



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

██████████
██████████
████████████████████

DECISION
Case #: CWA - 211232

PRELIMINARY RECITALS

Pursuant to a petition filed on November 27, 2023, 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 January 17, 2024, by telephone.

The issue for determination is whether the petitioner was correctly disenrolled from the IRIS program.

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: Trace Vandervelde
Bureau of Long-Term Support
PO Box 7851
Madison, WI 53707-7851

ADMINISTRATIVE LAW JUDGE:

Kelly Cochrane
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner is a resident of Milwaukee County.

2. Petitioner was found functionally eligible for the IRIS program after a Long Term Care Functional Screen (LTCFS) was performed on October 10, 2022. He was thereafter enrolled in IRIS in February 2023.
3. Between August and November 2023, the IRIS agency made multiple attempts to redetermine petitioner's eligibility before the expiration of his functional eligibility, but no contact could be made with the petitioner.
4. On November 1, 2023 the IRIS agency issued a Notice of Action to petitioner stating that because his annual LTCFS was not able to be performed to determine his eligibility, he was being disenrolled from the IRIS program effective November 16, 2023.

DISCUSSION

The IRIS program was developed pursuant to an MA waiver obtained by the State of Wisconsin, pursuant to section 1915(c) of the Social Security Act. It is a self-directed personal care program. The federal government has promulgated 42 C.F.R. §441.300 - .310 to provide general guidance for this program.

The regulations require that the Department's agent must assess the participant's needs and preferences (including health status) as a condition of IRIS participation. Id., § 441.301(c)(2). The Department's agent must also develop a service plan based on the assessed needs. The broad purpose of IRIS is to help participants design and implement home and community-based services as an alternative to institutional care. See *IRIS Policy Manual § 1.1B*, available online at <https://www.dhs.wisconsin.gov/publications/p0/p00708.pdf>. The IRIS waiver application most recently approved by the Centers for Medicare and Medicaid Services (CMS) is available on-line at <https://www.dhs.wisconsin.gov/iris/hcbw.pdf>. See *Application for 1915(c) HCBS Waiver: WI.0484.R03.00 - Jan 01, 2021*. State policies governing administration of the IRIS program are included in the *IRIS Policy Manual*, *IRIS Work Instructions* (available at <http://www.dhs.wisconsin.gov/publications/P0/P00708a.pdf>), and *IRIS Service Definition Manual* (available at <https://www.dhs.wisconsin.gov/publications/p00708b.pdf>).

The petitioner received MA-Waiver benefits through IRIS. He was found functionally eligible for the program after a LTCFS was performed on October 10, 2022. He was thereafter enrolled in IRIS in February 2023. To remain eligible, the petitioner must continue to require the level of care generally found in an institution and must complete an annual functional and financial eligibility review. Failure to maintain eligibility could result in disenrollment. See *IRIS Policy Manual §§ 2.2D and 2.2D.1*. The agency testified to multiple attempts to redetermine petitioner's eligibility before the expiration of his previous LTCFS, but no contact could be made with the petitioner. See also Exhibit D1.

Petitioner appeared at hearing with his niece and they agreed they understood the disenrollment and that they had or would take the steps necessary to get him re-enrolled with the IRIS program. They are reminded the Aging and Disability Resource Center of Milwaukee County would be the place to help with that process.

Having no evidence to show any error by the agency, I must uphold the disenrollment.

CONCLUSIONS OF LAW

Petitioner was correctly disenrolled from the IRIS program effective November 16, 2023.

THEREFORE, it is

ORDERED

The petition for review herein 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, 4822 Madison Yards Way, 5th Floor North, 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.

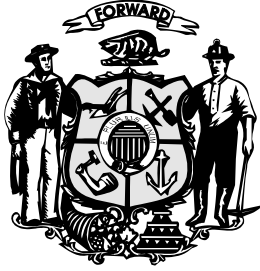
APPEAL TO COURT

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 Milwaukee,
Wisconsin, this 6th day of February, 2024

\s _____
Kelly Cochrane
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 February 6, 2024.

Bureau of Long-Term Support