

# **Elder Benefit Specialist Program Aging and ADRC Operations Manual**

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# I. Introduction

## A. Definitions

- **Area agency on aging (AAA):** The public or private nonprofit agency or organization designated by the state to provide planning and support to aging units, per [Wis. Stat. § 46.81\(1\)\(b\)](#), and [42 USC 3025](#) (a) (2) (A).
- **Agency:** Used when referring to all agencies that employ EBSs, including area agencies on aging, aging and disability resource centers, county aging units, Tribal Nation aging units, and Tribal elder benefit specialist service providers.
- **Aging unit (AU):** Personnel directed by a county commission on aging and organized according to [Wis. Stat. § 46.81\(1\)\(a\)](#).
- **Bureau of Aging and Disability Resources (BADR):** The state bureau within the Wisconsin Department of Health Services that oversees funding and state policy for the elder benefit specialist program.
- **Client, customer:** A person who receives services from an elder benefit specialist.
- **Conflicts of interest:** Competing interests which affect or may affect the ability of an advocate to act appropriately on behalf of their customer.
- **Department of Health Services (DHS):** The state agency that oversees funding and state policy for the elder benefit specialist program.
- **Elder benefit specialist (EBS):** A person performing elder benefit counseling as described in [section I.E. Description of EBS services](#) Unless otherwise noted, the term EBS includes elder benefit specialists employed by aging and disability resource centers, aging units, and Tribal elder benefit specialist service providers.
- **Elder benefit specialist program benefits scope:** A document that details which benefit program topics and services are allowable for elder benefit specialists' work, available on the Elder Benefit Specialist SharePoint site (log in required).

- **Elder benefit specialist program manager:** The state staff member responsible for managing the elder benefit specialist program, located in the Bureau of Aging and Disability Resources in the Wisconsin Department of Health services.
- **Informed consent:** Permission granted by the customer to share or obtain confidential information with another person or entity. Obtaining informed consent includes explaining to the customer that the information shared with the EBS is kept in confidence. It also includes explaining to the customer that by signing a client services agreement, the customer's information may be shared with the elder benefit specialists' technical assistance provider (their program attorney) and the elder benefit specialist program manager without further consent by the customer. It is best practice to inform customers about how their information will be used and to obtain at least a verbal consent, even when consent is not strictly required.
- **Medigap Helpline:** A statewide, toll-free telephone service staffed by trained State Health Insurance Assistance Program (SHIP) counselors who provide information to callers on Wisconsin Medicare, long-term care, and other types of health insurance. The "Medigap Helpline" includes the Medigap Helpline and the Part D and Prescription Drug Helpline operated by the Wisconsin Board on Aging and Long Term Care.
- **Merit:** A term used to describe that a customer's claim is valid considering available information and applicable policies and regulations governing the benefit. A case has merit when available information, viewed according to the appropriate standard, demonstrates a basis for the customer's position. See [section VII.E. Analyzing case merit](#) for more information.
- **Planning and service area (PSA):** Geographic areas of the state designated to area agencies on aging by the Bureau of Aging and Disability Resources, per the Older Americans Act.
- **Program attorney:** An attorney employed by the program attorney service provider to gives substantive, programmatic support to elder benefit specialists. Program attorneys provide training, technical assistance, and supervision to elder benefit specialists. Program attorneys abide by the responsibilities in this operations manual, unless otherwise specified within this manual.

- **Program attorney service provider:** An organization providing program attorney services under contract with an area agency on aging to provide training, supervision, and legal back-up to elder benefit specialists.
- **State Health Insurance Assistance Program (SHIP):** A national, grant-funded program that offers one-on-one assistance, counseling, and education to Medicare beneficiaries, their families, and caregivers to help them make informed decisions about their care and benefits.
- **Technical assistance:** Consultation by program attorneys to elder benefit specialists regarding their customers' benefit issues to ensure accurate, timely, and effective assistance and advocacy.
- **Tribal elder benefit specialist service provider:** An organization contracted with the Wisconsin Department of Health Services to provide elder benefit specialist services to eligible Tribal members.

## B. Legal authority

1. Legal authority for Wisconsin's elder benefit specialist program derives from [Wis. Stat. § 46.81](#).
2. [Wis. Stat. § 46.283 \(3\)\(d\)](#) provides authority for the provision of counseling concerning public and private benefit programs by aging and disability resource centers (ADRCs).

## C. Program history

A 1975 amendment to the Older Americans Act (OAA) included legal assistance as a priority service under Title III-B. The EBS program began in 1977 under the auspices of the Center for Public Representation as a pilot in seven southern Wisconsin counties. In 1983, it was one of two state models from which counties could choose for providing legal assistance; by 1987, all 72 counties had adopted the EBS program model.

In 1985, elder benefit specialists formed their own organization, the Wisconsin Association of Benefit Specialists.

The 1987–89 state budget included statutory language mandating the program statewide and allocating state funds (GPR) to support the program beginning in 1988. The 1989–91 and 1991–93 state budgets included very modest increases in funding. As part of an elder-rights initiative, the 1997–99 state budget included a more substantial increase.

In 1989, DHS secured grant funds for a study of the civil legal needs of economically vulnerable older Wisconsin residents and the effectiveness of the EBS program in meeting those needs. The results were published in 1991 (the "Spangenberg Report"), and the study remains one of the most thorough and rigorous evaluations ever conducted of an OAA legal-services program. The report found that the EBS program was effective in meeting benefit-related legal needs but was seriously underfunded; the report made several recommendations for improving the program. One recommendation was to develop program policies. The policies were issued in 1992 and revised in 2004 and 2008.

In 2024, the federal Administration for Community Living (ACL) determined that Wisconsin's model was out of compliance with the OAA. ACL issued a notice of non-compliance to the Wisconsin Bureau of Aging and Disability Resources (BADR) stating that:

- Individuals must have direct access to an OAA attorneys (rather than going through EBSs).
- Legal assistance providers did not provide representation in all OAA priority areas.
- The program did not provide enough legal representation.
- The program structure did not meet the OAA definition of legal assistance.

To come into compliance, DHS separated the EBS program from OAA legal assistance.

Beginning in 2026, AAAs procured OAA legal services separately from the "training, supervision, and legal back-up" required for EBSs by [Wis. Stat. § 46.81\(5\)](#). This removed OAA funding from the EBS program, making it a state program rather than federal program. BADR sought to increase access to direct legal assistance and preserve the EBS program with this approach.



## D. Availability of EBS services

### 1. Eligibility

EBS services are available to an individual who meets all the following criteria:

- a. Resides within the agency service area
  - 1. Customers experiencing homelessness may receive EBS services without proving residency.
  - 2. Customers experiencing homelessness may move between service areas (for example, by gaining temporary shelter in another county). To ensure continuity of services, the EBS may continue working with the customer until the completion of that case, based on the customer's preference.
- b. Is aged 60 or older [per [Wis. Stat. § 46.81\(1\)\(c\)](#)]
  - 1. The agency director may decide to serve a limited number of persons under age 60 in their EBS program using allowable funding sources; Wis. Stat. § 46.81 funding cannot be used for this purpose. If resources are adequate, the program attorney determines the case has merit, and services are not available through the disability benefit specialist program, the EBS may serve any of the following:
    - i. A person under age 60 who may need assistance with an issue where providing such assistance would also benefit a spouse over age 60 (for example, making an SSI-E application).
    - ii. A person aged 55 or older whose situation presents other compelling circumstances, as determined by the agency director.
- c. Requests benefits counseling or advocacy services within the parameters of the EBS program benefits scope. The scope topics must meet the requirements of [Wis. Stat. § 46.81\(4\)](#):
 

“Benefit specialists shall offer information, advice and assistance to older individuals related to individual eligibility for, and problems with, public benefits and services and to health care financing, insurance, housing and other financial and consumer concerns. Benefit specialists shall refer older individuals in need of legal representation to the private bar or other available legal resources.”

## 2. Legal guardians

- a. Customers without a legal guardian or alternate decision maker (for example, a power of attorney) must provide explicit permission for an EBS to work with a representative on their behalf. If a customer is not able to provide consent to services and lacks a legal decision maker, the EBS is limited to providing information and referral.
- b. When a customer has a legal guardian, the benefit specialist should include the customer in conversations and actions to the fullest extent possible, based on the customer's capability.
- c. In some situations, it may be appropriate to decline or terminate services while working with a customer who has a legal guardian. In these instances, follow the [Service Limitation and Termination Policy \(P-02923-08\)](#), examples include but are not limited to situations in which:
  - 1. Assisting the legal guardian would create a conflict of interest. The benefit specialist should consult with the program attorney as soon as a conflict of interest is identified.
  - 2. The customer's objectives conflict with the legal guardian's. That is, the customer refuses the benefit specialist's help or refuses to cooperate with the case. While the benefit specialist can continue to work with the legal guardian, if the customer's non-cooperation hinders the benefit specialist's ability to advocate for the customer, it may be appropriate to decline or terminate services. The benefit specialist should consult with the program attorney to determine whether to terminate the case.

## 3. Tribal members

Tribal EBSs serve Tribal members who reside in Wisconsin. Tribal members may choose to receive services through a county-based agency, such as an ADRC or an AU, or a Tribal EBS service provider.

## 4. Accessibility

- a. EBS services must be easily accessible to older people. Relevant considerations include the location of the office and intake sites, availability of public transportation, hours, toll-free telephone access, and capacity to provide home visits.

- b. EBS services must be provided in a manner convenient to the customer, including but not limited to:
  - In person in the customer's home or at the agency office as an appointment or walk-in.
  - Over the phone.
  - Virtually.
  - Via email.
  - Through written correspondence.

## E. Description of EBS services

### 1. Role description

- a. Per [Wis. Stat. § 46.81\(4\)](#):

“Benefit specialists shall offer information, advice and assistance to older individuals related to individual eligibility for, and problems with, public benefits and services and to health care financing, insurance, housing and other financial and consumer concerns. Benefit specialists shall refer older individuals in need of legal representation to the private bar or other available legal resources.”

- b. EBSs provide assistance and advocacy in obtaining and maintain public benefits.

### 2. Program purpose

- a. The purpose of Wisconsin's EBS program is to provide broad access to benefits for large numbers of older persons throughout Wisconsin through a continuum of county and Tribal-based EBS services. The program promotes and preserves the autonomy, dignity, independence, and financial security of older persons by:
  1. Informing and assisting large numbers of older people in understanding their rights, benefits, and entitlements.

2. Assisting older people in securing benefits and entitlements.
3. Limiting the scope and nature of benefit problems experienced by older people through prevention, early detection, and intervention.
4. Initiating advocacy to protect and expand the rights and benefits of older people.

**b. EBS programs must:**

1. Identify and address priority issues that reflect the needs of the local community.
2. Be accessible throughout each agency's service area.

### **3. Benefits counseling definition**

**a. Benefits counseling includes:**

1. Handling case intakes and, when appropriate, referrals.
2. Providing accurate and timely information about the benefits and services within the EBS program benefits scope so that customers understand their options and responsibilities and can make informed choices about their benefit and service options.
3. Providing a benefits check-up to help the customer understand the benefits or services for which they may be eligible.
4. Aiding with application for or renewal of benefits and services within the EBS program benefits scope. This includes assisting customers to gather supporting documentation.
5. Assisting customers to complete and submit appeals for denied benefits or services within the EBS program benefits scope.
6. Providing advocacy services to assist the customer in obtaining or maintaining benefits, including but not limited to:
  - i. Leveraging knowledge of program benefits to overcome barriers for the customer.

- ii. Seeking and developing evidence favorable to the customer.
  - iii. Negotiating with decision-makers to seek a favorable resolution of a dispute.
  - iv. Representing customers in benefit applications or appeals in accordance with direct representation guidelines (see [section V.C. Guidelines for direct representation of customers](#)).
7. Providing public education and training on issues affecting the rights, benefits, or entitlements of older people.
  8. Assisting in the recruitment, training, and development of volunteers to forward EBS program goals, and ensuring that all volunteers participating in the program are adequately trained to perform their roles and are fully informed about rules regarding confidentiality and conflict of interest.
- b.** Benefits counseling does not include:
1. Determining or certifying the customer's eligibility for a benefit or service.
  2. Providing case analysis, application, or appeal assistance outside the EBS program benefits scope.
  3. Providing substantive information about programs outside of the EBS program benefits scope.

## 4. Advocacy

In fulfilling the role of an advocate, the EBS:

- a.** Identifies the customer's goals and barriers or complications that may arise during pursuit of those goals.
- b.** Recognizes and respects the customer's right to self-determination in advancing their goals, rather than determining what is in the best interests of the customer, within program policies.
- c.** Identifies what benefits and/or services are appropriate for the customer, given the customer's goals, which may include benefit programs that were not requested specifically by the customer but which further the customer's goals.
- d.** Presents the pros and cons of the different options and advocacy avenues to the customer.

- e. Proactively uses all advocacy tools at their disposal to help the customer achieve their benefit goals.
- f. Withholds judgement about the customer's goals.
- g. Does not allow personal or professional relationships or values to interfere with their role as an advocate.
- h. Recognizes that in some circumstances they need to decline or terminate the provision of services (see [section V.B. Responsibilities to the customer](#)). These circumstances may include, but are not necessarily limited to, situations in which:
  - i. The means to achieve the customer's goals is outside of the EBS program benefits scope.
  - ii. The law requires a course of action contrary to the customer's interests.
  - iii. There is simply no means by which the customer's goal can be accomplished.

## 5. Outreach

- a. EBS program personnel must conduct outreach to ensure potential customers are aware of the services available through the program and of the ways in which services can be of value to them.
- b. Outreach activities and publicity materials must be designed to clearly define EBS services as advocacy services. This may include information and assistance with the paperwork related to benefits and insurance claims and reference problem solving, complaint resolution, and customer representation.

## 6. Community education

EBS program staff must inform older people of their rights via community education forums, for example, presentations, workshops, radio or television shows, and newsletter articles.

## 7. Benefit specialist program assistants

Agencies can hire benefit specialist program assistants. Roles should be crafted in accordance with the [Benefit Specialist Program Assistant Guidelines \(P-03062-05\)](#) (PDF).

## F. Prohibited activities

1. To avoid potential conflicts of interest, the EBS may not perform:
  - a. The long-term care functional screen.
  - b. Supplemental Security Income Exceptional Expense Supplement (SSI-E) eligibility determination or certification.
  - c. Any other eligibility determination.
  - d. Guardianship or adult protective services.
2. The EBS may not serve as the lead information and assistance worker for the agency.
3. Organizational limitations regarding staff or funding may make it necessary to combine other activities with EBS activities to create a full-time position. To avoid conflicts of interest, all combinations of activities that include EBS work must be submitted to DHS for approval prior to implementation. Proposals for combinations of activities that do not pose a potential conflict of interest and that maintain customer confidentiality will be approved; for example, combining EBS activities with information and assistance activities.
4. EBSs may not use agency funds, position, title, or organizational affiliation to influence any election or to foster or engage in any partisan or political activity.

Note: This does not prevent an EBS from inviting all candidates for an office to a forum to discuss relevant issues, provided it is run in an even-handed manner, or from sending out candidate surveys and printing the results in an agency newsletter.

5. Lobbying
  - a. EBSs may not attempt to influence legislative or administrative action by oral or written communication with any elected official, agency official or legislative employee (engage in lobbying). See also the [Advocacy Operations Manual chapter \(P-03062-18\) \(PDF\)](#).

- b.** The following actions are exceptions to this rule. Note: Except when advocating on their own time, the elder benefit specialists should identify themselves by their position and organizational affiliation. If advocating on behalf of an organization, the EBS should make clear that they are speaking on the position of the organization and that the EBS is not speaking for their employing agency. EBSs may:
1. Contact a legislator or other elected official, legislative employee, or agency official, to advocate for a change in law, rule or policy which would fix the customer's problem, with the written consent of the EBS's customer.
  2. Testify about legislation or rules or otherwise communicate with an elected official about some topic if representing a customer affected by the topic, when the customer has provided written consent or if the official has requested that the EBS testify or respond.
  3. Testify at any time for informational (educational) purposes, even without a customer or invitation from a legislator. The EBS may only provide information and must refrain from recommending a position on the matter under consideration.
  4. Contact legislators or public agency staff to inform them of and make available the results of non-partisan analysis, study, or research.
  5. Provide (in person or in writing) a factual presentation of information on a topic directly related to the performance of a grant, contract, or other agreement, at the written request of a legislator.
  6. Give talks or use communication media to reach older persons and inform them of actions they could, or even should, take to contact elected officials.
  7. Serve on a government-sponsored committee as part of their job.
  8. Contact the state legislators in whose district they reside to advocate on an issue even if the EBS does not have an affected customer or a request from the legislator.
  9. Furnish information to a state agency official in response to a request for information from that state agency official.



10. Send communications to members, the board, customers, and constituents of their agency regarding legislation of interest to the organization and regarding actions these persons may want to take.
11. Appear before or communicate with any legislative body, if related to a possible decision that might affect the existence of their organization, its powers and duties, tax-exempt status, or the deduction of contributions to the organization.
12. Engage in activities which would otherwise be considered lobbying if undertaken on behalf of an organization to which they belong (for example, the Wisconsin Association of Benefit Specialists) when the position taken and the activity are both authorized by the organization under its by-laws, and when the actions are undertaken outside of work time.
13. Lobby on their own time, speaking for themselves, on an issue of their choosing.

## **G. Structure of the EBS program**

1. The EBS program is a partnership between county aging units, Tribal aging units, AAAs, the Tribal EBS service provider, program attorney service providers, and DHS.
2. Every county or Tribal EBS service provider must employ, at minimum, a full-time EBS, or one that is as close to full-time as possible within the limits of their state EBS funding. Full-time means the following:
  - a. The number of hours is considered full-time by the county, Tribal Nation, or contract agency's personnel policies.
  - b. Customers have access to EBS services five days per week during normal business hours.
  - c. The person(s) providing these services must be fully trained and supervised as an EBS and cannot be assigned other permanent responsibilities outside the scope of the EBS program, if such duties are supported with these earmarked program funds.
3. Tribal EBS services are provided by the Tribal EBS service provider through a contract with DHS or through Tribal aging units.

4. AAAs are responsible for ensuring EBSs receive training, supervision, and legal back-up (see sections [VI.A. Provide EBS training, supervision, and legal back-up](#) and [VII. Program Attorney Responsibilities](#)).
5. DHS is responsible for the general oversight of the EBS program.

## **H. Collaborating with other aging and disability programs**

### **1. Coordinate with ADRCs**

- a. EBS must have a strong understanding of the role of staff who provide information, assistance, and referrals, such as ADRC specialists and Tribal aging and disability resource specialists, as the EBS will encounter customers who may benefit from options counseling regarding long-term care services and supports.
- b. EBS must refer adults with disabilities who are aged 59 or younger to a disability benefit specialist (DBS).
- c. The EBS should be familiar with other aging and disability service providers (for example, work incentives benefit counselors) and community resources to provide referrals for customers to access benefits and services outside the EBS program benefits scope.

### **2. Coordinate with the Medigap Helpline**

#### **a. Medigap Helpline role**

1. The Medigap Helpline provides information about insurance products or coverage options, or provides such services when beneficiaries contemplate coverage changes. This includes giving advice on the purchase of a Medigap policy or the evaluation of a current Medigap policy or similar assistance with respect to other coverage options which supplements Medicare, including Medicare Advantage plans, Medicaid, and employer sponsored group coverages. Information is also given regarding prescription drug coverage options. Issues to be handled by the helplines include:

- i. Understanding Medigap open enrollment periods.
- ii. How to select a specific Medigap policy including which optional riders are available to elect.
- iii. Reviewing benefits and price comparisons among Medigap policies with the sources and tools that are available.
- iv. Supplemental coverage options for persons under 65 who are on Medicare due to disability or End Stage Renal Disease (ESRD).
- v. Suitability of coverage based on the person's needs, other coverage options and availability, and financial circumstances.
- vi. Explanation of Wisconsin mandated benefits in health insurance policies.
- vii. Counseling about guaranteed issue of Medigap insurance.
- viii. Counseling about obtaining or maintaining employer-based “active” or retiree coverage.
- ix. Counseling about Medicare Advantage options, including copay structure, service area, and network restrictions.
- x. Counseling about federal COBRA and state continuation and conversion coverage.
- xi. Counseling about whether currently employed persons, whether disabled or over 65 or their spouses, could benefit or is required to enroll in Part B of Medicare.
- xii. General counseling about Medicare Part D drug benefits for all callers.
- xiii. Counseling and comparisons on Medicare Part D drug benefits, completing prescription drug Plan Finder comparisons.
- xiv. Comparisons of other creditable prescription coverage options (for example, Senior Care).
- xv. Providing information and counseling on purchase and retention of long-term care insurance, counseling on qualified long term care partnership policies, as well as alternatives to long-term care insurance.

- xvi. Researching and responding to questions on third-party liability.
  - xvii. General counseling about the Health Insurance Marketplace and coordination and/or transitions with Medicare.
2. The Medigap Helpline counselors work closely with the Office of the Commissioner of Insurance, making referrals of inappropriate agent practices and commenting on proposed standards. The Office of the Commissioner of Insurance provides the helpline staff with up-to-date policy information and develops consumer materials that display the helpline's number.

#### **b. EBS role**

1. Coordinate with the Board on Aging and Long Term Care's Medigap Helpline counselors to ensure appropriate referrals between the helpline and the EBS program.
2. Refer customers to the Office of the Commissioner of Insurance for any instance of abusive insurance-marketing practices which comes to their attention; also notify the Medigap Helpline and your program attorney.

#### **c. Referrals**

1. The Helpline will respond to EBS inquiries as priority calls within three working days.
2. The Helpline will refer cases which involve advocacy (for example, Medicare appeals, denials of coverage or access, post-claim underwriting) to the appropriate benefit specialist for resolution.
3. The Helpline may request elder benefit specialists to conduct home visits on the Helpline's behalf in instances where a counselor determines that a face-to-face contact is needed to ensure understanding of information conveyed. The EBS will comply with the request if resources and time permit; if this is not possible, the EBS will make a good-faith effort to find another person to perform the home visit.

4. Whenever a mass change, such as a Medicare Advantage or employer's retiree plan termination, adversely affects the interests of a large group of beneficiaries, the Helpline counselor will work with EBS to assist affected persons. This includes providing in-person education and assistance, if time and resources permit.
5. The Helpline shall refer complaints associated with abusive agent practices, and agent conveying false information to the Office of the Commissioner of Insurance for remedy.

### **3. Coordinate with the ombudsman program**

#### **a. Nursing home settings**

##### **1. Ombudsman role**

- i. The Wisconsin Board on Aging and Long Term Care (BOALTC) operates the long-term care ombudsman program under contract with the Wisconsin Department of Health Services (DHS).
- ii. The role of BOALTC ombudsmen in a nursing-home setting is to safeguard residents' rights, including the quality of residents' care.
- iii. The goal of the ombudsman program is to resolve complaints:
  - o Filed by or on behalf of the residents of long-term-care facilities or participants of home and community-based long-term care Medicaid waiver programs.
  - o About the administration of long-term-care services by government agencies at the state and local level.
- iv. Complaints are investigated in an impartial and unbiased manner and resolutions are negotiated, as the ombudsman program has no enforcement powers. Where the enforcement of a state or federal law or rule is necessary, the ombudsman will work on behalf of the consumer to involve the proper enforcement authority.

## 2. EBS role

- i. EBS shall coordinate with the Board on Aging and Long Term Care's ombudsman program to reach and provide services to residents of long-term-care institutions and participants in long-term-care programs.
- ii. **In scope:** EBS shall assist residents (60 and older) in a nursing-home setting with benefit issues including, but not limited to, Social Security benefits, Medicare (except for Part D), and Medicaid. This includes disputes and appeals involving whether a resident meets the financial and non-financial eligibility criteria for initial and continuing coverage of nursing-home care by a particular payment source, including Medicaid.
- iii. **Out of scope:** The nursing home, not the EBS, should assist residents with:
  - o Medicare Part D.
  - o Initial applications for residents of nursing homes.
- iv. If there is any barrier to the application process, then either the EBS or ombudsman assumes responsibilities:
  - o If the barrier exists because of problems with outside agencies (for example, county or Tribal economic support), the EBS will assume lead responsibility.
  - o If the barrier exists because nursing-home staff (for example, social worker or business office personnel) fail to perform their function, the ombudsman must serve as lead in resolving the difficulty.

## b. Medicaid community-based long term care waiver programs

### 1. Ombudsman role

The role of the ombudsmen in home and community-based long-term care Medicaid waiver program is to ensure that the quality of care and services delivered through the program are appropriate. Ombudsmen are available to monitor the care plan, ensure that case-management functions are performed properly, and that

the types, amounts, and quality of services are appropriate and meet the needs identified in the assessment and care plan.

## **2. EBS role**

The role of the EBS program regarding home and community-based long-term care Medicaid waiver programs is to assist persons 60 and older who have been denied or terminated for alleged failure to meet financial or non-financial eligibility criteria.

### **c. Referrals**

1. Referrals between the two programs must be made within five working days after consent for the referral is received from the customer.
2. The referring agency must, after securing the appropriate release from the customer, include in its referral any information and records necessary for the receiving agency to effectively provide services.
  - a. If the referral is for representation in an administrative hearing, the referral must be made no later than 15 working days prior to the hearing date
  - b. If the referring agency learns of the hearing date after this 15-day mark has passed, the referral must be made no later than the next working day.
3. The receiving agency will provide appropriate follow-up information to the referring agency upon closure of the case or resolution of the issue.

# I. Reporting Requirements, Allowable Funding Sources, and Resources

## A. Reporting requirements

Reporting requirements are outlined in the [Elder and Disability Benefit Specialist Programs Operations Manual \(P-03062-05\) \(PDF\)](#).

## B. Funding sources

- ADRC grant
- County levy, at the county's discretion
- Medicaid Administrative match
- Office of the Commissioner of Insurance (OCI) State Pharmaceutical Assistance Program (SPAP) grant, at the state's discretion
- Older Americans Act (OAA) Title III-B funds
- SHIP and Medicare Improvements for Patients and Providers Act (MIPPA) grants, at the state's discretion
- Tribal funds, at the Tribal Nation's discretion
- [Wis. Stat. § 46.81](#) state funds

[Wis. Stat. § 46.81\(2\)](#) allocates state funds to aging units. County aging units, in collaboration with their ADRC, can allow DHS to allocate those funds directly to ADRCs instead using the [Authorization to Allocate Elder Benefit Specialist Funding to the ADRC form \(F-02716\) \(PDF\)](#).



- Each year, the DHS fiscal team sends F-02716 to aging units to complete.
- An EBS can only claim Medicaid Administration match dollars if the Wis. Stat. § 46.81(2) funds are allocated to the ADRC via this process.

## C. Resources

- [Time and Task Reporting-ADRC Operations Manual \(P-03062-10\)](#)
- [ERI Learning Management System](#)
- [PeerPlace Information for Benefit Specialists](#)

## II. General Policies and Procedures

### A. Education and experience requirements

Education and experience requirements for hiring elder benefit specialists are detailed in the [Organizational Structure Operations Manual chapter \(P-03062-12\) \(PDF\)](#).

### B. Training requirements

To effectively serve customers, EBSs must develop and maintain an in-depth knowledge of a wide array of benefits available to older individuals as well as the skills to pursue advocacy strategies. For this reason, all EBSs must complete program orientation, initial training, and mandatory ongoing training.

## 1. Calendar

The dates for initial training and mandatory ongoing training events are identified in the annual EBS training calendar provided by the program attorney service provider, available on the ADRC SharePoint and EBS SharePoint sites (log in required). There are no registration costs for the initial training or mandatory ongoing training.

## 2. Initial training

Initial training, also referred to as basic training, is coordinated by Employment Resources, Inc. (ERI) and the program attorney service provider. The initial training is provided to all newly hired EBSs and comprises online courses, live group trainings (in-person or virtual), and job shadowing.

- a. Some classes have prerequisites that must be completed prior to attending the training.
- b. The program attorney tracks the EBS's progress through the online courses and can assist with any questions about course content.
- c. Throughout the initial training period, the EBS is encouraged to seek technical assistance and support from the program attorney as often as needed.
- d. Enrollment in initial training courses is not time-limited; the material can be revisited at any time.
- e. It's recommended that the newly hired EBS spends a minimum of one day shadowing an experienced EBS, either in their own place of employment or at the agency of an experienced EBS. The program attorney may assist in identifying an experienced EBS for the newly hired EBS to shadow. Job shadowing provides the newly hired EBS with an opportunity to learn more about day-to-day processes such as maintaining case files, interviewing customers, and filling out online applications.
- f. An EBS who vacates their position and later returns to the EBS program must repeat the initial training if they completed the initial training more than two years previously. A waiver may be granted if determined appropriate by the EBS program manager and the program attorney service provider.

### 3. Ongoing training

Mandatory ongoing training, coordinated by the program attorney service provider, is provided to all EBSs on core programs each year. These events are live group trainings and may include webcasts, regional in-person events, and/or statewide in-person events.

### 4. Attendance

- a. If the EBS is unable to attend a mandatory training event, they should contact their program attorney, ideally in advance of the event, to discuss options for making up the missed training to the extent feasible.
- b. The EBS should view virtual group trainings live whenever possible. An EBS who misses a live virtual training is expected to watch the archived webcast promptly to ensure they are receiving timely information and updates.
- c. The program attorney service provider must track EBSs' attendance for all the events listed as mandatory in the EBS training calendar.
  1. The program attorney service provider must inform the EBS's local supervisor if they identify a pattern of unexcused absences.
  2. Attendance of virtual trainings may be tracked through the virtual training platform's attendee list or another format (for example, an online survey).
- d. If the EBS does not think a given training topic would be useful given their skills and experience, the EBS may contact their program attorney to discuss the matter. The EBS should be prepared to propose an alternative training event that would be more useful to them. The program attorney considers such requests based upon an assessment of the EBS's current knowledge and skills.
- e. The training provider determines whether EBS trainings are made available to non-EBS staff and volunteers, with the follow qualifications:
  1. A program attorney contracted by a Tribal EBS service provider may attend any EBS training.

2. EBS assistants may attend trainings relevant to their job description. EBS assistants interested in attending trainings must meet any prerequisite coursework and deadlines.

## 5. Feedback

Questions or concerns about the date or location of trainings and suggestions for future training topics should be directed to the program attorney service provider. Questions or concerns about the EBS training requirements or difficulties accessing online training materials or webcasts should be directed to the [EBS program manager](#).

## C. Confidentiality

### 1. Authority

Program attorneys provide supervision to EBSs, per [Wis. Stat. § 46.81](#). The confidentiality standards for Wisconsin's EBS program derive from the [Wisconsin Supreme Court Rules of Professional Conduct for Attorneys](#).

### 2. Policy

An EBS or any person appointed to engage in EBS duties may not reveal to anyone information relating to representation of a customer, unless the customer agrees to a specific disclosure of information to a specific person or agency. Waivers of confidentiality must be knowing and voluntary and limited in scope as the customer prefers.

### 3. Exceptions

#### a. Communication with program attorney

An EBS may share customer and casework information with their program attorney without violating the state confidentiality standards.

**b. Disclosure necessary to provide service**

It is permissible to disclose customer information to a person, such as agency IT, support staff, or volunteers, for the purpose of providing customer services. For example, an EBS may have a support person assist with entering data in the reporting system or have a volunteer assist with a screening for benefit eligibility. These individuals should only have access to customer information to the extent it is necessary to perform their employment/volunteer functions. Any agency employee or volunteer whose services are used to support the EBS's representation of customers is subject to the same confidentiality standard as the EBS.

**c. Disclosure implicit in representation**

There are situations in which, by the nature of the services the EBS is providing, it will be implicit that the EBS is authorized to disclose customer information.

1. For example, if the customer asks the EBS to negotiate the repayment of a past medical debt on his or her behalf, it is implicit that the EBS will be discussing the customer's matters with the creditor.
2. As another example, if the customer requests the elder benefit specialist's services in a Social Security disability appeal, it is implicit that the EBS will be disclosing information about the customer's personal, educational, work and medical histories with Social Security Administration personnel.

**d. Disclosures with customer permission**

Whenever a customer authorizes the EBS to communicate with someone about their case, the EBS may do so without violating confidentiality rules. The best course of action is to obtain a signed release from the customer for each person or agency with which the EBS has permission to talk. If time does not permit the EBS to obtain a signed release, the EBS shall document in the customer's file that the customer has given permission to speak to specific persons or agencies.

### **e. Criminal activity**

It is permissible to disclose a customer's intended criminal or fraudulent activity if said activity is likely to result in death, substantial bodily harm, or substantial injury to the financial interest or property of another. This should be discussed immediately with the program attorney before disclosure. However, if the EBS witnesses a crime or believes one is imminent, they shall contact the police by calling 911.

### **f. Elder abuse reporting**

1. An EBS may not report suspected elder abuse or neglect (including self-neglect) of their customer if the customer is competent and has not consented to the report, except in circumstances described below in (b).
2. An EBS may report suspected elder abuse or neglect (including self-neglect):
  - i. When required by law.
  - ii. After obtaining the permission of the program attorney.
  - iii. If the EBS reasonably believes that a customer is not consenting to a report of elder abuse because mental disability is preventing the customer from adequately acting in the customer's own interest, the EBS shall contact their program attorney to discuss the situation and determine whether some form of protective action is warranted. This policy also applies generally to such situations regardless of whether an elder-abuse report is contemplated. Because taking protective action is permissive rather than mandatory and requires a careful balancing of different ethical considerations in a case-specific fashion, elder benefit specialists should always contact their program attorney before initiating or participating in any protective interventions without customer consent.
  - iv. If such a request comes from the police or from a court, or if the EBS receives a subpoena, the EBS shall immediately notify their program attorney and local supervisor before taking any other action.
3. The EBS can and should provide information to a customer that may encourage the customer to accept services or other intervention. If the EBS believes that the customer's competence is questionable, the EBS should contact the program attorney to discuss the situation.

### **g. Violation of benefit program rules**

1. Violation of benefit-program rules by a customer is not an exception to the confidentiality standard. EBSs may not report such violations to the agency administering the benefit program.
2. If the violation is intentional, the EBS must:
  - i. Contact the program attorney immediately to discuss the situation and receive instruction on how to proceed.
  - ii. Inform the customer that the customer's conduct likely constitutes fraud; explain the potential consequences; and inform the customer that the EBS may not assist in anything related to the matter until fraud is no longer an issue, and that while the EBS will not report the fraud, the EBS recommends that the customer do so.

## **D. Conflicts of interest**

1. An EBS may not represent a customer if the EBS has a conflict of interest.
2. As soon as the EBS identifies a conflict or the potential for a conflict, it is critical that the EBS contact their program attorney so appropriate steps may be taken.
3. EBSs should be particularly careful to avoid conflicts of interest in cases involving the agency, county, or Tribal Nation as a party in interest.
4. If the EBS believes there may be a conflict that would prohibit them from representing a customer, or when a conflict arises in the course of representation, the EBS must immediately contact the program attorney to inform them of the conflict and discuss how to proceed.
5. If assisting the legal guardian or a customer would create a conflict of interest, it is appropriate to decline or terminate services in accordance with the [Service Limitation and Termination Policy \(P-02923-08\) \(PDF\)](#).

6. In some cases, the situation can be remedied by turning the case over to the program attorney to handle. If the program attorney might also have the same conflict-of-interest concerns, they shall advise the EBS how to proceed.
7. **Categories of competing interest:** Conflicts may occur for an EBS within the following categories of competing interest:
  - a. **Responsibility to a current customer:** Representation of the customer conflicts with the specialist's ability to represent another of their current customers.
  - b. **Responsibility to a former customer:** Representation of a new customer would create conflict with a former customer.
  - c. **Responsibility to any third person or party:** Representation of a customer is compromised because of a pre-existing duty that the specialist personally made to a third party.
  - d. **Benefit specialist's personal interest:** Representation of a customer is compromised because of a personal interest in the outcome of the representation.
  - e. **Any similar interest of a colleague:** Representation of a customer would be compromised because the specialist is aware of a competing interest between a customer and someone with whom they work; thus, potentially causing an adverse impact on the duty of loyalty owed the customer.

## E. Case acceptance

1. The EBS should open a case for a customer when the customer is eligible for EBS services (see [section I.D. Availability of EBS services](#)) and one or more of the following are true:
  - a. The EBS provides an in-depth analysis using customer-specific information to advise and/or educate the customer on their options and/or responsibilities related to benefits and services.
  - b. The EBS provides follow-up information or services to the customer after the initial contact. Follow-up includes researching needed information to resolve the customer's issues and/or providing direct assistance or advocacy to help the customer obtain or maintain benefits and services within the EBS program benefits scope.



2. The EBS applies the customer services agreement, case closure, and case termination policies and processes to all cases (see sections [III.E. Case acceptance](#) and [III.F. Client services agreements](#)).
3. The EBS does not open a case for a contact that is considered informational in nature. Informational contacts are low in complexity and often brief. A contact is considered informational in nature when one or both of the following is true:
  - a. The EBS provides general information about benefits and/or services. A contact may be informational in nature even if the EBS needs to clarify customer-specific facts to provide accurate information. For example, the EBS may need to clarify a customer's income source or health care plan to answer a general question about a benefit or service.
  - b. The EBS only provides a referral(s) to another entity for assistance.
4. The EBS considers the content and outcome of their interaction with the customer, not the length of time spent on the contact and follow-up, to determine whether a contact is treated as a case or is considered informational.
5. The agency prioritizes the extent of assistance and advocacy provided on each case. In setting priorities, the agency can consider:
  - a. The merit of the case (see [section VII.E. Analyzing case merit](#)).
  - b. Potential benefit to the customer in comparison to resources expended.
  - c. Availability of staff and other resources (for example, travel).
  - d. Availability of evidence or documentation to support the customer's claim.
  - e. Availability of other avenues of assistance (for example, social services staff at hospitals or skilled nursing facilities, Legal Services Corporation, private attorney, other agencies or programs, or volunteers).
  - f. The customer's cooperation in seeking services. Note: there may be evidence from past representation to consider.

- g. The customer's ability to participate in pursuing the case. Note: there may be evidence from past representation to consider.
  - h. Ability to maintain the customer's and the EBS's safety. Note: there may be evidence from past representation to consider.
  - i. The EBS's knowledge of issue area(s).
6. Customers without a legal guardian or alternate decision maker (for example, a power of attorney) must provide explicit permission for an EBS to work with a representative on their behalf. If a customer is not able to provide consent to services and lacks a legal decision maker, EBSs are limited to providing general information and referrals.
- a. When a customer has a legal decision maker, fully include the customer in conversations and decisions based on the customer's capability.
  - b. There are situations in which it may be appropriate to decline or terminate services while working with a customer who has a legal decision maker. For example:
    - 1. Assisting the legal guardian would create a conflict of interest. It is appropriate to decline or terminate services if there is a conflict of interest. The EBS should consult with their supervisor as soon as a conflict of interest is identified.
    - 2. The customer's objectives conflict with the legal decision maker's goals. That is, the customer refuses the benefit specialist's help or refuses to cooperate with the case. While the benefit specialist can continue to work with the legal guardian, if the customer's non-cooperation hinders the benefit specialist's ability to advocate for the customer, it may be appropriate to decline or terminate services. The elder benefit specialist should consult with their program attorney to determine whether to terminate the case.
7. When a customer moves to a new county while having an open case with a EBS in the previous county, the standard practice is for the case to close in the originating county and open in the new county.

- a. With a signed release of information, the original EBS may send case file documents and associated case notes to the receiving EBS. The reporting and case management system does not allow electronic cases to be transferred to the new agency.
- b. Exceptions to transferring the case may be made when a customer requests and extenuating circumstances warrant the case to stay with the original EBS. Examples of extenuating circumstances include (but are not limited to) customers who are experiencing homelessness, customers with a legal guardian, or customers for whom transferring their case could jeopardize their claim.

## **F. Client services agreements**

- 1. The program attorney service provider provides and maintains a Client Services Agreement (CSA) form for EBS services in their service area. An agency may only modify the content or format of the CSA with prior written approval of the program attorney service provider and [EBS program manager](#).
- 2. Prior to providing customer-specific benefit counseling or advocacy, the EBS must present the customer with a CSA and offer the customer an opportunity to ask any questions they may have. This exchange may occur in person, through a virtual platform (for example, Zoom), over the phone, or by email. The EBS is required to use a CSA for all EBS cases. If the customer cannot sign the CSA in person, the EBS may use one of the following alternatives:
  - a. Use the DocuSign version of this document, allowing the customer to provide an electronic signature.
  - b. Mail the CSA to the customer so that the customer can sign the form and return it by mail.
  - c. Send the CSA via email. The customer may return the signed form to the agency as a scanned document or as a picture of the signed document attached in an email.
  - d. Accept a customer's verbal signature over the phone. This verbal consent must be noted in the reporting and case management system and included on the CSA form (for example, by including a note on the customer

signature line). It is best practice to follow up with the customer either by mail, by email, or in person to obtain a signed CSA for the record.

- e. Accept a customer's consent through an emailed statement after having discussed the CSA contents with the EBS either by phone or email. The customer's consent email can then be attached to a blank CSA for the file. It is best practice to follow up with the customer either by mail, by email, or in person to obtain a signed CSA for the record.
3. The EBS must review the CSA with the customer (and their guardian, when applicable):
    - a. Before providing services.
    - b. Any time the scope of the current CSA changes.
    - c. Annually if the case remains open for more than one year.
  4. The purpose of the CSA is to:
    - a. Inform the customer about the nature and scope of the service(s) to be provided.
    - b. Inform the customer about the confidential nature of the service(s).
    - c. Inform the customer about the delineation of responsibilities between the customer and the EBS.
    - d. Inform the customer that their confidential information may also be viewed by the technical assistance provider and by the EBS program manager, as needed.
    - e. Provide the customer with the opportunity to give informed consent to the disclosure of information about their case by the EBS.
  5. A CSA is not needed for general information, assistance, or referral contacts.

## **G. Caseload management**

1. The employing agency is responsible for managing the EBS caseload.

2. The program attorney can provide information to the local EBS supervisor regarding the appropriateness of the EBS caseload; however, the program attorney does not have access to the EBS reporting and case management system or knowledge of other agency responsibilities, such as performing outreach activities.
3. See the [Caseload Management Guidelines for Benefit Specialist Services \(P-03062-05\) \(PDF\)](#) for additional guidance.

## H. Case closure and termination

1. **Case closure** describes the discontinuation of EBS services resulting from the natural resolution of issues in a customer's case. For example, the EBS assists the customer with completing an application and gathering supporting documentation for Medicaid, and the application is approved. When the EBS closes a case, the EBS documents the reason for closing the case in the reporting system.
2. **Case termination** describes the discontinuation of EBS services before the natural resolution of the issues in a customer's case.
  - a. The decision to terminate a customer's case is made in consultation with the EBS's program attorney and local supervisor.
  - b. See [Service Limitation and Termination Policy \(P-02923-08\) \(PDF\)](#) for additional guidance.

## I. Complaints

EBS must provide customers with information about the process for filing complaints or grievances regarding the provision or denial of EBS services in accordance with the agency's complaint and grievance policy; EBSs employed at ADRCs should also reference the ADRC [Complaint Policy \(P-02923-02\) \(PDF\)](#).

## **J. EBS vacancies, absences, and transitions**

See [Vacancies, Absences, and Transition \(P-03062-05\) \(PDF\)](#) for guidance.

## **K. EBS assistants**

See [Benefit Specialist Program Assistant Positions \(P-03062-05\) \(PDF\)](#) for guidance.

## **L. Other policies**

### **1. Complaint policy**

EBSs must provide customers with a mechanism for filing complaints or grievances about the operation of the program or about denial of service.

- a. EBSs at ADRCs should reference the [ADRC Customer and Staff Rights and Responsibilities \(P-02923-02\) \(PDF\)](#) and the [Complaint and Grievance Policy \(P-02923\) \(PDF\)](#).
- b. Tribal EBSs must follow the complaint policy established by the Tribal EBS service provider.
- c. EBSs at county or Tribal aging units must follow the complaint policy established by their agency.

### **2. Caseload management**

- a. [Benefit Specialist Programs Operations Manual \(P-03062-05\) \(PDF\)](#) includes guidance on:
  1. Caseload management.
  2. Vacancies, absences, and transitions.
  3. Benefit specialist program assistant positions.

- b. [Service Limitation and Termination Policy \(P-02923-08\) \(PDF\)](#)

## III. Agency Responsibilities

### A. Staffing

#### 1. Hiring

- a. The County or Tribal aging unit (or other employing agency) has responsibility for hiring and firing elder benefit specialists.
- b. When hiring a new EBS, agencies must select a person who meets the qualifications described in [section III.A. Education and experience requirements](#).
- c. The agency should first consult with the program attorney and/or the [EBS program manager](#) if they are considering hiring an EBS who has a potential conflict of interest with EBS job duties.
- d. The EBS supervisor will inform the program attorney and the [EBS program manager](#) at DHS within two weeks after hiring a new EBS.
- e. The employing agency must ensure that the EBS is neither fired nor removed from their position nor penalized in any manner for responsibly carrying out their duties as specified in the job description and these policies.

#### 2. Staffing

County or Tribal aging units must employ, at minimum, a full-time EBS, or one that is as close to full-time as possible within the limits of their state EBS funding; see [section II.B. Funding sources](#) for details. Full-time means the following:

- a. The number of hours is considered full-time by the agency's personnel policies.
- b. Customers have access to EBS services five days per week during normal business hours.
- c. The person(s) providing these services must be fully trained and supervised as an EBS and cannot be assigned other permanent responsibilities outside the scope of the EBS program, if such duties are supported with these earmarked program funds.

### **3. Insurance**

Employing agencies must ensure that all EBSs are covered by appropriate and adequate liability and malpractice insurance.

## **B. Supervision**

### **1. Supervision**

The employing agency must have a local supervisor for the EBS. The supervisor is responsible for employment-related oversight and support of the EBS, including but not limited to:

- a. Hiring decisions.
- b. Managing time off.
- c. Monitoring job performance on topics which can reasonably be assessed using only non-confidential material, including:
  - 1. Adherence to agency work rules.
  - 2. Attendance of required trainings.
  - 3. Scope of outreach and education activities.
  - 4. Worker efficiency, productivity, and task management.



- d. Supervising issues concerning caseload size, in conjunction with the program attorney, in accordance with the [Caseload Management Guidelines for Benefit Specialists \(P-03062-05\) \(PDF\)](#).
- e. Completing performance evaluations.
- f. Ensuring compliance with all general policies and procedures (see [section III. General Policies and Procedures](#)).
- g. Ensuring compliance with reporting requirements (see [section II. Reporting Requirements, Allowable Funding Sources, and Resources](#)).

## 2. Subcontracting

If the agency has subcontracted with another entity to provide EBS services, the agency must have a written agreement with the employing agency describing the supervisory duties of both agencies.

## 3. Coordination with program attorney

The local supervisor must coordinate with the EBS's program attorney, who is responsible for case oversight; see [section VII. Program Attorney Responsibilities](#) for details.

- a. The EBS supervisor should bring any concerns about the substantive performance of the EBS or operation of the program to the attention of the program attorney. Together they should attempt to formulate a mutually agreeable resolution. They may consult with the AAA and the [EBS program manager](#). Issues that cannot be resolved must be brought to the attention of the AAA and the [EBS program manager](#).
- b. The employing agency must refrain from influencing the EBS in any case involving the county, Tribal nation, or other employing agency as a service provider or party in any manner adverse to the interests of the customer. In this situation, the agency must refer the case to the program attorney.

## 4. Confidentiality

- a. Agency personnel must adhere to the state EBS program confidentiality policy outlined in this manual. Staff outside of the EBS program may not view customer case files containing any customer identifying information, except when requested to consult on a case by an EBS or program attorney and after permission has been obtained from the customer.
- b. The EBS may consult with their supervisor about an individual's case but may not identify the customer unless and until the customer voluntarily consents to this.
- c. If, after a customer has given consent, the EBS contacts or consults their supervisor, the supervisor will then be bound by the same rules of customer confidentiality as the EBS.
- d. The agency may not use a blanket-style, open-ended waiver of confidentiality in its EBS program, nor may it condition receipt of EBS services on the customer's willingness to waive confidentiality.
- e. The agency may not require or attempt to influence the EBS to reveal confidential customer information to any other agency employee or official.

## C. Physical accommodations

- 1. The agency must ensure the EBS has access to business tools necessary to do their work. For example, a phone, high-speed internet access, a private email address, the capability to view high-quality streaming trainings and webcasts, a printer, a webcam, a computer, a desk, and a lockable file cabinet.
- 2. The agency must ensure the EBS has access to a private space to meet with customers, such as an office with a door or access to a private meeting area. Private meeting areas must have internet and phone access to facilitate confidential online or phone applications and technical assistance consultations with the program attorney. The EBS must have access to locked filing cabinets.

3. The agency must request access to required systems including the reporting and case management system and the EBS SharePoint site (log in required).
4. The agency may require the EBSs to leave written information regarding where they can be contacted (name, address, and phone number) when making home visits or otherwise away from the office on business. This information is only for contacting the EBS in an emergency and may not be used for any other purpose. Providing this information does not waive a customer's right to confidentiality; alternatively, agencies are encouraged to provide EBSs with cellular phones so they can be contacted when out of the office on business.

## **D. Additional responsibilities**

The agency is responsible for the following areas:

1. Managing documents and customer files.
  - a. Agencies may use support staff for various administrative tasks, for example, mailing letters, making appointment reminder calls, and scanning documents for electronic storage. Records that are retained (including records stored electronically) must be protected to limit access only to EBS and administrative staff who manage electronic storage of the EBS records.
  - b. Often customer files contain records obtained from third parties. These records may include sensitive medical and behavioral health records as well as the names and contact information of staff at community partner organizations. Agencies must exercise care in re-releasing records obtained from third party organizations. Agencies are encouraged to work with their legal counsel to establish a written policy and process to release records directly to a customer and/or their representative. Establishing the validity of surrogate decision-making documents; that is, the agency determines whether the documents support the EBS's ability to work with a surrogate decision-maker. The program attorney is available to help the EBS determine whether the surrogate decision-maker is authorized to apply for benefits or manage other benefit-related matters on the customer's behalf.

2. Protecting the EBS against harassment or removal from their position for responsibly carrying out their duties as specified in their job descriptions and this manual.
3. Refraining from influencing an EBS to act in a manner detrimental to the EBS's customer in any case involving the agency as a party in interest.
4. Providing interpreting services for customers with limited English proficiency.
5. Complying with Americans with Disabilities Act (ADA) requirements.
6. Conducting home visits.
7. Conducting community outreach activities.
8. Ensuring that all EBSs are covered by appropriate and adequate liability and malpractice insurance.

## **IV. EBS Responsibilities**

### **A. Responsibilities to the agency**

1. The EBS is responsible for adhering to the employment rules and receiving supervision from their hiring agency.  
Note: an EBS hired through a sub-contract with the agency may need to adhere to additional rules set forth by their employing agency.
2. The EBS is accountable to their agency regarding job performance, which includes, but is not limited to:
  - a. Adherence to agency policies and procedures.
  - b. Caseload management.
  - c. Time management.
  - d. Productivity.

- e. Prioritization of functions.
  - f. Case and file management.
  - g. Compliance with EBS reporting requirements (see [section II.A. Reporting Requirements](#)).
  - h. Adherence to the EBS program general policies and procedures (see [section III. General Policies and Procedures](#)), merit analyses (see [section VII.E. Analyzing case merit](#)), and the annual review (see [section VII.C. Supervision](#)).
3. The EBS should provide customer education, outreach, and volunteer training (if applicable), as indicated by their local supervisor.

## **B. Responsibilities to the customer**

### **1. Content mastery**

EBSs are the community-level, frontline, primary service providers of the EBS program and are responsible for assisting older people in gaining access to benefits. Since persons may come into the EBS job with different levels of skills and abilities, they may not be immediately or even quickly proficient at the more challenging aspects of the job. Nevertheless, there is an expectation of steady progress toward mastery of all aspects of the job. The goal is to have EBSs spend the majority of their time and effort on high-level advocacy for which they are uniquely well-trained and for which other resources do not exist.

Concomitantly, existing resources exist that handle some of the informational, advisory, and more routine tasks of the job, should be used first; for example, AARP tax aides and volunteers handling medical-bill sorting. However, if alternate resources are unavailable, these tasks may be an important part of the job, depending upon workload and local needs. The goal of the program is that every EBS will become a skilled and effective advocate.

## 2. Referrals

- a. If an EBS receives a referral from another employee within the same agency after an individual has interacted with said employee, and said individual has expressed an interest in receiving services provided by the EBS, the EBS can contact the individual because they have affirmatively demonstrated interest in the EBS services.
- b. If an EBS receives a referral from someone at a different agency and the referrer believes that it would be difficult for the person to initiate contact, the EBS will make reasonable attempts to contact the person, provided that the referring individual has informed the potential customer and has received verbal consent from them prior to the EBS making contact. The agency may limit the program's responsibility to respond to such referrals based on workload considerations.
- c. When it is difficult for an EBS to decide whether to initiate contact with a customer who was referred by a third party (not an agency employee), they should consult the program attorney for guidance.

## 3. Point of contact

- a. The EBS identifies their customer and determines eligibility for EBS services (see [section I.D. Availability of EBS services](#)).
- b. When applicable, the EBS identifies the validity and scope of surrogate decision-making documents to determine who makes decisions with or for the customer.

## 4. Content

- a. The EBS executes a Client Service Agreement when opening a case on behalf of the customer (see [section III.F. Client services agreements](#)).
- b. The EBS identifies those benefits within the EBS program benefits scope for which the customer may be eligible.

- c. The EBS identifies the customer's goals and objectives, providing accurate information necessary for the customer to make an informed decision.
- d. The EBS provides information to the customer regarding how to apply for public benefits. The EBS may assist the customer directly with an application. The level of assistance provided can vary based on the customer's knowledge, capability, and support system.
- e. When applicable, the EBS obtains copies of relevant documents to provide informed benefit counseling. This includes, but is not limited to:
  - 1. Notices of denied health insurance services, for example, Medicare Summary Notices, Medicare Advantage plan notices, or Medicare Part D denial notices.
  - 2. Notices of eligibility denials; for example, notices from Social Security or the local income maintenance agency.
  - 3. Notices of overpayment; for example, notices from Social Security or the local income maintenance agency.
  - 4. Medical records and other documents as necessary for an appeal of an eligibility or covered service denial. The decision to gather medical or other records for an application, including an initial disability determination, is discretionary.
- f. When applicable, the EBS calculates appeal deadlines. The EBS ensures the customer understands the deadlines and develops a plan with the customer to take appropriate and timely action.
- g. When applicable, the EBS identifies advocacy strategies, tasks, and associated timelines to further the objectives of the customer, in consultation with the program attorney.
- h. The EBS monitors open cases, acting as appropriate to move the case toward resolution.

## 5. Communication

- a. EBS must identify and clearly articulate which tasks will be done by the customer and which will be done by the EBS. Where tasks fall with the customer, the EBS provides education to the customer to promote and encourage self-advocacy.
- b. EBS must communicate with the customer in a timely manner. The EBS keeps the customer informed of the status of their case with the agency.

## 6. Caseload management

The EBS will utilize the [Caseload Management Guidelines for Benefit Specialists \(P-03062-05\) \(PDF\)](#) to determine case acceptance and priority level.

## 7. Confidentiality

- a. The EBS adheres to programmatic confidentiality requirements when communicating with providers, government entities, eligibility agencies, employers, and others as necessary to provide advocacy in alignment with the customer's goals and objectives.
- b. An EBS may not honor a request for confidential customer information accompanied by a blanket release-of-information form. The EBS shall honor a bona fide request to release information, when signed by a customer or former customer, which specifies the information to be disclosed. If the EBS questions whether the request is bona fide, contact the customer for verification prior to releasing information.

### c. Suspected fraud

If an EBS discovers that a customer is committing or thinking of committing some type of fraud regarding public benefit programs or insurance, the EBS must do both of the following:



1. Contact their program attorney immediately to discuss the situation and receive instruction on how to proceed
2. Inform the customer that the customer's conduct likely constitutes fraud; explain the potential consequences; and inform the customer that the EBS may not assist in anything related to the matter until fraud is no longer an issue, and that while the EBS will not report the fraud (unless the program attorney identifies an exception to the confidentiality policy), the EBS recommends that the customer do so.

#### **d. Legal requests**

If the EBS receives a request for confidential customer information from the police, or from a court, or from an attorney; or if the EBS receives a subpoena, the EBS shall notify the program attorney immediately before taking any other action.

### **C. Guidelines for direct representation of customers by the EBS**

1. Programs within the EBS program benefits scope generally allow a non-attorney to serve as a representative for the EBS customer. In some instances, a non-attorney may serve as a representative for the application process or administrative appeals, which can involve an administrative paper review or a more formal administrative hearing. The EBS may wish to assume representation in these instances. Representatives generally receive all correspondence received by the customer and agree to certain responsibilities and obligations as a representative.
2. The EBS can consider providing direct representation when:
  - a. The customer is eligible for EBS services (see [section I.D. Availability of EBS services](#)).
  - b. The case acceptance criteria are met (see [section III.E. Case acceptance](#)).
  - c. The EBS understands the responsibilities that accompany the decision to represent. These responsibilities vary across programs and levels of appeal.

3. The EBS must work with the program attorney to determine whether the case has merit before providing direct representation services (see [section VI.C. Guidelines for direct representation of customers by the EBS](#)). The program attorney will provide technical assistance to the EBS only if the case has merit.
4. EBSs must use formal representation agreements if required by the program in which they are assisting the customer (for example, Social Security) or if required by a policy or rule of a funding source or by their employing agency. In other situations, they may use representation agreements if they wish.

## **D. Responsibilities to the program attorney**

### **1. Technical assistance**

The EBS seeks regular and periodic technical assistance from the program attorney on customer-related matters.

### **2. Training**

- a. Newly hired elder benefit specialists will participate in initial training as soon as practicable after being hired.
- b. The EBS must attend all trainings required by their program attorney and BADR, unless:
  1. The EBS and program attorney agree that the EBS need not attend.
  2. There is an unavoidable schedule conflict.
  3. There is insufficient funding to attend, in which case the EBS shall consult with their supervisor, the AAA, and/or BADR about other sources of funding.

### **3. Annual case review**

The EBS participates in the annual case review by:

- a. Generating any requested reports for the program attorney.

- b. Answering the program attorney's questions regarding the case files chosen for review.

#### **4. Communication**

Elder benefit specialists will follow the guidelines of the program attorney and these policies concerning when the program attorney should be contacted. They may contact the program attorney in other situations as they believe reasonable and necessary.

#### **5. Referrals to program attorneys**

- a. The EBS refers cases, as appropriate, to the program attorneys for consideration of representation in administrative and judicial proceedings. The case remains the EBS's case until the program attorney formally accepts the case.
- b. With the customer's consent, the EBS supports the work of the program attorney after the program attorney's acceptance of direct representation. This could involve, but is not limited to:
  - 1. Gathering medical evidence.
  - 2. Requesting medical source statements.
  - 3. Obtaining employer statements.
  - 4. Scheduling meetings.
  - 5. Communicating with the customer.

## V. AAA Responsibilities

### A. Provide EBS training, supervision, and legal back-up services

Area agencies on aging must use state funds to provide training, supervision, and legal back-up to elder benefit specialists, per [Wis. Stat. § 46.81\(5\)](#).

AAAs must meet the requirements in this section or ensure that their sub-awardees do so.

AAAs must ensure:

#### 1. Training

- a. Trainers develop an annual calendar, subject to changes throughout the year and emergent needs, by January 15 of the calendar year.
- b. New EBSs receive introductory training on core programs and topics within three months of being hired.
- c. EBSs receive ongoing training on core programs and topics in accordance with the EBS program benefits scope.
- d. Tribal EBSs are adequately trained on relevant unique Tribal Nation programs.
- e. Training attendees are surveyed on their satisfaction with trainings and the results are shared with DHS annually; surveys must include questions required by DHS.
- f. Training survey results are shared with the [EBS program manager](#) on an annual basis at minimum; results can be compiled.

## 2. Supervision

- a. Program attorneys conduct annual case reviews for quality oversight of EBS casework; they must also track the date of the most recently conducted case review for EBSs in their service area and make this list accessible to the [EBS program manager](#).
- b. Program attorneys provide input on EBS performance to local EBS employers, upon request.
- c. Tribal EBSs employed by agencies in Tribal Nations are adequately supported in a way that recognizes Tribal nations' sovereignty.

## 3. Legal back-up

- a. Program attorneys provide technical assistance to EBSs.
- b. EBSs are surveyed on their satisfaction with technical assistance provided and the results are shared with DHS annually; surveys must include questions required by DHS.
- c. The EBS program provides referrals for legal representation, when appropriate, per [Wis. Stat. § 46.81\(4\)](#). Appropriate referrals for direct representation include but are not limited to Older Americans Act III-B legal assistance providers, Legal Service Corporation-funded agencies, private attorneys, and pro bono attorneys.

## 4. Reporting

Program attorneys meet state reporting requirements use state-provided templates, including:

- a. Time spent.
- b. Aggregate data for direct legal representation cases.
- c. Survey results.

## **B. Contract for EBS services**

AAAs must contract with aging units to provide EBS services, either directly or through purchase by the county or Tribal Nation. If the county agency or Tribal Nation does not wish to operate an EBS program in accordance with these policies, the AAA will contract with a private, non-profit social agency or a program attorney service provider that is willing to do so. Note: Aging units can choose to authorize direct contract between DHS and the ADRC; see [section II.D. Funding sources](#).

## **C. Program planning and coordination**

AAAs must:

1. Promote the development and improvement of EBS services for older people in general in the planning and service area (PSA).
2. Provide leadership in terms of overall planning, advocacy, coordination of services, interagency linkages, information sharing, monitoring, and support for the EBS program in their PSA.
3. Support EBS programs by obtaining, through the area plan process, input on the training and support needs of EBSs and shall work with BADR to ensure that EBSs in their area are able to take advantage of relevant training opportunities.
4. Disseminate information regarding advocacy issues, regularly and as needed, to the EBS program and to other elder advocacy programs in the PSA.

## **D. Program monitoring and problem-solving**

AAAs must:

1. Monitor the program attorney agencies to assess compliance with the contract and with these program policies and procedures, and AAAs will work with the program attorney (and others as needed) to address concerns that arise.

2. Ensure that its EBS program has in place a method for surveying customer satisfaction and needs, and for obtaining and considering the views of older persons about the operation of the program.
3. Offer consultation and problem-solving to EBS programs as needed or requested and shall bring issues to the attention of BADR's [EBS program manager](#) when appropriate.
4. Include the EBS program in their reviews of aging units and must maintain customer confidentiality in any such review. As part of such reviews, a written report will be given to the agency director and elder benefit specialist(s).
5. Work with EBS programs to ensure that any state reporting requirements are met in a timely and accurate fashion.

## **E. Program integrity**

AAAs must ensure that:

1. No information is required of the program attorney or EBSs in the monitoring or reporting processes that would violate customer confidentiality.
2. There will be no interference by an EBS employing agency in the conduct of an EBS responsibly carrying out their duties as specified in the EBS job description and in these policies, and that there will be no attempt by an employing agency to influence an EBS's actions in any case in which the county, Tribal Nation, ADRC, or other employing party is a party when such interference would be detrimental to the elder benefit specialist's customer.
3. Employing agencies have strict policies and procedures for maintaining customer confidentiality. These must apply to the EBS as well as all agency staff or volunteers whose services are used to support the EBS's representation of customers.
4. If the duties of the EBS are shared by any agency staff person, that person will be adequately trained and governed by the same rules, including rules pertaining to confidentiality and conflict of interest.

## **VI. Program Attorney Responsibilities**

### **A. Staffing**

#### **1. Expertise**

Program attorney agencies must:

- a.** Ensure that all staff have experience and training on in-scope topics or propose a plan for obtaining such training.
- b.** Develop mechanisms for keeping staff's knowledge current on in-scope topics.

#### **2. Staffing**

Program attorney agencies must:

- a.** Have the capacity to provide technical assistance and training on in-scope topics to all EBSs in their service area.
- b.** Have any lawyer staff licensed to practice law in the State of Wisconsin and carry adequate malpractice insurance.

### **B. Provide technical assistance**

#### **1. Types of technical assistance**

Technical assistance takes many different forms. It can involve, but is not limited to:

- a.** Providing substantive information to the EBS, such as the rules that govern a particular benefit program.
- b.** Analyzing and interpreting laws, regulations, and policies related to benefit programs.



- c. Assisting the EBS with identifying relevant issues, developing a case advocacy strategy, and identifying case development opportunities.
- d. Confirming that the EBS has exhausted advocacy opportunities.
- e. Conducting a merit analysis (see [section VII.E. Analyzing case merit](#)).

## 2. Scope

Technical assistance must be provided on matters within the EBS program benefits scope, for cases meeting the case acceptance guidelines (see [section III.E. Case acceptance](#)).

## 3. Provision

- a. Technical assistance must be provided in a timely manner.
- b. Technical assistance must be provided:
  - 1. On a regularly scheduled basis, at a mutually agreed upon time. Regularly scheduled technical assistance may be provided by video conference or phone call. The recommended frequency is:
    - i. Once per week for a newly hired EBS.
    - ii. No less than once every three weeks for an experienced EBS.
  - 2. On an as-needed basis between regularly scheduled meetings. As-needed technical assistance may be provided by video conference, phone, email, or fax.
- b. Frequency may change based on the EBS's needs and is established through a discussion between the EBS's supervisor, the EBS, and the program attorney.
- c. When providing technical assistance, the program attorney:
  - 1. Assesses case-specific issues and facts, as impacted by the laws, regulations, and policies that govern benefit programs.

2. Develops practical approaches for the EBS to use in presenting issues and facts to the customer and other entities.
3. Provides guidance regarding benefits applications, case development, and advocacy letters and supporting documents to administrative entities in EBS cases.
4. Answers questions about benefit program procedures and processes.
5. Provides ongoing consultation regarding EBS case acceptance and EBS representation.

#### 4. Concerns

- a. Raise concerns about the technical assistance provided by the program attorney to the program attorney service provider (for ADRCs and county aging units), Tribal EBS service providers (for Tribal EBSs), or the state [EBS program manager](#).
- b. If concerns arise regarding the substantive performance of the EBS, the program attorney must inform the EBS's supervisor. Significant and ongoing issues must be brought to the attention of the [EBS program manager](#) for assistance with resolution.

### C. Supervision

#### 1. Coordinate dual supervision

- a. Program attorneys should respond promptly to communications from local EBS supervisors and seek to foster positive working relationships.
- b. The program should bring any concerns about the substantive performance of the EBS or operation of the program to the attention of the local EBS supervisor. Together they should attempt to formulate a mutually agreeable resolution. They may consult with the AAA and the [EBS program manager](#). Issues that cannot be resolved must be brought to the attention of the AAA and the [EBS program manager](#).

## 2. Complete case reviews

The case review provides valuable information to the EBS supervisor to help measure the extent to which the EBS is following state and agency policy and receiving appropriate support from the program attorney, which are key factors in evaluating the quality of services provided by the EBS.

### a. Purpose

The primary objectives of the annual case review are:

- a. Establish a consistent process and format for reviewing the EBS's caseload management, case handling, documentation practices, and technical assistance needs.
- b. Provide feedback to the EBS and EBS supervisor in a useful format.
- c. Provide a quality review of the EBS's casework.
- d. Establish and maintain regular communication between the program attorney and EBS supervisor.
- e. Ensure the EBS is receiving adequate support, following best practices, and exercising flexibility to adjust to the needs of individual customers and/or service areas as appropriate.

### b. Timing

The program attorney must reach out to the EBS and EBS supervisor to schedule the case review.

- a. Case reviews should be conducted annually.
- b. If the program attorney cannot provide an annual review due to lack of capacity or resources, they must inform the EBS, EBS's supervisor, and [EBS program manager](#).
- c. The program attorney must track the date of the most recent performance review and make this list available to the EBS program manager.

- d. At least one week prior to the review, the EBS must provide any requested reports from the reporting and case management system to the program attorney.

### c. Content

The program attorney determines the content of the case review. The review content must check for compliance with program requirements as well as quality assurance.

## D. Provide direct representation

1. A program attorney may accept an EBS customer's case for direct representation according to the program attorney service provider's policies and procedures. The following conditions apply to any direct representation:
  - a. The customer has exhausted all other remedies.
  - b. The program attorney deems the case has merit.
  - c. The program attorney will not undertake class action litigation on behalf of EBS customers.
  - d. The program attorney will not collect a fee from a customer; someone paying on behalf of the customer; or a local, state, or federal agency or governing body; except for a fee award under the Federal Equal Access to Justice Act.
2. Direct representation is provided in accordance with the [Wisconsin Supreme Court Rules of Professional Conduct for Attorneys](#).
3. Confidentiality rules for program attorneys providing direct representation to the EBS's customer are governed by the [Wisconsin Supreme Court Rules of Professional Conduct for Attorneys](#).
4. After receiving a referral for representation from an EBS, the program attorney must evaluate the case. The program attorney may consult with team members before deciding whether to accept a case. The decision to provide direct representation rests solely with the program attorney.

## **E. Analyzing case merit**

Merit decisions ensure the efficient and effective use of agency and program attorney resources.

### **1. Merit analysis**

- a.** Program attorneys conduct a merit analysis for several purposes:
  - 1.** To determine whether the program attorney will assume direct representation (the program attorney has sole discretion in this matter).
  - 2.** To provide input to the EBS and the EBS supervisor regarding case acceptance or the EBS's acceptance of direct representation.
  - 3.** To provide input when the EBS wishes to terminate a case due to lack of merit.
- b.** Where a merit analysis cannot be conducted due to a lack of information, the program attorney provides technical assistance to the EBS regarding what information is needed to conduct the merit analysis.
- c.** In some instances, new information may cause the EBS to believe that a merit exists on a case that was previously determined not to have merit. The EBS may ask for a new merit analysis based on this new information.

### **2. Insufficient merit**

The program attorney cannot provide technical assistance in EBS cases with insufficient merit. Attorneys are prohibited from assuming direct representation or continuing direct representation in cases with no merit according to the Wisconsin Supreme Court Ethics Rules that govern their conduct.

### **3. Conflict of interest and controversial cases**

Program attorneys must:

- a. Review all cases of the EBS which involve the county, Tribal Nation, or other employing agency and are likely to be particularly high-impact or controversial cases within the county, Tribal Nation, or other employing agency.
- b. Alert the agency director to such cases consistent with applicable rules of professional conduct.
- c. Determine if the program attorney needs to take over the handling of the case so that the EBS is not in a conflict-of-interest situation.

## F. Training

- 1. The program attorney service provider must:
  - a. Provide initial and ongoing training to EBSs (see [section III.B. Training requirements](#)).
  - b. Collaborate with DHS and other partner organizations to coordinate the provision of the initial basic training.
  - c. Provide ongoing trainings on substantive and skill-based topics within the EBS program benefits scope.
  - d. Provide group training (either virtually or in-person). In-person trainings will be provided at varied locations throughout the state.
  - e. Provide an annual training calendar no later than January 15 of the new calendar year.
  - f. Communicate changes to the training calendar on a timely basis.
  - g. Provide ongoing training in alternative media, as requested.
  - h. Make web-based trainings available for later viewing.
  - i. Make materials from in-person training available for EBSs to review later.
  - j. Ensure the accuracy of substantive information on the EBS SharePoint site (log in required).
  - k. Survey training attendees and shares training survey results with the [EBS program manager](#) on an annual basis at minimum; results can be compiled.

## **G. Provision of legal services**

1. Direct representation of a customer by the program attorney is a legal service, and all related work, including the supporting work of the EBS, falls under the [Wisconsin Supreme Court Rules of Professional Conduct for Attorneys](#).
2. Program attorneys must coordinate referrals with Older Americans Act III-B legal assistance providers.

## **VII. EBS Program Manager Responsibilities**

### **A. Operation of the EBS program**

1. BADR has overall responsibility to provide leadership so that program staff and partners are most effectively implementing coordinated and vigorous advocacy efforts to protect and enhance the rights, benefits, and entitlements of older persons throughout Wisconsin. Duties and responsibilities of BADR are as follows:
  - a. Provide state leadership in ongoing development of a statewide system to secure and maintain rights, benefits, and entitlements of older people.
  - b. Provide state leadership in defining the scope of the EBS program and delineating the roles of the program attorneys and EBSs.
  - c. Coordinate the provision of EBS services throughout the state.
  - d. Provide for an appropriate division of responsibility and effective coordination of services amongst program staff and partners.
  - e. Provide periodic review, updating, technical assistance, and training on these program policies and procedures.
  - f. Ensure implementation of any federal or state reporting requirements.
  - g. Coordinate the EBS program with activities funded under and requirements of SHIP.

- h. Coordinate the EBS program with other programs operated by ADRCs.
  - i. Consult with program staff and partners on issues relevant to the operation of the EBS program.
  - j. Provide information to the various components of the EBS program and, where appropriate, the broader aging network on public benefits issues and developments.
  - k. Formulate and advocate for proposals to improve public benefit and insurance policies and programs affecting older persons.
2. The state [EBS program manager](#) is responsible for the overall operation of the EBS program. Duties include:
- a. Responding to concerns regarding the operation of the program.
  - b. Obtaining, compiling, and publishing program-wide data.
  - c. Maintaining the reporting and case management system and resolving issues with the system.
  - d. Maintaining the EBS SharePoint site (log in required).
  - e. Working with the program attorney service providers to ensure that training calendars and any subsequent changes to the calendar are communicated to agencies, including posting the calendar to the EBS SharePoint and ADRC/Aging SharePoint sites (log in required).
  - f. Overseeing AAAs' contracts with the program attorney service provider for operation and implementation of the [Wis. Stat. § 46.81\(5\)](#) contract and budget.
  - g. Overseeing the contract with the Tribal EBS service providers for operation and implementation of the Tribal EBS contract and budget.
  - h. Providing input and participating in DHS's activities relevant to ADRCs and county and Tribal aging units, especially regarding the operation of the EBS program.
  - i. Participating in ongoing trainings and program updates with the program attorneys.
  - j. Participating in the development of training criteria for the contract between DHS and the Wisconsin Elder and Disability Benefit Network.



- k. Consulting with the program attorney and the EBS supervisor regarding substantive performance of an EBS, especially regarding the implementation of EBS policies and procedures, the contract between DHS and employing agencies, and the contract between DHS and the Tribal EBS service provider.
- l. Maintaining program orientation materials for newly hired EBSs.

## **B. Confidentiality**

The EBS program manager may receive verbal or written information about a EBS's or program attorney's customer through the course of collecting EBS customer data for reporting purposes. The EBS program manager must maintain the confidentiality of customers of the program to the same extent as the confidentiality maintained by the EBS and the program attorney.

# **VIII. Appendix**

## **A. Obtaining systems access for newly hired EBSs**

1. Reference the [New EBS Onboarding Checklist](#) and EBS SharePoint Onboarding page (log in required) for orientation tasks.
2. See the [ADRC/Aging/Tribal User System Access Request Form Instructions \(F-02000A\) \(webpage\)](#) for instructions on setting up systems access for newly hired EBS.
3. Update the ADRC/Aging Directory on SharePoint (login required) with the newly hired EBS's contact information.
4. After receiving the newly hired EBS's contact information, the EBS program manager will send the new EBS a welcome email with information related to the program orientation.

## B. Terminating systems access for departing EBSs

1. Submit a [ADRC/Aging/Tribal User System Access Request \(F-02000\) \(webpage\)](#) to delete user access to systems managed by BADR, the learning management system, and the ForwardHealth interChange System.
2. To deactivate or remove CWW or ECF access, the agency's CARES Security Officer emails the following information to [dhscaresaims@dhs.wisconsin.gov](mailto:dhscaresaims@dhs.wisconsin.gov):
  - a. User's full name
  - b. Agency
  - c. Date that access should be discontinued

## C. Additional resources and tools

- [Benefit Specialist Programs Operations Manual \(P-03062-05\) \(PDF\)](#)
- [Referrals](#)
  - [Guidelines for Agencies Regarding the Health Insurance Marketplace \(P-02009-22-11\) \(PDF\)](#)
  - [Medicare, Medicaid, Marketplace, and Social Security Administration Referral Resources for Wisconsin Residents \(P-03326\) \(PDF\)](#)
- SharePoint – login required
  - [ADRC/Aging SharePoint site](#)
  - [EBS Program Resources quick links](#)
  - [EBS SharePoint site](#)
  - [EBS Program Scope of Benefits Services](#)

- Statutory references
  - Wis. [Admin. Code § DHS 10.23](#)
  - [Wis. Stat. § 46.81](#)
  - [Wis. Stat. § 46.283](#)
- [Wisconsin Supreme Court Rules of Professional Conduct for Attorneys](#)