



**Disability  
Rights**  
WISCONSIN

## **Disability Rights Wisconsin Lauds Ruling on Rights of Medicaid Recipients**

For Immediate Release: May 13, 2026

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**A ruling issued last week by the Wisconsin District III Court of Appeals reaffirmed a core right for Wisconsin Medicaid recipients: a fair hearing to ensure services are not denied inappropriately.** The decision upheld a prior order from the circuit court in Lincoln County in *Schott v. Wisconsin Department of Health Services*, which held Plaintiff Tamra Schott's rights were violated when her Medicaid-funded services through Wisconsin's Comprehensive Community Services (CCS) program were terminated without notice of the right to a fair hearing. This ruling highlights the right of individuals under the Due Process Clause of the 14<sup>th</sup> Amendment, and reiterates protections in federal and state Medicaid laws which protect Medicaid recipients as well as the role and responsibilities of the Department of Health Services (DHS) as the administering agency of Medicaid services in Wisconsin.

Disability Rights Wisconsin (DRW), the designated [Protection & Advocacy agency](#) for Wisconsin, represented Ms. Schott in this case. Regarding the ruling, Staff Attorney Hannah Balder said, "We are thrilled to see the Court of Appeals state firmly and clearly: the Wisconsin Department of Health Services must be held accountable for the Medicaid services and programs it provides for our state's most vulnerable citizens. **This decision is a powerful and timely affirmation that Medicaid recipients have the right to be seen and to be heard.**"

Plaintiff Tamra Schott shared about the case, "Hannah Balder and Disability Rights Wisconsin worked hard to **ensure that I and all Medicaid recipients have a voice**

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**and the legal right to a state fair hearing.** Thank you, Hannah, for getting us justice.”

## **Background**

Tamra Schott is a Medicaid recipient who relies on community-based mental health treatment provided through Wisconsin’s Comprehensive Community Services (CCS) program. DHS delegates implementation of Medicaid programs and services like CCS to the counties, who then contract with providers to administer the programs. In 2023, North Central Health Care (NCHC), who administers the CCS program in Ms. Schott’s county, chose to dismiss her from the CCS program. Under state and federal law, a Medicaid recipient has the right to a fair hearing to challenge the Department’s decision when their Medicaid services are terminated, reduced, denied, or suspended. In the dismissal notice, however, Ms. Schott was not informed of that right. When challenged, DHS argued that Ms. Schott did not have the right to a fair hearing because DHS did not terminate her from CCS; NCHC did. On behalf of Ms. Schott, DRW argued that Medicaid service participants like Ms. Schott have the right to a fair hearing when their Medicaid-funded CCS services are terminated, regardless of who administers the program at the county level. In its ruling last week the Court of Appeals agreed with DRW.

## **Resources**

[Medicaid/BadgerCare Plus Fair Hearing Information, Wisconsin Department of Health Services](#)

[Requesting a Hearing, Wisconsin Department of Administration](#)

## **About Disability Rights Wisconsin**

Disability Rights Wisconsin is the federally mandated Protection and Advocacy system for the State of Wisconsin, charged with protecting the rights of individuals with disabilities and keeping individuals free from abuse and neglect. Learn more at [disabilityrightswi.org](http://disabilityrightswi.org).