

1999 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB133)

Received: **08/23/1999**

Received By: **yacketa**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Fiscal Bureau**

By/Representing: **Goldman**

This file may be shown to any legislator: **NO**

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Subject: **Public Assistance - med. assist.**

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Technical change to MA medically indigent

Instructions:

See Attached

Drafting History:

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1?	yacketa	1/1 WLj 8/24	ym 8/24		Jf 8/24		

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TECHNICAL LANGUAGE CHANGE REQUEST
1999-01 BIENNIAL BUDGET

Issue

Medicaid Eligibility - Elimination of asset test

Governor's Budget Bill

None.

Modification by JFC

Deleted references to the resource test for MA eligibility in s. 49.46(1)(a)1m and s. 49.46(1)(a)12

Fiscal Effect

None.

Discussion

DHFS has reviewed current law in s. 49.46 and 49.47 as they relate to the asset test for AFDC-related eligibility.

The proposed JFC changes to the statute do not address the medically needy resource test in 49.47.

The proposed JFC changes to the statute do not fully remove the need for an AFDC-Medicaid asset test. For this provision to be truly effective, references and reliance on the asset test for all of Family Medicaid (AFDC-Medicaid, AFDC-related categorically and medically needy) need to be eliminated.

Proposed Statutory Changes - Eliminating the Asset Test for Family-Medicaid

Note: Proposed changes are identified by **Bold Large Font**.

49.46 Medical assistance; recipients of social security aids.

49.46(1)

(1) Eligibility.

49.46(1)(a)

(a) (intro.) The following shall receive medical assistance under this section:

49.46(1)(a)1.

1. Any person included in the grant of aid to families with dependent children and any person who does not receive such aid solely because of the application of s. 49.19(11)(a)7.

49.46(1)(a)1m.

✓ 1m. Any pregnant woman who meets the ~~resource and~~ income limits under s. 49.19(4) ~~(bm) and~~ (es) and whose pregnancy is medically verified. Eligibility continues to the last day of the month in which the 60th day after the last day of the pregnancy falls.

49.46(1)(a)3.

3. Any essential person.

49.46(1)(a)4.

4. Any person receiving benefits under s. 49.77 or federal Title XVI.

49.46(1)(a)4m.

4m. Any child for whom a payment is made under s. 49.775.

49.46(1)(a)5.

5. Any child in an adoption assistance, foster care, kinship care, long-term kinship care or treatment foster care placement under ch. 48 or 938, as determined by the department.

49.46(1)(a)6.

6. Any person not described in pars. (c) to (e) who is considered, under federal law, to be receiving aid to families with dependent children **but without regard to meeting the resource test under s.49.19** for the purpose of determining eligibility for medical assistance.

49.46(1)(a)6m.

6m. Any person not described in pars. (c) to (e) who is considered, under federal law, to be receiving supplemental security income for the purpose of determining eligibility for medical assistance.

49.46(1)(a)9.

9. Any pregnant woman not described under subd. 1. or 1m. whose family income does not exceed 133% of the poverty line for a family the size of the woman's family.

49.46(1)(a)10.

10. Any child not described under subd. 1. who is under 6 years of age and whose family income does not exceed 133% of the poverty line for a family the size of the child's family.

49.46(1)(a)11.

11. If a waiver under s. 49.665 is granted and in effect, any child not described subd. 1. who has attained the age of 6 but has not attained the age of 19 and whose family income does not exceed 100% of the poverty line for a family

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the size of the child's family. If a waiver under s. 49.665 is not granted or in effect, any child not described in subd. 1. who was born after September 30, 1983, who has attained the age of 6 but has not attained the age of 19 and whose family income does not exceed 100% of the poverty line for a family the size of the child's family.

49.46(1)(a)12.

12. Any child not described under subd. 1. who is under 19 years of age and who meets the **resource and** income limits under s. 49.19 (4) (cs).

49.46(1)(a)13.

13. Any child who is under one year of age, whose mother was determined to be eligible under subd. 9. and who lives with his or her mother.

49.46(1)(a)14.

14. Any person who would meet the financial and other eligibility requirements for home or community-based services under s. 46.27 (11) or 46.277 but for the fact that the person engages in substantial gainful activity under 42 USC 1382c (a) (3), if a waiver under s. 49.45 (38) is in effect or federal law permits federal financial participation for medical assistance coverage of the person and if funding is available for the person under s. 46.27 (11) or 46.277.

49.46(1)(a)15.

15. Any individual who is infected with tuberculosis and meets the income and resource eligibility requirements for the federal supplemental security program under 42 USC 1381 to 1383d.

49.46(1)(a)16.

16. Any child who is living with a relative who is eligible to receive payments under s. 48.57 (3m) or (3n) with respect to that child, if the department determines that no other insurance is available to the child.

49.46(1)(am)

(am)

49.46(1)(am)1.

1. (intro.) If the change requested under subd. 2. in the approved state plan for services under 42 USC 1396 is approved by the federal department of health and human services, the department shall disregard income from the following individuals, in an amount sufficient for the individual to become eligible for medical assistance under this section:

49.46(1)(am)1.a.

a. A pregnant woman whose family income, before any income is disregarded under this paragraph, does not exceed, in state fiscal year 1994-95, 155% of the poverty line for a family the size of the woman's family; and, in each state fiscal year after the 1994-95 state fiscal year, 185% of the poverty line for a family the size of the woman's family.

49.46(1)(am)1.b.

b. A child who is under 6 years of age and whose family income, before any income is disregarded under this paragraph, does not exceed, in state fiscal year 1994-95, 155% of the poverty line for a family the size of the child's family; and, in each state fiscal year after the 1994-95 state fiscal year, 185% of the poverty line for a family the size of the child's family.

49.46(1)(am)1.c.

c. A child who is under one year of age, whose mother was determined to be eligible under subd. 1. a. and who lives with his or her mother.

49.46(1)(am)2.

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2. The department shall request a change in the approved state plan for services under 42 USC 1396 to allow, pursuant to the authority granted under 42 USC 1396a (r) (2), the use of federal matching funds to provide medical assistance coverage to individuals under subd. 1., beginning on July 1, 1994.

49.46(1)(b)

(b) Any person shall be considered a recipient of aid for 3 months prior to the month of application if the proper agency determines eligibility existed during such prior month.

49.46(1)(c)

(c) (intro.) Except as provided under par. (c), a family that becomes ineligible for aid to families with dependent children under s. 49.19 **except for meeting the resource limit under s.49.19** because of increased income from employment or increased hours of employment or because of the expiration of the time during which the disregards under s. 49.19 (5) (a) 4. or 4m. or (am) apply shall receive medical assistance for:

49.46(1)(c)1.

1. (intro.) Six calendar months following the month in which the family becomes ineligible for aid to families with dependent children if all of the following apply:

49.46(1)(c)1.a.

a. The family is eligible for aid to families **except for meeting the resource limit under s. 49.19** with dependent children for at least 3 of the 6 months immediately preceding the month in which the family becomes ineligible.

49.46(1)(c)1.b.

b. The family continues to include a child who is, or would be if needy, a dependent child under s. 49.19.

49.46(1)(c)1.c.

c. The family complies with reporting requirements established by the department by rule.

49.46(1)(c)2.

2. (intro.) Six calendar months following the 6 months under subd. 1. if all of the following apply:

49.46(1)(c)2.a.

a. The family chooses to continue to receive medical assistance.

49.46(1)(c)2.b.

b. The family continues to include a child who is, or would be if needy, a dependent child under s. 49.19.

49.46(1)(c)2.c.

c. The family complies with reporting requirements established by the department by rule.

49.46(1)(c)2.d.

d. The caretaker relative has earnings in each month of the period unless the caretaker lacks earnings because of illness, involuntary loss of employment or other good cause as determined by the department.

49.46(1)(c)2.e.

e. The family's average gross monthly earnings, less the cost of child care necessary for the employment of the caretaker relative, during the immediately preceding 3-month period do not exceed 185% of the poverty line for a family the size of the family.

49.46(1)(cg)

(cg) Medical assistance shall be provided to a dependent child, a relative with whom the child is living or the spouse

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of the relative, if the spouse meets the requirements of s. 49.19 (1) (c) 2. a. or b., for 4 calendar months beginning with the month in which the child, relative or spouse is ineligible for aid to families with dependent children because of the collection or increased collection of maintenance or support, if the child, relative or spouse received aid to families with dependent children in 3 or more of the 6 months immediately preceding the month in which that ineligibility begins.

49.46(1)(co)

(co)

49.46(1)(co)1.

1. Except as provided subd. 2., medical assistance shall be provided to a family for 12 consecutive calendar months following the month in which the family becomes ineligible for aid to families with dependent children because of increased income from employment, because the family no longer receives the earned income disregard under s. 49.19 (5) (a) 4. 4m. or (am) due to the expiration of the time limit during which the disregards are applied or because of the application of the monthly employment time eligibility limitation under 45 CFR 233.100 (a) (1) (i).

49.46(1)(co)2.

2. If a waiver subd. 3. is granted, the department may select individuals to receive medical assistance benefits as provided par. (c). rather than under subd. 1., as a control group for part or all of the period during which the waiver is in effect.

49.46(1)(co)3.

3. The department shall request a waiver from the secretary of the federal department of health and human services to permit the extension of medical assistance benefits under subds. 1. and 2. Subdivision 1. does not apply unless a federal waiver is in effect. If a waiver is received, the department shall implement subds. 1. and 2. no later than the first day of the 6th month beginning after the waiver is approved.

49.46(1)(d)

(d) (intro.) For the purposes of this section:

49.46(1)(d)1.

1. Children who are placed in licensed foster homes or licensed treatment foster homes by the department and who would be eligible for payment of aid to families with dependent children in foster homes or treatment foster homes except that their placement is not made by a county department under s. 46.215, 46.22 or 46.23 will be considered as recipients of aid to families with dependent children.

49.46(1)(d)2.

2. Any accommodated person or any patient in a public medical institution shall be considered a recipient for purposes of this section if such person or patient would have inadequate means to meet his or her need for care and services if living in his or her usual living arrangement.

49.46(1)(d)3.

3. Any child adopted under s. 48.48 (12) shall be considered a recipient for any medical condition which exists at the time of the adoption or develops subsequent to the adoption.

49.46(1)(d)4.

4. A child who meets the conditions under 42 USC 1396a (e) (3) shall be considered a recipient of benefits under s. 49.77 or federal Title XVI.

49.46(1)(e)

(e) If an application under s. 49.47 (3) shows that the person has income and resources within the limitations of federal Title XVI or s. 49.77, or that the person is an essential person, an accommodated person or a patient in a public medical institution, the person shall be granted the benefits enumerated under sub. (2) whether or not the person requests or receives a grant of any of such aids.

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49.46(1)(j)

(j) An individual determined to be eligible for benefits under par. (a) 9, remains eligible for benefits par. (a) 9, for the balance of the pregnancy and to the last day of the month in which the 60th day after the last day of the pregnancy falls without regard to any change in the individual's family income.

49.46(1)(k)

(k)

49.46(1)(k)1.

1. If a child eligible for benefits under par. (a) 10, is receiving inpatient services covered under sub. (2) on the day before the birthday on which the child attains the age of 6 and, but for attaining that age, the child would remain eligible for benefits under par. (a) 10, the child remains eligible for benefits until the end of the stay for which the inpatient services are furnished.

49.46(1)(k)2.

2. If a child eligible for benefits par. (a) 11, is receiving inpatient services covered under sub. (2) on the day before the birthday on which the child attains the age of 19 and, but for attaining that age, the child would remain eligible for benefits under par. (a) 11, the child remains eligible for benefits until the end of the stay for which the inpatient services are furnished.

49.46(1)(l)

(L) For the purposes of par. (a) 9, to 12, "income" includes income that would be used in determining eligibility for aid to families with dependent children under s. 49.19, except to the extent that that determination is inconsistent with 42 USC 1396a (a) 17., and excludes income that would be excluded in determining eligibility for aid to families with dependent children under s. 49.19. For the purposes of par. (am), "income" shall be determined in accordance with the approved state plan for services under 42 USC 1396.

49.46(1)(m)

(m)

49.46(1)(m)1.

1. Except as provided in subd. 2, any individual who is otherwise eligible under this subsection and who is eligible for enrollment in a group health plan shall, as a condition of eligibility for medical assistance and if the department determines it is cost-effective to do so, apply for enrollment in the group health plan, except that, for a minor, the parent of the minor shall apply on the minor's behalf.

49.46(1)(m)2.

2. If a parent of a minor fails to enroll the minor in a group health plan in accordance subd. 1, the failure does not affect the minor's eligibility under this subsection.

49.46(1m)

(1m) Pilot project for working recipients of supplemental security income or social security disability income. The department shall request that the secretary of the federal department of health and human services and the commissioner of the federal social security administration waive the income and asset requirements for recipients of benefits under federal Title II or XVI to allow the department to conduct a pilot project to allow those recipients to work without losing eligibility for benefits under federal Title II or XVI or for medical assistance or medicare, as defined in s. 49.45 (3) (L) 1. b. If the request is approved, the department may implement the program and may require participants in the program to pay, on a sliding scale, a copayment for the cost of the program.

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4) Eligibility.

49.47(4)(a)

(a) (intro.) Any individual who meets the limitations on income and resources under pars. (b) and (c) and who complies with par. (cm) shall be eligible for medical assistance under this section if such individual is:

Insert >>> Any individual who is a child under age 19, a pregnant woman, a caretaker relative as of a child under age 18 or meeting the dependent 18 year old criteria described in 49.19 or the spouse of a caretaker relative is not subject to the resource limits set forth in par. (b).

49.47(4)(a)1.

1. Under 18 years of age or, if the person resides in an intermediate care facility, skilled nursing facility or inpatient psychiatric hospital, under 21 years of age.

49.47(4)(a)2.

2. Pregnant and the woman's pregnancy is medically verified. Eligibility continues to the last day of the month in which the 60th day after the last day of the pregnancy falls.

49.47(4)(a)3.

3. 65 years of age or older.

49.47(4)(a)4.

4. Blind or totally and permanently disabled as defined under federal Title XVI.

49.47(4)(am)

(am) (intro.) An individual who does not meet the limitation on income in par. (c) is eligible for medical assistance under this section if the individual is one of the following:

49.47(4)(am)1.

1. A pregnant woman whose family income does not exceed 155% of the poverty line for a family the size of the woman's family, except that if a waiver under par. (j) or a change in the approved state plan under s. 49.46 (1) (am) 2. is in effect, the income limit is 185% of the poverty line for a family the size of the woman's family in each state fiscal year after the 1994-95 state fiscal year.

49.47(4)(am)2.

2. A child who is under 6 years of age and whose family income does not exceed 155% of the poverty line for a family the size of the child's family, except that if a waiver under par. (j) or a change in the approved state plan under s. 49.46 (1) (am) 2. is in effect, the income limit is 185% of the poverty line for a family the size of the child's family in each state fiscal year after the 1994-95 state fiscal year.

49.47(4)(am)3.

3. A child who is under one year of age, whose mother was determined to be eligible under subd. 1. and who lives with his or her mother.

49.47(4)(as)

(as) (intro.) A person is eligible for benefits under this section if all of the following apply:

49.47(4)(as)1.

1. The person would meet the financial and other eligibility requirements for home or community-based services under s. 46.27 (11) or 46.277 but for the fact that the person engages in substantial gainful activity under 42 USC 1382c (a) (3).

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49.47(4)(as)2.

2. A waiver under s. 49.45 (38) is in effect or federal law authorizes federal financial participation for medical assistance coverage of the person.

49.47(4)(as)3.

3. Funding is available for the person under s. 46.27 (11) or 46.277.

49.47(4)(av)

(av)

49.47(4)(av)1.

1. (intro.) In this paragraph, "migrant worker" means any person who temporarily leaves a principal place of residence outside of this state and comes to this state for not more than 10 months in a year to accept seasonal employment in the planting, cultivating, raising, harvesting, handling, drying, packing, packaging, processing, freezing, grading or storing of any agricultural or horticultural commodity in its unmanufactured state. "Migrant worker" does not include any of the following:

49.47(4)(av)1.a.

a. A person who is employed only by a state resident if the resident or the resident's spouse is related to the person as the child, parent, grandchild, grandparent, brother, sister, aunt, uncle, niece, nephew, or the spouse of any such relative.

49.47(4)(av)1.b.

b. A student who is enrolled or, during the past 6 months has been enrolled, in any school, college or university unless the student is a member of a family or household which contains a migrant worker.

49.47(4)(av)1.c.

c. Any other person qualifying for an exemption under rules promulgated by the department.

49.47(4)(av)2.

2. The department shall request a waiver from the secretary of the federal department of health and human services to allow the application of subd. 3. The waiver shall also seek a waiver from those federal quality control standards under the medical assistance program that the department determines to be necessary in order to make the application of subd. 3, feasible. Subdivision 3, applies only while the waiver under this subdivision is in effect.

49.47(4)(av)3.

3. (intro.) In determining the eligibility for a migrant worker and his or her dependents for medical assistance under this section, the department shall do all of the following:

49.47(4)(av)3.a.

a. Grant the migrant worker and his or her dependents eligibility for medical assistance in this state, if the migrant worker and his or her dependents have a valid medical assistance identification card issued in another state and the migrant worker completes a Wisconsin medical assistance application provided by the department. Eligibility under this subd. 3, a, continues for the period specified on the identification card issued in the other state. The department shall notify the other state that the migrant worker and his or her dependents are eligible for medical assistance in Wisconsin.

49.47(4)(av)3.b.

b. Determine medical assistance eligibility using an income-averaging method described in the waiver under limitations under par. (c) using prospective budgeting.

49.47(4)(b)

(b) (intro.) Eligibility exists if the applicant's property does not exceed the following:

jonesjd

Proposed Statutory Changes - Eliminating the Asset Test for Family-Medicaid

49.47(4)(b)1.

1. A home and the land used and operated in connection therewith or in lieu thereof a mobile home if the home or mobile home is used as the person's or his or her family's place of abode.

49.47(4)(b)2.

2. Household and personal possessions.

49.47(4)(b)2m.

2m. (intro.) One or more motor vehicles as specified in this subdivision.

49.47(4)(b)2m.a.

a. For persons who are eligible under par. (a) 1. or 2., one vehicle is exempt from consideration as an asset. A 2nd vehicle is exempt from consideration as an asset only if the department determines that it is necessary for the purpose of employment or to obtain medical care. The equity value of any nonexempt vehicles owned by the applicant is an asset for the purposes of determining eligibility for medical assistance under this section.

49.47(4)(b)2m.b.

b. For persons who are eligible par. (a) 3. or 4., motor vehicles are exempt from consideration as an asset to the same extent as provided under 42 USC 1381 to 1385.

49.47(4)(b)2r.

2r. For a person who is eligible under par. (a) 3. or 4., the value of any burial space or agreement representing the purchase of a burial space held for the purpose of providing a place for the burial of the person or any member of his or her immediate family.

49.47(4)(b)2w.

2w. For a person who is eligible under par. (a) 3. or 4., life insurance with cash surrender values if the total face value of all life insurance policies is not more than \$1,500.

49.47(4)(b)3.

3. For a person who is eligible under par. (a) 3. 4., funds set aside to meet the burial and related expenses of the person and his or her spouse in an amount not to exceed \$1,500 each, minus the sum of the cash value of any life insurance excluded under subd. 2w. and the amount in any irrevocable burial trust under s. 445.125 (1) (a).

49.47(4)(b)3g.

3g. (intro.) Liquid assets for a single person limited to:

49.47(4)(b)3g.a.

a. In 1985, \$1,600.

49.47(4)(b)3g.b.

b. In 1986, \$1,700.

49.47(4)(b)3g.c.

c. In 1987, \$1,800.

49.47(4)(b)3g.d.

d. In 1988, \$1,900.

49.47(4)(b)3g.e.

e. After December 31, 1988, \$2,000.

49.47(4)(b)3m.

jonesjd

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3m. (intro.) Liquid assets for a family of 2, limited to:

49.47(4)(b)3m.a.
a. In 1985, \$2,400.

49.47(4)(b)3m.b.
b. In 1986, \$2,550.

49.47(4)(b)3m.c.
c. In 1987, \$2,700.

49.47(4)(b)3m.d.
d. In 1988, \$2,850.

49.47(4)(b)3m.e.
e. In 1989, \$3,000.

49.47(4)(b)3r.
3r. Liquid assets limited to \$300 for each legal dependent in addition to a family of 2.

49.47(4)(b)4.
4. Additional tangible personal property of reasonable value, considering the number of members in the family group, used in the production of income.

49.47(4)(c)
(c)

49.47(4)(c)1.

1. Except as provided in par. (am) and as limited by subd. 3., eligibility exists if income does not exceed 133 1/3% of the maximum aid to families with dependent children payment under s. 49.19 (11) for the applicant's family size or the combined benefit amount available under supplemental security income under 42 USC 1381 to 1383c and state supplemental aid under s. 49.77 whichever is higher. In this subdivision "income" includes earned or unearned income that would be included in determining eligibility for the individual or family under s. 49.19 or 49.77, or for the aged, blind or disabled under 42 USC 1381 to 1385. "Income" does not include earned or unearned income which would be excluded in determining eligibility for the individual or family under s. 49.19 or 49.77, or for the aged, blind or disabled individual under 42 USC 1381 to 1385.

49.47(4)(c)2.

2. Whenever an applicant has excess income under subd. 1. or par. (am), no certification may be issued until the excess income above the applicable limits has been obligated or expended for medical care or for any other type of remedial care recognized under state law or for personal health insurance premiums or both.

49.47(4)(c)3.

3. Except as provided in par. (am), no person is eligible for medical assistance under this section if the person's income exceeds the maximum income levels that the U.S. department of health and human services sets for federal financial participation under 42 USC 1396b (f).

49.47(4)(cm)

(cm)

49.47(4)(cm)1.

1. Except as provided subd. 2., any individual who is otherwise eligible under this subsection and who is eligible for enrollment in a group health plan shall, as a condition of eligibility for medical assistance and if the department determines it is cost-effective to do so, apply for enrollment in the group health plan, except that, for a minor, the parent of the minor shall apply on the minor's behalf.

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49.47(4)(em)2.

2. If a parent of a minor fails to enroll the minor in a group health plan in accordance with subd. 1., the failure does not affect the minor's eligibility under this subsection.

49.47(4)(d)

(d) An individual is eligible for medical assistance under this section for 3 months prior to the month of application if the individual met the eligibility criteria under this section during those months.

49.47(4)(e)

(e) Temporary absence of a resident from the state shall not be grounds for denying the certificate or for the cancellation of an existing certificate.

49.47(4)(f)

(f) An individual determined to be eligible for benefits under par. (am) 1. remains eligible for benefits under par. (am) 1. for the balance of the pregnancy and to the last day of the first month which ends at least 60 days after the last day of the pregnancy without regard to any change in the individual's family income.

49.47(4)(g)

(g) If a child eligible for benefits par. (am) 2. is receiving inpatient services covered sub. (6) on the day before the birthday on which the child attains the age of 6 and, but for attaining that age, the child would remain eligible for benefits under par. (am) 2., the child remains eligible for benefits until the end of the stay for which the inpatient services are furnished.

49.47(4)(h)

(h) For the purposes of par. (am), "income" includes income that would be used in determining eligibility for aid to families with dependent children under s. 49.19 and excludes income that would be excluded in determining eligibility for aid to families with dependent children under s. 49.19.

49.47(4)(i)

(i)

49.47(4)(i)1.

1. The department shall request a waiver from the secretary of the federal department of health and human services to permit the application of subd. 2. The waiver shall request approval to implement the waiver on a statewide basis, unless the department of health and family services determines that statewide implementation of the waiver would present an obstacle to the approval of the waiver by the secretary of the federal department of health and human services, in which case the waiver shall request approval to implement the waiver in 48 pilot counties to be selected by the department of health and family services. Within 30 days after August 12, 1993, the department of regulation and licensing shall notify funeral directors licensed under ch. 445, cemetery associations, as defined in s. 157.061 (1r), and cemetery authorities, as defined in s. 157.061 (2), of the terms of the waiver required to be requested under this subdivision. If the waiver is approved by the secretary of the federal department of health and human services and if the waiver remains in effect subd. 2. shall apply.

49.47(4)(i)2.

2. (intro.) Notwithstanding par. (b) 2r. 3., a person who is described in par. (a) 3. 4. is not eligible for benefits under this section if any of the following criteria is met:

49.47(4)(i)2.a.

a. For the person or his or her spouse, the sum of the following, less the cash value of any life insurance excluded under par. (b) 2w. that was obtained after July 1, 1993, exceeds \$8,000: the value of any burial space or agreement described in par. (b) 2r. that was acquired after July 1, 1993; the amount in any irrevocable burial trust under s. 445.125 (1) (a) that was acquired after July 1, 1993; and any funds set aside after July 1, 1993, to meet the burial and related expenses under par. (b) 3.

Proposed Statutory Changes - Eliminating the Asset Test for Family-Medicaid

49.47(4)(i)2.b.

b. The value of any burial space or agreement described in par. (b) 2r. that is held for any other member of the person's immediate family and that was acquired after July 1, 1993, exceeds \$8,000.

49.47(4)(i)2.c.

c. For the person or his or her spouse, the value of amounts set aside under par. (b) 3. for cemetery property and fees to open and close grave sites, including mausoleum spaces, exceeds \$1,000.

49.47(4)(j)

(j) If the change in the approved state plan under s. 49.46(1)(am) 2. is denied, the department shall request a waiver from the secretary of the federal department of health and human services to allow the use of federal matching funds to provide medical assistance coverage under par. (am) 1. and 2 .to individuals whose family incomes do not exceed 185% of the poverty line in each state fiscal year after the 1994-95 state fiscal year.



Soon
State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb1710/P1

TAY.....

** D Note*

WJ
RMK

LFB:.....Amie – Technical change to MA medically indigent

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT ,

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

1 At the locations indicated, amend the substitute amendment as follows:

2 ✓ **1.** Page 722, line 10: after that line insert:

3 “SECTION 1433tm. 49.46 (1) (a) 6. ✓ of the statutes is amended to read:

4 49.46 (1) (a) 6. Any person not described in pars. (c) to (e) who is, without regard
5 to the individual’s resources, would be considered, under federal law, to be receiving
6 aid to families with dependent children for the purpose of determining eligibility for
7 medical assistance.”.

History: 1971 c. 125, 211, 215; 1973 c. 90, 147; 1975 c. 39; 1977 c. 29 ss. 592m, 1656 (18); 1977 c. 389, 418; 1979 c. 34, 221; 1981 c. 20, 93, 317; 1983 a. 27; 1983 a. 189 s. 329 (5); 1983 a. 245 ss. 10, 15; 1983 a. 538; 1985 a. 29, 120, 176, 253; 1987 a. 27, 307, 339, 399, 413; 1989 a. 9; 1989 a. 31 ss. 1454d to 1460 and 2909g, 2909i; 1989 a. 122, 173, 333, 336, 351; 1991 a. 39, 178, 269, 316; 1993 a. 16, 99, 269, 277, 446, 450, 491; 1995 a. 27, 77, 164, 289, 303, 457; 1997 a. 27, 35, 105, 237.

8 ✓ **2.** Page 723, line 20: after that line insert:

9 “SECTION 1437m. 49.47 (4) (a) 1. of the statutes is amended to read:

1 49.47 (4) (a) 1. ~~Under 18~~ At least 19 years of age but under 21 years of age or,
2 if and the person resides in an intermediate care facility, skilled nursing facility or
3 inpatient psychiatric hospital, ~~under 21 years of age.~~

History: 1971 c. 125; 1971 c. 213 s. 5; 1971 c. 215; 1973 c. 90, 147, 333; 1977 c. 29 ss. 593, 1656 (18); 1977 c. 105 s. 59; 1977 c. 273, 418; 1979 c. 34; 1981 c. 20, 93; 1981 c. 314 s. 144; 1983 a. 27, 245; 1985 a. 29; 1987 a. 27, 307, 399, 413; 1989 a. 9; 1989 a. 31 ss. 1462k to 1466d, 2909c to 2909i; 1989 a. 173, 336, 351; 1991 a. 39, 178, 269, 316; 1993 a. 16, 269, 277, 437; 1995 a. 27 ss. 3026 to 3028, 9126 (19); 1995 a. 225, 289, 295; 1997 a. 27.

4 **SECTION 1437n.** 49.47 (4) (a) 2. of the statutes is renumbered 49.47 (4) (ag) 2. ✓

5 **SECTION 1437p.** 49.47 (4) (ag) (intro.) of the statutes is created to read:

6 49.47 (4) (ag) (intro.) Any individual who meets the limitations on income
7 under par. (c) and who complies with par. (cm) shall be eligible for medical assistance
8 under this section if such individual is:

9 **SECTION 1437q.** 49.47 (4) (ag) 1. of the statutes is created to read:

10 49.47 (4) (ag) 1. Under the age of 19.”

11 ✓ **3.** Page 724, line 5: after that line insert:

12 “**SECTION 1439m.** 49.47 (4) (b) 2m. a. of the statutes is amended to read:

13 49.47 (4) (b) 2m. a. For persons who are eligible under par. (a) 1. ~~or 2.~~, one
14 vehicle is exempt from consideration as an asset. A 2nd vehicle is exempt from
15 consideration as an asset only if the department determines that it is necessary for
16 the purpose of employment or to obtain medical care. The equity value of any
17 nonexempt vehicles owned by the applicant is an asset for the purposes of
18 determining eligibility for medical assistance under this section.

History: 1971 c. 125; 1971 c. 213 s. 5; 1971 c. 215; 1973 c. 90, 147, 333; 1977 c. 29 ss. 593, 1656 (18); 1977 c. 105 s. 59; 1977 c. 273, 418; 1979 c. 34; 1981 c. 20, 93; 1981 c. 314 s. 144; 1983 a. 27, 245; 1985 a. 29; 1987 a. 27, 307, 399, 413; 1989 a. 9; 1989 a. 31 ss. 1462k to 1466d, 2909c to 2909i; 1989 a. 173, 336, 351; 1991 a. 39, 178, 269, 316; 1993 a. 16, 269, 277, 437; 1995 a. 27 ss. 3026 to 3028, 9126 (19); 1995 a. 225, 289, 295; 1997 a. 27.

19 **SECTION 1439q.** 49.47 (6) (a) 7. of the statutes is amended to read:

20 49.47 (6) (a) 7. Beneficiaries eligible under sub. (4) ~~(a) 2.~~ (ag) 2. or (am) 1., for
21 services under s. 49.46 (2) (a) and (b) that are related to pregnancy, including

- 1 postpartum services and family planning services, as defined in s. 253.07 (1) (b), or
2 related to other conditions which may complicate pregnancy.”

History: 1971 c. 125; 1971 c. 213 s. 5; 1971 c. 215; 1973 c. 90, 147, 333; 1977 c. 29 ss. 593, 1656 (18); 1977 c. 105 s. 59; 1977 c. 273, 418; 1979 c. 34; 1981 c. 20, 93; 1981 c. 314 s. 144; 1983 a. 27, 245; 1985 a. 29; 1987 a. 27, 307, 399, 413; 1989 a. 9; 1989 a. 31 ss. 1462k to 1466d, 2909c to 2909i; 1989 a. 173, 336, 351; 1991 a. 39, 178, 269, 316; 1993 a. 16, 269, 277, 437; 1995 a. 27 ss. 3026 to 3028, 9126 (19); 1995 a. 225, 289, 295; 1997 a. 27.

3

(END)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBb1710/P1dn

TAY.../.....

Wlj

Amie and Charlie:

I made most of the changes suggested by DHFS to effect the intent of the Joint Finance Committee. The department recommended a couple of changes, however, that seemed unnecessary, so I did not make those changes. Two of those suggestions were to amend subdivisions in s. 49.46 (1) (c).[✓] That paragraph deals with families who, within the previous ~~5~~^{six} months, have lost eligibility for AFDC because of increased income. I don't believe any family meets that description anymore, so I did not amend those subdivisions.

I also did not include in s. 49.47[✓] any references to a caretaker relative or a spouse of a caretaker relative since those persons do not appear to be eligible for MA under s. 49.47 anyway.

If you have any questions, please do not hesitate to contact me.

Tina A. Yacker
Legislative Attorney
Phone: (608) 261-6927
E-mail: Tina.Yacker@legis.state.wi.us

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBb1710/P1dn
TAY:wlj:km

August 24, 1999

Amie and Charlie:

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If you have any questions, please do not hesitate to contact me.

Tina A. Yacker
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E-mail: Tina.Yacker@legis.state.wi.us



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb1710/P1
TAY:wlj:km

LFB:.....Goldman – Technical change to MA medically indigent

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT ,

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 722, line 10: after that line insert:

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4 49.46 (1) (a) 6. Any person not described in pars. (c) to (e) who is, without regard
5 to the individual’s resources, would be considered, under federal law, to be receiving
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7 medical assistance.”.

8 **2.** Page 723, line 20: after that line insert:

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