



FH
[REDACTED]

**STATE OF WISCONSIN
Division of Hearings and Appeals**

In the Matter of:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

DECISION

CWA/156271

PRELIMINARY RECITALS

Pursuant to a petition filed March 24, 2014, under Wis. Admin. Code § HA 3.03, to review a decision by the Brown County Human Services ["County"] in regard to Medical Assistance ["MA"], a Hearing was held via telephone on May 15, 2014.

The issue for determination is whether it was correct to discontinue petitioner's MA waivers Community Integration Program ["CIP"] services.

There appeared at that time via telephone the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

By: Mary Hansen, CIP Supervisor
Greg Maloney, CIP Case Manager
Brown County Human Services
Economic Support-2nd Floor
111 N. Jefferson St.
Green Bay, WI 54301

OTHER PERSONS PRESENT:

[REDACTED], petitioner's father
[REDACTED], REM Wisconsin

ADMINISTRATIVE LAW JUDGE:
 Sean P. Maloney
 Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]; 35 years old) is a resident of Brown County, Wisconsin.
2. Petitioner was receiving CIP services.
3. On February 17, 2014 *Long Term Care Functional Screen Report of [petitioner]* was completed; petitioner is independent with all Activities of Daily Living ["ADLs"]; he lives alone (and prefers to live alone) and is independent with bathing, dressing, eating, mobility in home, toileting (he is not incontinent), transferring, meal preparation (can make basic meals), and telephone; he needs some help with medication (1 to 2 days per week or less; needs help communicating with medical providers and following protocol), money management (can only complete small transactions; cannot calculate return change correctly), and chores (needs verbal prompts to clean and maintain apartment but can perform all tasks on his own); he is employed and works 30 to 34 hours per week at [REDACTED].
4. By a *Long Term Care Services Notice of Agency Action* dated February 18, 2014 petitioner was notified that his CIP services would be discontinued effective March 1, 2014 because he was not functionally eligible.

DISCUSSION

CIP is run according to the terms of waivers that were granted to the State of Wisconsin by the United States government. The waivers allow the State of Wisconsin to operate CIP without following all of the rules that normally apply to MA. Wis. Stat. §§ 46.275, 46.277 & 46.278 (2011-12); See also, 42 U.S.C.A. § 1396n(c); 42 C.F.R. §§ 435.217, 440.180 & 441.300 et. seq. (2011); and, *Medicaid Home & Community-Based Services Waivers Manual* (January 2010) ["Waivers Manual"] §§ 1.02. & 2.02.B. & C.

CIP is a source of funding for long-term support for people who would otherwise face institutional care. The purpose of CIP-II is to provide funding for the option of community integration to people who are otherwise eligible for MA funded institutional care. In order to qualify for CIP services a person's functioning must be such that they would otherwise require institutional care. Wis. Stat. §§ 46.275(1), 46.277(1) & 46.278(1) (2011-12); Waivers Manual, §§ 2.0.1.2 & 2.0.7.C.

It is clear from the evidence in the record of this matter that petitioner's functioning is not such that he would otherwise require institutional care if not for CIP services. Therefore, it was correct to discontinue petitioner's CIP services.

CONCLUSIONS OF LAW

For the reasons discussed above, it was correct to discontinue petitioner's CIP services.

THEREFORE, it is

ORDERED

That the petition for review herein be and the same is hereby **DISMISSED**.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,
Wisconsin, this 3rd day of June, 2014

\sSean P. Maloney
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin \DIVISION OF HEARINGS AND APPEALS

■ Hayes, Administrator
Suite 201
5005 University Avenue
Madison, WI 53705-5400

Telephone: (608) 266-3096
FAX: (608) 264-9885
email: DHAmail@wisconsin.gov
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on June 3, 2014.

Brown County Human Services
Bureau of Long-Term Support