



FH

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

In the Matter of

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

DECISION

Case #: CWK - 218183

PRELIMINARY RECITALS

Pursuant to a petition filed May 7, 2025, under Wis. Admin. Code, §HA 3.03(1), to review a decision by Milwaukee County Children, Youth, and Family Services regarding the Children's Long-Term Support Program (CLTS), a hearing was held on June 11, 2025, by telephone.

The issue for determination is whether the CLTS program can pay for sports tournament entry fees.

PARTIES IN INTEREST:

Petitioner:

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

Respondent:

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

By: Crystal Vang
Milwaukee County CYFS
1220 W Vliet St., Suite 300
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

Brian C. Schneider
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner is an 8-year-old resident of Milwaukee County.
2. Petitioner is eligible for CLTS based upon her diagnosis of level 2 autism. One activity that the program covers is taekwondo lessons under Health and Wellness services, for which the school, [REDACTED], is an approved CLTS provider.
3. Petitioner's parents requested CLTS to pay the entry fees for taekwondo tournaments, with the idea being that the activities would help petitioner manage nerves and stress, to set goals, to respect and interact with officials and opponents, and to socialize with other children with the same interests. The plan would be for petitioner's school to pay for the tournaments and then have the CLTS program reimburse the school as an approved provider.
4. By a notice dated April 22, 2025, the agency denied the request because the tournaments would be duplicative of the lessons already covered, and because program policies do not allow for a provider to make such third-party payments – the tournament organizers would have to be approved providers so that the payments could be made directly to them.

DISCUSSION

The overall purpose of the CLTS program is to provide necessary supports and services to children from birth through age 21 in Wisconsin who have significant disabilities, who require a level of support that would qualify them for institutional care but who reside at home and in the community, and who satisfy Medicaid financial and non-financial requirements. The goal of CLTS is to support children with substantial needs, as well as their parents/guardians, by delivering services to assure the child's health, safety and welfare needs in an inclusive home and community setting. A key tenet of CLTS is that children are best served within the context of their family and community. See Medicaid Home and Community-Based Services (HCBS) Waiver Manual for the CLTS Program ("*CLTS Manual*"), Chap. 1.

The Department of Health Services (DHS) enters into contractual agreements with Wisconsin's county departments to act as the local agency responsible for operating CLTS, which includes working with families to authorize covered waiver supports and services. All waiver services are furnished pursuant to an individual service plan (ISP). The service plan describes: (a) the waiver services that are furnished to the participant, their projected frequency and the type of provider that furnishes each service and (b) the other services (regardless of funding source, including state plan services) and informal supports that complement waiver services in meeting the needs of the participant. See *CLTS Manual*, Chapter 7.

As noted, petitioner receives taekwondo lessons under the Health and Wellness service category. The *CLTS Manual*, §4.6.17 provides:

Health and wellness services maintain or improve the health, wellbeing, socialization, or inclusion of the participant with their family and peers in the community.

Health and wellness services support the child's inclusion with the family and peers in health and wellness activities within their community. Health and wellness services focus on healthy habits thereby preventing or delaying higher cost institutional care.

Health and wellness services may include the following (listed examples are illustrative and do not comprise an exhaustive list):

- Classes

- Lessons
- Events
- Memberships and subscriptions, including family fitness and health club memberships
- Enrollment fees
- Web and mobile applications
- Health and wellness items

Services cannot be duplicative of any services provided under another service category. *Manual*, §4.6.17.3. Importantly for this decision, payments cannot be made to a participant or to another person on behalf of the participant. *Manual*, §4.4.4.

The agency here cites those two provisions for denying the request. It concluded that the tournaments duplicated the taekwondo classes. It also concluded that the tournament sponsors would have to become approved providers, that paying the approved school as a third party would not be allowed.

First, I disagree with the agency on the issue of duplication. The tournaments would not be covered under a different service category. They still would be under Health and Wellness. As described by petitioner's mother, the tournaments would extend and enhance the Health and Wellness services provided at the school. Since petitioner's primary deficits are in socialization, stress management, and coping with unfamiliar situations, the tournaments would go beyond the small group level school training. I agree that it is at least arguable that the tournaments could fall within the definition of Health and Wellness as events intended to improve well-being, socialization, and inclusion in the community.

Second, requiring the tournament organizers to become "providers" is a non-starter. There is no way that a tournament organizer in Chicago area is going to go through the paperwork to become a provider for one participant. Clearly the program allows for CLTS coverage of events, but getting event organizers on-line as providers strikes me as being unlikely. What if, on the other hand, petitioner's school included the attendance at tournaments as being part of the curriculum? Wouldn't that make the school the provider that organizes petitioner's participation in the tournament? I looked at [REDACTED] website, and they promote their services to special needs children. It strikes me that attending tournaments could be an extension of their program.

That said, I am not going to order coverage of the tournaments at this time. Little detail has been provided by either the agency or petitioner as to how the events would be handled. Are the tournaments part of the school program or at least recommended by the school as an extension of the program, or are the tournaments purely an activity that the family chooses to attend, hoping that the CLTS program will help fund the activity? I do not know, and thus I will not find in the petitioner's favor.

If petitioner's family, in cooperation with the school, presented a school-focused program that included attending tournaments as an extension of the curriculum, it might be a reason to consider CLTS coverage. At this point, all that is presented to me is that petitioner is enjoying and benefitting from taekwondo, and the family would like her to move up a level. The collaboration with the Girton's program has not been established.

CONCLUSIONS OF LAW

Although the agency's bases for denying CLTS funding for taekwondo tournaments for petitioner are not convincing, petitioner has not established that they are a component of the Health and Wellness service provided by the taekwondo school.

THEREFORE, it is

ORDERED

That the petition for review 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, 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.

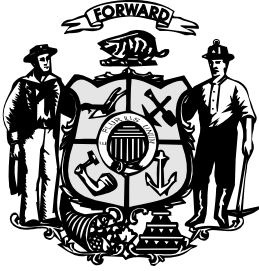
APPEAL TO COURT

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 Madison,
Wisconsin, this 17th day of June, 2025

\s _____
Brian 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 June 17, 2025.

Milwaukee Enrollment Services
Bureau of Long-Term Support
[REDACTED]