



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
Redact
[REDACTED]

DECISION

CWA/162482

PRELIMINARY RECITALS

Pursuant to a petition filed December 04, 2014, under Wis. Admin. Code § HA 3.03, to review a decision by the Bureau of Long-Term Support in regard to Medical Assistance, a hearing was held on January 14, 2015, at Eau Claire, Wisconsin.

The issue for determination is whether the IRIS program correctly refused to continue processing the petitioner's application after he refused to provide necessary information to it.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
Redact
[REDACTED]

Respondent:

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

By: [REDACTED] *Redact*

Bureau of Long-Term Support
1 West Wilson

Madison, WI

ADMINISTRATIVE LAW JUDGE:

Michael D. O'Brien
Division of Hearings and Appeals

FINDINGS OF FACT

1. The petitioner is a resident of Eau Claire County.
2. The IRIS program withdrew the petitioner's referral to the program on November 21, 2014.
3. The petitioner refused to cooperate with the IRIS program in developing a plan to support him.

DISCUSSION

IRIS, which stands for Include, Respect, I Self-Direct, is designed to allow recipients in counties offering Family Care to direct their own cares, an option MA-Waiver recipients must have. It is a fee-for-service alternative to Family Care, PACE, or Partnership developed pursuant to waiver obtained through section 6087 of the Deficit Reduction Act of 2005 (DRA) and section 1915(j) of the Social Security Act. The waiver document providing the program's authority is available at <http://www.cms.gov/MedicaidStWaivProgDemoPGI/MWDL/list.asp>. The federal government's general guidance for the program is found at 42 C.F.R. § 441.450 – 484. Those regulations require the Department's agent to assess the participant's needs and preferences and then to develop a service plan based on the assessed needs. *Id.*, § 441.466.

The petitioner has been referred to IRIS by the ADRC. When the program met with him to develop a service plan he was vulgar and abusive and threatened to harm workers. He also refused to sign or listen to information concerning related to hiring workers. And he refused to sign any paperwork. The program ended the enrollment process because it determined it could not assure his safety. The petitioner testified that he just "wanted to be left alone" and not have to deal with a "lot of garbage."

IRIS gives its recipients significant autonomy but it cannot assess their needs and preferences and develop a service plan based on those needs and preferences until they cooperate with the workers in doing so. The questions IRIS workers are asking the petitioner and the forms they are asking him to fill out are not a lot of garbage. Rather, they provide the foundation for creating the plan that will meet his needs. I understand that the petitioner would prefer that IRIS just hand him a chunk of money and let him do as he pleases, but that is not how the program works. He was able to behave properly and provide information at the hearing. I assume despite his mental health problems that he could have done so for the time it would have taken an IRIS worker to gather information from him. Because he did not, the program properly ended the enrollment process.

CONCLUSIONS OF LAW

IRIS properly ended the enrollment process because the petitioner refused to cooperate and allow IRIS workers to gather the information it needed to assess his needs and preferences and develop a service plan.

THEREFORE, it is

ORDERED

The petitioner's appeal is 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 23rd day of January, 2015

\sMichael D. O'Brien
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 January 23, 2015.

Bureau of Long-Term Support