



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of:

[Redacted]
Redact

DECISION

CWA/163778

PRELIMINARY RECITALS

Pursuant to a petition filed February 4, 2015, 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 March 10, 2015.

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]
Redact

Respondent:

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

BY: [Redacted] (no relation to the ALJ), Case Manager, CIP Unit
Brown County Human Services
Economic Support-2nd Floor
111 N. Jefferson St.
Green Bay, WI 54301

ADMINISTRATIVE LAW JUDGE:

Sean P. Maloney
Division of Hearings and Appeals

FINDINGS OF FACT

- 1. Petitioner (CARES # [Redacted]) is a resident of Brown County, Wisconsin.

2. Petitioner was receiving CIP services; he has diagnoses of intellectual disability and Marfans Syndrome-genetic disorder; he does not have any mental health needs.
3. On January 22, 2015 a *Long Term Care Functional Screen Report of [petitioner]* was completed; petitioner is independent with all Activities of Daily Living ["ADLs"]; he resides alone independently in a subsidized apartment (although he receives 6 hours per week of assistance through ASPIRO Residential Options Program ["ROP"]); he is able to communicate and fully ambulate on his own; he is independent with bathing, dressing, eating, mobility in home, toileting (he is not incontinent), transferring, meal preparation (can fix simple meals but may need help with more complex meals; needs some help with grocery shopping), medication; he uses the city bus for transportation; he is employed and works 1 day per week.
4. By a *Long Term Care Services Notice of Agency Action* dated January 23, 2015 petitioner was notified that his CIP services would be discontinued effective February 3, 2015 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 (2013-14); See also, 42 U.S.C.A. § 1396n(c); 42 C.F.R. §§ 435.217, 440.180 & 441.300 et. seq. (2015); 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 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) (2013-14); 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 10th day of April, 2015

---

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



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

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

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

The preceding decision was sent to the following parties on April 10, 2015.

Brown County Human Services  
Bureau of Long-Term Support