



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION
Case #: CWA - 175803

PRELIMINARY RECITALS

Pursuant to a petition filed on July 27, 2016, under Wis. Admin. Code § HA 3.03, to review a decision by the Bureau of Long-Term Support regarding Medical Assistance (MA), a hearing was held on September 6, 2016, by telephone.

The issue for determination is whether the agency correctly seeks to dis-enroll petitioner from the IRIS program due to mismanagement of her case.

There appeared at that time the following persons:

PARTIES IN INTEREST:

Petitioner:



Respondent:

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

By: Nancy Vodak
Bureau of Long-Term Support
PO Box 7851
Madison, WI 53707-7851

ADMINISTRATIVE LAW JUDGE:

Peter McCombs
Division of Hearings and Appeals

FINDINGS OF FACT

- 1. Petitioner (CARES # [redacted]) is a resident of Milwaukee County.

2. Petitioner has had an open IRIS case for several years. Since 2014 the IRIS agency was made aware of continuing problems involving petitioner's management of her case; specifically, petitioner was consistently over-budget between 2014 and June of 2016.
3. In October of 2015, [REDACTED], was added to petitioner's plan to assist with her IRIS budget. Petitioner only attended one session with [REDACTED] between October, 2015, and July, 2016. Exhibit A1.
4. The respondent's electronic case comments document numerous discussions with petitioner regarding her IRIS budget and the issue of being "over-budget," throughout 2016.
5. The agency determined that petitioner was mismanaging her budgeting despite numerous attempts to assist her and provide resources to correct her over-budget status.

### DISCUSSION

The IRIS program was developed pursuant to a Medical Assistance waiver obtained by the State of Wisconsin, pursuant to section 6087 of the Deficit Reduction Act of 2005 (DRA), and section 1915(j) of the Social Security Act. It is a self-directed personal care program. IRIS policies are found online at <http://www.dhs.wisconsin.gov/publications/P0/P00708.pdf>.

IRIS policies allow the program to end a participant's enrollment when the program substantiates mismanagement of budget authority. See §7.1A.1, (f) of the IRIS Policy Manual: Work Instructions, a separate manual found at <http://www.dhs.wisconsin.gov/publications/P0/P00708a.pdf>. Disenrollment from IRIS does not necessarily mean that the person is ineligible for all Department services; the person might have to apply for Family Care or another program that does not include self-directed services but instead has more involvement from agency case managers to make certain that services are provided and paid for.

Mismanagement of budget authority is defined in the Work Instructions at §7.1A.1, no. 6, as "...persistent overspending of the approved budget. This is separate from fraud in that there is no question regarding whether the services were rendered. The ICA must provide documentation of the IC's attempts to develop the IRIS participant's budget management skills over the course of the participant's enrollment. Examples include, but are not limited to, case notes discussing the participant's budget and budget management, participant education sheets, and other educational materials."

After reviewing the evidence and listening to the testimony I conclude that the agency's actions are sustained. I believe that respondent has attempted to assist petitioner in her budget mismanagement, from adding a service provider specifically to address the issue, to meeting with petitioner on numerous occasions to discuss the fact that she has been consistently over-budget.

Petitioner testified that she is mentally disabled, and did not even realize that she was ever over-budget or that [REDACTED] was added to her case to assist her with her budget. This testimony flies in the face of all contemporaneous notes identifying numerous conversations with petitioner regarding her budget.

It is evident that the agency reasonably determined that petitioner should not be in charge of her care plan. Petitioner can apply for the Family Care Program that will be responsible for her home care but with agency oversight and direction.

**CONCLUSIONS OF LAW**

The IRIS agency correctly sought to terminate petitioner’s eligibility based upon mismanagement of her budget authority.

**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, **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 October, 2016

\s \_\_\_\_\_  
Peter McCombs  
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 10, 2016.

Bureau of Long-Term Support