

# **RSA-227 - Annual Client Assistance Program (CAP) Report**

## **Wisconsin (WISCONSIN STATE DEPT OF AGRICULTURE, TRADE and CONSUMER PROTECTION) - H161A170054 - FY2017**

### **General Information**

#### **Designated Agency Identification**

Name Wisconsin Client Assistance Program  
Address 2811 Agriculture Drive  
Address Line 2 PO Box 8911  
City Madison  
State Wisconsin  
Zip Code 53708  
E-mail Address deb.hendersonguenther@wisconsin.gov  
Website Address  
Phone 608-224-5071  
TTY  
Toll-free Phone 800-362-1290  
Toll-free TTY  
Fax 608-224-5069

#### **Operating Agency (if different from Designated Agency)**

Name Wisconsin Client Assistance Program  
Address 2811 Agriculture Drive  
Address Line 2 PO Box 8911  
City Madison  
Zip Code 53708  
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Fax 608-224-5069

#### **Additional Information**

Name of CAP Director/Coordinator Deb Henderson-Guenther  
Person to contact regarding report Deb Henderson-Guenther  
Contact Person Phone 608-224-5071

## Part I. Non-case Services

### A. Information and Referral Services (I&R)

Multiple responses are not permitted.

1. Information regarding the vocational rehabilitation (VR) program	1,333
2. Information regarding independent living programs	2
3. Information regarding American Indian VR Service projects	4
4. Information regarding Title I of the ADA	4
5. Other information provided	43
6. Information regarding CAP	6
7. Total I&R services provided (Lines A1 through A6)	1,392

### B. Training Activities

Topics: Information on the scope of services provided by CAP. Information on the types of calls CAP receives. What constitutes a CAP case. The history of the rehabilitation act. CAP's role in the VR process.

Purpose of training: new vocational rehabilitation staff orientation and reintroduction of CAP to a new VR director and staff.

Attendees: Wisconsin Vocational Rehabilitation Counselors, WDVR supervisors, WDVR directors and WDVR support staff. <

1. Number of training sessions presented to community groups and public agencies. 3
2. Number of individuals who attended these training sessions. 103
3. Describe training presented by the staff. Include the following information:
  - a. topics covered
  - b. purpose of the training
  - c. description of the attendees

### C. Agency Outreach

Describe the agency's outreach efforts to previously un-served or underserved individuals including minority communities.

Outreach has been limited due to program resources and the retirement of the CAP director in September. CAP maintains contact with both the public VR program and the Native American 121 projects. CAP staff continue to offer guidance, consultation and training on challenging cases.

### D. Information Disseminated To The Public By Your Agency

For each method of dissemination, enter the total number of each method used by your agency during the reporting period to distribute information to the public. For publications/booklets/brochures (item 4), enter the total number of documents produced. Agencies should not include website hits. See instructions for details.

1. Agency Staff Interviewed or Featured on Radio and TV	0
2. Articles about CAP Featured in Newspaper/Magazine/Journals	0
3. PSAs/Videos Aired about the CAP Agency	0
4. Publications/Booklets/Brochures Disseminated by the Agency	0
5. Number of Times CAP Exhibited at Conferences, Community Fairs, etc.	0
6. Other (specify below)	0

### **E. Information Disseminated About Your Agency By External Media Coverage**

Describe the various sources and information disseminated about your agency by an external source.

Not applicable.

## Part II. Individual Case Services

### A. Individuals served

An individual is counted only once during a fiscal year. Multiple counts are not permitted for Lines A1-A3.

1. Individuals who are still being served as of October 1 (carryover from prior year)	43
2. Additional individuals who were served during the year	53
3. Total individuals served (Lines A1+A2)	96
4. Individuals (from Line A3) who had multiple case files opened/closed this year (In unusual situations, an individual may have more than one case file opened/closed during a fiscal year. This number is not added to the total in Line A3 above.)	2
5. Individual still being served as of September 30 (Carryover to next year. This total may not exceed Line A3.)	21

### B. Problem areas

Multiple responses permitted.

1. Individual requests information	48
2. Communication problems between individual and VR counselor	25
3. Conflict about VR services to be provided	51
4. Related to VR application/eligibility process	2
5. Related to assignment to order of selection priority category	0
6. Related to IPE development/implementation	23
i. Selection of vendors for provision of VR services	
ii. Selection of training, post-secondary education	
iii. Selection of employment outcome	
iv. Transition services	
7. Related to independent living services	0
8. Other Rehabilitation Act-related problems	0
9. Non-Rehabilitation Act related	0
i. TANF	
ii. SSI/SSDI	
iii. Housing	
iv. Other:	
10. Related to Title I of the ADA	0

### C. Intervention Strategies for closed cases

(Choose one primary service the CAP provided for each closed case file. There may be more case files than actual individuals served.)

1. Short Term Technical Assistance	8
2. Investigation/Monitoring	29
3. Negotiation	11

4. Mediation and other methods of Alternative Dispute Resolution	1
5. Administrative / Informal Review	28
6. Formal appeal / Fair Hearing	0
7. Legal remedy / Litigation	0
8. Total	77

#### **D. Reasons for closing individuals' case files**

(Choose one primary reason for closing each case file. There may be more case files than the total number of individuals served.)

1. All issues resolved in individual's favor	32
2. Some issues resolved in individual's favor (when there are multiple issues)	16
3. CAP determines VR agency position/decision was appropriate for the individual	9
4. Individual's case lacks legal merit; (inappropriate for CAP intervention)	3
5. Individual chose alternative representation	0
6. Individual withdrew complaint	6
7. Issue not resolved in clients favor	4
8. CAP services not needed due to individual's death, relocation, etc.	0
9. Individual not responsive/cooperative with CAP	7
10. CAP unable to take case due to lack of resources	0
11. Conflict of interest	0
12. Other (Please explain below)	0

#### **E. Results achieved for individuals**

(Choose one primary outcome for each closed case file. There may be more case files than the total number of individuals served.)

1. Controlling law/policy explained to individual	30
2. Application for services completed	0
3. Eligibility determination expedited	1
4. Individual participated in evaluation	5
5. IPE developed/implemented/Services Provided	31
6. Communication re-established between individual and other party	2
7. Individual assigned to new counselor/office	6
8. Alternative resources identified for individual	0
9. ADA/504/EEO/OCR complaint made	0
10. Other (Please explain below)	0

### Part III. Program Data

#### A. Age

Multiple responses not permitted.

1. Up to 18	25
2. 19 - 24	10
3. 25 - 40	33
4. 41 - 64	27
5. 65 and over	1
6. Total (Sum of Lines A1 through A5. Total must equal Part II, Line A3.)	96

#### B. Gender

Multiple responses not permitted.

1. Females	53
2. Males	43
3. Total (Lines B1+B2. Total must equal Part II, Line A3.)	96

#### C. Race/ethnicity of Individuals Served

1. Hispanic/Latino of any race (for individuals who are non-Hispanic/Latino only)	3
2. American Indian or Alaskan Native	1
3. Asian	0
4. Black or African American	21
5. Native Hawaiian or Other Pacific Islander	1
6. White	68
7. Two or more races	2
8. Race/ethnicity unknown	0

#### D. Primary disabling condition of individuals served

Multiple responses not permitted.

1. Acquired Brain Injury	5
2. ADD/ADHD	1
3. AIDS/HIV	0
4. Amputations or Absence of Extremities	1
5. Arthritis or Rheumatism	3
6. Anxiety Disorder	2
7. Autism Spectrum Disorder	4
8. Autoimmune or Immune Deficiencies (excluding AIDS/HIV)	0
9. Blindness (Both Eyes)	6
10. Other Visual Impairments (Not Blind)	2
11. Cancer	1

12. Cerebral Palsy	4
13. Deafness	6
14. Hard of Hearing/Hearing Impaired (Not Deaf)	2
15. Deaf-Blind	0
16. Diabetes	0
17. Digestive Disorders	0
18. Epilepsy	0
19. Heart & Other Circulatory Conditions	3
20. Intellectual Disability	9
21. Mental Illness	15
22. Multiple Sclerosis	1
23. Muscular Dystrophy	1
24. Muscular/Skeletal Impairment	1
25. Neurological Disorders/Impairment	2
26. Orthopedic Impairments	20
27. Personality Disorders	0
28. Respiratory Disorders/Impairment	0
29. Skin Conditions	0
30. Specific Learning Disabilities (SLD)	3
31. Speech Impairments	0
32. Spina Bifida	0
33. Substance Abuse (Alcohol or Drugs)	3
34. Other Disability	1
35. Total (Sum of Lines D1through D34. Total must equal Part II, Line A3.)	96

### **E. Types of Individual Served**

Multiple responses permitted.

1. Applicant of VR	1
2. Individual eligible for VR services currently on a wait list	2
3. Individual eligible for VR services not currently on a wait list	89
4. Applicant or individual eligible for Independent Living	1
5. Transition student/High school student	4
6. All other applicants or individuals eligible for other programs or projects funded unther Rehabilitation Act	0

## Part IV. Systemic Activities and Litigation

### A. Non-Litigation Systemic Activities

1. In April of 2016, Wisconsin DVR (WDVR) enacted an existing business policy. Prior to its' actual implementation, CAP met with WDVR management, the Deputy Secretary of the Department of Workforce Development and the Deputy Secretary of the Department Agriculture, Trade and Consumer Protection. These meetings did result in some changes to the initial policy but still incorporated significant barriers for farmers with disabilities to access services i.e. to receive any rehabilitation technology services. A public hearing was held, the state rehabilitation council and the rehabilitation services administration were all advised about CAP's concerns but nothing has impacted WDVR's decision to require all existing businesses including farmers with disabilities to be both profitable and demonstrate minimum wage or above for hours worked over the last 3 years. Meeting these requirements is being done by a review of the person's prior 3 years of taxes.

2. Funding for attendance at Think College Programs in Wisconsin continues to be an issue. WDVR has been working on a policy paper for this service for over a year. A draft policy was introduced but CAP provided input that the policy language continued to allow a wide variance whether or not WDVR would support a student's attendance at a The Think College program. The Think College Programs continue to encourage parents to approach WDVR for funding. Many of these programs are not financial aid eligible. When parents approach WDVR for funding, WDVR reviews the job goal and the curriculum and concludes that the majority of classes are independent living skills training, that the training includes a few vocational classes/experiences but that these experiences do not lead to a credential/degree related to the student's job goal. WDVR then concludes that they could provide an internship, temporary work experience, and/or on-the-job training in the local community at a lower cost. WDVR does not view the entire college experience as something they should support for students with Intellectual Disabilities. This issue could easily be resolved if RSA would allow the Think College Programs to be considered as Pre-ETS and allow DVR to count the costs of these programs in their 15% set aside.

1. Number of non-litigation systemic activities not involving individual representation that resulted in the change of one or more policy or practice of an agency. 0
2. Describe the systemic activities conducted by CAP during the fiscal year and its impact on other agency's policies or practices.

### B. Litigation

Not applicable.

1. Total number of CAP cases requiring litigation involving individual representation resulting in, or with the potential for, systemic change.
  - a. Number of cases requiring litigation involving individual representation filed during fiscal year. 0
  - b. Number of on-going cases pending at start of fiscal year (carryover from prior fiscal year). 0

- c. Number of cases resolved through litigation during fiscal year. 0
2. Describe the agency's on-going and completed systemic litigation activities involving individual representation.

## Part V. Agency Information

### A. Designated Agency

- |   |  |
|---|--|
| 1. Agency Type (select only one option)               | External-other public agency                             |
| 2. Name of designate agency                           | Department of Agriculture, Trade and Consumer Protection |
| 3. Is the designated agency contracting CAP services? | No   |
| 4. If yes, name of contracting agency:                | None   |

### B. Staff Employed

Provide a description of all CAP positions (see instructions)

Client Assistance Program Director

Client Assistance Program Complaint Investigator

## Part VI. Case Examples

Provide some examples of some interesting cases during the past fiscal year.

1. A 70 year old male dairy farmer with multilevel scoliosis, multilevel degenerative disc disease, spondylosis and lumbar spine degeneration was advised by WDVR that the job tasks on the farm would exceed his physical abilities to safely perform the job duties even with accommodations. He was advised that WDVR would not provide him any rehabilitation technology services to maintain his farming operation. CAP requested an informal administrative review. This request also asked that WDVR authorize the Rural Rehabilitation Specialist (RRS) from the Easter Seals FARM Program to review the functional capacity evaluation, medical records and visit the client's farm to determine whether or not any assistive technology devices would allow the farmer to safely operate and maintain his dairy farm. An onsite farm visit by the RRS was conducted on 7/21/16. Several assistive technology devices (utility vehicle, bulk feed bin system with auger, skid steer, poly cart, cow mats, air ride suspension seat, drive through gates) were recommended. Following a 8/24/16 meeting with the consumer, the consumer's wife, the WDVR supervisor, the WDVR counselor, the RRS and CAP all of the assistive technology devices were approved, the IPE was amended and the services were provided. All issues resolved in the consumer's favor.

2. 46 year old male with right ankle arthroscopy, arthritis, and external rotation deformity of right ankle post ATV accident in 2000. Consumer owns and operates a construction company. Following a profitability assessment, WDVR concluded that the consumer's business was not profitable nor did he earn minimum wage or above for hours worked. Consumer was advised that WDVR could not provide any rehabilitation technology services that might allow him to maintain his business. CAP submitted an exception request pointing out the consumer's business sales had more than tripled from 2014 to 2015 showing that the business is viable. CAP also pointed out that the client shouldn't be penalized just because the tax code allows him several write-offs which lowers his net income. WDVR Workforce Development Area Director overrode the original denial, indicating that the consumer should not have been required to participate in a profitability assessment since the consumer was working with WDVR prior to the implementation of the April 1, 2016 Existing Business Policy. After a 2nd functional capacity evaluation was conducted and recommendations were made, WDVR agreed to provide the consumer a side entry skid steer and an aerial-man lift with articulating boom which would significantly eliminate the consumer's need to climb ladders, scaffoldings, planks, ramps, rooftops, etc. All issues were resolved in the consumer's favor.

3. 25 year old male with moderate to profound sensorineural hearing loss in both ears and scoliosis. Consumer is attending Gallaudet to become a clinical psychologist. The consumer reported that the WDVR training grant funds to the school were consistently delayed and the fall 2016 training grant amount was significantly reduced. Delays in payment resulted in the consumer not being able to enroll in classes for the summer 2016 semester. After several communication exchanges with WDVR, the Gallaudet financial aid office and the

consumer, adequate funding for school was provided and the consumer's case was transferred to a senior counselor.

## Certification

Reports are to be submitted to RSA within 90 days after the end of the fiscal year covered by this report. Please be reminded that you can enter data directly into RSA's website via the internet. Information on transmittal of the form is found on pages 19 and 20 of the reporting instructions.

Name of Designated Agency Official Deb Henderson-Guenther  
Title of Designated Agency Official Client Assistance Program-Director  
Date Signed 12/12/2017