

2013 DRAFTING REQUEST

Assembly Amendment (AA-AB40)

Received: **5/21/2013** Received By: **tdodge**
Wanted: **As time permits** Same as LRB;
For: **Legislative Fiscal Bureau** By/Representing: **Peck**
May Contact: Drafter: **tdodge**
Subject: **Medical Assistance** Addl. Drafters:
Extra Copies:

Submit via email: **YES**
Requester's email: **Legislative Fiscal Bureau**
Carbon copy (CC) to: **pam.kahler@legis.wisconsin.gov**
tamara.dodge@legis.wisconsin.gov

Pre Topic:

LFB:.....Peck -

Topic:

Authority to charge premiums for transitional medical assistance adults

Instructions:

See attached

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 5/29/2013			_____			
/P1	tdodge 6/8/2013	csicilia 5/30/2013	rschluet 5/30/2013	_____	sbasford 5/30/2013		
/P2	tdodge 6/10/2013	evinz 6/9/2013	jfrantze 6/9/2013	_____	mbarman 6/10/2013		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P3		evinz 6/10/2013	jmurphy 6/10/2013	_____ _____	srose 6/10/2013		

FE Sent For:

<END>

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

Pre Topic:

LFB:.....Peck -

Topic:

Authority to charge premiums for transitional medical assistance adults ✓

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/P2		evinz 6/9/2013	jfrantze 6/9/2013	_____	mbarman 6/10/2013		
		1p3 eeV 6/10/13	Jm 6/10	_____			

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/?	tdodge 5/29/2013			_____			
/P1		csicilia 5/30/2013	rschluet 5/30/2013	_____	sbasford 5/30/2013		

FE Sent For:

pa eeV
6/9/13

pb/ph
6/9

<END>

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Extra Copies:

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Authority to charge premiums for transitional medical assistance adults

Instructions:

See attached

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/? tdodge

Plg's 5/30/13
13 5/30/13
(Signature)
==

FE Sent For:

<END>

ACA-Related Changes Needed to the Governor's Budget Bill

Authority to Charge Premiums for Transitional Medical Assistance Adults. DHS currently charges premiums for TMA adults above 133%. The Governor's Budget sunsets the Department's authority to charge premiums for parents and caretakers as of January 2014. The Department requests language to a) recognize continued eligibility for TMA individuals as of December 31, 2013 until their 12 month period ends, b) recognize ongoing four month TMA eligibility after January 2014, and c) provide DHS the option to charge premiums for the four month TMA population above 100% FPL after January 2014, subject to federal approval.



State of Wisconsin
2013 - 2014 LEGISLATURE



LRBb0137? *PI*
TJD:..:....

In: 5/29/13 after work hours

cjs RMR

LFB:.....Peck - Authority to charge premiums for transitional medical assistance adults

FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT ,
TO ASSEMBLY BILL 40

who are receiving transitional Medical Assistance benefits

Medical Assistance

to receive

1 At the locations indicated, amend the bill as follows:
2 **1.** Page 565, line 24: after “required.” insert “If the federal department of
3 health and human services approves the department’s request to deny all or some
4 transitional Medical Assistance benefits, the department shall allow individuals
5 who are receiving transitional MA benefits on December 31, 2013, to continue those
6 benefits until their 12-month period ends, if required under federal law, or shall
7 allow individuals to have a 4-month period of continued transitional Medical
8 Assistance benefits, after January 2014, as required under federal law. If the federal
9 department of health and human services approves the department’s request to
10 charge a premium to recipients of continued transitional Medical Assistance
11 benefits, the department may charge a premium to any recipient of continued

1 transitional Medical Assistance benefits whose income exceeds 100 percent of the
2 poverty line during the 4-month period of continued benefits.”.

***NOTE: Does “after January” mean after December 31, 2013, or after January 31, 2014? This should be clarified in the amendment. Also, I am assuming that the 12-month period continuation and the 4-month period are alternatives and that there would not be a situation where the 12-month period ends sometime after January and then a 4-month period begins.

3

(END)

Dodge, Tamara

From: Peck, Eric
Sent: Wednesday, June 05, 2013 9:55 AM
To: Dodge, Tamara
Cc: Morgan, Charlie
Subject: FW: LRB Draft for TMA changes

Tami: I forwarded to DHS several of the drafts you provided to us earlier regarding the changes the Governor recommended to AB 40 (these were the changes we summarized in Discussion Points 2-8 of our paper #321). I thought it would be good to have them review them, particularly since the administration requested these changes to better reflect the Governor's intent.

To date, they have reviewed most of the individual drafts, and they had no changes. There were two exceptions.

First, they had a minor comment on draft 0139 (which would delay the repeal of the BC Basic appropriation). They suggest repealing that appropriation effective July 1, 2015 (rather than June 30, 2015). Although this is one day later than specified in discussion point 7 of paper #320, I think it is a minor technical adjustment which is consistent with the intent expressed in discussion point 7, so I would say we go ahead and change that date, as they requested.

Second, they had more substantive changes to the TMA draft, 0137. See their comments below. I have reviewed their comments and they seem to reflect the intent expressed in discussion point 5 in paper #321, as I understand what was intended. I recommend we make their suggested edits. It is a tricky provision.

I will let you know if we or they have any other suggested changes to the drafts. Thanks again for all your help. Eric

From: Forsaith, Andrew C - DHS [<mailto:Andrew.Forsaith@dhs.wisconsin.gov>]

Sent: Tuesday, June 04, 2013 5:53 PM

To: Peck, Eric; Morgan, Charlie

Cc: LaPhilliph, John O - DHS; Fox, Sabrina - DHS; Malofsky, Shelley F - DHS; Megna, Richard H - DHS; Gauger, Michelle C - DOA; Hitt, Andrew A - DHS; Ignatowski, Alex - DHS; Liedl, Kimberly - GOV; Moore, Kevin E - DHS; Polzin, Cindy M - GOV; Rhoades, Kitty - DHS

Subject: RE: LRB Draft for TMA changes

Eric – To accomplish the administration's intent, we think the underlying TMA statute should be first amended to reflect what we expect will be the ongoing federal requirement beginning January 1, 2014 – the 4 month extension. That way, the 4 month requirement would apply under state law without our having to make any further request to CMS.

Current law TMA provisions are contained in s. 49.46(1)(c) and (co). Paragraph (1)(co) actually reflects current policy, reflecting 12 months of continuous eligibility. We recommend merging (c) and (co) to say that we will provide 4 month extension unless federal law requires us to provide up to 12 months. (c)1.a. and b. must be retained because they are federally required conditions of eligibility.

amend (c)
repeal (co) effective IA
11/14

(1)(c) and (1)(co) would be replaced with language that says:

(c) A family who become ineligible for aid to families with dependent children 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:

1. Four calendar months, or, if required by federal law up to 12 months, following the month in which the parent, caretaker, or dependent children become ineligible for aid to families with dependent children if all of the following apply:
 - a. The family is eligible for aid to families with dependent

children for at least 3 of the 6 months immediately preceding the month in which the family becomes ineligible.

b. If federal law requires 12 months of coverage, the family continues to include a child who is, or would be if needy, a dependent child under s. 49.19. **[NOTE: b. only applies to 12-month TMA extensions, not 4 month MA extensions.]**

In addition, effective date/initial applicability language should be added saying that the change to 4 months should apply only to individuals who qualify for TMA after 12/31/13. This provision would allow us to continue coverage for the existing 12 month cohort until their extension period runs out. [As drafted, the draft you sent appears to allow us to cover existing eligible only if the feds approve a request to eliminate TMA completely.] This effective date language would allow us to continue to cover BC+ recipients currently in 4-month child support extensions (cg) until they finish those extensions in 2014 as well.

✓ Regarding the new draft, we recommend changing the new draft to strike reference to 4 months by ending the first sentence after 'federal law' on line 7.

Also, Change the new draft to strike 'during the 4 month period of continued benefits' on line 3 of page 2.

✓ Regarding premiums, it is our intent to only charge premiums to non-disabled, non-pregnant adults above 100% in TMA. The language as drafted would allow us to do that, so we think it's OK to leave it as is.



State of Wisconsin
2013 - 2014 LEGISLATURE

In: 6/8/13



LRBb0137/P1

TJD:cjs/rs

RMR Leev

LFB:.....Peck - Authority to charge premiums for transitional medical assistance adults

FOR 2013-2015 BUDGET -- NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT ,
TO ASSEMBLY BILL 40

Insert A ✓

1 At the locations indicated, amend the bill as follows:

2 1. Page 565, line 24: after "required." insert "If the federal department of

3 health and human services approves the department's request to deny all or some

4 transitional Medical Assistance benefits, the department shall allow individuals

5 who are receiving transitional Medical Assistance benefits on December 31, 2013, to

6 continue to receive those benefits until their 12-month period ends, if required under

7 federal law, or shall allow individuals who are receiving transitional Medical

8 Assistance benefits to have a 4-month period of continued transitional Medical

9 Assistance benefits, after January 2014, as required under federal law. If the federal

10 department of health and human services approves the department's request to

11 charge a premium to recipients of continued transitional Medical Assistance

1 benefits, the department may charge a premium to any recipient of continued
2 transitional Medical Assistance benefits whose income exceeds 100 percent of the
3 poverty line during the 4-month period of continued benefits". ✓

***NOTE: Does "after January" mean after December 31, 2013, or after January 31, 2014? This should be clarified in the amendment. Also, I am assuming that the 12-month period continuation and the 4-month period are alternatives and that there would not be a situation where the 12-month period ends sometime after January and then a 4-month period begins.

4 (END)

Insert B

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0137/P2ins
TJD:.....

1 INSERT A

2 **1.** Page 564, line 20: after that line insert:

3 "SECTION 1072b. 49.46 (1) (c) (intro.) and (1) (c) 1. (intro.) of the statutes, as
4 affected by 2013 Wisconsin Act ... (this act), are consolidated, renumbered 49.46 (1)
5 (c) (intro.) and amended to read:

6 49.46 (1) (c) (intro.) ~~Except as provided under par. (co)~~ a A family that becomes
7 ineligible for aid to families with dependent children under s. 49.19 because of
8 increased income from employment or increased hours of employment ~~or because of~~
9 ~~the expiration of the time during which the disregards under s. 49.19 (5) (a) 4. or 4m.~~
10 ~~or (am) apply shall receive medical assistance for: 1. Six~~ ^{four} ~~calendar months, or,~~
11 if required under federal law, up to 12 months, following the month in which the
12 family a parent, caretaker, or dependent child of the family becomes ineligible for aid
13 to families with dependent children if all of the following apply:

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, 37, 164, 289, 303, 457; 1997 a. 27, 35, 105, 237; 1999 a. 9; 2001 a. 16; 2003
a. 33; 2005 a. 25, 253; 2007 a. 20, 91; 2009 a. 28, 221; 2011 a. 10, 32.

14 SECTION 1072d. 49.46 (1) (c) 1. a. and b. of the statutes are renumbered 49.46
15 (1) (c) 1g. and 1r.

16 SECTION 1072f. 49.46 (1) (c) 1. c. and 2. of the statutes are repealed." ✓

17 **2.** Page 565, line 4: after that line insert:

18 "SECTION 1073y. 49.46 (1) (co) of the statutes, as affected by 2013 Wisconsin
19 Act ... (this act) is repealed." ✓

(END INSERT A)

20 INSERT B

21 **3.** Page 1063, line 4: after that line insert:

section

1

"(15) TRANSITIONAL MEDICAL ASSISTANCE. The treatment of section 49.46 (1) (c)

2

(intro.) (by SECTION 1072b), 1. (intro.), a., b., c., and 2. of the statutes and the repeal

3

of 49.46 (1) (co) of the statutes first applies to individuals who become eligible for

4

transitional Medical Assistance benefits on the effective date of this subsection." ✓

5

4. Page 1075, line 4: after that line insert:

6

"(9d) TRANSITIONAL MEDICAL ASSISTANCE. The treatment of section 49.46 (1) (c)

7

(intro.) (by SECTION 1072b), 1. (intro.), a., b., c., and 2. of the statutes, the repeal of

8

49.46 (1) (co) of the statutes, and SECTION 9318 (15) of this act take effect on January

9

1, 2014." ✓

(END INSERT B)

section



State of Wisconsin
2013 - 2014 LEGISLATURE



LRBb0137/P2
TJD:cjs&eev:jf

P3

In 6/10/13

Stays RMR

LFB:.....Peck - Authority to charge premiums for transitional medical assistance adults

**FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT ,
TO ASSEMBLY BILL 40**

1 At the locations indicated, amend the bill as follows:

2 1. Page 564, line 20: after that line insert:

3 "SECTION 1072b. 49.46 (1) (c) (intro.) and (1) (c) 1. (intro.) of the statutes, as
4 affected by 2013 Wisconsin Act (this act), are consolidated, renumbered 49.46 (1)
5 (c) (intro.) and amended to read: plain text plain text

fixed

6

6 49.46 (1) (c) (intro.) ~~Except as provided under par. (co) or (cr), a~~ A family that
7 becomes ineligible for aid to families with dependent children under s. 49.19 because
8 of increased income from employment or increased hours of employment ~~or because~~
9 ~~of the expiration of the time during which the disregards under s. 49.19 (5) (a) 4. or~~
10 ~~4m. or (am) apply~~ shall receive medical assistance for: ~~1. Six~~ 4 calendar months, or,
11 if required under federal law, up to 12 months, following the month in which the

1 family a parent, caretaker, or dependent child of the family becomes ineligible for aid
2 to families with dependent children if all of the following apply:

3 **SECTION 1072d.** 49.46 (1) (c) 1. a. and b. of the statutes are renumbered 49.46
4 (1) (c) 1g. and 1r.

5 **SECTION 1072f.** 49.46 (1) (c) 1. c. and 2. of the statutes are repealed.”.

6 **2.** Page 565, line 4: after that line insert:

7 “**SECTION 1073y.** 49.46 (1) (co) of the statutes, as affected by 2013 Wisconsin
8 Act (this act), is repealed.”.

9 **3.** Page 565, line 24: after “required.” insert “The department shall allow
10 individuals who are receiving transitional Medical Assistance benefits on December
11 31, 2013, to continue to receive those benefits until their 12-month period ends, if
12 required under federal law. If the federal department of health and human services
13 approves the department’s request to charge a premium to recipients of continued
14 transitional Medical Assistance benefits, the department may charge a premium to
15 any recipient of continued transitional Medical Assistance benefits whose income
16 exceeds 100 percent of the poverty line.”. ✓

Insert 2-16 →

17 **4.** Page 1063, line 4: after that line insert:

18 “(15L) TRANSITIONAL MEDICAL ASSISTANCE. The treatment of section 49.46 (1)
19 (c) (intro.) (by SECTION 1072b), 1. (intro.), a., b., ^{and} c., and 2. [^] of the statutes and the repeal
20 of section 49.46 (1) (co) of the statutes first applies to individuals who become eligible
21 for transitional Medical Assistance benefits on the effective date of this subsection.”.

22 **5.** Page 1075, line 4: after that line insert:

23 “(9L) TRANSITIONAL MEDICAL ASSISTANCE. The treatment of section 49.46 (1) (c)
24 (intro.) (by SECTION 1072b), 1. (intro.), a., b., ^{and} c., and 2. [^] of the statutes, the repeal of

and (c) (by SECTION 1076b) and 49.47(4)(a) 7.
(by SECTION 1106h)

1 section 49.46 (1) (co) of the statutes, and SECTION 9318 (15L) of this act take effect on
2 January 1, 2014.” ✓

3 (END)

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0137/P3ins
TJD:.....

1 INSERT 2-16

2 1. Page 565, line 21: after that line insert:

3 "SECTION 1076b. 49.46 (1) (cr) of the statutes, as affected by 2013 Wisconsin
4 Act (this act), is amended to read:

5 49.46 (1) (cr) To the extent approved by the federal department of health and
6 human services, an individual or family described in par. (c), or (cg), ~~or~~ (ee) is not
7 eligible for Medical Assistance if the federal department of health and human
8 services approves a request from the department to deny all or some transitional
9 Medical Assistance benefits to that individual or family, if approval is required. The
10 department shall allow individuals who are receiving transitional Medical
11 Assistance benefits on December 31, 2013, to continue to receive those benefits until
12 their 12-month period ends, if required under federal law. If the federal department
13 of health and human services approves the department's request to charge a
14 premium to recipients of continued transitional Medical Assistance benefits, the
15 department may charge a premium to any recipient of continued transitional
16 Medical Assistance benefits whose income exceeds 100 percent of the poverty line." ✓

17 2. Page 571, line 19: after that line insert:

18 "SECTION 1100b. 49.471 (4) (a) 7. of the statutes, as affected by 2013 Wisconsin
19 Act (this act), is amended to read:

20 49.471 (4) (a) 7. Individuals who qualify for a medical assistance eligibility
21 extension under s. 49.46 (1) (c), or (cg), ~~or~~ (ee) when their income increases above the
22 poverty line, except as provided in s. 49.46 (1) (cr)." ✓

1

3. Page 1059[✓], line 13: delete “**Services**” and substitute “**Services.**”[✓].

(END INSERT 2-16)



State of Wisconsin
2013 - 2014 LEGISLATURE



LRBb0137/P3
TJD:cjs&eev:jm

LFB:.....Peck – Authority to charge premiums for transitional medical assistance adults

FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT ,
TO ASSEMBLY BILL 40

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3 **“SECTION 1072b.** 49.46 (1) (c) (intro.) and 1. (intro.) of the statutes, as affected
4 by 2013 Wisconsin Act (this act), are consolidated, renumbered 49.46 (1) (c) (intro.)
5 and amended to read:

6 49.46 (1) (c) (intro.) Except as provided under par. ~~(e)~~ or (cr), a family that
7 becomes ineligible for aid to families with dependent children under s. 49.19 because
8 of increased income from employment or increased hours of employment ~~or because~~
9 ~~of the expiration of the time during which the disregards under s. 49.19 (5) (a) 4. or~~
10 ~~4m. or (am) apply shall receive medical assistance for: 1. Six 4 calendar months, or,~~
11 if required under federal law, up to 12 months, following the month in which the

1 family a parent, caretaker, or dependent child of the family becomes ineligible for aid
2 to families with dependent children if all of the following apply:

3 **SECTION 1072d.** 49.46 (1) (c) 1. a. and b. of the statutes are renumbered 49.46
4 (1) (c) 1g. and 1r.

5 **SECTION 1072f.** 49.46 (1) (c) 1. c. and 2. of the statutes are repealed.”.

6 **2.** Page 565, line 4: after that line insert:

7 “**SECTION 1073y.** 49.46 (1) (co) of the statutes, as affected by 2013 Wisconsin
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9 **3.** Page 565, line 24: after “required.” insert “The department shall allow
10 individuals who are receiving transitional Medical Assistance benefits on December
11 31, 2013, to continue to receive those benefits until their 12-month period ends, if
12 required under federal law. If the federal department of health and human services
13 approves the department’s request to charge a premium to recipients of continued
14 transitional Medical Assistance benefits, the department may charge a premium to
15 any recipient of continued transitional Medical Assistance benefits whose income
16 exceeds 100 percent of the poverty line.”.

17 **4.** Page 565, line 24: after that line insert:

18 “**SECTION 1076b.** 49.46 (1) (cr) of the statutes, as affected by 2013 Wisconsin
19 Act (this act), is amended to read:

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21 human services, an individual or family described in par. (c), or (cg), ~~or~~ (eo) is not
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24 Medical Assistance benefits to that individual or family, if approval is required. The

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7 Medical Assistance benefits whose income exceeds 100 percent of the poverty line.”.

8 **5.** Page 571, line 19: after that line insert:

9 “SECTION 1100b. 49.471 (4) (a) 7. of the statutes, as affected by 2013 Wisconsin
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11 49.471 (4) (a) 7. Individuals who qualify for a medical assistance eligibility
12 extension under s. 49.46 (1) (c), or (cg), ~~or~~ (eo) when their income increases above the
13 poverty line, except as provided in s. 49.46 (1) (cr).”.

14 **6.** Page 1059, line 13: delete “Services” and substitute “Services.”.

15 **7.** Page 1063, line 4: after that line insert:

16 “(15L) TRANSITIONAL MEDICAL ASSISTANCE. The treatment of sections 49.46 (1)
17 (c) (intro.) (by SECTION 1072b), 1. (intro.), a., b., and c., and 2. and (cr) (by SECTION
18 1076b) and 49.471 (4) (a) 7. (by SECTION 1100b) of the statutes and the repeal of
19 section 49.46 (1) (co) of the statutes first applies to individuals who become eligible
20 for transitional Medical Assistance benefits on the effective date of this subsection.”.

21 **8.** Page 1075, line 4: after that line insert:

22 “(9L) TRANSITIONAL MEDICAL ASSISTANCE. The treatment of sections 49.46 (1) (c)
23 (intro.) (by SECTION 1072b), 1. (intro.), a., b., and c., and 2. and (cr) (by SECTION 1076b)
24 and 49.471 (4) (a) 7. (by SECTION 1100b) of the statutes, the repeal of section 49.46 (1)

1 (co) of the statutes, and SECTION 9318 (15L) of this act take effect on January 1,
2 2014.”

3 (END)