



FH

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

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

DECISION
Case #: CWA - 219979

PRELIMINARY RECITALS

Pursuant to a petition filed September 10, 2025, under Wis. Admin. Code, §HA 3.03, to review a decision by the ADRC of Milwaukee County to deny Community Waivers eligibility, a hearing was held on October 22, 2025, by telephone.

The issue for determination is whether petitioner can be eligible for Community Waivers without meeting a target group.

PARTIES IN INTEREST:

Petitioner:

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

Respondent:

Department of Health Services
201 E. Washington Ave.
Madison, WI 53703

By: Catherine Moe
Aging Resource Ctr-Suite 300
1220 W Vliet St
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

Brian C. Schneider
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner is a 21-year-old resident of Milwaukee County.
2. Petitioner has schizophrenia, characterized by hallucinations, delusions, and disorganization of speech and behavior. His daily functioning is impacted, and he needs partial assistance with activities of daily living (ADLs) and extensive assistance with instrumental ADLs (IADLs).
3. An application for Community Waivers assistance was filed on petitioner's behalf in August, 2025. On August 21, 2025, the ADRC of Milwaukee conducted a long-term functional screen assessment. The screen was updated on September 18, 2025. Both screens resulted in petitioner being found ineligible for the Community Waiver programs such as Family Care, IRIS, and PACE/Partnership because he was not in a target group.

DISCUSSION

The Family Care program, which is supervised by the Department of Health Services, is designed to provide appropriate long-term care services for elderly or disabled adults. It is authorized in the Wisconsin Statutes, §46.286, and is described comprehensively in the Wisconsin Administrative Code, Chapter DHS 10. Similarly, 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(c) of the Social Security Act. It is a self-directed personal care program

Both programs, as well as the PACE/Partnership program that is directly related to the Family Care program, require that applicant to be within a target group of physical disability, frail elder, or developmental disability. Wis. Admin. Code §DHS 10.32(1)(c); IRIS Policy and Procedure, §A.3. Thus, even if an applicant would meet an institutional level of care, and even if the person needs community-based services to live in the community, the person is not eligible for these programs if he is not within a target group.

Petitioner has a severe mental illness, but he does not meet any of the three target groups. The assessor took all information, including running a re-screen in September, 2025, but petitioner's mental illness does not meet the target group of developmental disability, the only one he could possibly meet. "Developmental disability" is defined as "a disability attributable to brain injury, cerebral palsy, epilepsy, autism, Prader-Willi syndrome, intellectual disability, or another neurological condition closely related to an intellectual disability or requiring treatment similar to that required for individuals with an intellectual disability, which has continued or can be expected to continue indefinitely and constitutes a substantial handicap to the afflicted individual." Wis. Stat., §51.01(5)(a), as referenced from Wis. Admin. Code §DHS 10.13(16). Petitioner's condition does not meet that definition.

Petitioner likely was eligible for services when he was a child. The Children's Long-Term Care Program includes a fourth target group for severe mental illness. That target group is not included in the adult programs.

I conclude that the agency correctly denied eligibility for Community-Based services because petitioner does not meet an eligible target group.

CONCLUSIONS OF LAW

Petitioner is ineligible for the adult Community Waiver programs because he is not within the target groups allowed within the programs.

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.

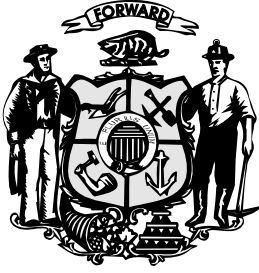
APPEAL TO COURT

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, 201 E. Washington Ave., **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 27th day of October, 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 October 27, 2025.

ADRC of Milwaukee County
Bureau of Long-Term Support