

Tribal Disability Benefit Specialist Program
Grant/Contract Deliverables and Expectations

Name of Organization: **2024 DHS Tribal Contract**

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Background

Wisconsin Statute 46.283; a mixture of GPR and FED funds

Generalized Funding Statement

The GPR funding for the October 2023 through September 2024 contract is \$260,412. The budget for this contract comprises GPR funding and FED funding. The FED funding amount is based on the monthly time and task reporting that is completed by the Tribal Disability Benefit Specialist Program staff. The FED profiles 65851 and 65856 are sum sufficient.

The provider is Great Lakes Inter-Tribal Council (GLITC), whose principal business address is P.O. Box 9, Lac du Flambeau, WI, 54538. The Purchaser is the Department of Health Services (DHS), Division of Public Health (DPH); herein referred to as "DHS".

Scope of Work Summary

I. SERVICES TO BE PROVIDED

A. Disability Benefit Counseling

1. *Access to Disability Benefit Specialist Services.* The Tribal Disability Benefit Specialist (DBS) Program provides culturally appropriate services to eligible Native Americans with disabilities. The provider serves Tribal Nation members residing in Wisconsin. Priority is given to members of the 11 federally recognized Tribes in Wisconsin. These services must meet all DHS standards as outlined in the [Disability Benefit Specialist Program chapter of the ADRC and Aging Operations Manual](#) (P03062-05a) unless otherwise specified in this Scope of Work.
2. *Duties of the Tribal Disability Benefit Specialists.* The provider agrees to perform the following activities for Wisconsin Tribal Nation members who are aged eighteen (18) through fifty-nine (59) and identify as having intellectual or developmental disability, physical disability, mental health disorder, or substance use disorder. The provider also agrees to provide services to youth who are transitioning into the adult long-term care system starting at age 17 years and six months.

- a) Provide accurate and current information about public and private benefits and programs as defined by DHS in [Disability Benefit Program Services Scope \(P-00416\)](#).
 - b) Help complete forms and gather documentation such as medical and employment records for public benefit applications and appeals.
 - c) Provide information on consumer rights, complaint, grievance, and appeals processes.
 - d) Provide advocacy, including direct representation, in administrative hearings and grievance procedures related to public benefits eligibility.
 - e) Help Tribal Nation members who receive Social Security benefits and are employed or are seeking employment to locate available resources and understand how to earn more and become more financially independent while maintaining eligibility for public benefits.
 - f) Consult regularly with the program attorney(s) supporting the Tribal DBS Program (as described in Section I.B.) to determine appropriate interpretation of law or regulation and appropriate action to assist in resolution of concerns.
 - g) Refer clients to the program attorney(s) supporting this program (as described in Section I.B.) for consideration of representation in administrative and judicial proceedings.
 - h) Keep all client information confidential unless the client has provided informed consent or disclosure as required by law.
 - i) Conduct onsite visits to Tribal communities to meet with clients as needed.
 - j) Develop and maintain collaborative relationships with disability benefit specialists housed in aging and disability resource centers (ADRCs).
 - k) Coordinate with disability benefit specialists at county ADRCs and with Tribal aging and disability resource specialists (ADRS).
 - l) Make appropriate referrals for other disability-related counseling and services (for example, Independent Living Centers, Pathways to Independence, Benefits Planning Assistance and Outreach, Division of Vocational Rehabilitation, and Disability Rights Wisconsin).
 - m) Assure that services are delivered in a culturally competent manner.
3. *Benefit Specialist Assistant Position.* The provider may use program funds to employ a benefit specialist assistant as described in the [Benefit Specialist Programs chapter of the ADRC and Aging Operations Manual \(P-03062-05\)](#).
 4. *Project Lead and/or Program Manager.* The provider may use program funds to employ a staff person(s) to manage, direct, supervise, coordinate, plan, and monitor the services of the Tribal DBS Program in accordance with federal and state laws. Provide direct supervision to all Tribal DBS Program staff. Prepare and recommend annual budgets for the purpose of administering the Tribal DBS Program. Expanding services and projects that will assist in the marketing and

outreach activities in Tribal communities. This is a .80 FTE position that will supervise the positions otherwise included within this Scope of Work.

B. Program Attorney Services

1. *Access to Program Attorney Services.*

- a) The provider will use program funds to sub-contract for the program attorney services described in the [Disability Benefit Specialist Program chapter of the ADRC and Aging Operations Manual](#) and this Scope of Work.
- b) The Program Attorney cannot use funds through the Tribal DBS Program to provide legal services, except for cases accepted by the Program Attorney for direct representation as defined in section I.B.2.c. below.
- c) The provider may use funds through the Tribal DBS Program to provide non-legal services at the request of DHS to present at conferences or other DHS-sponsored events.

2. *Description of Program Attorney Services.* Program attorney services fall under three categories: training, technical assistance, and direct client representation.

- a) *Training of DBSs.* Program attorney provides training on public benefits issues that are unique to Tribal Nation members. This training may be provided through existing DBS training events or other forums as appropriate.
- b) *Technical Assistance to DBSs.* Program attorney provides ongoing technical assistance to DBSs as described in the [Disability Benefit Specialist Program chapter of the ADRC and Aging Operations Manual](#). The recommended frequency is based on the DBS's needs and experience level.
 - (a) The frequency of regularly scheduled technical assistance is determined by the DBS's needs and experience level.
 - (b) The program attorney may analyze merit, as described in the [Disability Benefit Specialist Program chapter of the ADRC and Aging Operations Manual](#), to determine whether they can provide technical assistance to the DBS or when requested by the provider to assess case acceptance, case termination, or acceptance of direct representation.
- c) *Direct Representation of Tribal DBS Clients*
 - (1) The DBS program is not a legal services program. Direct representation of DBS clients using attorney services funded through this program is allowed only when there is not a direct conflict of interest between the program and the State or other governmental bodies.
 - (2) The sole exception to the previous point is when direct representation is for the purpose of seeking statutory public benefits for the individual client and appropriate private representation is unavailable.

- (3) Conditions applying to direct representation are listed in section VI.C.1 of the [Disability Benefit Specialist Program chapter of the ADRC and Aging Operations Manual](#). The provider will define the requirements the program attorney will use to accept cases involving retroactive Social Security benefits in the sub-contract.
- (4) Before accepting a case for direct representation, the program attorney must consider the following factors:
 - (a) Whether issue(s) presented affects individual's access to basic income, health care, food and/or housing.
 - (b) Whether case has merit as described in the [Disability Benefit Specialist Program chapter of the ADRC and Aging Operations Manual](#).
 - (c) Potential benefit to individual seeking representation (as opposed to family members, providers, or others).
 - (d) Benefit to individual seeking representation versus resources expended.
 - (e) Potential benefit to larger client population.
 - (f) The size and complexity of current caseload.
 - (g) Program resources including travel funds.
 - (h) Availability of evidence and/or documentation.
 - (i) Assessment as to likelihood of cooperation by individual seeking representation.
 - (j) Assessment of capacity of individual seeking representation to participate in case.
 - (k) Whether representation will jeopardize safety of individual seeking representation or staff.
 - (l) Program attorney's knowledge of relevant substantive law.
- (5) The provider will establish a process for referring Tribal DBS Program customers for consideration of direct representation by private attorney, the program attorney, or by a "compensated pro bono" attorney.
- (6) Program attorney direct representation services may be terminated for reasons that include, but are not limited to, the following situations:
 - (a) Client withdraws
 - (b) Client is no longer eligible for services through the DBS Program (for example, client moves outside of program service area)
 - (c) Initial case strategies were not successful
 - (d) The case no longer has merit

- (e) Client does not cooperate with representation
- (f) Further representation of the client would require fraudulent behavior on the part of the program attorney; or
- (g) Other good cause such as dishonesty on part of client.

3. *Program Attorney Collaboration with the Provider*

- a) The assigned program attorney will participate in the personnel review or evaluation of each DBS. Participation may be provided via paper, telephone, email, or in person at the discretion of the provider and the program attorney's schedule.
- b) The program attorney will work closely with the provider to develop a work plan which outlines how the Tribal DBS Program is implemented (for example, how referrals are handled, how cases are managed).
- c) The program attorney will assist the provider to understand the quality and volume of work of the DBS, and problem-solve as necessary.
- d) The program attorney must keep the provider informed of concerns regarding the substantive legal performance of the DBS and will consult with the provider on problem resolution in a manner consistent with confidentiality standards relevant to the service being provided.
- e) The program attorney will work with the DBS program manager at DHS and the provider to address transition of DBS duties when there is a DBS vacancy.

II. ORGANIZATIONAL AND PROCEDURAL STANDARDS

A. Qualifications and Training

1. *Disability Benefit Specialists*

- a) The DBS must meet the education and experience requirements as defined in the [Disability Benefit Specialist Program chapter of the ADRC and Aging Operations Manual](#).
- b) DBSs employed by the provider must attend and successfully complete initial and ongoing training as described in the [Disability Benefit Specialist Program chapter of the ADRC and Aging Operations Manual](#).
 - (1) The provider, in consultation with the program attorney, may approve the substitution of alternative training events that address benefits issues unique to Tribal members.
 - (2) The provider, in consultation with the program attorney, may excuse experienced DBSs from attending mandatory training that is not appropriate to the DBS's skill and/or knowledge level or is irrelevant to the needs of Tribal Nation members.

2. *Benefit Specialist Assistant*

- a) The provider must permit DHS to review and approve any changes to the benefit specialist assistant position description outside the parameters described in the [Benefit Specialists Program chapter of the ADRC and Aging Operations Manual](#).
- b) The provider must ensure the benefit specialist assistant completes the Disability Benefits Specialists Initial Training as described in the [Disability Benefit Specialist Program chapter of the ADRC and Aging Operations Manual](#) and [DHS-sponsored training on use of the client-tracking system](#). The benefit specialist assistant is not required to attend the ongoing training events for disability benefit specialists as coordinated by Disability Rights Wisconsin. The provider must receive DHS approval prior to using program funds to provide additional training for the benefit specialist assistant beyond what is specified in this Scope of Work.

3. *Program Attorneys*

- a) The provider must ensure that the program attorney has knowledge of public and private benefits for people with disabilities and experience working with people with disabilities.
- b) A program attorney who is hired without experience in public and private benefits will attend the Disability Benefit Specialists Initial Training as described in the [Disability Benefit Specialist Program chapter of the ADRC and Aging Operations Manual](#).

B. Data Reporting

1. *DBS Program Database*. DBSs must enter data for all clients and information-only contacts in the DHS-stipulated client-tracking system. Data entry and error resolution must be made timely. Issues identified by DHS will be directed to the provider.
2. *Program Attorney Reports*. The provider will provide a quarterly report to DHS summarizing program-related program attorney activities as specified by DHS.
3. *Reports to Claim Federal Medicaid Match*. DBSs must complete daily activity logs (also known as 100% time and task reports) using the spreadsheet provided by DHS for the purpose of claiming Medicaid administration match for eligible services. The monthly results from the 100% time and task reports will be submitted with that month's invoice to be used in processing the payment. Samples of the daily activity logs must be submitted to DHS on request.

C. Privacy and Confidentiality

1. The provider must arrange for private office space or timely access to private meeting space where DBSs can meet for confidential conversations with consumers and families. These spaces must be equipped with telephones and computers with high-speed internet access to be able to access databases, benefits assessment

- tools, online applications, and other information that may need to be used during the consultation.
2. The provider must supply adequate space, furnishings, and equipment to securely store confidential information about DBS clients.
 3. The provider must ensure the information contained in the client tracking system is used only as needed for its intended purposes.
 4. The provider must ensure DBSs use the DHS-stipulated client-tracking system to create and store confidential client information generated within the course of their work as a DBS. Exceptions to this policy will be granted only by the DBS program manager, in conjunction with the DHS data systems specialist(s), on a case-by-case basis.
 5. The provider must comply with all applicable federal and state laws and administrative rules concerning confidentiality.

D. Outreach and Public Education. The provider must develop and implement a plan for outreach and public education to make DBS services known to Tribal Nation members.

III. PROGRAM MANAGEMENT

A. Performance

1. *Performance Consistent with Program Requirements.* The provider agrees to perform all services required under this Scope of Work in a professional manner. The provider agrees to perform all services described in the [Disability Benefit Specialist Program chapter of the ADRC and Aging Operations Manual](#) or as otherwise specified by this Scope of Work. The provider will make available plans, policies, procedures, and agreements required in Section III General Policies and Procedures and Section IV Agency Responsibilities of the [Disability Benefit Specialist Program chapter of the ADRC and Aging Operations Manual](#) or otherwise specified by this Scope of Work for DHS inspection, upon request.
2. *Failure to Meet Program Requirements.* If the provider fails to meet the provisions of this Scope of Work, the provider will be subject to a sequential dispute resolution process that includes development of a plan of correction and may ultimately involve fiscal or non-fiscal enforcement measures, as determined by DHS.
3. *Performance of Scope of Work during Disputes.* The existence of a dispute notwithstanding, both parties agree to continue without delay to carry out all their respective responsibilities which are not affected by the dispute and the provider further agrees to abide by the interpretation of DHS regarding the matter in dispute while the provider seeks further review of that interpretation.

B. Subcontracts

1. *Requirements for Subcontracts.* Subcontracts must clearly identify all parties to the subcontract, describe the scope of services to be provided, include any requirements

of this Scope of Work that are appropriate to the service(s), and define any terms that may be interpreted in ways other than what the provider intends.

2. *Responsibility of Parties to the Program.* The provider is responsible for program performance when subcontractors are used. Subcontractors must agree to abide by all applicable provisions of this Scope of Work. The provider maintains fiscal responsibility for its subcontracts, which includes reporting expenses associated with the subcontract to DHS. DHS should not be named as a party to a subcontract.
3. *Subcontracts Available for DHS Review.* The provider must make all subcontracts available for review by DHS, upon request.

Contract Period of Performance:

Federal Fiscal Year 2023 – 2024; October 1, 2023 – September 30, 2024

Reporting Requirements	Due Date
Quarterly program attorney reports	The last day of the month following the preceding quarter
100% time reporting for federal Medicaid administrative claiming	20 th of the following month
Client tracking in statewide database and State Health Insurance Assistance Program (SHIP) assessments	The end of the month following the month of contact