

## 2013 DRAFTING REQUEST

### Bill

Received: **10/9/2012** Received By: **pkahler**  
Wanted: **Soon** Same as LRB:  
For: **Administration-Budget 7-7980** By/Representing: **Iwata**  
May Contact: Drafter: **pkahler**  
Subject: **Medical Assistance** Addl. Drafters:  
Extra Copies:

Submit via email: **YES**  
Requester's email:  
Carbon copy (CC) to: **Tamara.Dodge@legis.wisconsin.gov**

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### Pre Topic:

DOA:.....Iwata, BB0007 -

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### Topic:

Electronic verification of residence for MA eligibility

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### 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>
/?	pkahler 10/9/2012	jdye 10/17/2012		_____			
/P1	pkahler 1/9/2013		rschlue 10/17/2012	_____	lparisi 10/17/2012		State
/1		jdye 1/9/2013	jfrantze 1/9/2013	_____	lparisi 1/9/2013		State

FE Sent For:

<END>

**2013 DRAFTING REQUEST**

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/?	pkahler 10/9/2012	jdyer 10/17/2012	1/9- 	_____			
/P1		1/9 jld	10/17/2012	_____	lparisi 10/17/2012		State

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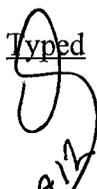
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See attached

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/?	pkahler	PI 10/17 JLD		_____			

10/19/12

FE Sent For:

<END>

## Medicaid Eligibility Electronic Residency Verification

### DIN 5422 (Schneck)

#### Decision Needed

The Department proposes to require electronic verification of residency. If an individual's Wisconsin residency cannot be electronically verified, the applicant would be required to provide proof of residency.

#### Background

1. Federal law requires individuals applying for Medicaid benefits to reside in the state in which they apply for benefits.
2. Wisconsin administrative rule<sup>1</sup> requires an applicant for Medicaid to be present in the state of Wisconsin and express the intent to reside in the state in order to meet the program's residency requirement. The current policy relies upon self-attestation of Wisconsin residency status. Verification of residency is required if the applicant's Wisconsin residency claim does not coincide with other information the applicant has provided or is questionable.
3. To improve data integrity, the Department proposes to utilize electronic verification of residency for all Medicaid applicants. The Department will establish an electronic data exchange and incorporate it into the CARES eligibility system to confirm the individual applying for benefits is a Wisconsin resident. If the data exchange cannot reasonably confirm the individual's residency status, the applicant would be required to provide proof of residency.
4. Federal FoodShare regulations require residency verification of all program applicants<sup>2</sup> with exceptions for homeless individuals and migrant workers. Approximately 70% of Wisconsin Medicaid/BadgerCare Plus cases also have a FoodShare component. If an individual provided an acceptable form of residency verification for the FoodShare or TANF programs, he or she would not be subject to the electronic verification requirement.
5. The Wisconsin Medicaid program pays nursing homes, intermediate care facilities, inpatient psychiatric hospitals, and other care facilities, for Medicaid members residing in those

<sup>1</sup> DHS 103.03 (3)

<sup>2</sup> 7 CFR 273.2 (f)(1)(vi)

*is "nursing home" a "skilled nursing facility"?*

facilities. If Wisconsin Medicaid is paying for the care of an individual at the location the individual resides, the individual will not be subject to any further residency verification.

2 exempt

6. Children residing in a foster care placement for which a Wisconsin county or the Wisconsin Bureau of Milwaukee Child Welfare is responsible would not be subject to the electronic residency verification requirement.

3 exempt

### Current Language

Current state statutes do not address the residency requirement; DHS administrative rule requires individuals to reside in Wisconsin in order to meet the Wisconsin residency requirement.

### Proposed Change

Create statutory language to require the Department to electronically verify Wisconsin residency status for individuals applying for or renewing Wisconsin Medicaid benefits. The individual would not be subject to the electronic verification requirement if acceptable documents verifying Wisconsin residency were provided for a FoodShare or TANF application, the individual resides in a facility for which the Medicaid program pays, or the individual resides in a foster care placement for which a Wisconsin county or the Bureau of Milwaukee Child Welfare is responsible. For all other applicants, if Wisconsin residency cannot be electronically verified, require the applicant to provide proof of residency in order to be eligible for Wisconsin Medicaid.

**Desired Effective Date:** January 1, 2014  
**Agency:** DHS  
**Agency Contact:** Carrie Schneck  
**Phone:** 266-5362

49.84(7)

## **Kahler, Pam**

---

**From:** Dodge, Tamara  
**Sent:** Tuesday, October 09, 2012 2:34 PM  
**To:** Kahler, Pam  
**Subject:** RE: Statutory Language Drafting Request

Skilled nursing facility is a subset of nursing home. I would leave it at nursing home if that is what they say.

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

-----Original Message-----

**From:** Kahler, Pam  
**Sent:** Tuesday, October 09, 2012 1:07 PM  
**To:** Dodge, Tamara  
**Subject:** RE: Statutory Language Drafting Request

Thanks. I'll just go with the three and add the catch-all. If there's nothing left for the catch-all it causes no harm, I guess. Is "skilled nursing facility" preferable to "nursing home"?

-----Original Message-----

**From:** Dodge, Tamara  
**Sent:** Tuesday, October 09, 2012 12:36 PM  
**To:** Kahler, Pam  
**Subject:** RE: Statutory Language Drafting Request

Well, it depends what they mean by "Wisconsin Medicaid." Traditional MA only pays for stays in nursing homes in addition to the other facilities types they mentioned. In which case, I don't know which "other" facilities they mean. The MA Waiver programs pay for residential care in CBRFs and other assisted living facilities, I think. So I don't know if they want to include the waiver programs. To be somewhat less broad, you could say "other residential care facilities." Care facilities is a bit broad but I don't understand how they want to narrow it. I could look into this a bit further to determine what other types of facilities could receive any type of MA reimbursement if you want me to.

I have to run and do a shift at the Concourse for NCSL until 2:00pm. If you want to talk about this after that, let me know.

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

-----Original Message-----

From: Kahler, Pam  
Sent: Tuesday, October 09, 2012 12:09 PM  
To: Dodge, Tamara  
Subject: FW: Statutory Language Drafting Request

Hi, Tami:

I hate to bug you with this, but I don't want to be over- or under- broad in my language and you're the expert on this issue. I need proper language for a class of individuals who will be excepted from an electronic residency verification requirement. They are individuals who reside in certain facilities (nursing homes, etc.) and whose care in the facility is paid for by MA. Please look at number 5 in the Background section of the DHS memo and at the second sentence of the Proposed Change section. I don't know if it is enough to use the term "facility" or if the term needs to have a definition. Thanks!

Pam

-----Original Message-----

From: Gauger, Michelle C - DOA [mailto:Michelle.Gauger@Wisconsin.gov]  
Sent: Tuesday, October 09, 2012 7:43 AM  
To: Kahler, Pam  
Cc: Iwata, Yuko - DOA  
Subject: RE: Statutory Language Drafting Request

Hi Pam, Yuko is out today and asked me to send you the attachment. Please let me know if you have any questions.

Michelle

-----Original Message-----

From: Iwata, Yuko - DOA  
Sent: Tuesday, October 09, 2012 7:37 AM  
To: Gauger, Michelle C - DOA  
Subject: FW: Statutory Language Drafting Request

Hi Michelle,

I remember I did attach the document, but clearly she is not getting it. Would you mind sending the statutory language document?

Thank you,  
Yuko

---

From: Kahler, Pam [Pam.Kahler@legis.wisconsin.gov]  
Sent: Monday, October 08, 2012 10:33 AM  
To: Iwata, Yuko - DOA  
Subject: FW: Statutory Language Drafting Request

Hi, Yuko:

I will be drafting this request. Although the request indicates that there should be an attachment, I do not see one. If there is an attachment, I would appreciate it if you sent it to me on this email. Thank you.

Pam.

From: Hanaman, Cathlene  
Sent: Monday, October 08, 2012 8:25 AM  
To: Dodge, Tamara; Kahler, Pam; Knepp, Fern  
Subject: FW: Statutory Language Drafting Request

From: Iwata, Yuko - DOA [mailto:Yuko.Iwata@wisconsin.gov]<mailto:[mailto:Yuko.Iwata@wisconsin.gov]>  
Sent: Thursday, September 27, 2012 2:37 PM  
To: Hanaman, Cathlene  
Cc: Thornton, Scott - DOA; Gauger, Michelle C - DOA  
Subject: RE: Statutory Language Drafting Request

Tracking code: BB0007

Thanks,

Yuko Iwata  
Executive Policy and Budget Analyst  
Division of Executive Budget and Finance Department of Administration  
(608) 267 – 7980  
Yuko.iwata@wisconsin.gov<mailto:Yuko.iwata@wisconsin.gov>

From: Yuko.Iwata@wisconsin.gov<mailto:Yuko.Iwata@wisconsin.gov>  
[mailto:Yuko.Iwata@wisconsin.gov]<mailto:[mailto:Yuko.Iwata@wisconsin.gov]>  
Sent: Thursday, September 27, 2012 1:41 PM  
To: Hanaman, Cathlene - LEGIS  
Cc: Thornton, Scott - DOA; Gauger, Michelle C - DOA; Iwata, Yuko - DOA  
Subject: Statutory Language Drafting Request

Biennial Budget:2013-15

Topic: Medicaid Eligibility Electronic Residency Verification

Tracking Code:

SBO Team: HSI

SBO Analyst: Iwata, Yuko - DOA  
Phone: (608) 267-7980  
E-mail: Yuko.Iwata@wisconsin.gov<mailto:Yuko.Iwata@wisconsin.gov>

Agency Acronym: DHS

Agency Number: 435

Priority: High

**Intent:**

To require electronic verification of residency for Medicaid eligibility.

**Attachments:** True

Please send completed drafts to [statlanguage@wisapps.wi.gov](mailto:statlanguage@wisapps.wi.gov)<mailto:statlanguage@wisapps.wi.gov>

## Kahler, Pam

---

**From:** Malaise, Gordon  
**Sent:** Tuesday, October 09, 2012 12:13 PM  
**To:** Kahler, Pam  
**Subject:** RE: Statutory Language Drafting Request

Pam:

I suppose you would say "a child residing in a foster care placement under the care and placement responsibility of a county department under s. 46.215, 46.22, or 46.23 or, in a county having a population of 500,000 or more, the department."

Gordon

-----Original Message-----

**From:** Kahler, Pam  
**Sent:** Tuesday, October 09, 2012 12:00 PM  
**To:** Malaise, Gordon  
**Subject:** FW: Statutory Language Drafting Request

Hi, Gordon:

Could you please supply me with the proper terminology describing children in foster care (statutory cites, etc., if necessary) for an exception to a new requirement to verify residency electronically for MA eligibility? Look at number 6 in the Background section of the memo from DHS. The class is also mentioned in the second sentence of the Proposed Change section.

Thanks!  
Pam

-----Original Message-----

**From:** Gauger, Michelle C - DOA [<mailto:Michelle.Gauger@Wisconsin.gov>]  
**Sent:** Tuesday, October 09, 2012 7:43 AM  
**To:** Kahler, Pam  
**Cc:** Iwata, Yuko - DOA  
**Subject:** RE: Statutory Language Drafting Request

Hi Pam, Yuko is out today and asked me to send you the attachment. Please let me know if you have any questions.

Michelle

-----Original Message-----

**From:** Iwata, Yuko - DOA  
**Sent:** Tuesday, October 09, 2012 7:37 AM  
**To:** Gauger, Michelle C - DOA  
**Subject:** FW: Statutory Language Drafting Request

Hi Michelle,

I remember I did attach the document, but clearly she is not getting it. Would you mind sending the statutory language document?



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-0256/

PJK:.....

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DOA:.....Iwata, BB0007 - Electronic verification of residence for MA eligibility

**FOR 2013-2015 BUDGET - NOT READY FOR INTRODUCTION**

(w-10-9)

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gen cost

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1

AN ACT ...; relating to: the budget. ✓

*Analysis by the Legislative Reference Bureau*

**HEALTH AND HUMAN SERVICES ✓**

**MEDICAL ASSISTANCE ✓**

Under current law, DHS administers the Medical Assistance (MA) program, which provides health care benefits to low-income individuals and families through a combination of federal and state funding. Federal law requires that an MA recipient receive benefits in the state in which he or she resides. This bill requires DHS to electronically verify the residence of an applicant for MA for purposes of determining eligibility and of a recipient of MA for purposes of determining continued eligibility when a recipient's eligibility is reviewed. If DHS is unable to electronically verify residence, an applicant or recipient must then provide DHS with adequate proof of residency. The bill contains a few exceptions to the electronic residency verification requirement, including exceptions for persons who reside in nursing homes and whose care is paid by MA, children placed in foster care, and persons who are receiving food stamp benefits and who have already provided an acceptable form of residency verification.

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

---

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

1           SECTION 1. 49.84 (7) of the statutes is created to read:

2           49.84 (7) (a) In this subsection:

3           1. "Department" means the department of health services.

4           2. "Medical Assistance" means the Medical Assistance program under subch.

5           IV.

6           (b) Except as provided in par. (c), for determining eligibility or continued  
7           eligibility the department shall electronically verify the residence of an applicant for  
8           or recipient of Medical Assistance. If the department is unable to verify the  
9           applicant's or recipient's residence electronically, the applicant or recipient must  
10          provide adequate proof of residency, in the manner determined by the department,  
11          to be eligible for Medical Assistance.

12          (c) The requirements under par. (b) do not apply with respect to any of the  
13          following:

14          1. An individual who is receiving benefits under the food stamp program under  
15          7 USC 2011 to 2029 or under the Temporary Assistance for Needy Families block  
16          grant program and who presented an acceptable form of residency verification for  
17          receipt of those benefits.

18          2. An individual who resides in a nursing home, intermediate care facility,  
19          inpatient psychiatric hospital, or other residential care facility and whose care in the  
20          facility is paid for by Medical Assistance.

1 3. A child residing in a foster care placement under the care and placement  
2 responsibility of a county department under s. 46.215, 46.22, or 46.23 or, in a county  
3 with a population of 500,000 or more, under the care and placement responsibility  
4 of the department.

5 **SECTION 9318. Initial applicability; Health Services**

6 a.r. 1 (1) ELECTRONIC VERIFICATION OF RESIDENCY FOR MEDICAL ASSISTANCE. The  
7 treatment of section 49.84 (7) of the statutes first applies to applications received or  
8 continued eligibility determinations made on the effective date of this subsection.

9 **SECTION 9418. Effective dates; Health Services**

10 (1) ELECTRONIC VERIFICATION OF RESIDENCY FOR MEDICAL ASSISTANCE. The  
11 treatment of section 49.84 (7) of the statutes takes effect on January 1, 2014.

12 (END)

reviews commenced

and SECTION 9318  
a.r. 1 (1) of this  
act take

## Kahler, Pam

---

**From:** Iwata, Yuko - DOA <Yuko.Iwata@wisconsin.gov>  
**Sent:** Wednesday, January 09, 2013 3:28 PM  
**To:** Kahler, Pam  
**Cc:** Gauger, Michelle C - DOA  
**Subject:** FW: Department comments on LRB - 0677/P1: Residency verification

Hi Pam,

Here is a response from DHS regarding your draft on residency verification. Please let us know if you have any questions.

Thanks,

**Yuko Iwata**  
Executive Policy and Budget Analyst  
Division of Executive Budget and Finance  
Department of Administration  
(608) 267 - 7980

---

**From:** Schneck, Carrie E - DHS  
**Sent:** Wednesday, January 09, 2013 3:19 PM  
**To:** Iwata, Yuko - DOA  
**Cc:** Smith, Shawn - DHS; LaPhilliph, John O - DHS; Malofsky, Shelley F - DHS; Forsaith, Andrew C - DHS; Megna, Richard H - DHS  
**Subject:** Department comments on LRB - 0677/P1: Residency verification

Hi Yuko,

Thank you for the opportunity to review the draft statutory language which would require electronic verification of residency for individuals applying for Medical Assistance. Overall, the draft looks pretty good. There is a technical error in Section 1. The draft indicates that section 49.84(7)(c)3 should exclude children in foster care, which is correct, but then the last few words in that sentence indicate that the placement is the responsibility of the department. In this section of the statutes, they are defining "Department" as DHS, however in this instance, the child in foster care would have been placed there by the Department of Children and Families [Bureau of Milwaukee Child Welfare].

Carrie Schneck  
Budget & Policy Analyst  
State of Wisconsin  
Department of Health Services  
PO Box 7850  
Madison, WI 53707-7850  
608-266-5362

Please note: I am in the office Tuesday through Friday.



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-0256/B  
PJK:jld:rs

*r m is new*

(Pb)

DOA:.....Iwata, BB0007 - Electronic verification of residence for MA eligibility

**FOR 2013-2015 BUDGET -- NOT READY FOR INTRODUCTION**

*(m 1-9)*

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gov cat*

AN ACT *A*; relating to: the budget.

*Analysis by the Legislative Reference Bureau*

**HEALTH AND HUMAN SERVICES**

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

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13          following:

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State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-0256/1

PJK;jld:jf

DOA:.....Iwata, BB0007 - Electronic verification of residence for MA  
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