

2001 Jr2 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB1)

Received: 03/11/2002

Received By: grantpr

Wanted: As time permits

Identical to LRB:

For: Legislative Fiscal Bureau

By/Representing: Carabell

This file may be shown to any legislator: NO

Drafter: grantpr

May Contact:

Addl. Drafters:

Subject: Public Assistance - med. assist.

Extra Copies:

Submit via email: NO

Pre Topic:

LFB:.....Carabell -

Topic:

Eligibility of unborn children for badgercare

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>
/?	grantpr 03/12/2002	jdye 03/12/2002		_____			
/1			rschluet 03/12/2002	_____	lrb_docadmin 03/12/2002		

FE Sent For:

<END>

2001 Jr2 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB1)

Received: 03/11/2002

Received By: grantpr

Wanted: As time permits

Identical to LRB:

For: Legislative Fiscal Bureau

By/Representing: Carabell

This file may be shown to any legislator: NO

Drafter: grantpr

May Contact:

Addl. Drafters:

Subject: Public Assistance - med. assist.

Extra Copies:

Submit via email: NO

Pre Topic:

LFB:.....Carabell -

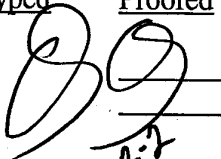
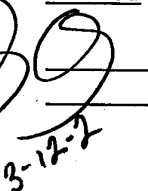
Topic:

Eligibility of unborn children for badgercare

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>
/?	grantpr	1 3/12 jld					

FE Sent For:

<END>

From Rachel Carahall, LFB 6-8017

S:\lfb share\summary\RC unborn children -- jensen.doc

Save in S:\lfb share\summary\

1. BADGERCARE ELIGIBILITY

~~Editor:~~ ^{Assembly} Specify that unborn children and their mothers are eligible for BadgerCare benefits, if the DHFS Secretary determines that unborn children are eligible for benefits under the federal children's health insurance program (CHIP). Require the DHFS Secretary to submit a request for a waiver, or a waiver amendment, if DHFS determines that such a waiver or waiver amendment is necessary to implement this provision.

On Tuesday, March 6, 2001, the U.S. Department of Health and Human Services, Centers for Medicare & Medicaid Services (CMS) issued a proposed rule to modify the definition of child under the federal CHIP program to include unborn children so that states could provide prenatal care and coverage of delivery services to pregnant women under states' CHIP programs. This rule is only a proposed rule and therefore, it is unknown at this time, when and if, this rule will be finalized. The proposed rule also specifies that federal CHIP funding would not be available for services provided to the parents of unborn children if such services are eligible for reimbursement under a state's MA program.

If unborn children and their mothers become eligible for BadgerCare under this provision, it is not expected to increase either expenditures or caseloads under BadgerCare. In Wisconsin, pregnant women with household income up to 185% of the federal poverty level (FPL) are eligible for MA until approximately two months after the delivery of their child. This is the same income criteria required to be initially eligible for BadgerCare. However, no person is eligible for BadgerCare if that individual is also eligible for MA. Therefore, a pregnant woman with income at or below 185% of the FPL would already be eligible for MA and therefore, could not be eligible for BadgerCare. Under this provision and the rule as proposed by CMS, an unborn child could be eligible for BadgerCare, but no federal CHIP funding would be available for expenditures on behalf of that child, since such expenditures would already be covered under MA as services provided to the pregnant mother.

[Bill Sections: ~]

2001 BILL

1 **AN ACT to create 49.665 (2m) of the statutes; relating to: expanding eligibility**
2 **for badger care.**

Analysis by the Legislative Reference Bureau

Under current law, the badger care program provides health services and benefits to certain low-income families and to certain low-income children living apart from their parents. The program is partially supported with federal funds received under the federal "state children's health insurance program" (SCHIP).

On January 31, 2002, the federal secretary of health and human services announced that the federal department of health and human services would propose a change in the federal regulations governing SCHIP to make unborn children eligible for benefits and services under the program.

This bill provides that if the secretary of health and family services determines that federal law authorizes the department of health and family services (DHFS) to allow a woman and her unborn child to be eligible for services under badger care, DHFS must do so. If the secretary determines that federal law does not authorize DHFS to expand badger care eligibility in this manner, the bill directs DHFS to request a waiver from the federal department of health and human services that would permit DHFS to allow a woman and her unborn child to be eligible for services and benefits under badger care.

2001

Date (time) needed _____

LRB b 2448, 1

**ARC CAUCUS BUDGET AMENDMENT
[ONLY FOR CAUCUS]**

PG: jd:

See form **AMENDMENTS — COMPONENTS & ITEMS.**

**January 2002 SPECIAL SESSION CAUCUS AMENDMENT
TO ASSEMBLY SUBSTITUTE AMENDMENT 1
TO 2001 ASSEMBLY BILL 1**

>>FOR CAUCUS SUPERAMENDMENT — NOT FOR INTRODUCTION<<

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

#. Page 41., line 13.: *after that line insert:*

~~#. Page, line:~~

~~#. Page, line:~~

~~#. Page, line:~~

~~#. Page, line:~~

~~#. Page, line:~~

BILL

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 ~~§~~^{128 K} 49.665 (2m)^X of the statutes is created to read:

2 49.665 (2m) UNBORN CHILDREN. (a) If the secretary determines that federal law
3 under 42 USC 1397aa to 1397jj authorizes the department to allow a woman and her
4 unborn child, as defined in s. 48.02 (19), to be considered a family for the purpose of
5 determining eligibility for the program under this section, the department shall do
6 so.

7 (b) If the secretary of health and family services determines that federal law
8 under 42 USC 1397aa to 1397jj does not authorize the expansion of eligibility
9 described under par. (a), the department shall request a waiver from the federal
10 secretary of health and human services that would permit the department to allow
11 a woman and her unborn child, as defined in s. 48.02 (19), to be considered a family
12 for the purpose of determining eligibility for the program under this section. If the
13 waiver is granted and in effect, the department shall administer the program as
14 permitted in the waiver.

15

(END)



State of Wisconsin
2001 - 2002 LEGISLATURE
January 2002 Special Session

LRBb2448/1
PG:jld:rs

LFB:.....Carabell – Eligibility of unborn children for badgercare

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT ,

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO ASSEMBLY BILL 1

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

2 1. Page 41, line 13: after that line insert:

3 “SECTION 128k. 49.665 (2m) of the statutes is created to read:

4 49.665 (2m) UNBORN CHILDREN. (a) If the secretary determines that federal law
5 under 42 USC 1397aa to 1397jj authorizes the department to allow a woman and her
6 unborn child, as defined in s. 48.02 (19), to be considered a family for the purpose of
7 determining eligibility for the program under this section, the department shall do
8 so.

9 (b) If the secretary of health and family services determines that federal law
10 under 42 USC 1397aa to 1397jj does not authorize the expansion of eligibility

1 described under par. (a), the department shall request a waiver from the federal
2 secretary of health and human services that would permit the department to allow
3 a woman and her unborn child, as defined in s. 48.02 (19), to be considered a family
4 for the purpose of determining eligibility for the program under this section. If the
5 waiver is granted and in effect, the department shall administer the program as
6 permitted in the waiver.”

7

(END)