



FH

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

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

DECISION
Case #: CWK - 221868

PRELIMINARY RECITALS

Pursuant to a petition filed February 5, 2026, under Wis. Admin. Code, §HA 3.03(1), to review a decision by the Dane County Dept. of Human Services to deny a service requested under the Children's Long-Term Support program (CLTS), a hearing was held on March 18, 2026, by telephone.

The issue for determination is whether the request home modification would be of a direct medical/remedial benefit to petitioner.

PARTIES IN INTEREST:

Petitioner:

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

Respondent:

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

By: Angela Radloff
Dane County Dept. of Human Services
1819 Aberg Avenue
Madison, WI 53704-6343

ADMINISTRATIVE LAW JUDGE:

Brian C. Schneider
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner is a 14-year-old resident of Dane County.

2. Petitioner is eligible for the CLTS with Dane County DHS as the consulting agency. Petitioner has autism, apraxia, low vision, poor balance and coordination, sensory regulation, and safety awareness. She lives with her mother and one sibling.
3. Petitioner's house has a patio at the back extending the full length of the house. Petitioner's mother typically keeps a sensory swing for petitioner on the back patio. Over time some of the concrete slabs have sunk or risen making the surface uneven. An [REDACTED] assessment recommended, among other things, that the patio be leveled.
4. Petitioner's mother requested CLTS coverage of the patio leveling. Without reviewing the potential cost of the service, the agency denied the request on the basis that it would be a general home maintenance issue not covered by CLTS, by a notice dated December 22, 2025.

DISCUSSION

The CLTS program started on January 1, 2004 after the federal Department of Health and Human Services informed the state department (DHS) that federal MA funding would no longer be available for in-home autism services. The department drafted and released the Medicaid Home and Community-Based Waiver Manual for the CLTS Program ("the Manual"), with a current update as of December, 2025. It can be found on the internet at <https://www.dhs.wisconsin.gov/publications/p02256.pdf>. It does not appear that any changes in the update affect the issue in this matter.

The requested service would be considered a home modification. The Manual discusses home modifications are §4.6.18. Such modifications are generally permanent fixtures or changes to the physical structure of the home, including ensuring safe and accessible access to the home. They include, but are not limited to, fences, ramps, flooring, and doorway adaptations. Modifications do not include improvements or repairs that are of a general utility and not of direct or remedial benefit to the CLTS recipient. Manual, §4.6.18.4.

After hearing both sides, I conclude that the denial was correct. The proposed leveling is much closer to general utility than being specific to petitioner's safety and accessibility. The patio entrance is not the primary access to the home. It is used for the sensory swing, but from the photos taken by the assessor, the part of the patio on which the swing would rest is not uneven. The primary area of unevenness appears to be between the area directly off the patio door and another part of the patio behind the main part of the house.

Petitioner's mother is concerned that petitioner (and her sibling) could trip over the uneven areas, but they would have to deal with uneven areas wherever they go. Having a full, level patio is not a direct, remedial benefit to petitioner. I note also that having the patio be the primary location of the sensory swing is largely impractical for much if not most the year in Wisconsin.

Petitioner's mother complained that the agency did not do a functional assessment. However, the agency was given the November 25, 2025 [REDACTED] assessment. Having the agency do its own assessment would be duplicative. In the end, I conclude that having a level patio would be, at best, an indirect benefit to petitioner. I do not see it as directly impacting petitioner's home access or access to remedial services.

CONCLUSIONS OF LAW

The agency correctly denied CLTS coverage of the leveling of her home patio because the service would not be a direct medical or remedial benefit to petitioner.

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.

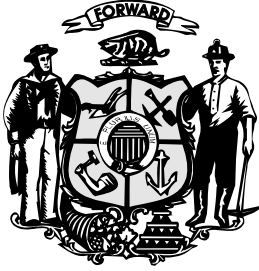
APPEAL TO COURT

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 23rd day of March, 2026

\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 March 23, 2026.

Dane Cty. Dept. of Human Services
Bureau of Long-Term Support
[REDACTED]