

Individual Representative

(Issued April 2012)
(Reviewed May 2014)

Purpose:

To inform staff of the different types of representatives an individual may have within the VR process:

1. Individual representative as defined in the Federal Regulations
2. CAP as a representative
3. Informal representative

Rationale:

Questions have been raised by staff on what types of representatives a consumer may have in the VR process and what confidentiality rules and rights that representative would have in the consumer's case.

Guidance:

Individual Representative as defined in the Federal Regulations

361.5(b)(32) **Individual's representative** means any representative chosen by an applicant or eligible individual, as appropriate, including a parent, guardian, other family member, or advocate, unless a representative has been appointed by a court to represent the individual, in which case the court-appointed representative is the individual's representative.

Note: An individual representative is different than a court-appointed legal guardian.

An Individual Representative, relative to the Federal Regulations, is something very specific. The consumer must designate someone as their representative. This must be in writing. Then legally, the consumer's representative has the same rights and responsibilities as the consumer and must participate in all decisions throughout the rehabilitation case process. The individual representative is required to sign all forms generated by DVR in place of the consumer, other than the release of information or forms from external entities.

Participation in decision-making by the consumer's representative includes, but is not limited to:

- Application
- Eligibility/OOS determination
- Informed choice decisions
- Assessments for eligibility and IPE development
- IPE services
- Closure decisions
- Due process/appeals

The form to designate a representative is found at:

http://dwd.wisconsin.gov/dwd/forms/dvr/dvr_17167_e.htm

CAP Acting as a Representative:

CAP's role as a representative differs from an Individual Representative. CAP's representation is typically time limited or issue specific, as determined by the consumer.

CAP can act as an informal representative to assist consumers in determining if they are receiving appropriate services, assisting them in resolving differences with DVR, attending DVR meetings with consumers, etc.

CAP can also act as a representative for a consumer during an impartial hearing. If CAP determines that they will act as the consumer's representative, they will prepare the request for the hearing and serve as the appellant's representative.

Informal Representative:

Consumers can choose to have another individual such as a family member, friend, etc., assist them throughout the rehabilitation process. This person may attend meetings with the consumer, provide advice to the consumer, clarify issues, etc., but has no legal standing. Consumers make all decisions for themselves.

Communication with informal representatives is covered under the confidentiality standards http://dwd.wisconsin.gov/dvr/info_ctr/legal/confidentiality.pdf.