



January 31, 2018

Senate Committee on Public Benefits, Licensing, and State-Federal Relations
Senator Kapenga, Chair
State Capitol, Room 15 South
Madison, WI 53707

Assembly Committee on Public Benefit Reform
Representative Krug, Chair
State Capitol, Room 207 North
Madison, WI 53708

Dear Senator Kapenga, Representative Krug and members of the committees:

Thank you for the opportunity to provide public comment on [JR8 SB3](#) (FoodShare, Wisconsin Works, and Wisconsin Shares Asset Restrictions), [JR8 SB2](#) (FoodShare Employment and Training Program requirements), [JR8 SB1](#) (FoodShare Hours of Participation), and [JR8 SB9](#) (Medical Assistance Savings Account) included within the welfare reform package. The Wisconsin Board for People with Developmental Disabilities' (BPDD) has the same concerns with all four of these bills and concludes that people with disabilities could be disproportionately harmed if these bills remain in their current form.

These bills intend to exempt the “elderly, blind, and disabled,” or people who are not “able-bodied.” However, there is no exemption for caregivers; we believe this is a serious omission that could negatively impact many people with disabilities and their families.

Many people with disabilities—especially in the context of Wisconsin’s growing caregiver crisis—rely on family members to provide some or a large proportion of the caregiving needed. Families often provide daily supports including personal care, supervision, service coordination, and medical and financial management¹. Often, some combination of paid and unpaid caregiving is used, and multiple family members may contribute hours to meet all caregiving needs. A 2016 AARP report found more than half of family caregivers reported a work-related strain, such as having to take unpaid time off. We hear from families across the state that they have often had to rearrange schedules and even leave their jobs to fill in caregiving gaps.

When caregivers work fewer hours or leave their jobs to do caregiving work, their reduced income may make them financially eligible for public assistance programs like FoodShare, Medicaid, and Public Housing. Wisconsin absolutely needs these caregivers to keep older adults and people with disabilities in their homes and out of expensive Medicaid-funded institutional settings.

¹ An estimated 40% of the overall community workforce includes family members. Nationally, families provide more than \$475 billion per year in unpaid direct care for their family members, which would otherwise have to be paid for by Medicaid.

We recommend amending these bills (JR8 SB1, JR8 SB2, JR8 SB3, JR8 SB9) to include a caregiver exemption for caregivers taking care of a person with a disability, a child, or a person who is aging and cannot care for himself or herself.

Despite the legislative intent to exempt people with disabilities from the provisions included in these bills, BPDD believes many people with disabilities—including those with I/DD—could inadvertently be impacted without clearer exemptions and clarifying what is needed to demonstrate qualification for exemption. There are always people with disabilities who fall through the cracks, especially when they do not have a robust support system.

JR8 SB1, JR8 SB2, JR8 SB3, JR8 SB9 should include clear exemptions for:

- People who receive Social Security Disability Insurance (SSDI).
- People with disabilities are waiting for a disability determination from the Social Security Administration; it may take two years for an initial determination, and many people with disabilities find it necessary to take additional time in an appeals process before receiving a formal recognition of their disability.
- People with intermittent disabilities (multiple sclerosis, for example) or disabilities that are progressive or may increase in severity and lead to functional limitations over time.
- People with a primary diagnosis of mental health conditions or Substance Abuse Disorder.
- A person who is physically or mentally unable to work.

BPDD is concerned that without clarification, programs may impose different bureaucratic requirements on people with disabilities to prove they are exempt. Having documentation acceptable to the agency's requirements, getting it signed by an acceptable source, and having that documentation accepted and processed by an Income Maintenance staff that can sometimes excessively scrutinize those verifications, can all be barriers for people with disabilities.

There is a population of people with disabilities who lack formal documentation of their disability prior to age 18 or who were diagnosed after age 18. It is important to note that underserved populations, including those from culturally and linguistically diverse communities, are less likely to have a formal documented diagnosis of their disability prior to age 18 due to lower health care access and other barriers, which may impact their ability to obtain an adult disability determination. We support the current practice of Income Maintenance workers accepting many forms of documentation of disability.

BPDD recommends that documentation requirements are consistent across programs and that the current written documentation (a doctor's note, a form available online, a therapist or social worker letter, a paper signed by an M.D.) accepted by the FSET program is the standard for all programs.

BPDD cautions that any changes to program requirements or administrative process will cause participant confusion—and potentially loss of eligibility should they, or the workers advising them, not understand how they can comply and the timeframe by which they must complete requirements to remain eligible.

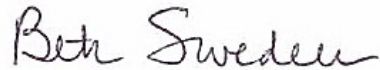
This is especially true among populations—including people with intellectual and developmental disabilities—who may be non-readers, non-verbal, use adaptive or responsive technology (including touchpads), have large print needs, may not have access to the internet, etc. In addition, changes in housing location, lack of access to transportation, shortened hours at welfare offices, and other common barriers for people with disabilities make

it imperative that any changes have multi-pronged communications approach that makes every effort to locate and inform participants in plain language what they must do to maintain eligibility for needed programs.

BPDD is charged under the federal Developmental Disabilities Assistance and Bill of Rights Act with advocacy, capacity building, and systems change to improve self-determination, independence, productivity, and integration and inclusion in all facets of community life for people with developmental disabilities.

Our role is to seek continuous improvement across all systems—education, transportation, health care, employment, etc.—that touch the lives of people with disabilities. Our work requires us to have a long-term vision of public policy that not only sees current systems as they are, but how these systems could be made better for current and future generations of people with disabilities.

Thank you for your consideration,

A handwritten signature in cursive script that reads "Beth Swedeen".

Beth Swedeen, Executive Director
Wisconsin Board for People with Developmental Disabilities