJan Borlin** (Dodgeville), **Christine Duranceau** (Rothschild), **Jeff Fox** (Gordon), **Denise Gilchrist** (Eau Claire), **Marge Liberski-Aznoe** (Green Bay), **Virginia Lukken** (Mount Horeb), **John Meissner** (Little Chute), **Joel Rodney** (West Bend), **Linda Rowley** (Mineral Point), **Karen Secor** (Montreal), **Jackie Stenberg** (Superior), **Pamela Wilson** (Madison) and **Joanne Zimmerman** (Milwaukee).

Budget

From the appropriation under Wisconsin Statute 20.435 (6) (a), the Department of Health and Family Services may allocate up to \$10,000 in each fiscal year for operation of the Council on Physical Disabilities.

In state fiscal year 2003 (July 1, 2002 through June 30, 2003), the Council used its budget of \$8,500 to:

- cover the cost of hotel rooms, meals, mileage and Sign Language interpreters for members attending quarterly meetings; and
- reimburse members for travel to disability work group meetings in which the Council has an interest.

State Policy Recommendations

Over the past year, the Council on Physical Disabilities supported the following policies and initiatives to promote independent living and accessibility in Wisconsin.

- The Council supported *visitability*¹ legislation in Wisconsin. A Council representative participated in a work group on the issue sponsored by the State Independent Living Council.
- The Council supported revisions to Chapter 51.437 to enhance human services for people with physical disabilities. A Council representative participated in a work group on this issue sponsored by the Wisconsin Council on Developmental Disabilities.
- The Council recommended that Governor Doyle join a brief offered by the State of Minnesota in support of the Americans with Disabilities Act (ADA). In *Medical Board of California vs. Hason*, the Supreme Court is being asked to rule whether Congress had the constitutional authority to subject states to suits as it did when it passed the ADA.
- The Council supported a grant application for Bridges to Work. This project would enhance employment opportunities for people with disabilities by eliminating disincentives created by eligibility criteria and other systemic and environmental barriers.
- The Council supported a grant application for Quality Closer to Home. This project would create a quality assurance system that would support home and community

¹ *Visitability* is a growing trend nationwide. The term refers to single-family housing designed in such a way that people with disabilities can visit. Basic requirements include at least one no-step entrance; doors and hallways wide enough to navigate through; and a bathroom big enough to get into in a wheelchair and close the door.

living for people with disabilities, and encourage development of a comprehensive care system that supports community living.

- The Council began developing a new state plan for people with physical disabilities. Using a nominal group process, the members gathered ideas and set priorities for the plan, which the Council intends to complete and distribute by 2004.

State Legislation Recommendations

The Council's top priority for the year was to review and make recommendations about legislative proposals that would affect people with physical disabilities. These positions were conveyed to legislators through letters, public hearing testimony and personal contact. This information was shared with the general public through the Council's web site at: www.pdcouncil.state.wi.us.

The Council offered recommendations on the following bills.

- **Opposed AB 145**, a bill that would have closed Central Center² and continued the operation of Northern Center and Southern Center. The Council supported the Governor's proposal to close Northern Center because it has the highest costs for the fewest residents.
- **Opposed AB 249**, a bill that would limit the use of absentee ballots to individuals (including people with physical disabilities) who cannot appear at polling places. The Council feels that participation in the voting process is low, so it would be counterproductive to limit access to absentee ballots. In addition, Council members are concerned that identifying *physical disability* as an "acceptable" reason for voting absentee may result in some municipalities using absentee ballots as an excuse for not making polling places accessible.
- **Supported AB 318**, a bill that would allow individuals who have been discriminated against in employment to recover compensatory and punitive damages in circuit court. The Council feels this will strengthen the state's fair employment law, and reduce discrimination against people with disabilities.

² The Centers are residential facilities in Wisconsin primarily for people with developmental disabilities. Many advocates feel the residents of these institutions deserve to live in the community as independently as possible.

- **Supported AB 343**, a bill that would establish a clearinghouse for information about special education transition services and vocational opportunities that are available in each county. The Council feels this legislation would help young people with disabilities make the transition from school to the workplace.
- **Supported SB 3**, a bill that would establish minimum qualifications and require background checks for drivers of human service vehicles transporting elders or people with disabilities. The Council feels that elders and people with disabilities deserve assurance that the individuals who transport them are knowledgeable about their needs, and have no relevant criminal convictions.
- **Opposed SB 27**, a bill that would prohibit recovery of damages in “wrongful birth” and “wrongful life” actions relating to children born with a disability. The Council believes it is essential for prospective parents to receive an accurate assessment of their pregnancy, particularly when there is the potential for a disability. This bill would allow doctors to withhold that information, impeding the ability of parents to plan ahead and make informed choices.
- **Opposed SB 57**, a bill identical to AB 145.
- **Supported SB 114**, a bill that would extend prescription drug assistance to people with disabilities who meet eligibility requirements. The cost of prescription drugs is a major problem for a significant number of people with disabilities in this state. The Council feels a program modeled after SeniorCare would be a step in the right direction.
- **Supported SB 130** (as Senate Substitute Amendment 1), a bill identical to AB 318.
- **Supported SB 163**, a bill identical to AB 343.

Federal Policy Recommendations

In addition to reviewing state policy and legislation, the Council regularly examines federal proposals that would affect people with physical disabilities. Over the past year, the Council recommended the following actions.

- Passage of an amendment to the Assistive Technology Act to eliminate the sunset provision and continue funding for programs in Wisconsin and other states. The Council feels that assistive technology³ services are an efficient and productive use of tax dollars, helping people with disabilities of all ages to live and work independently.
- Opposition to the nomination of Jeffrey Sutton to serve on the US Court of Appeals for the Sixth Circuit. The Council feels that Mr. Sutton's record demonstrates an unwillingness to maintain the legal protections established for people with disabilities, including the Americans with Disabilities Act.
- Opposition to HR 728, the ADA Notification Act. The Council feels this legislation would dramatically alter the right to file lawsuits under the Americans with Disabilities Act . If passed, people with disabilities—unlike any other group—would be required to give 90 days notice before they could exercise their civil rights.
- Passage of HR 1693, the Disabled Workers Empowerment Act. This legislation, which would create a tax deduction for some work-related expenses incurred by people with disabilities, would bring more people with disabilities into the workforce. That, in turn, would increase taxable income and reduce the number of people who must rely on government assistance.

³ Assistive technology is any product or device that enables people with disabilities to improve their independence and quality of life. These items can be commercially-made equipment, common products that have been modified to serve a specific need, or custom-made devices.