



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0324/1
JPC:klm

2023 ASSEMBLY BILL 114

March 21, 2023 - Introduced by Representatives ROZAR, KURTZ, ALLEN, ANDRACA, ARMSTRONG, BALDEH, BEHNKE, BILLINGS, BODDEN, BRANDTJEN, CONLEY, DITTRICH, DONOVAN, DOYLE, DRAKE, DUCHOW, EMERSON, GOYKE, GREEN, JOERS, KITCHENS, KRUG, MADISON, MICHALSKI, MOORE OMOKUNDE, MURSAU, NOVAK, O'CONNOR, OHNSTAD, OLDENBURG, ORTIZ-VELEZ, RATCLIFF, RIEMER, RODRIGUEZ, SCHMIDT, SCHRAA, SHANKLAND, SINICKI, SNODGRASS, SNYDER, STUBBS, SUBECK, SUMMERFIELD, TUSLER, VANDERMEER, VINING, WICHGERS, JACOBSON and SHELTON, cosponsored by Senators BALLWEG, FELZKOWSKI, CARPENTER, COWLES, FEYEN, HESSELBEIN, JAMES, L. JOHNSON, LARSON, PFAFF, QUINN, ROYS, SPREITZER, TAYLOR and WIMBERGER. Referred to Committee on Health, Aging and Long-Term Care.

1 **AN ACT to amend** 49.46 (1) (a) 1m., 49.46 (1) (j), 49.47 (4) (ag) 2., 49.471 (6) (b)
2 and 49.471 (7) (b) 1. of the statutes; **relating to:** extension of eligibility under
3 the Medical Assistance program for postpartum women.

Analysis by the Legislative Reference Bureau

This bill requires the Department of Health Services to seek approval from the federal Department of Health and Human Services to extend until the last day of the month in which the 365th day after the last day of the pregnancy falls Medical Assistance benefits to women who are eligible for those benefits when pregnant. Currently, postpartum women are eligible for Medical Assistance benefits until the last day of the month in which the 60th day after the last day of the pregnancy falls. 2021 Wisconsin Act 58 required DHS to seek approval from the federal Department of Health and Human Services to extend these postpartum Medical Assistance benefits until the last day of the month in which the 90th day after the last day of the pregnancy falls. On June 3, 2022, DHS filed a Section 1115 Demonstration Waiver application with the federal Centers for Medicare & Medicaid Services to extend postpartum coverage for eligible Medical Assistance recipients, as required by 2021 Wisconsin Act 58. The Medical Assistance program is a joint federal and state program that provides health services to individuals who have limited financial resources.

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For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 49.46 (1) (a) 1m. of the statutes is amended to read:

2 49.46 (1) (a) 1m. Any pregnant woman whose income does not exceed the
3 standard of need under s. 49.19 (11) and whose pregnancy is medically verified.
4 Eligibility continues to the last day of the month in which the 60th day or, if approved
5 by the federal government, the 90th 365th day after the last day of the pregnancy
6 falls.

7 **SECTION 2.** 49.46 (1) (j) of the statutes is amended to read:

8 49.46 (1) (j) An individual determined to be eligible for benefits under par. (a)
9 9. remains eligible for benefits under par. (a) 9. for the balance of the pregnancy and
10 to the last day of the month in which the 60th day or, if approved by the federal
11 government, the 90th 365th day after the last day of the pregnancy falls without
12 regard to any change in the individual's family income.

13 **SECTION 3.** 49.47 (4) (ag) 2. of the statutes is amended to read:

14 49.47 (4) (ag) 2. Pregnant and the woman's pregnancy is medically verified.
15 Eligibility continues to the last day of the month in which the 60th day or, if approved
16 by the federal government, the 90th 365th day after the last day of the pregnancy
17 falls.

18 **SECTION 4.** 49.471 (6) (b) of the statutes is amended to read:

19 49.471 (6) (b) A pregnant woman who is determined to be eligible for benefits
20 under sub. (4) remains eligible for benefits under sub. (4) for the balance of the
21 pregnancy and to the last day of the month in which the 60th day or, if approved by

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1 the federal government, the 90th 365th day after the last day of the pregnancy falls
2 without regard to any change in the woman's family income.

3 **SECTION 5.** 49.471 (7) (b) 1. of the statutes is amended to read:

4 49.471 (7) (b) 1. A pregnant woman whose family income exceeds 300 percent
5 of the poverty line may become eligible for coverage under this section if the
6 difference between the pregnant woman's family income and the applicable income
7 limit under sub. (4) (a) is obligated or expended for any member of the pregnant
8 woman's family for medical care or any other type of remedial care recognized under
9 state law or for personal health insurance premiums or for both. Eligibility obtained
10 under this subdivision continues without regard to any change in family income for
11 the balance of the pregnancy and to the last day of the month in which the 60th day
12 or, if approved by the federal government, the 90th 365th day after the last day of the
13 woman's pregnancy falls. Eligibility obtained by a pregnant woman under this
14 subdivision extends to all pregnant women in the pregnant woman's family.

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(END)