



Survival Coalition

of Wisconsin Disability Organizations

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Survival Coalition Comments Regarding the Proposed DWD Administrative Code 65 Changes for Order of Selection

The Survival Coalition of more than 30 statewide disability organizations appreciates the opportunity to comment on the proposed changes to DWD Admin. Code 65. We have worked to accurately reflect our interpretation of the changes but at times this was difficult to understand because some language was repealed and replaced without a side-by-side comparison to the previous language. In the future, we would appreciate a document that includes omitted language viewed as stricken out so we can more easily assess the context of new language.

DWD has taken an important step to updated language to eliminate outdated language, for example “work tolerance,” “preparing for” and “non-competitive employment” within the definition of “Employment Outcome,” as well as the addition of integrated labor market terminology.

It is unclear what the impact of the redefinition of “extended period of time” will be. It is shortened from 12 months to 6 months. We are concerned whether this definition affects other areas of the DWD rules. For example, we favor the shorter timeframe when determining whether a person has a significant disability. However, the shortened period would be a concern when a person with a significant disability needs DVR services for an extended period of time.

We have concern about the substantial revisions to the definition of primary services. As revised, the definition does not include support services such as maintenance, transportation, personal assistance services or services to family members which are provided only to allow a client an individual to participate in one or more approved primary services.

Survival Coalition knows that these services, which appear to be eliminated, are often essential to a person reaching their vocational goals. We also know that supports for family members makes a difference in a youth’s outcomes, as the outcomes from the PROMISE Grant demonstrates. These services should be restored as primary services, or it should be clear how these will be permitted on an individual basis to meet vocational outcomes.

We appreciate to addition of the following section:

DWD 65.03 (25m) "Wisconsin Rehabilitation Council" means a council composed of members who review, analyze, and advise the division regarding the performance of its responsibilities in providing quality services to people with disabilities as prescribed under 34 20 CFR 361.16.

We appreciate the requirement that the Wisconsin Rehabilitation Council will be able to review data leading to the imposition of the order of selection as noted in DWD 65.04, and that this shall be reviewed on an annual basis.

The Survival Coalition agrees with the intent of section DWD 65.07 (1) EVALUATION PROCESS. However, we are concerned that the process for the vocational rehabilitation counselor to evaluate each consumer's case record using the functional assessment instrument could result in great variability between counselors and between WDAs. A consistent, accurate statewide process is essential to fairness and to meet the goal of serving clients with the greatest needs. It is essential that DWD institute a process that ensures inter-rater reliability, quality assurance reviews and robust consumer appeal options, including access to the information that was used from the person's record in making the determination.

Regarding DWD 65.07 (3) WAITLIST ACTIVATION: "When an order of selection is continued or imposed, services provided will be prioritized based on the date the application was received by the department for consumers assigned to the same category under an order of selection," it is important that DWD ensure that this is the date the consumer applied and that it is established consistently and fairly across the state.

DWD 65.07 (4) STUDENT WITH A DISABILITY: "If a student with a disability has received pre-employment transition services prior to submitting an application, the department shall continue to provide pre-employment transition services to a student with a disability during the evaluation process under sub. (1) and prior to being determined eligible for vocational rehabilitation services. Pre-employment transition services shall continue if the student with a disability is placed in a category in an order of selection." Survival Coalition agrees with this added provision and notes that this provision is essential for continuity of services while a youth in transition is awaiting a determination.

Survival Coalition is concerned about the revision to DWD 65.08 "provide written notification to all consumers who may not receive services during a 12-month period" because the removal of the 20 days following publication of the public notice related to imposing or continuing an order of selection could delay notification and we want to ensure timely notification upon the decision being made.

Regarding: "(2) Identify the consumer's category placement and information on how and where to file an appeal this action under s. DWD 65.11 and information regarding related to a consumer's category placement. (3) Information on how and where to submit to request a reevaluation of category placement based on new evidence for review by the department under s. DWD 65.09 8 documentation not previously considered during the evaluation process under s. DWD 65.07 (1)."

Survival Coalition believes that it is essential that the consumer has access to the information used in making the decision so that they have an opportunity to effectively appeal the decision. DWD should also ensure that this appeal is reviewed in a timely way to ensure that the person's category is revised in time to make a difference in their receipt of services.

Finally, regarding: "The department shall make multiple attempts, through multiple methods of contact, including the consumers preferred mode of contact, prior to closing any case. If there is no response within 30 days, the department may close the case. Prior to closing any case, the department shall document the dates and methods of contact." It is important to establish at least three contacts using at least two modes - with time between the contacts for the consumer to respond - before the 30 days is counted. Otherwise, people could be closed to quickly and they could miss the opportunity for important services.

Thank you for the opportunity to provide comment on these changes.

Survival Coalition Issue Teams: education, employment, housing, long term care for adults, long term care for children, mental health, transportation, workforce, Medicaid and health care.

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