



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

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

DECISION
Case #: CWA - 221010

PRELIMINARY RECITALS

Pursuant to a petition filed December 3, 2025, under Wis. Admin. Code, §HA 3.03, to review a decision by TMG in conjunction with the Division of Medicaid Services (DMS) to discontinue a service under the Include, Respect, I Self-Direct program (IRIS), a hearing was held on January 20, 2026, by telephone. A hearing set for December 23, 2025 was rescheduled at the petitioner's request.

The issue for determination is whether the requested service can be covered by IRIS when it is not a covered service within Department of Health Services policy.

PARTIES IN INTEREST:

Petitioner:

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

Respondent:

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

By: Pam Schreiber
TMG
2424 Rimrock Rd., Suite 230
Fitchburg, WI 53713

ADMINISTRATIVE LAW JUDGE:

Brian C. Schneider
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner is a 23-year-old resident of Milwaukee County.
2. Petitioner has a number of diagnoses including autism, encephalopathy, dysphasia, OCD, and ADHD. She has been eligible for IRIS with TMG as her consulting agency since 2021. Her care plan has included two speech therapy related services – cranial release therapy (CST) and Rapid Prompting Method (RPM).
3. In August, 2025, TMG submitted a budget amendment request for a new service. Because a budget amendment includes a copy of the service plan, DMS staff noted the two therapies on the plan. The DMS responded that CST and RPM are considered to be experimental and cannot be included in petitioner’s service plan.
4. By notices dated October 23, 2025, TMG informed petitioner that the two therapies would be discontinued effective November 7, 2025 because they are not allowed services under the IRIS waiver as they are considered to be experimental.
5. Petitioner appealed. Two appeal files were opened – CWA-221010 for CST, and CWA-221011 for RPM.

DISCUSSION

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.

The federal government has promulgated 42 C.F.R. §441.300 - .310 to provide general guidance for this program. Those 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 IRIS program is a Medical Assistance (MA) long term care waiver program that serves elderly individuals and adults with physical and developmental disabilities. IRIS is an alternative to Family Care, Partnership, and PACE—all of which are managed long term care waiver programs. The IRIS program, in contrast, is designed to allow participants to direct their own care and to hire and direct their own workers. The broad purpose of all of these programs, including 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.

State policies governing administration of the IRIS program are included in the *IRIS Policy Manual* (available at www.dhs.wisconsin.gov/publications/P0/P00708.pdf), *IRIS Work Instructions* (available at www.dhs.wisconsin.gov/publications/P0/P00708a.pdf), and *IRIS Service Definition Manual* (available at www.dhs.wisconsin.gov/publications/p00708b.pdf).

As noted by the agency, recent decisions by the Division of Hearings and Appeals (DHA) have upheld the denial of both CST and RPM. The Department has made clear that these services are not covered by MA or within waiver programs such as IRIS. While the prior decisions have been issued as Final by DHA judges, recently the Department has made clear that DHA judges do not have authority to review whether a service is experimental. In DHA case no. HMO-220155, dated December 26, 2025, Department of

Health Services Secretary Johnson issued a Final Decision concluding that the DHA does not have authority to review a Department finding that a requested medical service is experimental. The decision noted that the Wisconsin Administrative Code provision regarding experimental services, §DHS 107.035, does not provide that a designation of experimental can be appealed to the DHA.

I asked why the services were approved in petitioner's service plan in the first place. The TMG witness responded that, in 2021 when petitioner became eligible, service plans were not scrutinized as long as they were within budget because of the Covid pandemic. Thus the therapies were covered under petitioner's plan for several years before they came under Departmental scrutiny.

CONCLUSIONS OF LAW

TMG correctly discontinued CST therapy because it is not a covered service within the state MA and MA waiver 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.

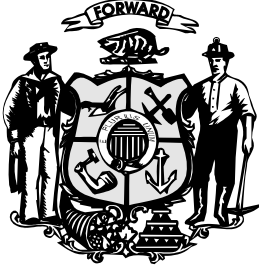
APPEAL TO COURT

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 26th day of January, 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 January 26, 2026.

Bureau of Long-Term Support