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DMS Numbered Memo 2024-02

To: County Department of Human Services Directors
County Department of Social Services Directors
County Department of Community Programs Directors
Children's Long-Term Support Supervisors and Leads

From: Bill Hanna, Director
Division of Medicaid Services

A handwritten signature in black ink, appearing to read "Bill Hanna".

DHS Actions to Address County Waiver Agency (CWA) Failure to Meet CLTS Program Enrollment Timeliness Requirements

Purpose

The purpose of this memo is to outline the steps the Wisconsin Department of Health Services (DHS) will take to address county waiver agencies (CWAs) that fail to meet the Children's Long-Term Support (CLTS) Waiver Program's enrollment timeliness requirements for eligible participants.

This protocol is intended to bring the attention and support necessary to remove local barriers to serving Wisconsin children with significant needs and their families. DHS will issue a corrective action plan (CAP) directive and subsequent escalating actions to non-compliant CWAs, as described below, beginning in January 2025.

In advance of the 2025 implementation, DHS is committed to helping CWAs resolve lags in timely program enrollment. DHS will host a forum on August 27, 2024, to explain the escalation process and share technical guidance to help local programs achieve compliance. DHS will also support local practices with assistance as needed.

Background

The CLTS Program is a crucial support for Wisconsin children with disabilities and their families. Timely access to the CLTS Program is essential to help children live safely and fully in their homes and communities.

Funding for the CLTS Program is managed at the state level. County programs do not manage CLTS Program funding at the local level and are not at risk of incurring new costs for the CLTS Program for either the cost of services or administrative costs. Providers submit claims for service costs, which are paid similarly to other Medicaid claims. In addition, each CWA receives an annual allocation from DHS to support administrative costs. Further, each CWA is able to include all allowable program-related costs in their support and service coordination (SSC) rate for full reimbursement each contract year. This approach to program funding eliminates the financial risks for CWAs that would otherwise be associated with changing program enrollment. CWAs must therefore ensure that children are served timely and in compliance with federal requirements.

Federal and state enrollment timeliness requirements

CLTS waiver

The CLTS Program has a federally approved waiver under § 1915(c) and § 1915(b)(4) of the Social Security Act. The Centers for Medicare & Medicaid Services reviews and approves the CLTS waiver, providing DHS the federal authority to operate the CLTS Program.

The CLTS Program is operated locally by CWAs under this federal authority and requires compliance with both state and federal requirements. The CLTS waiver federally obligates DHS and CWAs to assure timely enrollment and statewide access. It is a local responsibility to complete eligibility and enrollment in accordance with DHS policy and processes.

CLTS Program Manual

CWAs must immediately begin enrollment and service planning processes for participants that DHS has determined are enrollable and who wish to enroll. DHS places eligible participants in enrollable status according to the first-come, first-served policy for the CLTS Program. All participants in enrollable status are fully funded at the state level.

Per the Medicaid Home and Community-Based Services Waiver Manual for the CLTS Waiver Program ([P-02256: 6.1.1.2 Eligibility & 6.1.1.3 Enrollment](#)):

- The CWA is responsible for completing an eligibility determination for the participant within 45 calendar days from the referral date.
- The CWA is responsible for enrolling a participant who wishes to enroll in the CLTS Program using the DHS Eligibility and Enrollment Streamlining online system and then begin service planning within 45 calendar days that a participant who wishes to enroll in the CLTS Program becomes enrollable.

Altogether, CWAs have 90 calendar days from the referral date to enroll eligible children in the CLTS Program.

State and county contract

The annual State and County Contract Covering Social Services and Community Programs details the provisions with which both parties must comply. This includes the contractual requirement that the county complies with the CLTS Program requirements to ensure each CLTS participant has timely access to enrollment and the necessary support and service coordination.

Escalation plan

DHS has three progressive, escalating steps to respond to CWA non-compliance with CLTS Program enrollment timeliness requirements:

1. CWA must submit a [corrective action plan \(CAP\)](#).
2. CWA must repay funds to DHS.
3. DHS withholds the CWA's administrative funding allocation.

Statewide ongoing data review

DHS will use [CLTS Program Enrollment Dashboard](#) data to identify if a CWA is not compliant with required enrollment timelines standards. DHS will issue a CAP directive to a CWA if the average wait time for eligible participants who enrolled in the last six months is more than 100 days for a period of

more than 60 days. DHS will follow the escalation plan steps to address CWAs with a significant pattern of non-compliance and egregious enrollment timelines.

Corrective Action Plan

DHS will provide a 10-day notice to the non-compliant CWA before issuing a CAP directive. During that time, the CWA will have the opportunity to clarify if the data does not reflect current practice and provide additional information for DHS consideration.

If DHS determines the CAP is warranted, DHS will send a letter to the county's Human Services director communicating that the CWA is not compliant with CLTS Program enrollment timeliness requirements and required to submit a CAP. DHS will provide the CWA a template to complete for the CAP submission. The CWA will be required to submit their CAP within 30 calendar days. DHS will review the submission and issue a decision and any required modifications within 30 calendar days of receiving the CAP from the CWA.

Requirement to repay funds

DHS may require CWAs to repay funds to DHS for failure to submit a CAP by the deadline, failure to make meaningful progress during the CAP, or failure to complete the CAP by the negotiated deadline.

DHS will send the CWA an invoice for the amount that must be repaid to DHS in accordance with the DHS-developed repayment methodology. The calculated repayment amount will be determined proportionate to the specific non-compliance.

Withholding of administrative allocation

The CLTS administrative allocation is used to administer the CLTS Program, including work necessary to secure adequate Support and Service Coordination. If the CWA does not repay funds by the specified deadline, DHS will withhold the CWA's CLTS Program administrative allocation commensurate with the noncompliance.

Timeline

DHS will begin issuing CAP directives for non-compliant CWAs in January 2025. This protocol will be used on an ongoing basis to continuously monitor and evaluate non-compliance. CAP directives may be issued to non-compliant CWAs after January 2025.

Assistance

Please direct any specific questions to the Bureau of Children's Services Technical Assistance Center at DHSBCSTAC@dhs.wisconsin.gov.