

OASIS · AT A GLANCE

The Waskul settlement and your self-determination rights

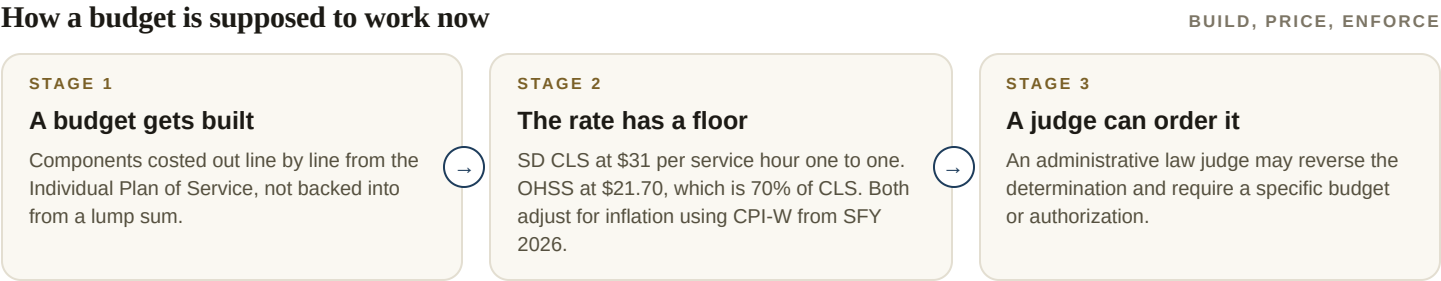
A federal court set a floor under Community Living Supports budgets, gave administrative law judges power to order a specific budget, and put over \$110 million behind it. Every provision expires in 2029.

PILLARS: WHERE · HOW | COMPANION TO BLOG POST B151 | 2-PAGE BRIEF

\$31

PER CLS SERVICE HOUR

The one-to-one self-determination rate the settlement established.



The settlement clock

RATES, RIGHTS, AND THE SUNSET

What is in force, and how long it lasts

Read the last row first. Every protection on this sheet expires on the same day, which is four budget cycles from now. Rights that expire are rights you use or lose.

Now	The CLS rate floor Self-determination Community Living Supports at \$31 per service hour, one to one, with group rates scaling proportionally.
Now	The OHSS rate floor Overnight Health and Safety Supports at \$21.70 per service hour, set at 70% of the CLS rate.
SFY 2026	Inflation adjustment begins Both rates adjust annually for inflation using CPI-W.
Ongoing	Budgets built, not assigned Components costed separately from the IPOS. A fiscal intermediary may not make the final budget determination.
Ongoing	ALJ authority A judge may reverse the determination and require a specific budget or authorization, and may reverse a termination lacking good cause.
2029	Everything sunsets All provisions expire September 30, 2029.

\$110 million

In additional Medicaid expenditure

Over five years, with at least \$22 million a year behind the new rates.

\$21.70

The OHSS hourly floor

Seventy percent of the CLS rate. If overnight support is priced below it, ask why in writing.

2029

When the protections expire

September 30, 2029. Four budget cycles to build a record that they were necessary.

THE NUMBER THAT HAD NEVER BEEN EXPLAINED

“

Tanya asked for her daughter’s budget broken into parts and got an email back with four lines on it. Wages, transportation, activities, training. She had been receiving a single total for six years and assumed it was calculated somewhere she was not allowed to see. It was not.

ASK FOR THE COMPONENTS. THAT IS THE WHOLE MOVE.

Using the settlement before 2029

COMPONENTS, THEN DEADLINES

REQUEST

Get the budget broken out

- ☐ Ask for the budget by component, not the total
- ☐ Staff wages, transportation, activity fees, training
- ☐ Ask which hourly rate is being used for wages
- ☐ Compare one-to-one CLS to \$31 per service hour
- ☐ Compare overnight support to \$21.70 per hour

PLANNING

What the meeting must cover

- ☐ Components discussed individually, as required
- ☐ Fiscal intermediary does not set the final budget
- ☐ Services requested but not approved listed separately
- ☐ A written reason attached to each denial
- ☐ Take notes with the date and keep them

DEADLINES

The two dates that decide it

- ☐ Read the date on the Adverse Benefit Determination
- ☐ Request benefit continuation within 10 calendar days
- ☐ File the local appeal within 60 calendar days
- ☐ Missing day 10 means services stop during the appeal
- ☐ Missing day 60 ends the appeal entirely

HEARING

What to ask the judge for

- ☐ Say you are asking the ALJ to order a specific budget
- ☐ Show the IPOS naming the medically necessary service
- ☐ Show the budget that cannot purchase it
- ☐ Show the wage rate against the settlement floor
- ☐ Ask for the termination to be reversed if applicable

BRING ONE PAGE, NOT A BINDER

The budget adequacy sheet

01

The service

What the IPOS says is medically necessary, quoted.

02

The components

Wages, transportation, activities, training, each priced.

03

The floor

The settlement rate for CLS and OHSS, side by side with yours.

04

The gap

What the budget buys against what the plan requires.

YOUR MOVE

When the budget will not buy the plan

1

Ask for components

In writing, before the planning meeting.

2

Compare to the floor

\$31 for CLS, \$21.70 for OHSS.

3

Demand justification

Written reasons for any reduction.

4

Continue benefits

Request within 10 days of the notice.

5

Appeal and ask

Within 60 days. Ask the ALJ for a budget.

You are not asking for a favor. You are asking for a budget the state agreed in federal court to build from your adult child's own plan of service.

SOURCES

Waskul v. Washtenaw County Community Mental Health, U.S. District Court for the Eastern District of Michigan. Settlement agreement approved 2025, all provisions sunset September 30, 2029.

Michigan Department of Health and Human Services. Amended Waskul Settlement Agreement Notice, Medicaid provider documents.

National Center for Law and Economic Justice. Court Approves Settlement Giving Over \$100M in Additional Medicaid Funding for Michiganders With Developmental Disabilities. 2025.

Disability Rights Michigan. Waskul case page and settlement materials. 800-288-5923.

Michigan Department of Health and Human Services. Appeal and Grievance Resolution Processes Technical Requirement.

ABOUT THE AUTHOR

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