



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

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In the Matter of

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

DECISION

CWK/160602

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**PRELIMINARY RECITALS**

Pursuant to a petition filed September 15, 2014, under Wis. Admin. Code, §HA 3.03(1), to review a decision by the Dane County Dept. of Human Services in regard to the Children's Long Term Support (CLTS) program, a hearing was held on October 22, 2014, by telephone.

The issue for determination is whether petitioner's case can be re-evaluated based upon new information.

**PARTIES IN INTEREST:**

Petitioner:

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

Respondent:

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

By: Angela Radloff  
Dane County Dept. of Human Services  
1202 Northport Drive  
Madison, WI 53704

**ADMINISTRATIVE LAW JUDGE:**

Brian C. Schneider  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner is a 15-year old resident of Dane County.
2. On July 1, 2014, the agency notified petitioner's parents that his eligibility for CLTS was ending because he did not meet the level of care requirement following completion of a functional screen.

3. Petitioner's parents filed this appeal in September, 2014 alleging that petitioner's condition worsened dramatically since the screen was completed.

### DISCUSSION

The CLTS program started on January 1, 2004 after the federal Department of Health and Human Services informed the state department that federal MA funding would no longer be available for in-home autism services. The department drafted and released the Interim Medicaid Home and Community-Based Waivers Manual ("the Manual") that became effective with the start of the CLTS program. The Manual also covers the Community Integration 1A and 1B programs and the Traumatic Brain Injury Waiver program. It can be found on the internet at <http://www.dhs.wisconsin.gov/bdds/waivermanual/index.htm>.

The Manual provides that an individual must meet several eligibility criteria for these programs, one of which is level of care. Manual, §2.07D. In addition, the child must be part of a waiver target group. Those groups include children with developmental disabilities, those with physical disabilities, and those with severe emotional disturbance. Manual, §2.02.

In this case petitioner's parents reported that his condition has worsened dramatically since the functional screen was done in June. I thus will order the agency to re-screen petitioner for possible eligibility based upon the new information. If eligibility is denied in the new screen petitioner's parents can file a new appeal.

### CONCLUSIONS OF LAW

Petitioner's case warrants a new functional screen based upon changes in his mental health since July 1, 2014.

**THEREFORE, it is**

**ORDERED**

That the matter be remanded to the agency with instructions to perform a new functional screen on petitioner based upon the changes reported by his parents, and then to determine petitioner's CLTS eligibility based upon the screen. The agency shall take the action within 10 days subject to necessary delays for scheduling the assessment and obtaining information.

### **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 22nd day of October, 2014

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\sBrian C. Schneider  
Administrative Law Judge  
Division of Hearings and Appeals



**State of Wisconsin \DIVISION OF HEARINGS AND APPEALS**

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The preceding decision was sent to the following parties on October 22, 2014.

Family Support & Resource Center  
Bureau of Long-Term Support