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RMR  
WJ

DOA:.....Mullikin - MA eligibility changes

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

Sevon

DO NOT GEN

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

**Analysis by the Legislative Reference Bureau  
HEALTH AND HUMAN SERVICES**

**MEDICAL ASSISTANCE**

\* Under current law, ~~DHFS~~ <sup>requires DHFS</sup> requires ~~DHFS~~ (to provide medical assistance (MA) to individuals who meet the requirements under one of the following MA eligibility categories:

\* 1. AFDC-MA. Under this category, individuals who meet the ~~non-financial and financial~~ <sup>income, assets and</sup> requirements for the federal aid to families with dependent children (AFDC) program that were in effect on July 16, 1996, are eligible to receive MA. The AFDC program was replaced with the federal temporary assistance for needy families (TANF) program on July 16, 1996. Generally, individuals who may qualify under the AFDC-MA category are certain children under 19 years of age, their caretaker relatives, and pregnant women in the eighth or ninth month of pregnancy.

\* 2. AFDC-related MA. This category includes certain children 19 years of age or younger, their caretaker relatives, and pregnant women throughout the entire pregnancy who meet the income and asset requirements of the AFDC program that were in effect on July, 16, 1996, but who would not have received an AFDC payment. Also eligible under this category are children under the age of 18 and pregnant women whose incomes, ~~because of medical expenses,~~ do not exceed 133.33% of the maximum payment under the AFDC program, and whose assets do not exceed certain asset limits.

This bill eliminates the asset requirements for the AFDC-MA and AFDC-related MA categories.

Also, under current law, in determining whether individuals qualify for certain MA eligibility categories, DHFS is required to calculate the individual's income using income methodologies that were used to calculate income under the AFDC program on July 16, 1996. These income methodologies are used to determine eligibility for the following MA eligibility categories:

1. AFDC-MA and AFDC-related MA.
2. Healthy Start. This category includes children between the ages of six and 19 whose incomes do not exceed 100% of the federal poverty line, children under the age of six and pregnant women whose incomes do not exceed 133.33% of the federal poverty line, and children under the age of six and pregnant women whose incomes, because of medical expenses, do not exceed 185% of the federal poverty line.
3. Presumptive eligibility. This category covers pregnant women who a health care provider has preliminarily determined qualify for MA. A pregnant woman is eligible for MA under this category until she formally applies for MA, or until the end of the month in which the health provider made the preliminary eligibility determination, whichever is earlier.
4. Migrant workers. Under this category, individuals who are migrant workers and whose incomes do not exceed 133.33% of the maximum payment under the AFDC program are eligible to receive MA.

Under current federal law, DHFS may use income methodologies that are less restrictive than those used under the AFDC program on July 16, 1996, to determine whether an individual qualifies for MA under one of the eligibility categories for which DHFS currently uses AFDC income methodologies. This bill authorizes DHFS to use less restrictive income methodologies to determine eligibility for the AFDC-MA, AFDC-related, Healthy Start, presumptive eligibility, and migrant workers MA eligibility categories.

Also under current law, certain individuals who meet the income and asset requirements of the federal supplemental security income (SSI) program are eligible to receive MA. These individuals include all of the following:

1. Individuals who are 65 years of age or older.
2. Blind or disabled individuals.
3. Individuals infected with tuberculosis.

Also under current law, individuals who are 65 years of age or older or disabled individuals whose income does not exceed 100% of the federal poverty line and whose assets do not exceed 200% of the allowable resources under the SSI program may be eligible to receive certain MA benefits. Finally under current law, individuals who would be eligible for the SSI program except that their income and assets exceed the SSI income and asset requirements because of the individual's employment, may also be eligible to receive certain MA benefits.

For purposes of determining whether an individual meets the asset requirements under the SSI program and is eligible for MA, DHFS must exclude life insurance policies if the total face value of all of the policies does not exceed \$1,500.

~~This bill requires DHFS to exclude life insurance policies from the asset calculation if the total face value of all of the policies does not exceed \$5,000.~~

~~Also under current law, DHFS administers the badger care health program which provides health care to low-income families and low-income children who do not reside at home. A family is defined as a unit that consists of at least one child, his or her parent or parents, and, if any, the spouse of a parent, all of whom, reside in the same household.~~

~~This bill expands the definition of family under the badger care health care program to include a unit that consists of at least one child, his or her caretaker relative, and, if any, the spouse of a caretaker relative, all of whom reside in the same household. The bill defines a caretaker relative as the child's stepparent, brother, sister, stepbrother, stepsister, first cousin, nephew, niece, aunt, uncle, or any person of a preceding generation as denoted by the prefix of grand, great, or great-great, whether by blood, marriage, or legal adoption, or the spouse of any of these individuals, even if the marriage is terminated by death or divorce.~~

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

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

1           SECTION 1. 49.46 (1) (a) 1. of the statutes is amended to read:

2           49.46 (1) (a) 1. Any person included in the Notwithstanding s. 49.19 (20), any  
3 individual who, without regard to the individual's resources and subject to par. (ar),  
4 would qualify for a grant of aid to families with dependent children and any person  
5 who does under s. 49.19.

6           1g. Notwithstanding s. 49.19 (20), any individual who, without regard to the  
7 individual's resources and subject to par. (ar), would qualify for a grant of aid to  
8 families with dependent children but who would not receive such the aid solely  
9 because of the application of s. 49.19 (11) (a) 7.

10          SECTION 2. 49.46 (1) (a) 1m. of the statutes is amended to read:

11          49.46 (1) (a) 1m. Any pregnant woman ~~who meets the resource and whose~~  
12 income limits does not exceed the standard of need under s. 49.19 (4) (bm) and (es)  
13 (11), as determined under par. (ar), and whose pregnancy is medically verified.

1 Eligibility continues to the last day of the month in which the 60th day after the last  
2 day of the pregnancy falls.

3 **SECTION 3.** 49.46 (1) (a) 6. of the statutes is amended to read:

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

8 **SECTION 4.** 49.46 (1) (a) 6m. of the statutes is amended to read:

9 49.46 (1) (a) 6m. Any person not described in pars. (c) to (e) who, subject to par.  
10 (at), is considered, under federal law, to be receiving supplemental security income  
11 for the purpose of determining eligibility for medical assistance.

12 **SECTION 5.** 49.46 (1) (a) 9. of the statutes is amended to read:

13 49.46 (1) (a) 9. Any pregnant woman not described under subd. 1., 1g., or 1m.  
14 whose family income does not exceed 133% of the poverty line for a family the size  
15 of the woman's family.

16 **SECTION 6.** 49.46 (1) (a) 10. of the statutes is amended to read:

17 49.46 (1) (a) 10. Any child not described under subd. 1. or 1g. who is under 6  
18 years of age and whose family income does not exceed 133% of the poverty line for  
19 a family the size of the child's family.

20 **SECTION 7.** 49.46 (1) (a) 11. of the statutes is amended to read:

21 49.46 (1) (a) 11. If a waiver under s. 49.665 is granted and in effect, any child  
22 not described under subd. 1. or 1g. who has attained the age of 6 but has not attained  
23 the age of 19 and whose family income does not exceed 100% of the poverty line for  
24 a family the size of the child's family. If a waiver under s. 49.665 is not granted or  
25 in effect, any child not described in subd. 1. or 1g. who was born after September

1 30,1983, who has attained the age of 6 but has not attained the age of 19 and whose  
2 family income does not exceed 100% of the poverty line for a family the size of the  
3 child's family.

4 SECTION 8. 49.46 (1) (a) 12. of the statutes is amended to read:

5 49.46 (1) (a) 12. Any child not described under subd. 1. or 1g. who is under 19  
6 years of age and ~~who meets the resource and whose income limits does not exceed the~~  
7 standard of need under s. 49.19 (4) (11), as ~~determined~~ <sup>calculated</sup> under par. (ar).

8 SECTION 9. 49.46 (1) (a) 15. of the statutes is amended to read:

9 49.46 (1) (a) 15. Any individual who is infected with tuberculosis and meets the  
10 income and resource eligibility requirements for the federal supplemental security  
11 program under 42 USC 1381 to ~~1383d~~ 1385, as calculated under par. (at).

12 SECTION 10. 49.46 (1) (ar) of the statutes is created to read:

13 49.46 (1) (ar) ~~1. Except as provided in subd. 2 and except to the extent that the~~  
14 determination is inconsistent with 42 USC 1396a (a) 17., for the purposes of  
15 determining whether an individual under par. (a) 1., 1g., or 6. ~~49.46 (1) (a)~~  
16 qualify for a grant of aid to families with dependent children under s. 49.19, or  
17 whether an individual meets the income limits under par. (a) 1m., 9., 10., 11., or 12.,  
18 <sup>of s. 49.46 (2)</sup> "income" includes income that would be used in determining eligibility for aid to  
19 families with dependent children under s. 49.19 and excludes income that would be  
20 excluded in determining eligibility for aid to families with dependent children under  
21 s. 49.19.

22 2. Notwithstanding s. 49.19 (5), for purposes of determining whether an  
23 individual under par. (a) 1., 1g., or 6. would qualify for a grant of aid to families with  
24 dependent children under s. 49.19, or whether an individual meets the income limits  
25 under par. (a) 1m., 9., 10., 11., or 12., (am), or (e), the department may use income

1 methodologies that are less restrictive than the income methodologies that were  
2 used to calculate income for determining eligibility for a grant of aid to families with  
3 dependent children under s. 49.19 on July 16, 1996.

\*\*\*\*NOTE: This SECTION contains the income methodology for the AFDC,  
AFDC-related, Healthy Start, and presumptive eligibility categories.

4 **SECTION 11.** 49.46 (1) (at) of the statutes is created to read:

5 49.46 (1) (at) For purposes of calculating an individual's income under par. (a)  
6 6m. or 15. or (e), the department shall calculate income as provided in 42 USC 1381  
7 to 1385. ~~For purposes of calculating an individual's resources under par. (a) 6m. or~~  
8 ~~15. or (e), the department shall exclude all assets that are excluded from the resource~~  
9 ~~calculation under 42 USC 1382b (a) and exclude any life insurance policies with cash~~  
10 ~~surrender values if the total face value of all of the policies exceeds \$1,500 but does~~  
11 ~~not exceed \$5,000~~

\*\*\*\*NOTE: This SECTION contains the income methodology for SSI-related and  
TB-related MA. The SECTION also contains the increase in the value of life insurance  
policies that must be excluded from the asset calculation for SSI-related and  
tuberculosis-related MA. Also, there is no need to specify that household and personal  
possessions are excluded from the asset calculation as they are already excluded under  
42 USC 1382b (a) (2) (A).

12 **SECTION 12.** 49.46 (1) (e) of the statutes is amended to read:

13 49.46 (1) (e) If an application under s. 49.47 (3) shows that the person has  
14 individual meets the income and resources within the limitations of limits under s.  
15 49.19, as calculated under par. (ar), or meets the income and resource requirement  
16 under federal Title XVI or s. 49.77, as calculated under par. (at), or that the person  
17 is an essential person, an accommodated person or a patient in a public medical  
18 institution, the person shall be granted the benefits enumerated under sub. (2)  
19 whether or not the person requests or receives a grant of any of such aids.

20 **SECTION 13.** 49.46 (1) (L) of the statutes is repealed.

\*\*\*\*NOTE: This SECTION contained the income methodology for determining income for the categorically needy Health Start category and for a portion of the AFDC-related category. The income methodology is now found in s. 49.46 (1) (ar), as created in SECTION 10 of this bill.

1           **SECTION 14.** 49.465 (2) (intro.) of the statutes is amended to read:

2           49.465 (2) (intro.) A pregnant woman is eligible for medical assistance benefits,  
3 as provided under sub. (3), during the period beginning on the day on which a  
4 qualified provider determines, on the basis of preliminary information, that the  
5 woman's family income, as calculated under s. 49.46 (1) (ar), does not exceed the  
6 highest level for eligibility for benefits under s. 49.46 (1) or 49.47 (4) (am) or (c) 1. and  
7 ending as follows:

\*\*\*\*NOTE: This section requires DHFS, for purposes of presumptive MA eligibility, to use the income methodology under s. 49.46 (1) (ar) as created in SECTION 10 of this bill.

8           **SECTION 15.** 49.468 (1) (d) of the statutes is renumbered 49.468 (1) (d) (intro.)  
9 and amended to read:

10          49.468 (1) (d) (intro.) Benefits under par. (b) or (c) are available for an  
11 individual who has meets all of the following requirements:

12          1. The individual's resources that are equal to or less than 200% of the  
13 allowable resources as determined limit under 42 USC 1381 to 1385 and 1382 (a) (3)  
14 (A). For purposes of calculating the amount of an individual's resources, the  
15 department shall exclude the resources excluded under 42 USC 1382b (a) and any  
16 life insurance policies with cash surrender values if the total face value of all of the  
17 insurance policies exceeds \$1,500 but does not exceed \$5,000.

18          2. The individual's income that is equal to or less than 100% of the poverty line.

\*\*\*\*NOTE: This SECTION and SECTION 16 increase the life insurance cap for individuals eligible under MA buy-in. Also, there is no need to specify that household and personal possessions are excluded from the asset calculation as they are already excluded under 42 USC 1382b (a) (2) (A).

1 **SECTION 16.** 49.468 (2) (b) of the statutes is renumbered 49.468 (2) (b) (intro.)  
2 and amended to read:

3 49.468 (2) (b) (intro.) Benefits under par. (a) are available for an individual who  
4 has meets all of the following requirements:

5 1. The individual's resources that are equal to or less than 200% of the  
6 allowable resources limit under 42 USC 1381 to 1385 and 1382 (a) (3) (A). For  
7 purposes of calculating the amount of an individual's resources, the department  
8 shall exclude the resources excluded under 42 USC 1382b (a) and any life insurance  
9 policies with cash surrender values if the total face value of all of the insurance  
10 policies exceeds \$1,500 but does not exceed \$5,000.

11 2. The individual's income that is equal to or less than 200% of the poverty line.

12 **SECTION 17.** 49.47 (4) (a) 1. of the statutes is amended to read:

13 49.47 (4) (a) 1. <sup>-plain</sup> Under 18 ~~At least 19 years of age but under 21 years of age or,~~  
14 if the person and resides in an intermediate care facility, skilled nursing facility, or  
15 inpatient psychiatric hospital, ~~under 21 years of age.~~

\*\*\*NOTE: This SECTION exempts individuals who are under 19 years of age from  
the asset requirement. See s. 49.47 (4) (ag) (intro.) and 1. as created in SECTIONS 19 and  
20 of this bill.

16 **SECTION 18.** 49.47 (4) (a) 2. of the statutes is renumbered 49.47 (4) (ag) 2.

\*\*\*NOTE: This SECTION exempts pregnant women from the asset requirements.  
Sec. s. 49.47 (4) (ag) (intro.), as created in this bill.

17 **SECTION 19.** 49.47 (4) (ag) (intro.) of the statutes is created to read:

18 49.47 (4) (ag) (intro.) Any individual whose income does not exceed the limits  
19 under par. (c) and who complies with par. (cm) is eligible for medical assistance under  
20 this section if the individual is one of the following:

21 **SECTION 20.** 49.47 (4) (ag) 1. of the statutes is created to read:

22 49.47 (4) (ag) 1. Under the age of 19.



1           **SECTION 21.** 49.47 (4) (am) 1. of the statutes is amended to read:

2           49.47 (4) (am) 1. A pregnant woman whose family income, as determined under  
3 par. (c)<sup>1c</sup> does not exceed 155% of the poverty line for a family the size of the woman's  
4 family, except that if a waiver under par. (j) or a change in the approved state plan  
5 under s. 49.46 (1) (am) 2. is in effect, the income limit is 185% of the poverty line for  
6 a family the size of the woman's family in each state fiscal year after the 1994-95  
7 state fiscal year.

8           **SECTION 22.** 49.47 (4) (am) 2. of the statutes is amended to read:

9           49.47 (4) (am) 2. A child who is under 6 years of age and whose family income,  
10 as determined under par. (c)<sup>1c</sup> does not exceed 155% of the poverty line for a family  
11 the size of the child's family, except that if a waiver under par. (j) or a change in the  
12 approved state plan under s. 49.46 (1) (am) 2. is in effect, the income limit is 185%  
13 of the poverty line for a family the size of the child's family in each state fiscal year  
14 after the 1994-95 state fiscal year.

15           **SECTION 23.** 49.47 (4) (b) 2m. a. of the statutes is amended to read:

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

22           **SECTION 24.** 49.47 (4) (b) 2w. of the statutes is amended to read:

23           49.47 (4) (b) 2w. For a person who is eligible under par. (a) 3. or 4., life insurance  
24 with cash surrender values if the total face value of all life insurance policies is not  
25 more than \$1,500 \$5,000.

\*\*\*\*NOTE: This SECTION increases the life insurance cap for medically needy SSI-related individuals.

SECTION 25. 49.47 (4) (c) 1. of the statutes is repealed and recreated to read:

49.47 (4) (c) 1. Except as provided in par. (am) and subd. 3., an applicant is eligible to receive medical assistance under this subsection if the applicant's total income, as determined under <sup>subd. 1g.</sup> ~~par. (c)~~, does not exceed 133 1/3% of the maximum aid to families with dependent children payment under s. 49.19 (11) for the applicant's family size or the combined benefit amount available under supplemental security income under 42 USC 1381 to 1383c and state supplemental aid under s. 49.77 whichever is higher.

SECTION 26. 49.47 (4) ~~(c)~~ <sup>(c) 1g.</sup> of the statutes is created to read:

49.47 (4) ~~(c)~~ <sup>(c) 1g.</sup> Except as provided in subd. ~~3A~~ <sup>3A</sup>, for purposes of determining whether an individual's income meets the income requirements under <sup>subd. 1.</sup> ~~par. (c)~~; "income" includes all of the individual's earned and unearned income that would be included in determining eligibility for the individual or family under s. 49.19 or 49.77, or for the aged, blind, or disabled individual under 42 USC 1381 to 1385 and "income" does not include earned and unearned income that would be excluded in determining eligibility for the individual or family under s. 49.19 or 49.77, or for the aged, blind, or disabled individual under 42 USC 1381 to 1385.

SECTION 27. 49.47 (4) (cg) 3. of the statutes is created to read:

49.47 (4) (cg) 3. Notwithstanding s. 49.19 (5), for purposes of determining whether an individual under par. (ag), (am), or (av) is eligible for medical assistance, the department may use income methodologies that are less restrictive than the income methodologies that were used to calculate income for determining eligibility for a grant of aid to families with dependent children under s. 49.19 on July 16, 1996.

\*\*\*\*NOTE: This SECTION and SECTIONS 26 and 27 contain the income methodologies for medically needy MA.

1 SECTION 28. 49.47 (4) (h) of the statutes is renumbered 49.47 (4) (c) <sup>Ir.</sup> and  
2 amended to read:

3 49.47 (4) (c) <sup>Ir. plain</sup> ~~(a) (For Except as provided in subd. (3), for~~ the purposes of par. (am),  
4 “income” includes income that would be used in determining eligibility for aid to  
5 families with dependent children under s. 49.19 and ~~excludes~~ does not include  
6 income that would be excluded in determining eligibility for aid to families with  
7 dependent children under s. 49.19.

8 SECTION 29. 49.47 (6) (a) 7. of the statutes is amended to read:

9 49.47 (6) (a) 7. Beneficiaries eligible under sub. (4) (a) ~~2.~~ (ag) 2. or (am) 1., for  
10 services under s. 49.46 (2) (a) and (b) that are related to pregnancy, including  
11 postpartum services and family planning services, as defined in s. 253.07 (1) (b), or  
12 related to other conditions which may complicate pregnancy.

13 SECTION 30. 49.472 (3) (b) of the statutes is amended to read:

14 49.472 (3) (b) The individual's assets do not exceed \$15,000. In determining  
15 assets, the department ~~may not include~~ shall exclude assets that are excluded from  
16 the resource calculation under 42 USC 1382b (a) or assets accumulated in an  
17 independence account. The department shall also exclude from an individual's asset  
18 calculation any life insurance policies with cash surrender values if the total face  
19 value of all of the insurance policies exceeds \$1,500 but does not exceed \$5,000. The  
20 department may exclude, in whole or in part, the value of a vehicle used by the  
21 individual for transportation to paid employment.

\*\*\*\*NOTE: This SECTION increases the life insurance cap for individuals eligible under MAPP. Also, there is no need to specify that household and personal possessions are excluded from the asset calculation as they are already excluded under 42 USC 1382b (a) (2) (A).

1 SECTION 31. 49.665 (1) (am) of the statutes is created to read:

2 49.665 (1) (am) "Caretaker relative" means a stepparent, brother, sister,  
3 stepbrother, stepsister, first cousin, nephew, niece, aunt, uncle, or any person of a  
4 preceding generation as denoted by the prefix of grand, great, or great-great,  
5 whether by blood, marriage, or legal adoption, or the spouse of any of the individuals  
6 named in this paragraph, even if the marriage is terminated by death or divorce.

7 SECTION 32. 49.665 (1) (d) of the statutes is renumbered 49.665 (1) (d) (intro.)  
8 and amended to read:

9 49.665 (1) (d) (intro.) "Family" means a unit that consists of at one of the  
10 following groups of individuals:

11 1. At least one child and, his or her parent or parents, and, if any, the spouse  
12 of the child's parent, all of whom reside in the same household. "Family" includes  
13 the spouse of an individual who is a parent if the spouse resides in the same  
14 household as the individual.

15 SECTION 33. 49.665 (1) (d) 2. of the statutes is created to read:

16 49.665 (1) (d) 2. At least one child, his or her caretaker relative, and, if any, the  
17 spouse of the child's caretaker relative, all of whom reside in the same household.

18 A.R. (A) SECTION 9323. Initial applicability; health and family services. ✓

19 A.R. (B) (1) MEDICAL ASSISTANCE ELIGIBILITY. The treatment of sections 49.46 (1) (a) 1., ✓

20 1m., 6., 6m., 12., and 15., (ar), (at), (e), and (L), 49.465 (2) (intro.), 49.468 (1) (a) and ✓

21 49.47 (4) (a) 1. and 2., (ag) (intro.) and 1., (b) 2m. a. and 2m., (c) 1., and ✓

22 (h), and (6) (a) 7., and 49.472 (3) (b) of the statutes first applies to eligibility ✓

23 determinations for medical assistance that are made on the effective date of this

24 subsection.

1 (2) **BADGER CARE ELIGIBILITY FOR CARETAKER RELATIVES.** The treatment of section  
 2 49.665 (1) (am) and (d) of the statutes first applies to eligibility determinations for  
 3 the badger care health care program that are made on the effective date of this  
 4 subsection.

5 (END)

(B)

CS # 9423. <sup>Effective dates</sup> Initial applicability; health and family services

(1) Medical assistance eligibility. The treatment of sections 49.46(1)(a) 1., 1m., 6., 6m., 9., 10., 11., 12., and 15., <sup>or</sup> (at), <sup>(at)</sup> (e), and (f), 49.465(2)(intro.), ~~and~~ 49.47(4)(a) 1. and 2., (ag)(intro.) and 1., (am) 1. and 2., <sup>(c)</sup> and (b) 2m., a., (c) 1. and 1g., and (h), and (6) (a) 7. <sup>(and Section 9423 (1))</sup> of the statutes of this act <sup>take</sup> effect on the first day of the 3<sup>rd</sup> month beginning after publication.

A.R. (A)

## Sager-Rosenthal, Ivy

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**From:** Mullikin, Melissa  
**Sent:** Thursday, January 18, 2001 11:38 AM  
**To:** Sager-Rosenthal, Ivy  
**Subject:** 0460/2

Hi Ivy,

This draft eliminating the MA asset test looks good, however, it looks like the effective date language needs to be changed slightly.

To comply with the requirements of the HCFA waiver, the state must eliminate the MA asset test no later than 60 days after enactment of the bill. DHFS's comments follow:

DHCF staff reviewed the stat. language you provided in your e-mail and find it to be problematic. We think it needs to be changed as we can't meet the commitment to HCFA with this language to implement within 60 days of enactment of the budget.

For example if the budget is effective July 10 the current language would require that the change be made for October 1 - the first of the third month after passage.

It would be best to have exactly the same language as will be in the terms and conditions for the BadgerCare waiver - i.e. implement the elimination of the asset test no later than the 60 days after enactment. With this language, if the budget is effective July 10 we would make the change by September 1.

Please, can you change the effective date language to address DHFS concerns?

Thanks much,  
Melissa

Melissa Mullikin  
Executive Policy and Budget Analyst  
State Budget Office  
267-7980



RMR

DOA:.....Mullikin – MA eligibility changes

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

Seem  
(only change on pg. 8)

DO NOT GEN

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

*Analysis by the Legislative Reference Bureau*

**HEALTH AND HUMAN SERVICES**

**MEDICAL ASSISTANCE**

Current law requires DHFS to provide medical assistance (MA) to individuals who meet the requirements under one of the following MA eligibility categories:

1. AFDC-MA. Under this category, individuals who meet the income, asset, and non-financial requirements for the federal aid to families with dependent children (AFDC) program that were in effect on July 16, 1996, are eligible to receive MA. The AFDC program was replaced with the federal temporary assistance for needy families (TANF) program on July 16, 1996. Generally, individuals who may qualify under the AFDC-MA category are certain children under 19 years of age, their caretaker relatives, and pregnant women in the eighth or ninth month of pregnancy.

2. AFDC-related MA. This category includes certain children 19 years of age or younger, their caretaker relatives, and pregnant women throughout the entire pregnancy who meet the income and asset requirements of the AFDC program that were in effect on July, 16, 1996, but who would not have received an AFDC payment. Also eligible under this category are children under the age of 18 and pregnant women whose incomes do not exceed 133.33% of the maximum payment under the AFDC program, and whose assets do not exceed certain asset limits.

This bill eliminates the asset requirements for the AFDC-MA and AFDC-related MA categories.

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

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

1           **SECTION 1.** 49.46 (1) (a) 1. of the statutes is amended to read:

2           49.46 (1) (a) 1. ~~Any person included in the~~ Notwithstanding s. 49.19 (20), any  
3 individual who, without regard to the individual's resources and subject to par. (ar),  
4 would qualify for a grant of aid to families with dependent children and any person  
5 who does under s. 49.19.

6           1g. Notwithstanding s. 49.19 (20), any individual who, without regard to the  
7 individual's resources and subject to par. (ar), would qualify for a grant of aid to  
8 families with dependent children but who would not receive such the aid solely  
9 because of the application of s. 49.19 (11) (a) 7.

10           **SECTION 2.** 49.46 (1) (a) 1m. of the statutes is amended to read:

11           49.46 (1) (a) 1m. Any pregnant woman ~~who meets the resource and~~ whose  
12 income limits does not exceed the standard of need under s. 49.19 (4) (bm) and (es)  
13 (11), as determined under par. (ar), and whose pregnancy is medically verified.  
14 Eligibility continues to the last day of the month in which the 60th day after the last  
15 day of the pregnancy falls.

16           **SECTION 3.** 49.46 (1) (a) 6. of the statutes is amended to read:

17           49.46 (1) (a) 6. Any person not described in pars. (c) to (e) who is, without regard  
18 to the individual's resources and subject to par. (ar), would be considered, under  
19 federal law, to be receiving aid to families with dependent children for the purpose  
20 of determining eligibility for medical assistance.

21           **SECTION 4.** 49.46 (1) (a) 6m. of the statutes is amended to read:



1           49.46 (1) (a) 6m. Any person not described in pars. (c) to (e) who, subject to par.  
2           (at), is considered, under federal law, to be receiving supplemental security income  
3           for the purpose of determining eligibility for medical assistance.

4           **SECTION 5.** 49.46 (1) (a) 9. of the statutes is amended to read:

5           49.46 (1) (a) 9. Any pregnant woman not described under subd. 1., 1g., or 1m.  
6           whose family income does not exceed 133% of the poverty line for a family the size  
7           of the woman's family.

8           **SECTION 6.** 49.46 (1) (a) 10. of the statutes is amended to read:

9           49.46 (1) (a) 10. Any child not described under subd. 1. or 1g. who is under 6  
10          years of age and whose family income does not exceed 133% of the poverty line for  
11          a family the size of the child's family.

12          **SECTION 7.** 49.46 (1) (a) 11. of the statutes is amended to read:

13          49.46 (1) (a) 11. If a waiver under s. 49.665 is granted and in effect, any child  
14          not described under subd. 1. or 1g. who has attained the age of 6 but has not attained  
15          the age of 19 and whose family income does not exceed 100% of the poverty line for  
16          a family the size of the child's family. If a waiver under s. 49.665 is not granted or  
17          in effect, any child not described in subd. 1. or 1g. who was born after September  
18          30,1983, who has attained the age of 6 but has not attained the age of 19 and whose  
19          family income does not exceed 100% of the poverty line for a family the size of the  
20          child's family.

21          **SECTION 8.** 49.46 (1) (a) 12. of the statutes is amended to read:

22          49.46 (1) (a) 12. Any child not described under subd. 1. or 1g. who is under 19  
23          years of age and ~~who meets the resource and~~ whose income limits does not exceed the  
24          standard of need under s. 49.19 (4) (11), as calculated under par. (ar).

25          **SECTION 9.** 49.46 (1) (a) 15. of the statutes is amended to read:

1           49.46 (1) (a) 15. Any individual who is infected with tuberculosis and meets the  
2 income and resource eligibility requirements for the federal supplemental security  
3 program under 42 USC 1381 to ~~1383d~~ 1385, as calculated under par. (at).

4           **SECTION 10.** 49.46 (1) (ar) of the statutes is created to read:

5           49.46 (1) (ar) Except to the extent that the determination is inconsistent with  
6 42 USC 1396a (a) 17., for the purposes of determining whether an individual under  
7 par. (a) 1., lg., or 6. would qualify for a grant of aid to families with dependent  
8 children under s. 49.19, or whether an individual meets the income limits under par.  
9 (a) 1m., 9., 10., 11., or 12., or s. 49.465 (2), “income” includes income that would be  
10 used in determining eligibility for aid to families with dependent children under s.  
11 49.19 and excludes income that would be excluded in determining eligibility for aid  
12 to families with dependent children under s. 49.19.

13           **SECTION 11.** 49.46 (1) (at) of the statutes is created to read:

14           49.46 (1) (at) For purposes of calculating an individual’s income under par. (a)  
15 6m. or 15. or (e), the department shall calculate income as provided in 42 USC 1381  
16 to 1385.

17           **SECTION 12.** 49.46 (1) (e) of the statutes is amended to read:

18           49.46 (1) (e) If an application under s. 49.47 (3) shows that the ~~person has~~  
19 individual meets the income and resources within the limitations of limits under s.  
20 49.19, as calculated under par. (ar), or meets the income and resource requirement  
21 under federal Title XVI or s. 49.77, as calculated under par. (at), or that the person  
22 is an essential person, an accommodated person or a patient in a public medical  
23 institution, the person shall be granted the benefits enumerated under sub. (2)  
24 whether or not the person requests or receives a grant of any of such aids.

25           **SECTION 13.** 49.46 (1) (L) of the statutes is repealed.

1           **SECTION 14.** 49.465 (2) (intro.) of the statutes is amended to read:

2           49.465 (2) (intro.) A pregnant woman is eligible for medical assistance benefits,  
3 as provided under sub. (3), during the period beginning on the day on which a  
4 qualified provider determines, on the basis of preliminary information, that the  
5 woman's family income, as calculated under s. 49.46 (1) (ar), does not exceed the  
6 highest level for eligibility for benefits under s. 49.46 (1) or 49.47 (4) (am) or (c) 1. and  
7 ending as follows:

8           **SECTION 15.** 49.47 (4) (a) 1. of the statutes is amended to read:

9           49.47 (4) (a) 1. Under ~~18~~ 21 years of age ~~or, if the person~~ and resides in an  
10 intermediate care facility, skilled nursing facility, or inpatient psychiatric hospital,  
11 ~~under 21 years of age.~~

12           **SECTION 16.** 49.47 (4) (a) 2. of the statutes is renumbered 49.47 (4) (ag) 2.

13           **SECTION 17.** 49.47 (4) (ag) (intro.) of the statutes is created to read:

14           49.47 (4) (ag) (intro.) Any individual whose income does not exceed the limits  
15 under par. (c) and who complies with par. (cm) is eligible for medical assistance under  
16 this section if the individual is one of the following:

17           **SECTION 18.** 49.47 (4) (ag) 1. of the statutes is created to read:

18           49.47 (4) (ag) 1. Under the age of 19.

19           **SECTION 19.** 49.47 (4) (am) 1. of the statutes is amended to read:

20           49.47 (4) (am) 1. A pregnant woman whose family income, as determined under  
21 par. (c) 1r., does not exceed 155% of the poverty line for a family the size of the  
22 woman's family, except that if a waiver under par. (j) or a change in the approved  
23 state plan under s. 49.46 (1) (am) 2. is in effect, the income limit is 185% of the poverty  
24 line for a family the size of the woman's family in each state fiscal year after the  
25 1994–95 state fiscal year.

1           **SECTION 20.** 49.47 (4) (am) 2. of the statutes is amended to read:

2           49.47 (4) (am) 2. A child who is under 6 years of age and whose family income,  
3 as determined under par. (c) 1r., does not exceed 155% of the poverty line for a family  
4 the size of the child's family, except that if a waiver under par. (j) or a change in the  
5 approved state plan under s. 49.46 (1) (am) 2. is in effect, the income limit is 185%  
6 of the poverty line for a family the size of the child's family in each state fiscal year  
7 after the 1994-95 state fiscal year.

8           **SECTION 21.** 49.47 (4) (b) 2m. a. of the statutes is amended to read:

9           49.47 (4) (b) 2m. a. For persons who are eligible under par. (a) 1. ~~or 2.~~, one  
10 vehicle is exempt from consideration as an asset. A 2nd vehicle is exempt from  
11 consideration as an asset only if the department determines that it is necessary for  
12 the purpose of employment or to obtain medical care. The equity value of any  
13 nonexempt vehicles owned by the applicant is an asset for the purposes of  
14 determining eligibility for medical assistance under this section.

15           **SECTION 22.** 49.47 (4) (c) 1. of the statutes is repealed and recreated to read:

16           49.47 (4) (c) 1. Except as provided in par. (am) and subd. 3., an applicant is  
17 eligible to receive medical assistance under this subsection if the applicant's total  
18 income, as determined under subd. 1g., does not exceed 133 1/3% of the maximum  
19 aid to families with dependent children payment under s. 49.19 (11) for the  
20 applicant's family size or the combined benefit amount available under  
21 supplemental security income under 42 USC 1381 to 1383c and state supplemental  
22 aid under s. 49.77 whichever is higher.

23           **SECTION 23.** 49.47 (4) (c) 1g. of the statutes is created to read:

24           49.47 (4) (c) 1g. For purposes of determining whether an individual's income  
25 meets the income requirements under subd. 1., "income" includes all of the

1 individual's earned and unearned income that would be included in determining  
2 eligibility for the individual or family under s. 49.19 or 49.77, or for the aged, blind,  
3 or disabled individual under 42 USC 1381 to 1385 and "income" does not include  
4 earned and unearned income that would be excluded in determining eligibility for  
5 the individual or family under s. 49.19 or 49.77, or for the aged, blind, or disabled  
6 individual under 42 USC 1381 to 1385.

7 **SECTION 24.** 49.47 (4) (h) of the statutes is renumbered 49.47 (4) (c) 1r. and  
8 amended to read:

9 49.47 (4) (c) 1r. For the purposes of par. (am), "income" includes income that  
10 would be used in determining eligibility for aid to families with dependent children  
11 under s. 49.19 and ~~excludes~~ does not include income that would be excluded in  
12 determining eligibility for aid to families with dependent children under s. 49.19.

13 **SECTION 25.** 49.47 (6) (a) 7. of the statutes is amended to read:

14 49.47 (6) (a) 7. Beneficiaries eligible under sub. (4) ~~(a) 2.~~ (ag) 2. or (am) 1., for  
15 services under s. 49.46 (2) (a) and (b) that are related to pregnancy, including  
16 postpartum services and family planning services, as defined in s. 253.07 (1) (b), or  
17 related to other conditions which may complicate pregnancy.

18 **SECTION 9323. Initial applicability; health and family services.**

19 (1) MEDICAL ASSISTANCE ELIGIBILITY. The treatment of sections 49.46 (1) (a) 1.,  
20 1m., 6., 6m., 9., 10., 11., 12., and 15., (ar), (at), (e), and (L), 49.465 (2) (intro.), 49.47  
21 (4) (a) 1. and 2., (ag) (intro.) and 1., (am) 1. and 2. and (b) 2m. a., (c) 1. and 1g., and  
22 (h), and (6) (a) 7. of the statutes first applies to eligibility determinations for medical  
23 assistance that are made on the effective date of this subsection.

24 **SECTION 9423. Effective dates; health and family services.**

1 (1) MEDICAL ASSISTANCE ELIGIBILITY. The treatment of sections 49.46 (1) (a) 1.,  
 2 1m., 6., 6m., 9., 10., 11., 12., and 15., (ar), (at), (e), and (L), 49.465 (2) (intro.), 49.47  
 3 (4) (a) 1. and 2., (ag) (intro.) and 1., (am) 1. and 2., (b) 2m. a., (c) 1. 1g., and (h), and  
 4 (6) (a) 7. of the statutes and SECTION 9323 (1) of this act take effect on the <sup>60th</sup> day  
 5 ~~of the 3rd month beginning~~ after publication.

6 (END)

**Sager-Rosenthal, Ivy**

**From:** Sager-Rosenthal, Ivy  
**Sent:** Tuesday, January 23, 2001 4:44 PM  
**To:** Mullikin, Melissa  
**Subject:** RE: Fwd: FW: LRB Draft: 01-0460/3 MA eligibility changes

*under 18*

Melissa:

I had a chance to look over John LaPhilliph's comments and I must say that I am rather confused. In DHFS's comments on the "P1" version of this draft, DHFS states that the AFDC-related MA category includes dependent 18 year-olds. If what is stated in DHFS's comments is correct, the analysis is not wrong in stating that current law requires DHFS to provide MA to children under 19. If it would make DHFS more comfortable I could change the analysis to say "individuals under 19" but that seems to be splitting hairs. Please let me know what information is correct. Also, what about the mention of children under 19 in #1 of the analysis?

*take out*

Also, regarding the suggested changes to the income that DHFS is required to include in the income calculation under s. 49.46 (1) (ar) (section 10 of the bill). John LaPhilliph states in the comments below that the language of (ar) needs to reflect that certain income disregards do not apply to ss. 49.46 (1) (a) 9., 10., 11, or 12. The only change the newly created (ar) makes to current law is to cross-reference (a) 1., 1g. and 6. and 49.465 (2). The income calculation language as it relates to (a) 9. to 12. is not substantively changed from current law. Section 49.46 (1) (L) of current law contains the same language for the income calculation as I included in par. (ar). Changing the language to "clarify" that only certain income that is excluded under 49.19 is excluded for these individuals is a substantive change to current law. Please let me know if you wish to make that change. The only reason I created (ar) was to add some clarity to an otherwise obtuse section. If this causes a problem, I would recommend taking the created (ar) out of the bill and leaving the structure of 49.46 (1) as is.

*take out*

Finally, I cannot include the effective date as suggested below. An act must take effect on a specific date. This is to avoid problems of notice. An act must take effect on a specific date so that an individual who is affected by the act knows exactly the date when he or she is eligible for benefits granted by the act or when he or she must abide by the new law. An individual is provided this notice when the Revisor publishes the exact date on the publication of the act. If an act used the effective date proposed by DHFS, DHFS would be permitted to choose the date on which the act applies (within the 60 day limit) but there is no way for an individual to know what date DHFS chooses.

Please let me know how I should proceed with the bill. As always, please contact me if you have questions.

I hope things aren't too busy!

*1st of 2nd month*

Thanks,  
Ivy

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

**From:** Miller, Anne  
**Sent:** Tuesday, January 23, 2001 2:50 PM  
**To:** Mullikin, Melissa  
**Cc:** Bove, Fredi-Ellen; Jones, James; LaPhilliph, John; Wood, Susan; Kraus, Jennifer; Sager-Rosenthal, Ivy  
**Subject:** Re: Fwd: FW: LRB Draft: 01-0460/3 MA eligibility changes

Hi Melissa!

Attached are the suggested changes to the latest draft language to eliminate the MA asset test. John LaPhilliph, from the Bureau of Eligibility drafted these changes and they have been approved by the Bureau of Eligibility and OSF.

Please feel free to contact me with any questions or concerns.

Anne Miller  
DHFS/OSF  
6-5422

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

Date: 01/23/2001 02:13 pm -0600 (Tuesday)

From: John LaPhilliph

To: Miller, Anne

CC: Bove, Fredi-Ellen; Jones, James; Scott Riedasch; Wood, Susan

Subject: Re: Fwd: FW: LRB Draft: 01-0460/3 MA eligibility changes

I've looked over the statutory language and would suggest the following changes:

1. Under item 2 in the analysis section, it reads, "AFDC-related MA. This category includes certain children 19 years of age or younger." It should say 18 years or younger. We missed that edit earlier.

2. Since the language has been removed that would allow us to use the \$65 & 1/2 earned income disregard, the current language in Sections 10, 23 and 24 could be construed to allow the use of the \$30 & 1/3 income disregard found in 49.19 for categories of Medicaid that we do not currently apply it to (AFDC-related and Healthy Start).

The full set of exclusions including the \$30 & 1/3 does apply to eligibility under 49.46(1)(a)1. & 1g. (the AFDC-Medicaid category).

I would suggest modifying section 10 to clarify that the full set of exclusions apply to 49.46(1)(a)1. & 1g., but that for sections 49.46(1)(a)6., (a) 1m., 9., 10., 11., or 12., or s. 49.465 (2) the exclusions do not include those in 49.19(5)(a)4., 4m. and (am).

Sections 23 and 24 should also be modified to say that the AFDC income exclusions to be applied do not include those in 49.19(5)(a)4., 4m. and (am).

3. As for the effective date in Section 9423, I would recommend to have it say that it will take effect 'by' the 60th day after publication, rather than 'on' the 60th day. This wording would be consistent with what the federal government required in the new BadgerCare Waiver. It would also allow the department the flexibility to pick a date that would be easier to implement. such as the first of a month.

Let me know if there's any questions.

>>> Anne Miller 01/22/2001 1:36:57 PM >>>

Dear Susan, Jim, and John,

Attached is the latest draft language to eliminate the MA asset test for your review.

DOA has requested a Department response by Wednesday noon (as is noted in the attached accompanying email).

Melissa also states in her email that she thinks the effective date provision is wrong.

Could you please return comments to me by Wednesday noon (morning would be preferable).

Thanks,

Anne Miller

DHFS/OSF

6-5422





State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-0460/3

ISR:hmh&wlj

*Handwritten initials and signature*  
DMR

DOA:.....Mullikin - MA eligibility changes

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

*Large handwritten signature: "Soon Thanks"*

DO NOT GEN

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

*Analysis by the Legislative Reference Bureau*

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

Current law requires DHFS to provide medical assistance (MA) to individuals who meet the requirements under one of the following MA eligibility categories:

1. AFDC-MA. Under this category, individuals who meet the income, asset, and non-financial requirements for the federal aid to families with dependent children (AFDC) program that were in effect on July 16, 1996, are eligible to receive MA. The AFDC program was replaced with the federal temporary assistance for needy families (TANF) program on July 16, 1996. Generally, individuals who may qualify under the AFDC-MA category are certain children under 19 years of age, their caretaker relatives, and pregnant women in the eighth or ninth month of pregnancy.

\* 2. AFDC-related MA. This category includes certain children <sup>under</sup> 19 years of age ~~or pregnant women~~, their caretaker relatives, and pregnant women throughout the entire pregnancy who meet the income and asset requirements of the AFDC program that were in effect on July 16, 1996, but who would not have received an AFDC payment. Also eligible under this category are children under the age of 18 and pregnant women whose incomes do not exceed 133.33% of the maximum payment under the AFDC program, and whose assets do not exceed certain asset limits.

This bill eliminates the asset requirements for the AFDC-MA and AFDC-related MA categories.

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.** 49.46 (1) (a) 1. of the statutes is amended to read:

2           49.46 (1) (a) 1. ~~Any person included in the~~ Notwithstanding s. 49.19 (20), any  
3 individual who, without regard to the individual's resources ~~and subject to par. (a),~~  
4 would qualify for a grant of aid to families with dependent children and any person  
5 who does under s. 49.19.

6           1g. Notwithstanding s. 49.19 (20), any individual who, without regard to the  
7 individual's resources ~~and subject to par. (a),~~ would qualify for a grant of aid to  
8 families with dependent children but who would not receive such the aid solely  
9 because of the application of s. 49.19 (11) (a) 7.

10           **SECTION 2.** 49.46 (1) (a) 1m. of the statutes is amended to read:

11           49.46 (1) (a) 1m. Any pregnant woman ~~who meets the resource and whose~~  
12 ~~income limits does not exceed the standard of need under s. 49.19 (4) (bm) and (es)~~  
13 ~~(11) as determined under par. (a),~~ and whose pregnancy is medically verified.  
14 Eligibility continues to the last day of the month in which the 60th day after the last  
15 day of the pregnancy falls.

16           **SECTION 3.** 49.46 (1) (a) 6. of the statutes is amended to read:

17           49.46 (1) (a) 6. Any person not described in pars. (c) to (e) who is, without regard  
18 to the individual's resources ~~and subject to par. (a),~~ would be considered, under  
19 federal law, to be receiving aid to families with dependent children for the purpose  
20 of determining eligibility for medical assistance.

21           **SECTION 4.** 49.46 (1) (a) 6m. of the statutes is amended to read:

1 49.46 (1) (a) 6m. Any person not described in pars. (c) to (e) who, ~~subject to par.~~  
2 ~~11m~~ is considered, under federal law, to be receiving supplemental security income  
3 for the purpose of determining eligibility for medical assistance.

4 SECTION 5. 49.46 (1) (a) 9. of the statutes is amended to read:

5 49.46 (1) (a) 9. Any pregnant woman not described under subd. 1., 1g., or 1m.  
6 whose family income does not exceed 133% of the poverty line for a family the size  
7 of the woman's family.

8 SECTION 6. 49.46 (1) (a) 10. of the statutes is amended to read:

9 49.46 (1) (a) 10. Any child not described under subd. 1. or 1g. who is under 6  
10 years of age and whose family income does not exceed 133% of the poverty line for  
11 a family the size of the child's family.

12 SECTION 7. 49.46 (1) (a) 11. of the statutes is amended to read:

13 49.46 (1) (a) 11. If a waiver under s. 49.665 is granted and in effect, any child  
14 not described under subd. 1. or 1g. who has attained the age of 6 but has not attained  
15 the age of 19 and whose family income does not exceed 100% of the poverty line for  
16 a family the size of the child's family. If a waiver under s. 49.665 is not granted or  
17 in effect, any child not described in subd. 1. or 1g. who was born after September  
18 30, 1983, who has attained the age of 6 but has not attained the age of 19 and whose  
19 family income does not exceed 100% of the poverty line for a family the size of the  
20 child's family.

21 SECTION 8. 49.46 (1) (a) 12. of the statutes is amended to read:

22 49.46 (1) (a) 12. Any child not described under subd. 1. or 1g. who is under 19  
23 years of age and ~~who meets the resource and whose income limits~~ does not exceed the  
24 standard of need under s. 49.19 (4) (11) ~~as calculated under par. (a).~~

25 SECTION 9. 49.46 (1) (a) 15. of the statutes is amended to read:

**SECTION 9**

1 49.46 (1) (a) 15. Any individual who is infected with tuberculosis and meets the  
2 income and resource eligibility requirements for the federal supplemental security  
3 program under 42 USC 1381 to ~~1383d~~ 1385, as calculated under par. (at).

4 **SECTION 10.** 49.46 (1) (ar) of the statutes is created to read:

5 49.46 (1) (ar) Except to the extent that the determination is inconsistent with  
6 42 USC 1396a (a) 17., for the purposes of determining whether an individual under  
7 par. (a) 1., 1g., or 6. would qualify for a grant of aid to families with dependent  
8 children under s. 49.19, or whether an individual meets the income limits under par.  
9 (a) 1m., 9., 10., 11., or 12., or s. 49.465 (2), "income" includes income that would be  
10 used in determining eligibility for aid to families with dependent children under s.  
11 49.19 and excludes income that would be excluded in determining eligibility for aid  
12 to families with dependent children under s. 49.19.

13 **SECTION 11.** 49.46 (1) (at) of the statutes is created to read:

14 49.46 (1) (at) For purposes of calculating an individual's income under par. (a)  
15 6m. or 15. or (e), the department shall calculate income as provided in 42 USC 1381  
16 to 1385.

17 **SECTION 12.** 49.46 (1) (e) of the statutes is amended to read:

18 49.46 (1) (e) If an application under s. 49.47 (3) shows that the person has  
19 individual meets the income and resources within the limitations of limits under s.  
20 49.19, ~~as calculated under par. (a) 1m.~~ or meets the income and resource requirement<sup>s</sup>  
21 under federal Title XVI or s. 49.77, ~~as calculated under par. (a) 1m.~~ or that the person <sup>individual</sup>  
22 is an essential person, an accommodated person or a patient in a public medical  
23 institution, the person <sup>individual</sup> shall be granted the benefits enumerated under sub. (2)  
24 whether or not the person <sup>individual</sup> requests or receives a grant of any of such aids.

25 **SECTION 13.** 49.46 (1) (L) of the statutes is repealed

1       **SECTION 14.** 49.465 (2) (intro.) of the statutes is amended to read:

2       49.465 (2) (intro.) A pregnant woman is eligible for medical assistance benefits,  
3 as provided under sub. (3), during the period beginning on the day on which a  
4 qualified provider determines, on the basis of preliminary information, that the  
5 woman's family income, as calculated under s. 49.46 (1) (ar), does not exceed the  
6 highest level for eligibility for benefits under s. 49.46 (1) or 49.47 (4) (am) or (c) 1. and  
7 ending as follows:

8       **SECTION 15.** 49.47 (4) (a) 1. of the statutes is amended to read:

9       49.47 (4) (a) 1. Under ~~18~~ 21 years of age ~~or, if the person~~ and resides in an  
10 intermediate care facility, skilled nursing facility, or inpatient psychiatric hospital,  
11 ~~under 21 years of age.~~

12       **SECTION 16.** 49.47 (4) (a) 2. of the statutes is renumbered 49.47 (4) (ag) 2.

13       **SECTION 17.** 49.47 (4) (ag) (intro.) of the statutes is created to read:

14       49.47 (4) (ag) (intro.) Any individual whose income does not exceed the limits  
15 under par. (c) and who complies with par. (cm) is eligible for medical assistance under  
16 this section if the individual is one of the following:

17       **SECTION 18.** 49.47 (4) (ag) 1. of the statutes is created to read:

18       49.47 (4) (ag) 1. Under the age of 19.

19       **SECTION 19.** 49.47 (4) (am) 1. of the statutes is amended to read:

20       ~~49.47 (4) (am) 1. A pregnant woman whose family income, as determined under~~  
21 ~~par. (c) 1r., does not exceed 155% of the poverty line for a family the size of the~~  
22 ~~woman's family, except that if a waiver under par. (j) or a change in the approved~~  
23 ~~state plan under s. 49.46 (1) (am) 2. is in effect, the income limit is 185% of the poverty~~  
24 ~~line for a family the size of the woman's family in each state fiscal year after the~~  
25 ~~1994-95 state fiscal year.~~

1           **SECTION 20.** 49.47 (4) (am) 2. of the statutes is amended to read:

2           49.47 (4) (am) 2. A child who is under 6 years of age and whose family income,  
3 as determined under par. (c) 1r., does not exceed 155% of the poverty line for a family  
4 the size of the child's family, except that if a waiver under par. (j) or a change in the  
5 approved state plan under s. 49.46 (1) (am) 2. is in effect, the income limit is 185%  
6 of the poverty line for a family the size of the child's family in each state fiscal year  
7 after the 1994-95 state fiscal year.

8           **SECTION 21.** 49.47 (4) (b) 2m. a. of the statutes is amended to read:

9           49.47 (4) (b) 2m. a. For persons who are eligible under par. (a) 1. ~~or 2.~~, one  
10 vehicle is exempt from consideration as an asset. A 2nd vehicle is exempt from  
11 consideration as an asset only if the department determines that it is necessary for  
12 the purpose of employment or to obtain medical care. The equity value of any  
13 nonexempt vehicles owned by the applicant is an asset for the purposes of  
14 determining eligibility for medical assistance under this section.

15           **SECTION 22.** 49.47 (4) (c) 1. of the statutes is repealed and recreated to read:

16           49.47 (4) (c) 1. Except as provided in par. (am) and subd. 3., an applicant is  
17 eligible to receive medical assistance under this subsection if the applicant's total  
18 income, as determined under subd. 1g., does not exceed 133 1/3% of the maximum  
19 aid to families with dependent children payment under s. 49.19 (11) for the  
20 applicant's family size or the combined benefit amount available under  
21 supplemental security income under 42 USC 1381 to 1383c and state supplemental  
22 aid under s. 49.77 whichever is higher.

23           **SECTION 23.** 49.47 (4) (c) 1g. of the statutes is created to read:

24           49.47 (4) (c) 1g. For purposes of determining whether an individual's income  
25 meets the income requirements under subd. 1., "income" includes all of the

1 individual's earned and unearned income that would be included in determining  
 2 eligibility for the individual or family under s. 49.19 or 49.77, or for the aged, blind,  
 3 or disabled individual under 42 USC 1381 to 1385 and "income" does not include  
 4 earned and unearned income that would be excluded in determining eligibility for  
 5 the individual or family under s. 49.19 or 49.77, or for the aged, blind, or disabled  
 6 individual under 42 USC 1381 to 1385.

7 **SECTION 24.** 49.47 (4) (h) of the statutes is renumbered 49.47 (4) (c) 1r. and  
 8 amended to read:

9 49.47 (4) (c) 1r. For the purposes of par. (am), "income" includes income that  
 10 would be used in determining eligibility for aid to families with dependent children  
 11 under s. 49.19 and ~~excludes~~ does not include income that would be excluded in  
 12 determining eligibility for aid to families with dependent children under s. 49.19.

13 **SECTION 25.** 49.47 (6) (a) 7. of the statutes is amended to read:

14 49.47 (6) (a) 7. Beneficiaries eligible under sub. (4) (a) ~~2.~~ (ag) 2. or (am) 1., for  
 15 services under s. 49.46 (2) (a) and (b) that are related to pregnancy, including  
 16 postpartum services and family planning services, as defined in s. 253.07 (1) (b), or  
 17 related to other conditions which may complicate pregnancy.

18 **SECTION 9323. Initial applicability; health and family services.**

19 (1) MEDICAL ASSISTANCE ELIGIBILITY. The treatment of sections 49.46 (1) (a) 1.,  
 20 1m., 6., ~~7.~~ <sup>and</sup> 9., 10., 11., 12., ~~and 13., 14., 15., 16., 17., 18., 19., 20., 21., 22., 23., 24., 25., 26., 27., 28., 29., 30., 31., 32., 33., 34., 35., 36., 37., 38., 39., 40., 41., 42., 43., 44., 45., 46., 47., 48., 49., 50., 51., 52., 53., 54., 55., 56., 57., 58., 59., 60., 61., 62., 63., 64., 65., 66., 67., 68., 69., 70., 71., 72., 73., 74., 75., 76., 77., 78., 79., 80., 81., 82., 83., 84., 85., 86., 87., 88., 89., 90., 91., 92., 93., 94., 95., 96., 97., 98., 99., 100.~~ (e) <sup>and</sup> ~~49.46 (2) (intro.)~~ <sup>and</sup> 49.47  
 21 (4) (a) 1. and 2., (ag) (intro.) and 1., ~~and 2.~~ <sup>and</sup> (b) 2m. a., (c) ~~1. and 2.~~ <sup>and</sup> ~~3. and 4.~~  
 22 and (6) (a) 7. of the statutes first applies to eligibility determinations for medical  
 23 assistance that are made on the effective date of this subsection.

24 **SECTION 9423. Effective dates; health and family services.**

1 (1) MEDICAL ASSISTANCE ELIGIBILITY. The treatment of sections 49.46 (1) (a) 1.,

2 1m., 6., ~~6m.~~ 9., 10., 11., 12., ~~and 15. (a) (i) (e), and 49.465 (2) (a) (i) (e),~~ and 49.47

3 (4) (a) 1. and 2., (ag) (intro.) and 1., ~~(a) (i) and (ii)~~ (b) 2m. a., ~~(c) (i) and (ii) and (iv)~~

4 and (6) (a) 7. of the statutes and SECTION 9323 (1) of this act take effect on the ~~first~~ <sup>first</sup>

5 day <sup>of the 2<sup>nd</sup> month beginning</sup> after publication.

6 (END)



**Sager-Rosenthal, Ivy**

**From:** Mullikin, Melissa  
**Sent:** Monday, February 05, 2001 3:40 PM  
**To:** Sager-Rosenthal, Ivy  
**Subject:** FW: FW: LRB Draft: 01-0460/4 MA eligibility changes

*Per Melissa:  
Only Δ Sec. 12  
to say under 18.*

Ivy,

Can you still make this change? Anne says it's a change they requested in a Jan 10th email attachment (bottom of page 2 of that attachment).

Thanks much,  
Melissa

Melissa Mullikin  
Executive Policy and Budget Analyst  
State Budget Office  
267-7980

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

**From:** Miller, Anne  
**Sent:** Monday, February 05, 2001 3:32 PM  
**To:** Mullikin, Melissa  
**Cc:** Bove, Fredi-Ellen; LaPhilliph, John; Kraus, Jennifer  
**Subject:** Re: FW: LRB Draft: 01-0460/4 MA eligibility changes

Hi Melissa!

I'm sorry. I have one more change for this draft.  
Under Section 12. 49.47 (4) (ag) 1. the created language needs to be changed from "Under the age of 19." to "Under the age of 18 or, if the child is a full-time student at a secondary school or its vocational or technical equivalent and is reasonably expected to complete the program before reaching 19, is under the age of 19." [Taken from 49.19(1)(a)]

*This is substantive Δ to current law!*

Without this change the language as written will expand eligibility of medically needy Medicaid.  
Please feel free to contact me with any questions or concerns.  
Anne Miller  
DHFS/OSF  
6-5422

>>> Mullikin, Melissa 02/01/01 02:22PM >>>  
Here is the FINAL draft of the asset test language. Only MINOR changes will be accepted at this point. Please forward comments to me by close of business on Friday, and I will pass them on to Ivy. She has asked me to moderate the flow of comments on this draft, which has sometimes been quite extensive. Again, only minor changes will be accepted. If you have no changes, please let me know ASAP that you consider this draft final.

Thanks,  
Melissa

Melissa Mullikin  
Executive Policy and Budget Analyst  
State Budget Office  
267-7980

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

**From:** Follett, Kathy

Sent: Thursday, January 25, 2001 12:47 PM  
To: Mullikin, Melissa  
Cc: Kraus, Jennifer; Currier, Dawn; Hanaman, Cathlene; Haugen, Caroline  
Subject: LRB Draft: 01-0460/4 MA eligibility changes

Following is the PDF version of draft 01-0460/4.



RMR

DOA:.....Mullikin - MA eligibility changes

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

Eds: only  
changed is  
on 7.4, 1.14

DO NOT GEN

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

*Analysis by the Legislative Reference Bureau*

**HEALTH AND HUMAN SERVICES**

**MEDICAL ASSISTANCE**

Current law requires DHFS to provide medical assistance (MA) to individuals who meet the requirements under one of the following MA eligibility categories:

1. AFDC-MA. Under this category, individuals who meet the income, asset, and non-financial requirements for the federal aid to families with dependent children (AFDC) program that were in effect on July 16, 1996, are eligible to receive MA. The AFDC program was replaced with the federal temporary assistance for needy families (TANF) program on July 16, 1996. Generally, individuals who may qualify under the AFDC-MA category are certain children under 19 years of age, their caretaker relatives, and pregnant women in the eighth or ninth month of pregnancy.

2. AFDC-related MA. This category includes certain children under 19 years of age, their caretaker relatives, and pregnant women throughout the entire pregnancy who meet the income and asset requirements of the AFDC program that were in effect on July, 16, 1996, but who would not have received an AFDC payment. Also eligible under this category are children under the age of 18 and pregnant women whose incomes do not exceed 133.33% of the maximum payment under the AFDC program, and whose assets do not exceed certain asset limits.

This bill eliminates the asset requirements for the AFDC-MA and AFDC-related MA categories.

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.** 49.46 (1) (a) 1. of the statutes is amended to read:

2           49.46 (1) (a) 1. ~~Any person included in the~~ Notwithstanding s. 49.19 (20), any  
3 individual who, without regard to the individual's resources, would qualify for a  
4 grant of aid to families with dependent children and any person who does under s.  
5 49.19.

6           1g. Notwithstanding s. 49.19 (20), any individual who, without regard to the  
7 individual's resources, would qualify for a grant of aid to families with dependent  
8 children but who would not receive such the aid solely because of the application of  
9 s. 49.19 (11) (a) 7.

10          **SECTION 2.** 49.46 (1) (a) 1m. of the statutes is amended to read:

11          49.46 (1) (a) 1m. Any pregnant woman ~~who meets the resource and whose~~  
12 income limits does not exceed the standard of need under s. 49.19 (4) (bm) and (es)  
13 (11) and whose pregnancy is medically verified. Eligibility continues to the last day  
14 of the month in which the 60th day after the last day of the pregnancy falls.

15          **SECTION 3.** 49.46 (1) (a) 6. of the statutes is amended to read:

16          49.46 (1) (a) 6. Any person not described in pars. (c) to (e) who is, without regard  
17 to the individual's resources, would be considered, under federal law, to be receiving  
18 aid to families with dependent children for the purpose of determining eligibility for  
19 medical assistance.

20          **SECTION 4.** 49.46 (1) (a) 9. of the statutes is amended to read:

1           49.46 (1) (a) 9. Any pregnant woman not described under subd. 1., 1g., or 1m.  
2           whose family income does not exceed 133% of the poverty line for a family the size  
3           of the woman's family.

4           **SECTION 5.** 49.46 (1) (a) 10. of the statutes is amended to read:

5           49.46 (1) (a) 10. Any child not described under subd. 1. or 1g. who is under 6  
6           years of age and whose family income does not exceed 133% of the poverty line for  
7           a family the size of the child's family.

8           **SECTION 6.** 49.46 (1) (a) 11. of the statutes is amended to read:

9           49.46 (1) (a) 11. If a waiver under s. 49.665 is granted and in effect, any child  
10          not described under subd. 1. or 1g. who has attained the age of 6 but has not attained  
11          the age of 19 and whose family income does not exceed 100% of the poverty line for  
12          a family the size of the child's family. If a waiver under s. 49.665 is not granted or  
13          in effect, any child not described in subd. 1. or 1g. who was born after September  
14          30,1983, who has attained the age of 6 but has not attained the age of 19 and whose  
15          family income does not exceed 100% of the poverty line for a family the size of the  
16          child's family.

17          **SECTION 7.** 49.46 (1) (a) 12. of the statutes is amended to read:

18          49.46 (1) (a) 12. Any child not described under subd. 1. or 1g. who is under 19  
19          years of age and who meets the resource and whose income limits does not exceed the  
20          standard of need under s. 49.19 (4) (11).

21          **SECTION 8.** 49.46 (1) (e) of the statutes is amended to read:

22          49.46 (1) (e) If an application under s. 49.47 (3) shows that the ~~person has~~  
23          individual meets the income and resources within the limitations of limits under s.  
24          49.19, or meets the income and resource requirements under federal Title XVI or s.  
25          49.77, or that the ~~person~~ individual is an essential person, an accommodated person,

1 or a patient in a public medical institution, the ~~person~~ individual shall be granted  
2 the benefits enumerated under sub. (2) whether or not the ~~person~~ individual requests  
3 or receives a grant of any of such aids.

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

5 49.47 (4) (a) 1. Under ~~18~~ 21 years of age ~~or, if the person and~~ resides in an  
6 intermediate care facility, skilled nursing facility, or inpatient psychiatric hospital,  
7 under ~~21~~ years of age.

8 **SECTION 10.** 49.47 (4) (a) 2. of the statutes is renumbered 49.47 (4) (ag) 2.

9 **SECTION 11.** 49.47 (4) (ag) (intro.) of the statutes is created to read:

10 49.47 (4) (ag) (intro.) Any individual whose income does not exceed the limits  
11 under par. (c) and who complies with par. (cm) is eligible for medical assistance under  
12 this section if the individual is one of the following:

13 **SECTION 12.** 49.47 (4) (ag) 1. of the statutes is created to read:

14 49.47 (4) (ag) 1. Under the age of <sup>18</sup>~~19~~.

15 **SECTION 13.** 49.47 (4) (b) 2m. a. of the statutes is amended to read:

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

22 **SECTION 14.** 49.47 (6) (a) 7. of the statutes is amended to read:

23 49.47 (6) (a) 7. Beneficiaries eligible under sub. (4) ~~(a) 2.~~ (ag) 2. or (am) 1., for  
24 services under s. 49.46 (2) (a) and (b) that are related to pregnancy, including

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

3 **SECTION 9323. Initial applicability; health and family services.**

4 (1) **MEDICAL ASSISTANCE ELIGIBILITY.** The treatment of sections 49.46 (1) (a) 1.,  
5 1m., 6., 9., 10., 11., and 12. and (e) and 49.47 (4) (a) 1. and 2., (ag) (intro.) and 1., and  
6 (b) 2m. a., and (6) (a) 7. of the statutes first applies to eligibility determinations for  
7 medical assistance that are made on the effective date of this subsection.

8 **SECTION 9423. Effective dates; health and family services.**

9 (1) **MEDICAL ASSISTANCE ELIGIBILITY.** The treatment of sections 49.46 (1) (a) 1.,  
10 1m., 6., 9., 10., 11., 12. and (e), 49.47 (4) (a) 1. and 2., (ag) (intro.) and 1., and (b) 2m.  
11 a., and (6) (a) 7. of the statutes and SECTION 9323 (1) of this act take effect on the first  
12 day of the 2nd month beginning after publication.

13 **(END)**



DOA:.....Mullikin - MA eligibility changes

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

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

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*Analysis by the Legislative Reference Bureau*

**HEALTH AND HUMAN SERVICES**

**MEDICAL ASSISTANCE**

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3 individual who, without regard to the individual's resources, would qualify for a  
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5 49.19.

6           1g. Notwithstanding s. 49.19 (20), any individual who, without regard to the  
7 individual's resources, would qualify for a grant of aid to families with dependent  
8 children but who would not receive such the aid solely because of the application of  
9 s. 49.19 (11) (a) 7.

10           **SECTION 2.** 49.46 (1) (a) 1m. of the statutes is amended to read:

11           49.46 (1) (a) 1m. Any pregnant woman ~~who meets the resource and whose~~  
12 income limits does not exceed the standard of need under s. 49.19 (4) ~~(bm) and (es)~~  
13 (11) and whose pregnancy is medically verified. Eligibility continues to the last day  
14 of the month in which the 60th day after the last day of the pregnancy falls.

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16           49.46 (1) (a) 6. Any person not described in pars. (c) to (e) who is, without regard  
17 to the individual's resources, would be considered, under federal law, to be receiving  
18 aid to families with dependent children for the purpose of determining eligibility for  
19 medical assistance.

20           **SECTION 4.** 49.46 (1) (a) 9. of the statutes is amended to read:

1           49.46 (1) (a) 9. Any pregnant woman not described under subd. 1., 1g., or 1m.  
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3           of the woman's family.

4           **SECTION 5.** 49.46 (1) (a) 10. of the statutes is amended to read:

5           49.46 (1) (a) 10. Any child not described under subd. 1. or 1g. who is under 6  
6           years of age and whose family income does not exceed 133% of the poverty line for  
7           a family the size of the child's family.

8           **SECTION 6.** 49.46 (1) (a) 11. of the statutes is amended to read:

9           49.46 (1) (a) 11. If a waiver under s. 49.665 is granted and in effect, any child  
10          not described under subd. 1. or 1g. who has attained the age of 6 but has not attained  
11          the age of 19 and whose family income does not exceed 100% of the poverty line for  
12          a family the size of the child's family. If a waiver under s. 49.665 is not granted or  
13          in effect, any child not described in subd. 1. or 1g. who was born after September  
14          30,1983, who has attained the age of 6 but has not attained the age of 19 and whose  
15          family income does not exceed 100% of the poverty line for a family the size of the  
16          child's family.

17          **SECTION 7.** 49.46 (1) (a) 12. of the statutes is amended to read:

18          49.46 (1) (a) 12. Any child not described under subd. 1. or 1g. who is under 19  
19          years of age and who meets the resource and whose income limits does not exceed the  
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22          49.46 (1) (e) If an application under s. 49.47 (3) shows that the ~~person has~~  
23          individual meets the income and resources within the limitations of limits under s.  
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5 49.47 (4) (a) 1. Under ~~18~~ 21 years of age ~~or, if the person~~ and resides in an  
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9 **SECTION 11.** 49.47 (4) (ag) (intro.) of the statutes is created to read:

10 49.47 (4) (ag) (intro.) Any individual whose income does not exceed the limits  
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12 this section if the individual is one of the following:

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14 49.47 (4) (ag) 1. Under the age of 18.

15 **SECTION 13.** 49.47 (4) (b) 2m. a. of the statutes is amended to read:

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

22 **SECTION 14.** 49.47 (6) (a) 7. of the statutes is amended to read:

23 49.47 (6) (a) 7. Beneficiaries eligible under sub. (4) (a) ~~2.~~ (ag) 2. or (am) 1., for  
24 services under s. 49.46 (2) (a) and (b) that are related to pregnancy, including

1 postpartum services and family planning services, as defined in s. 253.07 (1) (b), or  
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3 **SECTION 9323. Initial applicability; health and family services.**

4 (1) **MEDICAL ASSISTANCE ELIGIBILITY.** The treatment of sections 49.46 (1) (a) 1.,  
5 1m., 6., 9., 10., 11., and 12. and (e) and 49.47 (4) (a) 1. and 2., (ag) (intro.) and 1., and  
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9 (1) **MEDICAL ASSISTANCE ELIGIBILITY.** The treatment of sections 49.46 (1) (a) 1.,  
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11 a. and (6) (a) 7. of the statutes and SECTION 9323 (1) of this act take effect on the first  
12 day of the 2nd month beginning after publication.

13

(END)