

Elder Benefit Specialist (EBS) Program— Fact Sheet: Dane County

Provides legal advocacy services to older adults (age 60+) across Wisconsin.

Core Member Organizations

- Aging and Disability Professionals Association of Wisconsin (ADPAW)
- Alzheimer's Association Wisconsin Chapter
- Wisconsin Adult Day Services Association (WADSA)
- Wisconsin Association of Area Agencies on Aging (W4A)
- Wisconsin Association of Benefit Specialists (WABS)
- Wisconsin Association of Nutrition Directors (WAND)
- Wisconsin Association of Senior Centers (WASC)
- Wisconsin Institute for Healthy Aging (WIHA)
- Wisconsin Senior Corps Association (WISCA)
- Wisconsin Tribal Aging Unit Association

The Wisconsin Aging Advocacy Network is a collaborative group of individuals and associations working with and for Wisconsin's older adults to shape public policy to improve their quality of life.

April 2020

Dane County Residents Served (with 3 EBS)	Oct 2017- Sept 2018	Oct 2018- Sept 2019
Total unduplicated clients (age 60+) receiving EBS services	154	183
Total EBS staff hours spent assisting clients on legal/benefits issues	2,307	2,344
Majority of the EBS clients served were between the ages of	60-69	60-69
Federal & State funds EBS staff assisted clients in securing	\$644,062	\$748,911

Top three topics addressed were:

1. **Health Insurance Benefits** (e.g., Medicare and Medicaid health and drug plan enrollment, coverage and billing issues and appeals)
2. **Income Benefits** (e.g., Social Security and SSI initial applications, eligibility issues, and overpayments)
3. **Housing and Utilities** (e.g., Eviction notices for private and subsidized housing; other landlord/tenant issues requiring advocacy)

Examples how Dane County older adults have been helped through the EBS Program:

- Assisted client with complex Social Security Disability Insurance (SSDI) issues by advocating with Social Security Administration (SSA), resulting in the client restarting their monthly SSDI benefits.
- Assisted client to obtain coverage through the Medicaid Purchase Plan (MAPP) by contacting the client's doctor directly, and advocating at appeal with SSA, reversing the denial decision to an allowance by SSA, thus making the client eligible for MAPP.
- Assisted client navigate a little known "gap filling" provision in the BadgerCare Plus Eligibility Handbook to get Medicaid health coverage for the remainder of a year for someone who drew early retirement in February, but then became just \$15 over the Medicaid program's income threshold. The EBS got coverage reinstated.
- Represented client in multiple levels of appeals with a Medicare Advantage Plan for coverage of Skilled Nursing Facility care. The EBS obtained medical records, statements from the client's physical and occupational therapists, and supporting statements from the client's doctors, which were then used to obtain a favorable decision from the Administrative Law Judge following a hearing.
- Submitted successful appeal of a Medicare Advantage Plan's wrongful denial of coverage by pursuing an affidavit from a billing supervisor and submitting a grievance to the CMS Medicare Ombudsman. Bills were paid by insurance plan.
- Advocated with CMS & SSA for client who was disenrolled from Medicare Part A, which had a ripple effect of disenrolling them from community waivers & a Special Needs Plan (requires Part A); was reinstated in Part A with no gaps in coverage.
- Advocated to keep client in their apartment where they lived for 59 years, after a non-renewal was issued. Negotiations by EBS helped keep the client in their home.

Referrals to the
EBS Program:

Aging & Disability Resource Center of Dane County

(608) 240-7400 adrc@countyofdane.com 2865 N Sherman Ave, Madison, WI 53704

Wisconsin's Elder Benefit Specialist (EBS) Program

The Elder Benefit Specialist (EBS) Program provides a wide range of important legal advocacy services to adults (age 60 and older) across Wisconsin. The program was created by the legislature in the 1970s to fulfill mandates of the Older Americans Act (OAA) of 1965 that legal assistance be accessible to older people, regardless of income.¹ EBSs provide benefit counseling and assistance with appeals in the areas of Medicare, Medicaid, Social Security, Supplemental Security Income, FoodShare, housing, consumer debt, and other health insurance coverage issues.

Unpublished data gathered by the Wisconsin Department of Health Services (DHS) reveals that the number of unduplicated clients served through the EBS Program during Federal Fiscal Year (FFY) 2019 was 37,391, a 36% increase from the year 2010 when that number was 27,433. During that period, Medicare-related group outreach and education events conducted by EBSs reached an estimated 69,274 Wisconsin residents.² Additionally, unpublished data from DHS for FFY 2019 revealed that **the average annual monetary impact of one full-time EBS to clients and the community** through public benefit program eligibility, overpayment resolution, medical insurance appeals, and other positive outcomes **was \$2,283,104**, for a combined statewide total of \$189,497,620.³

Wisconsin's 65 and older population is projected to increase from 780,000 residents in 2010 to over 1.5 million by 2040, with a 30-year increase of about 100%, making their share of the populace rise from 13.7% in 2010 to 23.7% in 2040⁴. In the year 2040, it is anticipated that at least 33% of the total population of 18 Wisconsin counties will be ages 65 and older.⁵

The increase is expected to be higher in areas with moderate to high rates of poverty, per DHS⁶, where traditionally individuals have limited access to legal services. It is also expected to be higher amongst the "oldest old" segment of the State's older population, those ages 90 and above, a group more likely to require access to public benefit programs including long term care Medicaid.⁷

The population of older adults is projected to continue to grow for the foreseeable future. "The number of older adult residents is forecast to exceed the number of children at some point during the latter half of the 2020s."⁸ Many older adults are faced annually with choosing a prescription drug plan and/or health insurance or applying for needed services and assistance; increasingly, these processes are completed only online and are complex to navigate.

There are currently 92 full-time and 5 part-time EBS in the state covering Wisconsin's 72 counties and the 11 federally recognized tribes. These EBS are the health care coordination and public benefits experts in the state; they know Medicare, Social Security, and Medicaid better than most private attorneys. Due to the fact that EBS do not charge fees for their legal services, they are able to take on cases that a private attorney could not. For example, it would not be prudent to hire a private attorney to get a \$500 security deposit back from a landlord or appeal an \$800 medical insurance claim denial. The attorney's fees alone would likely cost more than the value returned to the client. Also, Wisconsin has a shortage of attorneys, especially in the rural and northern parts of the state. We often hear of clients who have to travel more than an hour away to meet with an attorney. Those attorneys have a limited scope of practice and also only cover limited geographical areas. This substantially limits access to legal services in rural areas and increases the need for EBS services-- legal services which are available to everyone over 60 regardless of income and provided locally, at the county level.

References

1. OAA of 1965 <https://legcounsel.house.gov/Comps/Older%20Americans%20Act%20Of%201965.pdf>
2. Unpublished data from DHS pulled from SAMS database on March 12, 2020
3. Unpublished data from DHS pulled from SAMS database on March 12, 2020
4. State of Wisconsin Aging Plan for Older People, <https://www.dhs.wisconsin.gov/aging/aging-plan-2019-2021.pdf>
5. Population Demographics, <https://www.dhs.wisconsin.gov/dementia/demographics.htm>
6. Population Demographics, <https://www.dhs.wisconsin.gov/dementia/demographics.htm>
7. Wisconsin's Future Population, https://doa.wi.gov/DIR/FinalProjs2040_Publication.pdf
8. Wisconsin's Future Population, https://doa.wi.gov/DIR/FinalProjs2040_Publication.pdf