



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

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In the Matter of

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

**DECISION**  
Case #: CWK - 221068

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**PRELIMINARY RECITALS**

Pursuant to a petition filed on December 3, 2025, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Milwaukee Enrollment Services regarding Medical Assistance (MA), a hearing was held on January 21, 2026, by telephone.

The issue for determination is whether the agency properly terminated respite services.

There appeared at that time the following persons:

**PARTIES IN INTEREST:**

Petitioner:

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

Respondent:

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

By: Nancy Duma  
Milwaukee Enrollment Services  
6055 N. 64th Street  
Milwaukee, WI 53218

**ADMINISTRATIVE LAW JUDGE:**

Teresa A. Perez  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner is a 19-year old resident of Milwaukee County who is enrolled in the CLTS Program.
2. Petitioner received respite through the CLTS Program for at least three years.

3. The agency terminated Petitioner's respite services effective October 31, 2025.
4. The agency did not send Petitioner a Notice of Action regarding the termination of respite services until November 19, 2025.
5. Petitioner filed a fair hearing request on December 3, 2025.

### DISCUSSION

The purpose of Wisconsin's Children's Long-Term Support (CLTS) Waiver Program is to provide supports and services to children who have significant disabilities, who require a level of support that would qualify them for institutional care but who reside at home or in the community, and who satisfy Medicaid financial and non-financial requirements. See *Medicaid Home and Community-Based Services Waiver Manual for the CLTS Waiver Program* ("CLTS Manual"), §§1.1 and 2.1.

The Department of Health Services (DHS) is charged with administering the CLTS Program and developing state-wide policies. See *Id.* at 1.2. DHS tasks county waiver agencies with authorizing services and supports in accordance with those state-wide policies. See *CLTS Manual*, Chapters 4 and 7.

The issue in dispute here is whether the agency properly terminated respite services.

All CLTS participants have the right to "contest certain decisions, action, or omissions by using either the state fair hearing process and/or a local grievance process." *CLTS Manual* §8.1. Among the actions that participants have the right to appeal through the fair hearing process are service terminations and reductions. *CLTS Manual* §8.2.2. Waiver agencies must provide participants a "Notice of Action" (NOA) at least fifteen days before the effective date of a reduction or termination of a service that includes the following information: the proposed action, the reason for the proposed action, the effective date of the action, the participant's right to request a fair hearing including but not limited to "the timeline for filing a fair hearing in order to avoid reduction or termination of services until a hearing is made." *CLTS Manual*, § 8.2.2 and § 8.2.3. If a participant files a request for fair hearing prior to the effective date of the intended reduction or termination of services, they are, upon request, entitled to continue receiving unreduced services until a hearing decision is issued. See 42 C.F.R. §431.230 and *CLTS Manual* §8.2.3.

In the present case, the waiver agency terminated Petitioner's respite services without sending an advance Notice of Action. Instead, the agency sent a Notice of Action after respite services were already terminated. For that reason alone, I find that the termination of respite services was not proper. If Petitioner received respite after October 31, 2025 from the previously authorized respite provider, the agency must issue payment for those services if requested and if the agency receives any required verification from Petitioner and/or provider.

At hearing, the agency argued why it terminated respite services and Petitioner argued why she believed she continues to need respite services. I am not addressing any of those arguments because the lack of notice by itself rendered the service termination inappropriate. This decision does not, however, prohibit, the waiver agency from now providing appropriate advance notice--assuming that the agency continues to believe that respite is no longer an appropriate waiver service for Petitioner. If the waiver agency takes that action, Petitioner would have the right to file a new fair hearing request.

**CONCLUSIONS OF LAW**

The agency did not issue the required advance notice of action to Petitioner informing her that her respite services would be terminated; the agency’s termination of respite services was therefore not appropriate.

**THEREFORE, it is ORDERED**

That the appeal is remanded to the agency to reinstate the prior authorization for respite services retroactive to November 1, 2025, and to inform Petitioner of any steps she must take if she wishes to seek payment for respite services provided on or after November 1, 2025. The agency must comply with these instructions within ten days of the date of this decision.

**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, 5<sup>th</sup> 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.

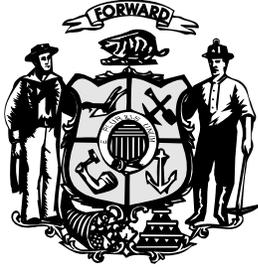
**APPEAL TO COURT**

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 20th day of February, 2026

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Teresa A. Perez  
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 20, 2026.

Milwaukee Enrollment Services  
Bureau of Long-Term Support

