

**2013 DRAFTING REQUEST**

**Bill**

Received: 1/2/2014 Received By: tdodge  
Wanted: Today Same as LRB:  
For: Governor 266-9709 By/Representing: Waylon Hurlburt  
May Contact: Legislative Fiscal Bureau Drafter: tdodge  
DHS Addl. Drafters:  
Subject: Medical Assistance Extra Copies:

Submit via email: YES  
Requester's email: waylon.hurlburt@wisconsin.gov  
Carbon copy (CC) to: tamara.dodge@legis.wisconsin.gov

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Changing timing of eligibility and other changes to BadgerCare Plus

---

**Instructions:**

See attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tdodge 1/2/2014			_____			
/P1	tdodge 1/6/2014	csicilia 1/3/2014	rschluet 1/3/2014	_____	mbarman 1/3/2014		State
/P2	tdodge 1/7/2014	jdyer 1/6/2014	rschluet 1/6/2014	_____	srose 1/6/2014		State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1		csicilia 1/7/2014	rschluet 1/7/2014	_____	mbarman 1/7/2014	mbarman 1/7/2014	State

FE Sent For:

01-07-2014  
(1/1)

<END>

Requested By  
by Waylon

**2013 DRAFTING REQUEST**

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May Contact: **Legislative Fiscal Bureau** Drafter: **tdodge**  
**DHS**

Subject: **Medical Assistance** Extra Copies:

Submit via email: **YES**

Requester's email: **waylon.hurlburt@wisconsin.gov**

Carbon copy (CC) to: **tamara.dodge@legis.wisconsin.gov**

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No specific pre topic given

**Topic:**

Changing timing of eligibility and other changes to BadgerCare Plus

**Instructions:**

See attached

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Subject: Medical Assistance Extra Copies: JLD ↓

Submit via email: YES  
Requester's email: waylon.hurlburt@wisconsin.gov  
Carbon copy (CC) to: tamara.dodge@legis.wisconsin.gov

(LPS: please add  
in next time)

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/P2		jdyer 1/6/2014	rschluet 1/6/2014	_____	srose 1/6/2014		State

1 gjs 1/7/14

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/?	tdodge 1/2/2014	P2 1/6 jld	jd	_____			
/P1		csicilia 1/3/2014	rschluet 1/3/2014	_____	mbarman 1/3/2014		State

FE Sent For:

<END>

Jim  
1/4  
16

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Changing timing of eligibility and other changes to BadgerCare Plus

Instructions:

See attached

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/?	tdodge	PI gjs 1/3 1/4					

FE Sent For:

<END>

## Dodge, Tamara

---

**From:** Hurlburt, Waylon - GOV <Waylon.Hurlburt@wisconsin.gov>  
**Sent:** Monday, December 30, 2013 4:59 PM  
**To:** Dodge, Tamara; Kahler, Pam  
**Subject:** Urgent Bill Draft Request  
**Attachments:** 20131230165058209.pdf

**Importance:** High

Pam and Tami,

You may have seen that we need to change the a date to February 1, 2014 for parents and caretakers due to an agreement between DHS and CMS. See attached.

DHS is sending me drafting instructions. I will forward them when I get them, but wanted to make you both aware that we would need this ASAP. We would likely be looking to get the bill in JFC when they are in on the 8<sup>th</sup> of January.

This may be a new special session bill or it may not. That decision will come later in the week.

Bob Lang is aware and feel free to communicate any draft with LFB as we move forward just as the last time.

Thanks.

Waylon Hurlburt

*Policy Director*

*The Office of Governor Scott Walker*

*State of Wisconsin*

*(608)266-9709*



State of Wisconsin  
Department of Health Services

---

Scott Walker, Governor  
Kitty Rhoades, Secretary

December 30, 2013

Assembly Speaker Robin Vos  
211 West  
State Capitol  
Madison WI, 53708

Senate Majority Leader Scott Fitzgerald  
211 South  
State Capitol  
Madison, WI 53707

Senator Minority Leader Chris Larson  
206 South  
State Capitol  
Madison, WI 53707

Assembly Minority Leader Peter Barca  
Room 201 West  
State Capitol  
Madison, WI 53708

Dear Speaker Vos, Majority Leader Fitzgerald, Minority Leader Larson and  
Minority Leader Barca:

In the Department of Health Services' (DHS) ongoing efforts to provide the members of the Wisconsin Legislature with the most recent information on the implementation of Governor Walker's entitlement reforms, we are writing to provide an update on the state's negotiations with the Centers for Medicare and Medicaid Services (CMS).

As you are aware, the Department has focused on implementing the Governor's Medicaid reforms that will ensure every Wisconsin resident living in poverty has access to Medicaid while cutting the state's uninsured rate in half. Throughout the summer and fall, DHS and the Office of the Commissioner of Insurance initiated a comprehensive communication plan including hosting town hall meetings, meeting with editorial boards, providing training for in-person assisters and insurance agents. DHS has also communicated with thousands of Wisconsin residents who will have access to Medicaid for the first time and those who have the opportunity to purchase private health insurance through the federal [Healthcare.gov](http://Healthcare.gov) website.

As we know, due to significant technical issues that made it difficult for Wisconsin individuals to access [Healthcare.gov](http://Healthcare.gov), Wisconsin was in a challenging situation. Because the Wisconsin budget reforms were scheduled to take effect on January 1, 2014, many of the individuals who were transitioning from Medicaid into the insurance products offered through [Healthcare.gov](http://Healthcare.gov) would have less than one month to apply, select and pay for an insurance plan. Rather than allow these 77,000 individuals to fall through the cracks, the Governor announced a delay in the implementation of the Wisconsin Medicaid reforms. After successful passage of the legislation this month, 2013 Act 116 moves the implementation of these reforms to April 1, 2014, providing 77,000 Wisconsin residents additional time to find insurance within the federal health insurance Marketplace.

Since the Governor's announcement, the Department has been actively working with staff at CMS to address the programmatic and system changes needed to meet the three month delay. Over the course of past weeks, DHS and CMS have had constructive and engaging discussions on how to operationalize the delay in Wisconsin in order to meet both the systems and policy needs of the state and CMS. In late December, CMS wrote to the state of Wisconsin confirming an agreement between the two entities related to the state's delay of entitlement reforms until April 1, 2014. The agreement outlined by CMS meets the key objectives of the state, while providing both the state and federal governments with systems flexibility to ensure a smooth transition.

Under the agreement, CMS agrees to the state's delay in implementing the entitlement reforms originally approved in the 2013-15 state budget and subsequently delayed under 2013 Wisconsin Act 116. The agreement addresses the following groups of individuals within Medicaid:

**Parents and Caretakers:**

Under the agreement, all enrolled BadgerCare parents and caretakers who have incomes between 100% and 200% of the Federal Poverty Level (FPL) will remain eligible for Wisconsin Medicaid until March 31, 2014. During this time, the Department will continue communication and outreach efforts to provide these individuals with the most up-to-date information about the federal health insurance exchange, or the Marketplace. In addition, DHS will continue to remind all populations that access to insurance coverage through the Marketplace's open enrollment period ends March 31, 2014 and that premiums are due March 15, 2014.

At the request of CMS, the agreement will make one modification to new parents and caretakers between 100% and 200% FPL. Under this provision, any new parent or caretaker who applies for Medicaid before February 1, 2014 will be eligible for Wisconsin Medicaid until March 31, 2014. While these individuals will be covered under Wisconsin Medicaid, the Department will continue to provide information on the Marketplace since Medicaid eligibility for these new individuals will end March 31, 2014. Eligibility for new parents and caretakers who apply for Medicaid coverage after February 1, 2014 will be run under the new Modified Adjusted Gross Income (MAGI) rules and new income eligibility standards. This will result in new parents and caretakers between 100% and 200% FPL seeking health coverage after February 1, 2014 being directed to the Marketplace for health coverage options.

December 30, 2013

Page | 3

This technical modification will allow Wisconsin to implement the entitlement reforms envisioned by the state budget on February 1, 2014 instead of April 1, 2014. As such, a technical bill will be required to bring Wisconsin statutes and the agreement between Wisconsin and CMS into compliance. The Department will forward proposed language in early 2014 for legislative consideration in the January floor period.

Letters to individuals impacted by these changes are attached available online at:  
<http://www.dhs.wisconsin.gov/em/CustomHelp/bcpleters.htm>

**Childless Adults:**

Under the agreement, Medicaid benefits for childless adults under 100% FPL that were slated to begin January 1, 2014 will be delayed until April 1, 2014. Childless adults seeking coverage through Wisconsin Medicaid will have MAGI-based eligibility determined in February of 2014. For those whose income is below 100% FPL, Wisconsin Medicaid benefits will begin April 1, 2014. For those childless adults with incomes greater than 100% FPL, their accounts will be transferred to the federal Marketplace to access affordable health insurance as well as apply for the Advance Premium Tax Credit (APTC).

For childless adults who have incomes between 100% and 200% FPL, and are currently enrolled in the BadgerCare Plus Core Plan, the agreement allows for them to remain on the program until March 31, 2014. At that time, childless adults in the Core Plan under 100% FPL will be automatically enrolled in the new Medicaid standard benefit. Childless adults in the Core Plan between 100% and 200% FPL who will be transitioning off of Medicaid on March 31, 2014 will continue to receive information on how to access health insurance options in the Marketplace prior to the March 31, 2014 open enrollment deadline.

Wisconsin and CMS are close to finalizing the state's 1115 demonstration waiver to provide standard Medicaid benefits to all childless adults living in poverty. As this waiver is finalized, the Department will provide the Legislature with the details of this agreement.

**Communication and System Impacts:**

As part of the agreement, the Department will provide a letter and questionnaire to existing BadgerCare Plus enrollees asking for information related to tax filing status and other information necessary to complete a MAGI-based redetermination. The Department is currently mailing this information to individuals. A copy of the questionnaire is available at:  
<http://www.dhs.wisconsin.gov/forms/f0/f00914.pdf>

In addition, the Department intends on continuing our outreach efforts to both members of the transitioning population as well as those who are on the former Core Plan wait list. Over the past weeks, DHS has sent letters and made phone calls to provide members of the transition population and Core Plan wait list with information on pending eligibility changes as well as the option to access affordable health insurance through the Federal Marketplace. In early November, the state continued its communication efforts by mailing paper applications to individuals transition from Medicaid in an effort to provide another option to enroll other than the [Healthcare.gov](http://Healthcare.gov) site and the call center toll free number.

December 30, 2013

Page | 4

Moving forward, the Department will continue outreach that includes letters, phone calls, targeted communication to individuals with chronic illnesses, as well as exploring the use of email and text messages to provide individuals with the most up-to-date information on the eligibility changes and options.

The agreement with CMS also modifies the current eligibility process and establishes Wisconsin as an assessment state starting January 1, 2014 rather than deferring to the federal Marketplace to make eligibility determinations. This change will greatly enhance program integrity related to Medicaid eligibility standards and will provide a more accurate and timely eligibility determination for members applying.

Thank you for the opportunity to update you and the members of the Wisconsin Legislature on the Department's ongoing efforts to implement Governor Walker's entitlement reforms. As always, should you have questions, please feel free to contact us.

Sincerely,



Kitty Rhoades  
Secretary

CC: Members of the Wisconsin Legislature  
Bob Lang, Director Wisconsin Legislative Fiscal Bureau

Attachments:

1. December 20, 2013 Correspondence from CMS to Department of Health Services
2. December 30, 2013 Response from Department of Health Services to CMS

## Dodge, Tamara

---

**From:** Hurlburt, Waylon - GOV <Waylon.Hurlburt@wisconsin.gov>  
**Sent:** Thursday, January 02, 2014 11:42 AM  
**To:** Dodge, Tamara  
**Subject:** RE: Urgent Bill Draft Request

Please cc me with the drafts otherwise that is fine.

Thanks.

Waylon

---

**From:** Dodge, Tamara [<mailto:Tamara.Dodge@legis.wisconsin.gov>]  
**Sent:** Thursday, January 02, 2014 11:37 AM  
**To:** Hurlburt, Waylon - GOV  
**Cc:** Rowe, Sandra M - DHS; O'Day, Renee C - DHS; Moore, Kevin E - DHS; Ignatowski, Alex - DHS; Morgan, Charles - LEGIS  
**Subject:** RE: Urgent Bill Draft Request

I probably won't have a draft out by end-of-business today. But, I will draft it today and have it out first thing tomorrow morning at the latest. Waylon, if it is okay with you, I will email electronic copies to Sandra Rowe and Renee O'Day of DHS directly to save some time. Let me know if you want anyone else to receive a copy directly from me.

Tami

### Tamara J. Dodge

Attorney  
Wisconsin Legislative Reference Bureau  
P.O. Box 2037  
Madison, WI 53701-2037  
(608) 267 - 7380  
[tamara.dodge@legis.wisconsin.gov](mailto:tamara.dodge@legis.wisconsin.gov)

---

**From:** Hurlburt, Waylon - GOV [<mailto:Waylon.Hurlburt@wisconsin.gov>]  
**Sent:** Thursday, January 02, 2014 11:19 AM  
**To:** Dodge, Tamara  
**Cc:** Rowe, Sandra M - DHS; O'Day, Renee C - DHS; Moore, Kevin E - DHS; Ignatowski, Alex - DHS; Morgan, Charlie  
**Subject:** RE: Urgent Bill Draft Request

DHS drafting instructions attached. Do you think we can get a draft for DHS to review today?

Please contact Sandra Rowe or Renee O'Day with questions.

Please share with LFB any information at their request. I included Charlie Morgan on this email.

Thanks.

Waylon

---

**From:** Hurlburt, Waylon - GOV  
**Sent:** Thursday, January 02, 2014 10:04 AM  
**To:** Dodge, Tamara - LEGIS  
**Subject:** RE: Urgent Bill Draft Request

This will be a regular session bill draft. I'll shoot you DHS's suggested language when I get it.

---

**From:** Hurlburt, Waylon - GOV  
**Sent:** Thursday, January 02, 2014 8:10 AM  
**To:** Dodge, Tamara - LEGIS  
**Subject:** RE: Urgent Bill Draft Request

Thank you very much Tami.

---

**From:** Dodge, Tamara [<mailto:Tamara.Dodge@legis.wisconsin.gov>]  
**Sent:** Thursday, January 02, 2014 7:39 AM  
**To:** Hurlburt, Waylon - GOV  
**Subject:** RE: Urgent Bill Draft Request

Waylon,

I wanted to let you know I received your email below and I would be the drafter of this. I am in the office the rest of this week and beyond and will be available whenever you need to have this drafted. I will start looking at it now in advance of the instructions from DHS.

Thanks,  
Tami

**Tamara J. Dodge**  
Attorney  
Wisconsin Legislative Reference Bureau  
P.O. Box 2037  
Madison, WI 53701-2037  
(608) 267 - 7380  
[tamara.dodge@legis.wisconsin.gov](mailto:tamara.dodge@legis.wisconsin.gov)

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**From:** Hurlburt, Waylon - GOV [<mailto:Waylon.Hurlburt@wisconsin.gov>]  
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This may be a new special session bill or it may not. That decision will come later in the week.

Bob Lang is aware and feel free to communicate any draft with LFB as we move forward just as the last time.

Thanks.

Waylon Hurlburt

*Policy Director*

*The Office of Governor Scott Walker*

*State of Wisconsin*

*(608)266-9709*

## Drafting Instructions

1. For parents and caretakers who apply and are eligible on or before January 31, 2014 under 49.471
  - 200% FPL and no MAGI – 49.471(4)(a)4.b.
  - Then repeal this effective April 1, 2014
2. For parents and caretakers who first apply on or after February 1, 2014 under 49.471
  - 100% FPL and MAGI – 49.471(4)(a)4.b.
3. Effective date should be February 1, 2014 for the following Act 20 changes:
  - 49.46(1)(a)15. ---TB (amended)
  - 49.47(4)(a)1. --- minors in IMDs (amended)
  - 49.471(4)(a)4.a. --- dependent child definition (amended) \*
  - 49.471(4)(a)4.c. --- special treatment for self-employed (repealed) \*
  - 49.471(7)(a) --- special treatment for self-employed (repealed) \*
  - 49.471(7)(c) --- disregards, etc (repealed) \*
  - 49.471(7)(e) --- family size under MAGI (created) \*

\* February 1 effective date only for those who first apply on or after Feb. 1;  
April 1 effective date for those who apply and are eligible on or before January 31



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-3896-00-A  
TJD:j.....

In: 1/2 after end of business

Due Friday 1/3 ASAP

y's RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SA ✓

Gen Cat

1 AN ACT ...; relating to: changing the timing of eligibility changes and other  
2 changes to BadgerCare Plus.

*Analysis by the Legislative Reference Bureau*

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

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:*

3 SECTION 1. 2013 Wisconsin Act 20, section 9318 (14) is repealed and recreated  
4 to read:

- 5 (14) MODIFIED ADJUSTED GROSS INCOME. (a) The treatment of sections 49.46 (1)
- 6 (a) 15., 49.47 (4) (a) 1., and 49.471 (1) (f), (4) (a) 4. a., b., and c. and (b) 4., and (7) (a) and
- 7 (e) of the statutes and the repeal of section 49.471 (7) (c) of the statutes first apply
- 8 to initial determinations of eligibility for Medical Assistance for individuals who

made on February 1, 2014,

[2013 Wisconsin Act 20] Section 9318

made on the effective date of this paragraph

1 apply after January 31, 2014, for Medical Assistance on the effective date of this

2 subsection. paragraph

3 (b) The treatment of sections 49.46 (1) (a) 15., 49.47 (4) (a) 1., <sup>and</sup> 49.471 (1) (f), (4)  
4 (a) 4. a., b., and c. and (b) 4., and (7) (a) and (e) of the statutes and the repeal of section  
5 49.471 (7) (c) of the statutes first apply to redeterminations of eligibility for Medical

6 Assistance for individuals who apply before February 1, 2014, for Medical Assistance  
7 on April 1, 2014. made on April 1, 2014

\*\*\*\*NOTE: This section of the draft changes the initial applicability provision from the biennial budget act.

8 SECTION 2. 2013 Wisconsin Act 20, section 9418 (7), as affected by 2013  
9 Wisconsin Act 116, is amended to read:

10 [2013 Wisconsin Act 20] Section 9418 (7) PATIENT PROTECTION AND AFFORDABLE  
11 CARE ACT CHANGES. The treatment of sections 49.45 (23) (a) (by SECTION 1046) and (e),  
12 49.46 (1) (a) 15., 49.47 (4) (a) 1., 49.471 (1) (f), (3) (a) 1. and 3., (4) (a) 4. a., b., and c.  
13 and (b) (intro.), 1., 1m., 2., and 3., and 4., (6) (d), (7) (a), (b) 1. and 2. and (e), (8) (d)  
14 1. b., (9) (a) 2. b., and (10) (b) 1. (by SECTION 1143) and 4. b., 49.84 (6) (c) 1. d., and  
15 66.0137 (3) of the statutes, the repeal of section 49.471 (7) (c) of the statutes, and  
16 SECTION 9318 (14) of this act take takes effect on April 1, 2014.

17 SECTION 3. 2013 Wisconsin Act 20, section 9418 (7g) of the statutes is created  
18 to read:

19 [2013 Wisconsin Act 20] Section 9418 (7g) BADGERCARE PLUS ELIGIBILITY;  
20 MODIFIED ADJUSTED GROSS INCOME. The treatment of sections 49.45 (23) (e), 49.46 (1)  
21 (a) 15., 49.47 (4) (a) 1., <sup>and</sup> 49.471 (1) (f), (4) (a) 4. a., b., and c. and (b) 4., and (7) (a) and  
22 (e), the repeal of section 49.471 (7) (c) of the statutes, and SECTION 9318 (14) of this  
23 act take effect on February 1, 2014.

on  
February 1

\*\*\*\*NOTE: This section of the draft changes the effective date of the modified adjusted gross income provisions and the income eligibility changes for parents and caretaker relatives from April 1, 2014, to February 1, 2014. Thus, the income eligibility level in the statutes will change from up to 200 percent of the poverty line to up to 100 percent of the poverty line. The extension of eligibility for those parents and caretaker relatives who apply before February 1 is located in a nonstatutory provision at the end of this draft.

With family incomes between 100 and 200 percent of the poverty line

\*\*\*\*NOTE: Please note that, in addition to the requested sections, this draft also changes the effective date to February 1 for the application of modified adjusted gross income rules to BadgerCare Plus Core eligibility (s. 49.45 (23) (a)) and for the repeal of the eligibility for parents and caretaker relatives for the Benchmark plan (s. 49.471 (4) (b) 4.). Please advise if the effective date of either of these changes should remain at April 1, 2014.

\*

o

e of

STET:  
no changes

1 SECTION 4. 2013 Wisconsin Act 116, section 33 (2) is amended to read:  
2 [2013 Wisconsin Act 116] Section 33 (2) MEDICAL ASSISTANCE ELIGIBILITY. The  
3 treatment of sections section 49.45 (23) (a) (by SECTION 2) and 49.471 (4) (a) 4. b. of  
4 the statutes takes effect on April 1, 2014.

5 SECTION 5. 2013 Wisconsin Act 116, section 33 (2m) is created to read:  
6 [2013 Wisconsin Act 116] Section 33 (2m) BADGERCARE PLUS ELIGIBILITY. The  
7 treatment of section 49.471 (4) (a) 4. b. of the statutes takes effect on February 1,  
8 2014.

9 SECTION 6. Nonstatutory provisions.

10 (1) BADGERCARE PLUS ELIGIBILITY. Notwithstanding section 49.471 (4) (a) 4. of  
11 the statutes, beginning on February 1, 2014, the department of health services shall  
12 allow individuals whose family income does not exceed 200 percent of the poverty  
13 line, who apply and are eligible for benefits under section 49.471 (4) (a) 4. or (b) 4.  
14 of the statutes before February 1, 2014, and who would otherwise be eligible for  
15 benefits under section 49.471 (4) (a) 4. of the statutes except for the income limit to  
16 continue to be eligible for benefits under section 49.471 (4) (a) 4. of the statutes until  
17 April 1, 2014.

\*\*\*\*NOTE: Please confirm that this nonstatutory provision is adequate to maintain eligibility for parents and caretaker relatives with family income between 100 and 200 percent of the poverty line who apply before February 1.

1

(END)

## Dodge, Tamara

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**From:** Rowe, Sandra M - DHS <SandraM.Rowe@dhs.wisconsin.gov>  
**Sent:** Friday, January 03, 2014 3:24 PM  
**To:** Dodge, Tamara  
**Cc:** Hurlburt, Waylon - GOV; O'Day, Renee C - DHS; Steele, Craig A - DHS (CHSRA); Davis, Brett H - DHS; Forsaith, Andrew C - DHS; Moore, Kevin E - DHS  
**Subject:** Changing the Timing of Eligibility Changes  
**Attachments:** Drafting delay new bill comments v 4 1 3 14.docx

Hi Tami-

Attached are the DHS comments/responses to your draft. We will be calling you shortly to discuss.

Thanks!

Sandy

Sandra M. Rowe  
Chief Legal Counsel  
Department of Health Services

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Comments to LRB-3896/P1

Section 1

- Remove reference to 49.46(1)(a)15. And 49.47(4)(a)1. from both (a) and (b); their treatment is effective February 1 regardless of whether they are applicants (first eligible post 2/1) or continuing recipients (first eligible pre-2/1).
- Remove reference to 49.471(4)(a)4.a. from both (a) and (b); we erred in the drafting instructions because we do intend to apply the changed definition of a dependent child to all cases beginning February 1 regardless of whether it is an applicant or recipient.
- The provisions applying MAGI to continuing recipients first apply *the later of* April 1 or the actual date of redetermination. Therefore, section 1(b) should be revised to have the treatment of 49.471(1)(f) and (7)(e), and the repeal of (7)(c) first apply to the later of April 1 or the actual date of the redetermination of **eligibility**.

**Comment [MSF1]:** These 3 sections are the definition of family income, use of 'household' and the current disregards. I believe these are the only ones in the list that are MAGI.

Section 2

- Restore reference to 49.45(23)(e) – MAGI for Core should be effective April 1.
- Restore reference to 49.471(4)(b)4. – Benchmark remains until April 1 for parents/caretakers

Section 3

- Remove reference to 49.45(23)(e) – MAGI for Core will be effective April 1.
- Remove reference to 49.471(4)(b)4. – Benchmark remains until April 1 for parents/caretakers

Sections 4 and 5 are correct

Section 6

- Add 49.471(4)(b)4 to line 1 on pg. 4 so that continuing recipients remain eligible for Benchmark also until April 1.
- Add to the provision that if this individual's family income changes after February 1 to exceed 200 percent then the individual will have eligibility redetermined as if the individual were a person who first applied after February 1. (This means that MAGI and 100% FPL will be used.)

## Dodge, Tamara

---

**From:** Rowe, Sandra M - DHS <SandraM.Rowe@dhs.wisconsin.gov>  
**Sent:** Friday, January 03, 2014 3:52 PM  
**To:** Dodge, Tamara  
**Cc:** Hurlburt, Waylon - GOV; O'Day, Renee C - DHS; Steele, Craig A - DHS (CHSRA); Davis, Brett H - DHS; Forsaith, Andrew C - DHS; Moore, Kevin E - DHS; Malofsky, Shelley F - DHS  
**Subject:** Changing the Timing of Eligibility Changes  
**Attachments:** Drafting delay new bill comments v 4 1 3 14.docx

Tami-

Here are the revisions to the instructions that we just discussed.

Thanks!

Sandy

Sandra M. Rowe  
Chief Legal Counsel  
Department of Health Services

NOTICE: This e-mail and any attachments may contain confidential information and/or information protected by the attorney-client privilege. Use and further disclosure of the information by the recipient must be consistent with applicable laws, regulations, and agreements. If you received this e-mail in error, please notify me; delete this e-mail; and do not use, disclose, or store the information it contains.

Comments to LRB-3896/P1

Section 1

- Remove reference to 49.46(1)(a)15. And 49.47(4)(a)1. from both (a) and (b); their treatment is effective February 1 regardless of whether they are applicants (first eligible post 2/1) or continuing recipients (first eligible pre-2/1).
- Remove reference to 49.471(4)(a)4.a. from both (a) and (b); we erred in the drafting instructions because we do intend to apply the changed definition of a dependent child to all cases beginning February 1 regardless of whether it is an applicant or recipient.

• The provisions applying MAGI to continuing recipients first apply *the later of* April 1 or the actual date of redetermination. Therefore, section 1(b) should be revised to have the treatment of 49.471(1)(f) and (7)(e), and the repeal of (7)(c) first apply to the later of April 1 or the actual date of the redetermination of eligibility.

**Comment [MSF1]:** These 3 sections are the definition of family income, use of 'household' and the current disregards. I believe these are the only ones in the list that are MAGI.

Section 2

- Restore reference to 49.45(23)(e) – MAGI for Core should be effective April 1.

Section 3

- Remove reference to 49.45(23)(e) – MAGI for Core will be effective April 1.

Sections 4 and 5 are correct

Section 6

- Add 49.471(4)(b)4 to line 1 on pg. 4 so that continuing recipients remain eligible for Benchmark also until April 1.
- Add to the provision that if this individual's family income changes after February 1 to exceed 200 percent then the individual will have eligibility redetermined as if the individual were a person who first applied after February 1. (This means that MAGI and 100% FPL will be used.)



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-3896/P1  
TJD:cjs:rs

P2  
RMR + jld

In: 1/6

Due Today  
ASAP

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

NOW

please  
CHECK  
auto  
refs

✓

Regen

1 AN ACT to affect 2013 Wisconsin Act 20, section 9318 (14), 2013 Wisconsin Act  
2 20, section 9418 (7), 2013 Wisconsin Act 20, section 9418 (7g), 2013 Wisconsin  
3 Act 116, section 33 (2) and 2013 Wisconsin Act 116, section 33 (2m); relating  
4 to: changing the timing of eligibility changes and other changes to BadgerCare  
5 Plus. ✓

✓  
Insert  
Analysis

**Analysis by the Legislative Reference Bureau**

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

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:**

6 SECTION 1. 2013 Wisconsin Act 20, section 9318 (14) is repealed and recreated  
7 to read:  
8 [2013 Wisconsin Act 20] Section 9318 (14) MODIFIED ADJUSTED GROSS INCOME.

section ✓

1 (a) The treatment of sections 49.46 (1) (a) 15., 49.47 (4) (a) 1., and 49.471 (1)  
 2 (f), (4) (a) 4. a., b., and c. and (b) 4., and (7) (a) and (e) of the statutes and the repeal  
 3 of section 49.471 (7) (c) of the statutes first apply to initial determinations of  
 4 eligibility for Medical Assistance made on February 1, 2014, for individuals who  
 5 apply after January 31, 2014, for Medical Assistance.

6 (b) The treatment of sections 49.46 (1) (a) 15., 49.47 (4) (a) 1., and 49.471 (1)  
 7 (f), (4) (a) 4. a., b., and c. and (b) 4. and (7) (a) and (e) of the statutes and the repeal  
 8 of section 49.471 (7) (c) of the statutes first apply to redeterminations of eligibility  
 9 for Medical Assistance made on April 1, 2014, for individuals who apply before  
 10 February 1, 2014, for Medical Assistance.

\*\*\*NOTE: This section of the draft changes the initial applicability provision from the biennial budget act.

Insert 2-11

SECTION 2. 2013 Wisconsin Act 20, section 9418 (7), as affected by 2013 Wisconsin Act 116, is amended to read:

[2013 Wisconsin Act 20] Section 9418 (7) PATIENT PROTECTION AND AFFORDABLE CARE ACT CHANGES. The treatment of sections 49.45 (23) (a) (by SECTION 1046) and (e), 49.46 (1) (a) 15., 49.47 (4) (a) 1., 49.471 (1) (f), (3) (a) 1. and 3., (4) (a) 4. a., b., and c. and (b) (intro.), 1., 1m., 2., and 3., and 4., (6) (d), (7) (a), (b) 1. and 2. and (e), (8) (d) 1. b., (9) (a) 2. b., and (10) (b) 1. (by SECTION 1143) and 4. b., 49.84 (6) (c) 1. d., and 66.0137 (3) of the statutes, the repeal of section 49.471 (7) (c) of the statutes, and SECTION 9318 (14) of this act take takes effect on April 1, 2014.

Plain

SECTION 3. 2013 Wisconsin Act 20, section 9418 (7g) is created to read:

[2013 Wisconsin Act 20] Section 9418 (7g) BADGERCARE PLUS ELIGIBILITY; MODIFIED ADJUSTED GROSS INCOME. The treatment of sections 49.45 (23) (e), 49.46 (1) (a) 15., 49.47 (4) (a) 1., and 49.471 (1) (f), (4) (a) 4. a., b., and c. and (b) 4., and (7) (a)

Strike

1 and (e), the repeal of section 49.471 (7) (c) of the statutes, and SECTION 9318 (14) of  
2 this act take effect on February 1, 2014.

\*\*\*\*NOTE: This section of the draft changes the effective date of the modified adjusted gross income provisions and the income eligibility changes for parents and caretaker relatives from April 1, 2014, to February 1, 2014. Thus, the income eligibility level in the statutes will change from up to 200 percent of the poverty line to up to 100 percent of the poverty line on February 1. The extension of eligibility for those parents and caretaker relatives with family incomes between 100 and 200 percent of the poverty line who apply before February 1 is located in a nonstatutory provision at the end of this draft.

\*\*\*\*NOTE: Please note that, in addition to the requested sections, this draft also changes the effective date to February 1 for the application of modified adjusted gross income rules to BadgerCare Plus Core eligibility (s. 49.45 (23) (e)) and for the repeal of the eligibility of parents and caretaker relatives for the Benchmark plan (s. 49.471 (4) (b) 4.). Please advise if the effective date of either of these changes should remain at April 1, 2014.

3 SECTION 4. 2013 Wisconsin Act 116, section 33 (2) is amended to read:

4 [2013 Wisconsin Act 116] Section 33 (2) MEDICAL ASSISTANCE ELIGIBILITY. The  
5 treatment of sections section 49.45 (23) (a) (by SECTION 2) and 49.471 (4) (a) 4. b. of  
6 the statutes takes effect on April 1, 2014.

7 SECTION 5. 2013 Wisconsin Act 116, section 33 (2m) is created to read:

8 [2013 Wisconsin Act 116] Section 33 (2m) BADGERCARE PLUS ELIGIBILITY. The  
9 treatment of section 49.471 (4) (a) 4. b. of the statutes takes effect on February 1,  
10 2014.

11 SECTION 6. Nonstatutory provisions.

12 (1) BADGERCARE PLUS ELIGIBILITY. Notwithstanding section 49.471 (4) (a) 4. of  
13 the statutes, beginning on February 1, 2014, the department of health services shall  
14 allow individuals whose family income does not exceed 200 percent of the poverty  
15 line, who apply and are eligible for benefits under section 49.471 (4) (a) 4. or (b) 4.  
16 of the statutes before February 1, 2014, and who would otherwise be eligible for  
17 benefits under section 49.471 (4) (a) 4. of the statutes except for the income limit to

auto ref A

# (a)

6

or (b) 4.

letter

4  
that they were eligible for before  
February 1, 2014,

1  
2

continue to be eligible for benefits under section 49.471 (4) (a) 4. of the statutes until

April 1, 2014.

3  
\*\*\*\*NOTE: Please confirm that this nonstatutory provision is adequate to maintain  
eligibility for parents and caretaker relatives with family income between 100 and 200  
percent of the poverty line who apply before February 1.

(END)

Insert 4-3 ✓

1

INSERT ANALYSIS

Currently, the Department of Health Services (DHS) administers the Medical Assistance (MA) program, which is a joint federal and state program that provides health services to individuals who have limited resources. Some services are provided through programs that operate under a waiver of federal Medicaid laws, including services provided through the BadgerCare Plus (BC+). Under current law, BC+ provides health and medical services to eligible recipients and has a standard plan with a larger set of benefits and a Benchmark plan with fewer benefits. The 2013-2015 biennial budget act, 2013 Wisconsin Act 20 (Act 20), made changes to BC+ and MA, and some of those changes are not in effect until January 1, 2014. Another act, 2013 Wisconsin Act 116 (Act 116), delayed some of these changes until April 1, 2014. This bill again changes the time at which some of the changes take effect to February 1, 2014.

Under current law, unless DHS has a policy that conflicts with current state law eligibility requirements, certain individuals are eligible for benefits under the BC+ standard plan. Beginning on April 1, 2014, Act 20 and Act 116 reduce the income eligibility level for the BC+ standard plan for parents and caretaker relatives from not more than 200 percent of the federal poverty line (FPL) to not more than 100 percent of the FPL before a 5 percent income disregard is applied. Act 20 and Act 116 also define, beginning on April 1, 2014, for purposes of eligibility of a parent or caretaker relative, a "dependent child." Under current law, certain individuals are eligible for benefits under the BC+ Benchmark plan. Under Acts 20 and 116, parents and caretaker relatives are covered only under the standard plan beginning on April 1, 2014. The bill changes the effective date of the income eligibility requirements for parents and caretaker relatives, the definition of dependent child, and the elimination of the eligibility of parents and caretaker relatives for the Benchmark plan from April 1, 2014, to February 1, 2014. Under the bill, however, individuals whose family income does not exceed 200 percent of the FPL, who apply and are eligible for benefits as a parent or caretaker relative under the BC+ standard or Benchmark plan, and who would otherwise be eligible for benefits as a parent or caretaker relative except for the income limit to continue to be eligible for the benefits that they were eligible for before February 1, 2014, until April 1, 2014.

Under current law, family income is the total gross earned and unearned income received by all members of a family. Beginning on January 1, 2014, under Act 20, for purposes of determining eligibility for BC+, family income has the meaning given for household income under a federal regulation, which uses an income calculation based on modified adjusted gross income. Act 20 also requires DHS, beginning on January 1, 2014, to apply the definition of household in federal regulations to determinations of income. Act 20 also makes other changes to the calculation of income and family size for BC+ on January 1, 2014. Act 116 delays the effective date of the changes enacted in Act 20 from January 1, 2014, to April 1, 2014. The bill changes the effective date of the use of modified adjusted gross income calculations for eligibility determination to February 1, 2014.

2014



\*

Under the bill, an individual who applies for ~~Medical Assistance~~ <sup>MA</sup> on or after February 1, 2014, is subject to the income eligibility changes for parents and caretaker relatives and the modified adjusted gross income calculations at the time of application. For an individual who applies for MA before February 1, 2014, the bill does not apply the income eligibility changes for parents and caretaker relatives or a calculation method for self-employment income to that individual's eligibility redetermination until April 1, 2014. For an individual who applies for MA before February 1, 2014, the modified adjusted gross income calculations do not apply until a redetermination of eligibility for MA on April 1, 2014, or the actual date of the redetermination, whichever is later. If, however, a parent or caretaker relative who is receiving continued eligibility under the bill for benefits after February 1, 2014, has an increase in family income such that the individual's family income exceeds 200 percent of the FPL on or after February 1, 2014, DHS must redetermine the individual's eligibility for ~~Medical Assistance~~ <sup>MA</sup> and the modified adjusted gross income calculations apply.

(END INSERT ANALYSIS)

text: treat  
1  
check components

INSERT 2-11

3 (c) The treatment of section 49.471 (1) (f) and (7) (e) of the statutes and the  
4 repeal of section 49.471 (7) (c) of the statutes first apply to redeterminations of  
5 eligibility for recipients of Medical Assistance who apply before February 1, 2014, on

5 text: treat  
6

the later of the following:

- 6 1. April 1, 2014.
- 7 2. The actual date of the redetermination of eligibility.

(END INSERT 2-11)

non Stat:  
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10  
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12  
13

(b) If an individual who is receiving continued eligibility for benefits under  
paragraph (a) has an increase in family income such that the individual's family  
income exceeds 200 percent of the poverty line on or after February 1, 2014, the  
department of health services shall redetermine the individual's eligibility for Medical Assistance.  
The treatment of section 49.471 (1) (f), (4) (a) 4. b. and c. and (b) 4. and (7) (a) of the



1 statutes as of February 1, 2014, and the repeal of section 49.471 (7) (c) of the statutes  
2 as of February 1, 2014, apply to redeterminations of eligibility under this paragraph.

(END INSERT 4-3)

## Dodge, Tamara

---

**From:** Hurlburt, Waylon - GOV <Waylon.Hurlburt@wisconsin.gov>  
**Sent:** Monday, January 06, 2014 4:30 PM  
**To:** Dodge, Tamara  
**Cc:** Rowe, Sandra M - DHS; Ignatowski, Alex - DHS; O'Day, Renee C - DHS; Moore, Kevin E - DHS; Polzin, Cindy M - GOV; Davis, Brett H - DHS; Lundgren, Deej - GOV (Douglas); Morgan, Charlie  
**Subject:** RE: Draft review: LRB -3896/P2 Topic: Changing timing of eligibility and other changes to BadgerCare Plus

I cc'd Sandra Rowe and other DHS staff that can confirm whether that was the last guidance.

Yes, when they are good with it please jacket for both houses and we can pick them up in the morning.

Also, please share the final draft with Charlie Morgan from LFB.

Thanks.

Waylon

---

**From:** Dodge, Tamara [<mailto:Tamara.Dodge@legis.wisconsin.gov>]  
**Sent:** Monday, January 06, 2014 4:27 PM  
**To:** Hurlburt, Waylon - GOV  
**Subject:** RE: Draft review: LRB -3896/P2 Topic: Changing timing of eligibility and other changes to BadgerCare Plus

Waylon,

I talked to Shelley Malofsky of DHS and received input from her. I'm not sure if that is the final statement from DHS. I don't think that we can get this turned around today because we lose support staff at 4:30pm and I want to reread the analysis. But, we have editors in at 6:30am tomorrow so we can get this out early tomorrow.

Tami

### Tamara J. Dodge

Attorney  
Wisconsin Legislative Reference Bureau  
P.O. Box 2037  
Madison, WI 53701-2037  
(608) 267 - 7380  
[tamara.dodge@legis.wisconsin.gov](mailto:tamara.dodge@legis.wisconsin.gov)

---

**From:** Hurlburt, Waylon - GOV [<mailto:Waylon.Hurlburt@wisconsin.gov>]  
**Sent:** Monday, January 06, 2014 2:55 PM  
**To:** Dodge, Tamara  
**Cc:** Rowe, Sandra M - DHS  
**Subject:** FW: Draft review: LRB -3896/P2 Topic: Changing timing of eligibility and other changes to BadgerCare Plus

DHS is reviewing this and will get back to me/you ASAP. When they are good with it we will want both a Senate and Assembly jacket. Hopefully we can turn this around today. Just wanted to give you a heads up.

Thanks.

Waylon

---

**From:** Hurlburt, Waylon - GOV

**Sent:** Monday, January 06, 2014 2:09 PM

**To:** O'Day, Renee C - DHS; Davis, Brett H - DHS; Moore, Kevin E - DHS

**Cc:** Polzin, Cindy M - GOV

**Subject:** Fwd: Draft review: LRB -3896/P2 Topic: Changing timing of eligibility and other changes to BadgerCare Plus

Is this good to jacket? We would like this done today.

Thanks.

Sent from my iPhone

Begin forwarded message:

**From:** LRB.Legal <[lrblegal@legis.wisconsin.gov](mailto:lrblegal@legis.wisconsin.gov)>

**Date:** January 6, 2014 at 1:40:25 PM CST

**To:** "Hurlburt, Waylon - GOV" <[Waylon.Hurlburt@wisconsin.gov](mailto:Waylon.Hurlburt@wisconsin.gov)>

**Subject:** Draft review: LRB -3896/P2 Topic: Changing timing of eligibility and other changes to BadgerCare Plus

Following is the PDF version of draft LRB -3896/P2.



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-3896/P2  
TJD:cjs&jld:rs

In. 117 **Due Today ASAP**

RMR

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

stays

**Gen Cat**

1 AN ACT *to affect* 2013 Wisconsin Act 20, section 9318 (14), 2013 Wisconsin Act  
2 20, section 9418 (7), 2013 Wisconsin Act 20, section 9418 (7g), 2013 Wisconsin  
3 Act 116, section 33 (2) and 2013 Wisconsin Act 116, section 33 (2m); **relating**  
4 **to:** changing the timing of eligibility changes and other changes to BadgerCare  
5 Plus.

**Analysis by the Legislative Reference Bureau**

Currently, the Department of Health Services (DHS) administers the Medical Assistance (MA) program, which is a joint federal and state program that provides health services to individuals who have limited resources. Some services are provided through programs that operate under a waiver of federal Medicaid laws, including services provided through the BadgerCare Plus (BC+). Under current law, BC+ provides health and medical services to eligible recipients and has a standard plan with a larger set of benefits and a Benchmark plan with fewer benefits. The 2013-2015 biennial budget act, 2013 Wisconsin Act 20 (Act 20), made changes to BC+ and MA, and some of those changes **are not in effect** until January 1, 2014. Another act, 2013 Wisconsin Act 116 (Act 116), delayed some of these changes until April 1, 2014. This bill again changes the **time** at which some of the changes take effect to February 1, 2014.

here

to go into

the date

Under current law, unless DHS has a policy that conflicts with current state law eligibility requirements, certain individuals are eligible for benefits under the BC+ standard plan. Beginning on April 1, 2014, Act 20 and Act 116 reduce the income

*This is a plus sign*

*Who are not eligible for the BC+ standard plan*

eligibility level for the BC+ standard plan for parents and caretaker relatives from not more than 200 percent of the federal poverty line (FPL) to not more than 100 percent of the FPL before a 5 percent income disregard is applied. Act 20 and Act 116 also define, beginning on April 1, 2014, for purposes of eligibility of a parent or caretaker relative, a "dependent child." Under current law, certain individuals are eligible for benefits under the BC+ Benchmark plan. Under Acts 20 and 116, parents and caretaker relatives are covered only under the standard plan beginning on April 1, 2014. The bill changes the effective date of the income eligibility requirements for parents and caretaker relatives, the definition of dependent child, and the elimination of the eligibility of parents and caretaker relatives for the Benchmark plan from April 1, 2014, to February 1, 2014. Under the bill, however, individuals whose family income does not exceed 200 percent of the FPL, who apply and are eligible for benefits as a parent or caretaker relative under the BC+ standard or Benchmark plan, and who would otherwise be eligible for benefits as a parent or caretaker relative except for the income limit to continue to be eligible for the benefits that they were eligible for before February 1, 2014, until April 1, 2014.

*before February 1, 2014*

*and 116*

Under current law, family income is the total gross earned and unearned income received by all members of a family. Beginning on January 1, 2014, under Act 20, for purposes of determining eligibility for BC+, family income has the meaning given for household income under a federal regulation, which uses an income calculation based on modified adjusted gross income. Act 20 also requires DHS, beginning on January 1, 2014, to apply the definition of household in federal regulations to determinations of income. Act 20 also makes other changes to the calculation of income and family size for BC+ on January 1, 2014. Act 116 delays the effective date of the changes enacted in Act 20 from January 1, 2014, to April 1, 2014. The bill changes the effective date of the use of modified adjusted gross income calculations for eligibility determination to February 1, 2014.

*and 116 and 116*

*from April 1, 2014,*

Under the bill, an individual who applies for MA on or after February 1, 2014, is subject to the income eligibility changes for parents and caretaker relatives and the modified adjusted gross income calculations at the time of application. For an individual who applies for MA before February 1, 2014, the bill does not apply the income eligibility changes for parents and caretaker relatives or a calculation method for self-employment income to that individual's eligibility redetermination until April 1, 2014. For an individual who applies for MA before February 1, 2014, the modified adjusted gross income calculations do not apply until a redetermination of eligibility for MA on April 1, 2014, or the actual date of the redetermination, whichever is later. If, however, a parent or caretaker relative who is receiving continued eligibility under the bill for benefits after February 1, 2014, has an increase in family income such that the individual's family income exceeds 200 percent of the FPL on or after February 1, 2014, DHS must redetermine the individual's eligibility for MA and the modified adjusted gross income calculations apply.

*determine*

*Insert Analysis*

5 (8)(d)1. b., (9)(a)2. b., and (10)(b)4. b., 49.84(6)(c)1. d., and (6.0137)(3)

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. 2013 Wisconsin Act 20, section 9318 (14) is repealed and recreated  
2 to read: (3)(a)1. and 3., (intro.), 1., 1m., 2., 3.,  
and

3 [2013 Wisconsin Act 20] Section 9318 (14) MODIFIED ADJUSTED GROSS INCOME. (6)(d) 5

4 (a) The treatment of section 49.471 (1) (f), (4) (a) 4. b. and c. and (b) 4., and (7)  
5 (a) and (e) of the statutes and the repeal of section 49.471 (7) (c) of the statutes first  
6 apply to initial determinations of eligibility for Medical Assistance made on  
7 February 1, 2014, for individuals who apply after January 31, 2014, for Medical  
8 Assistance.

9 (b) The treatment of section 49.471 (4) (a) 4. b. and c. and (b) 4. and (7) (a) of  
10 the statutes first applies to redeterminations of eligibility for Medical Assistance  
11 made on April 1, 2014, for individuals who apply before February 1, 2014, for Medical  
12 Assistance.

13 (c) The treatment of section 49.471 (1) (f) and (7) (e) of the statutes and the  
14 repeal of section 49.471 (7) (c) of the statutes first apply to redeterminations of  
15 eligibility for recipients of Medical Assistance who apply before February 1, 2014, on  
16 the later of the following: made

- 17 1. April 1, 2014.
- 18 2. The actual date of the redetermination of eligibility.

19 SECTION 2. 2013 Wisconsin Act 20, section 9418 (7), as affected by 2013  
20 Wisconsin Act 116, is amended to read:

1 [2013 Wisconsin Act 20] Section 9418 (7) PATIENT PROTECTION AND AFFORDABLE  
 2 CARE ACT CHANGES. The treatment of sections 49.45 (23) (a) (by SECTION 1046) and (e),  
 3 49.46 (1) (a) 15., 49.47 (4) (a) 1., 49.471 (1) (f), ~~(3) (a) 1. and 3., (4) (a) 4. a., b., and c.~~  
 4 ~~and (b) (intro.), 1., 1m., 2., and 3., and 4., (6) (d), (7) (a), (b) 1. and 2. and (e), (8) (d)~~  
 5 ~~1. b., (9) (a) 2. b., and (10) (b) 1. (by SECTION 1143) and 4. b., 49.84 (6) (e) 1. d., and~~  
 6 ~~66.0137 (3) of the statutes, the repeal of section 49.471 (7) (c) of the statutes, and~~  
 7 SECTION 9318 (14) of this act take takes effect on April 1, 2014.

8 SECTION 3. 2013 Wisconsin Act 20, section 9418 (7g) is created to read:

9 [2013 Wisconsin Act 20] Section 9418 (7g) BADGERCARE PLUS ELIGIBILITY;  
 10 ~~(3) (a) 1. and 3.,~~ MODIFIED ADJUSTED GROSS INCOME. The treatment of sections 49.46 (1) (a) 15., 49.47  
 11 (4) (a) 1., ~~and 49.471 (1) (f), (4) (a) 4. a., b., and c. and (b) 4., (and) (7) (a) and (e),~~ the  
 12 repeal of section 49.471 (7) (c) of the statutes, and SECTION 9318 (14) of this act take  
 13 effect on February 1, 2014.

14 SECTION 4. 2013 Wisconsin Act 116, section 33 (2) is amended to read:

15 [2013 Wisconsin Act 116] Section 33 (2) MEDICAL ASSISTANCE ELIGIBILITY. The  
 16 treatment of sections section 49.45 (23) (a) (by SECTION 2) and 49.471 (4) (a) 4. b. of  
 17 the statutes takes effect on April 1, 2014.

18 SECTION 5. 2013 Wisconsin Act 116, section 33 (2m) is created to read:

19 [2013 Wisconsin Act 116] Section 33 (2m) BADGERCARE PLUS ELIGIBILITY. The  
 20 treatment of section 49.471 (4) (a) 4. b. of the statutes takes effect on February 1,  
 21 2014.

22 SECTION 6. Nonstatutory provisions.

23 (1) BADGERCARE PLUS ELIGIBILITY.

24 (a) Notwithstanding section 49.471 (4) of the statutes, beginning on February  
 25 1, 2014, the department of health services shall allow individuals whose family

(8)(d) 1. b., (9)(a) 2. b., and (10)(b) 4. b., 49.84(6)(c) 1. d., and  
 66.0137 (3) of the statutes;

(intro), 1., 1m., 2.,  
 3., and

(b)(d)

1 income does not exceed 200 percent of the poverty line, who apply and are eligible  
2 for benefits under section 49.471 (4) (a) 4. or (b) 4. of the statutes before February 1,  
3 2014, and who would otherwise be eligible for benefits under section 49.471 (4) (a)  
4 4. or (b) 4. of the statutes except for the income limit to continue to be eligible for  
5 benefits that they were eligible for before February 1, 2014, until April 1, 2014.

6 (b) If an individual who is receiving continued eligibility for benefits under  
7 paragraph (a) has an increase in family income such that the individual's family  
8 income exceeds 200 percent of the poverty line on or after February 1, 2014, the  
9 department of health services shall ~~redetermine~~<sup>determine</sup> the individual's eligibility for  
10 Medical Assistance. <sup>^</sup>The treatment of section 49.471 (1) (f), (4) (a) 4. b. and c. and (b)  
11 4., and (7) (a) <sup>^</sup>of the statutes as of February 1, 2014, and the repeal of section 49.471  
12 (7) (c) of the statutes as of February 1, 2014, apply to ~~redeterminations~~<sup>determinations</sup> of eligibility  
13 under this paragraph.

and (e)

(END)

determinations

(b) and (c)

Notwithstanding 2013 Wisconsin Act 20,<sup>^</sup>  
Section 9318(14)<sup>^</sup>, as affected by  
this act;<sup>^</sup>

**2013-2014 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-3896/lins  
TJD:.....

1            INSERT ANALYSIS

Under current law, certain individuals in addition to certain parents and caretaker relatives are eligible for benefits under the BC+ Benchmark plan including pregnant women whose family income exceeds 200 percent but does not exceed 300 percent of the FPL and children under one year of age of those women; ~~and~~ certain other pregnant women; ~~children~~ children whose family income exceeds 200 percent but does not exceed 300 percent of the FPL. Acts 20 and 116, beginning on April 1, 2014, provide benefits under the standard plan to the pregnant women and children who are currently eligible for the BC+ Benchmark plan. The bill changes the effective date of these changes from April 1, 2014, to February 1, 2014.

(END INSERT ANALYSIS)

## **Barman, Mike**

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**From:** Dodge, Tamara  
**Sent:** Tuesday, January 07, 2014 10:14 AM  
**To:** Barman, Mike  
**Subject:** Urgent jacketing request

Mike,

I have two drafts that will be jacketed that need to be out before 11am...both for the Governor's office. The first is 13-3896 to be jacketed for the Assembly. Then you'll have to wait a moment for 13-3908, which should be jacketed for the Senate. Call Waylon Hurlburt from the Governor's office and he will have them picked up (I have 266-9709 as his number).

Thanks,

Tami

### **Tamara J. Dodge**

Attorney  
Wisconsin Legislative Reference Bureau  
P.O. Box 2037  
Madison, WI 53701-2037  
(608) 267 - 7380  
[tamara.dodge@legis.wisconsin.gov](mailto:tamara.dodge@legis.wisconsin.gov)

# Memo

To: Senator **Governor's Office** (Waylon Hurlburt)

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*(The Draft's Requester)*

**Per your request ... the attached fiscal estimate was prepared for your un-introduced 2013 session draft.**

LRB Number: **LRB-3896/1**   
& **(Companion Bills)**  
LRB Number: **LRB-3908/1**

**Fiscal Estimate Prepared By: (agency abbr.) DHSorg**

If you have questions about the enclosed fiscal estimate, you may contact the state agency representative that prepared the fiscal estimate. If you disagree with the enclosed fiscal estimate, please contact the LRB drafter of your proposal to discuss your options under the fiscal estimate procedure.

**\* \* \* \* \***

**Entered In Computer And Copy Sent To Requester Via E-Mail: 01 / 08 / 2013**

**To: LRB - Legal Section PA's**

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**Subject:** *Fiscal Estimate Received For An Un-introduced Draft*

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- > **If re-drafted** ... please insert this cover sheet and attached early fiscal estimate into the drafting file "guts" ... after the draft's old version (the version that this fiscal estimate was based on), and just before re-draft of the updated version.
- > **If introduced** ... please make sure the attached fiscal estimate is for the **current version** ... write the draft's new introduction number below and give this packet to Mike (or Lori) to re-process the fiscal estimate (w/intro. number included).

**THIS DRAFT WAS INTRODUCED AS: 2013 \_\_\_\_\_**

**Barman, Mike**

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**From:** Barman, Mike  
**Sent:** Wednesday, January 08, 2014 8:55 AM  
**To:** Hurlburt, Waylon - GOV  
**Subject:** LRB-3896/1 & LRB-3908/1 (both un-introduced) (FE by DHS - attached - for your review)

**Importance:** High



FE-3896\_DHSor...



FE-3908\_DHSor...

**Drafter: TJD**  
**Subject: Medical Assistance**

**Mike Barman (Lead Program Assistant)**  
State of Wisconsin - Legislative Reference Bureau - Legal Section - Front Office  
1 East Main Street, Suite 200, Madison, WI 53703  
(608) 266-3561 / [mike.barman@legis.wisconsin.gov](mailto:mike.barman@legis.wisconsin.gov)