

Using Support Broker Services Within IRIS

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The Wisconsin DHS recently confirmed that the current waiver definition of support broker within the IRIS 1915 (c) waiver provides the necessary guidance for IRIS Consultant Agencies, Support Broker agencies, people with disabilities, and families regarding the role of support brokers in the IRIS program. That definition and related information from the waiver is cited below:

- *"A support broker is an individual who assists participants in planning, securing and directing self-directed supports."*
- *"Participants may use their IRIS funding to purchase the supports of a support broker to help develop their ISSP and coordinate their services."*
- *"Excludes activities included under IRIS Consultant Services or Fiscal Employment Services."*

Support broker services have long been an approved IRIS service throughout Wisconsin counties. They have also been recently approved within Dane County in plans that did not need a Budget Amendment, as well as within approved Budget Amendments.

Based on the experience of IRIS participants throughout the state, as well as very recently within Dane County, the following list provides *examples* of tasks that have been provided as support broker services within the IRIS program:

- helping participants deal with Social Security
- assistance in managing personal finances
- assistance with Medicaid and Food Share benefit applications or renewals
- assistance as a liaison with healthcare providers
- assistance with end-of-life and funeral planning
- assistance with coordinating complex issues
- assistance in the transition from high school to adult services
- assistance in identifying social, recreational, and educational opportunities to increase community involvement
- assistance in finding appropriate housing
- assistance in recruiting and hiring direct care workers.

In considering the need to include a support broker service within the IRIS Support and Service Plan (ISSP), it is important to understand that, as with all IRIS services, other options should be explored first, including unpaid resources that could be tapped to meet a participant's need for coordination of particular supports or services. The need for coordination of particular supports and services must be explained and documented within the ISSP. If it appears the requested activity might instead be provided by an IRIS

Consultant, it is important to clearly document why the IC could not provide the needed support.

Misunderstandings About the Support Broker Service

The following information has been "heard" and is not correct. The correct information follows in italics:

- Support broker services are only time-limited.

While many support broker services are for one-time tasks that would be time-limited, that is not a requirement. Ongoing support broker services, if needed, are allowable and in fact have been provided throughout the state for many years. If support broker services are needed on an ongoing basis, that need must be explained and documented within the ISSP.

- Support broker services cannot be used to provide assistance with completing renewal or eligibility applications for benefits such as Medicaid and Food Share. Such assistance should be provided by guardians for those who have a legal representative, or by service providers. If this is not available, the participants should consider transferring to Family Care.

Not true. As with all IRIS services, other unpaid resources that could be tapped to meet a participant's desired outcomes should be explored first. Whenever possible, this support broker service should assist the participant or participant's legal representative in performing such tasks, and when possible in learning to do such tasks in the future without assistance. For some participants it is understood that such learning may not be feasible. There is no need to transfer to Family Care to obtain this support.

- Support broker services cannot be used to assist a participant or the participant's legal representative to coordinate needed support. If such coordination is needed, the participant should transfer to Family Care.

As noted in the first section above, coordination of services is an allowable support broker activity. It is not necessary to transfer to Family Care to meet this need. The need for coordination of particular supports and services (above and beyond the role of the IC) must be explained and documented within the ISSP.

- ICAs will not submit a budget amendment (BA) for support broker services because the state will simply not accept the budget amendment.

DHS has for many years accepted budget amendments that include requests for one or more support broker services. We hope this paper clarifies the kinds of activities that have been and are permissible. In most cases, your ICA will submit the budget amendment request on your behalf after reviewing it with you. DHS may accept or deny the request. If the request is denied, DHS is required to send the participant a "Notice of Action" with:

- *the reason for the denial;*
- *notification that the participant has 45 days to appeal the decision; and*
- *a referral back to the participant's IRIS Consultant to answer any questions.*

The ICA is responsible to determine whether a budget amendment should be submitted to the IRIS program, but should only refuse to submit the amendment if it is clear to them that the request could not be approved. If the ICA decides not to submit it you will NOT get a Notice of Action and the ICA may NOT tell you about your appeal rights. But you can appeal this action by the ICA if you want to. You should do so within 45 days of when the ICA told you they were not going to submit your BA request. The request to appeal should be sent to the Division of Hearings and Appeals, 5505 University Avenue, Madison, WI 53705. Their phone number is (608) 266-7709.

If your ICA chooses not to submit a budget amendment that you believe is appropriate, you may wish to contact the Family Care, Partnership and IRIS Ombudsman Program (FCIOP) if you are between the ages of 18-59. The FCIOP will discuss the situation and help you determine whether an appeal is worthwhile. The Ombudsman program may help you with an informal resolution of the denial, or if that is not successful help you to initiate a formal appeal. If you are older than 59 your ICA can inform you of the formal appeal process.

There are numerous reasons for denials of support broker services within a budget amendment, or for that matter within a plan that does not require a budget amendment. The request may be inadequately described and documented within the ISSP. The request may be for an activity that does not fall under the support broker definition. The request may include costs that appear to be unreasonable to meet the documented need. There may be other reasons as well.

In addition to simply denying a budget amendment request, DHS has the flexibility to point out problems with how the requested service was described and documented, and to suggest how the requested service might be rewritten and resubmitted.

Recommendations if You Believe You Need a Support Broker Service

1. Work with your IRIS Consultant (IC) to include the service within your ISSP. If there is no need to request a budget amendment, your ICA has the authority to approve your ISSP, and all requests for support and services within it. As noted previously in this paper, that process should involve exploring other ways the need for assistance might be met without requiring a support broker service. Your IC will help you with that.

2. Regardless of whether the support broker service is within an ISSP to be approved by the ICA or a budget amendment request to be reviewed by DHS, ensure that the need for it within the ISSP is well-documented. You may wish to ask your IC for examples of other similar services that have been approved (without their sharing identifying information of other participants). You might wish to talk with other

participants or their legal representatives who have approved support broker services within their plans.

3. If you believe you need to delay your start with IRIS until the denial of your support broker service request is resolved, you may wish to ask your IC for assistance in changing your enrollment date at the ADRC. The ADRC will accommodate those requests, as long as plans are completed and ready for transition from Dane County by May 1, 2018.