

2001 DRAFTING REQUEST

Bill

Received: 01/12/2001

Received By: isagerro

Wanted: As time permits

Identical to LRB:

For: Administration-Budget

By/Representing: Mullikin

This file may be shown to any legislator: NO

Drafter: isagerro

May Contact:

Alt. Drafters:

Subject: Public Assistance - med. assist.

Extra Copies:

Pre Topic:

DOA:.....Mullikin -

Topic:

BadgerCare waiver; period of time individual must be without health care coverage

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>
/1	isagerro 01/16/2001	wjackson 01/16/2001	ismith 01/16/2001	_____	lrb_docadmin 01/17/2001		State
/2	isagerro 02/06/2001	wjackson 02/06/2001	kfollet 02/06/2001	_____	lrb_docadmin 02/06/2001		State

FE Sent For:

<END>

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12 WLj 2/6
 KJ
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 KJ/Py
 2/6
 <END>

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DOA:.....Mullikin -

Topic:

Badger Care waiver; period of time individual must be without health care coverage
~~Require 6 continuous months of uninsurance to be eligible for badger care~~

Instructions:

See Attached

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1?	isagerro	1 WLJ 2/1/16	IS 1/16/01	IS/KF 1/16/01			

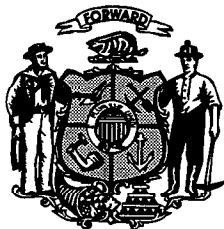
FE Sent For:

<END>

STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
101 East Wilson Street, Madison, Wisconsin

TOMMY G. THOMPSON
GOVERNOR

GEORGE LIGHTBOURN
SECRETARY



01-2027

Office of the Secretary
Post Office Box 7864
Madison, WI 53707-7864
Voice (608) 266-1741
Fax (608) 267-3842
TTY (608) 267-9629

Date: January 12, 2001

To: Steve Miller
Legislative Reference Bureau

From: Melissa Mullikin
State Budget Office

Subject: Statutory Language Budget Draft for DHFS

HFS PB. 03611(E)

Please prepare a non-statutory language draft that directs the Department of Health and Family Services to seek a federal waiver and alter the BadgerCare administrative rule to lengthen the amount of time an individual must be uninsured before they become eligible for the BadgerCare program.

Specifically, an individual must be continuously uninsured for six months prior to BadgerCare eligibility, except in the following instances:

1. If loss of insurance is no fault of the applicant, the length of the look-back is equal to or longer than 45 days;
2. If the recipient has exhausted COBRA coverage, the length of the look-back is equal to or longer than 3 months;
3. If the employee has been fired or the employer goes out of business, the length of the look-back is equal to or longer than 3 months.

Thank you for your attention to this request. I can be reached at 267-7980.

Consolidated
Omnibus Budget
Reconciliation Act of 1985
42 USC 30066-1 to 30066-8



LPS: Please fix request sheet. Thank you.

State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-2027/1

ISR: /....

Badger care waiver; period of time individual must be without health care coverage

DOA:.....Mullikin - Require 6 continuous months of uninsurance to be eligible for badger care

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

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DNOTS

DO NOT GEN

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

Analysis by the Legislative Reference Bureau

HEALTH AND FAMILY SERVICES

HUMAN

MEDICAL ASSISTANCE

Under current law, DHFS administers the badger care health care program (BadgerCare) under a federal waiver. The BadgerCare program provides health care coverage to certain low-income families and to certain low-income children who do not reside with a parent. Under current law, to be eligible for the BadgerCare program, a family or child may not have had access to employer-subsidized health care coverage within a time period that is established by DHFS, which may not exceed 18 months.

This bill requires DHFS to request a waiver from the federal secretary of health and human services to increase the period of time a family or child is required to be without access to employer-subsidized health care coverage to be eligible for the BadgerCare program. The waiver must request that the period of time a family or child must be without access to employer-subsidized health care be increased to six months unless certain conditions apply. The waiver must also request that if the family or child had access to employer-subsidized health care during the six months immediately following the date on which the family applies for the BadgerCare program, but the coverage was terminated and DHFS determines the loss was not

*

The time period may not

generally

termination

the fault of the family or child, the family or child must be without health care coverage ~~for 45 days~~ ^{period of time a} to be eligible for the Badger Care program. ^{be 45 days} Finally, the waiver must request that if the family or child ~~had~~ ^{does not have} access to employer-subsidized health care ~~during the six months immediately following the date on which the family applies for the Badger Care program, but the family or child no longer has coverage~~ because the family or child has exhausted health care continuation coverage available under the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) or because the employer has terminated employment, the family or child must be without health care coverage ~~for at least three months~~ ^{be at least three months} to be eligible for the Badger Care program. ^{period of time a}

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:

SECTION 9123. Nonstatutory provisions; health and family services. ✓

(1) BADGER CARE WAIVER. Not later than January 1, 2002, the department of health and family services shall request a waiver from the federal secretary of health and human services to increase the period of time ^{that} a family, or a child who does not reside with a parent, is required to be without access to employer-subsidized health care coverage before the family or child is eligible for the badger care health care program under section 49.665[✓] of the statutes. The waiver shall request that the period of time be increased to all of the following:

- (a) Except as provided in paragraphs (b), (c), and (d), 6 months. ^{A.R. (A) A.R. (B) A.R. (C)}
- ^{A.R. (A)} (b) If the family or child had access to employer-subsidized health care coverage during the 6 months immediately preceding the date on which the family or child applies for the badger care health care program, but the family or child no longer has access to the health care because the coverage was terminated, and the termination was not the fault of the family or child, as determined by the department of health and family services, 45 days.

1 A.R. ^(B)(c) If the family or child had access to employer–subsidized health care
2 coverage during the 6 months immediately preceding the date on which the family
3 or child applies for the badger care health care program, but the family or child no
4 longer has access to the health care because the family or child has exhausted the
5 health care coverage available under 42 USC 300bb–1 to 300bb–8 as provided in 29
6 CFR 2590.701–2 (4), at least 3 months.

7 A.R. ^(C)(d) If the family or child had access to employer–subsidized health care
8 coverage during the 6 months immediately preceding the date on which the family
9 or child applies for the badger care health care program, but the family or child no
10 longer has access to health care because of the termination of employment, at least
11 3 months.

12

(END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2027/1dn

ISR:/.....

WJ

Melissa Mullikin:

This bill only requires DHFS to request the waiver, but does not require that the waiver be implemented. If you want DHFS to implement the waiver, the language should be ~~put~~ ^{placed} in s. 49.665 instead of in a non-statutory section.

Please review the ~~bill~~ ^{draft} carefully to make sure it achieves your intent. If you have any questions or would like to request a redraft, please do not hesitate to contact me.

Ivy G. Sager-Rosenthal
Legislative Attorney
Phone: (608) 261-4455
E-mail: ivy.sager-rosenthal@legis.state.wi.us

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2027/1dn
ISR:wlj:ijs

January 16, 2001

Melissa Mullikin:

This bill only requires DHFS to request the waiver, but does not require that the waiver be implemented. If you want DHFS to implement the waiver, the language should be placed in s. 49.665 instead of in a nonstatutory section.

Please review the draft carefully to make sure it achieves your intent. If you have any questions or would like to request a redraft, please do not hesitate to contact me.

**Ivy G. Sager-Rosenthal
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State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-2027/A

ISR:wlj

2
RMR

DOA:.....Mullikin – BadgerCare waiver; period of time individual must be without health care coverage

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

NOTE

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 administers the badger care health care program (BadgerCare) under a federal waiver. BadgerCare provides health care coverage to certain low-income families and to certain low-income children who do not reside with a parent. Under current law, to be eligible for BadgerCare, a family or child may not have had access to employer-subsidized health care coverage within a time period that is established by DHFS. The time period may not exceed 18 months.

This bill requires DHFS to request a waiver from the federal secretary of health and human services to increase the period of time a family or child is required to be without access to employer-subsidized health care coverage to be eligible for BadgerCare. The waiver must request that the period of time a family or child must be without access to employer-subsidized health care be increased, generally, to six months. The waiver must also request that if the family or child does not have access to employer-subsidized health care, but the coverage was terminated and DHFS determines the termination was not the fault of the family or child, the period of time a family or child must be without health care coverage to be eligible for BadgerCare be 45 days. Finally, the waiver must request that if the family or child does not have

access to employer-subsidized health care because the family or child has exhausted health care continuation coverage available under the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) or because the employer has terminated employment, the period of time a family or child must be without health care coverage to be eligible for BadgerCare be at least three months.

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 9123. Nonstatutory provisions; health and family services.**

2 ~~HEALTH CARE PROGRAM~~

3 (1) ~~BADGER CARE WAIVER~~ ~~ELIGIBILITY~~ Not later than January 1, 2002, the department of
4 health and family services shall request a waiver from the federal secretary of health
5 and human services to increase the period of time that a family, or a child who does
6 not reside with a parent, is required to be without access to employer-subsidized
7 health care coverage before the family or child is eligible for the badger care health
8 care program under section 49.665 of the statutes. The waiver shall request that the
9 period of time be increased to all of the following:

10 (a) Except as provided in paragraphs (b), (c), and (d), 6 months.

11 (b) If the family or child had access to employer-subsidized health care
12 coverage during the 6 months immediately preceding the date on which the family
13 or child applies for the badger care health care program, but the family or child no
14 longer has access to the health care because the coverage was terminated, and the
15 termination was not the fault of the family or child, as determined by the department
16 of health and family services, 45 days.

17 (c) If the family or child had access to employer-subsidized health care
18 coverage during the 6 months immediately preceding the date on which the family
or child applies for the badger care health care program, but the family or child no

1 longer has access to the health care because the family or child has exhausted the
2 health care coverage available under 42 USC 300bb-1 to 300bb-8 as provided in 29
3 CFR 2590.701-2 (4), at least 3 months.

4 (d) If the family or child had access to employer-subsidized health care
5 coverage during the 6 months immediately preceding the date on which the family
6 or child applies for the badger care health care program, but the family or child no
7 longer has access to health care because of the termination of employment, at least
8 3 months.

9 (END)

01-2027/John
ISR

NOTE

Melissa Mulliken:

This "1/2" version changes the title on
page 2, line 2 of the bill.

-ISR

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2027/2dn
ISR:wlj:kjf

February 6, 2001

Melissa Mullinkin:

This "/2" version changes the title on page 2, line 2 of the bill.

Ivy G. Sager-Rosenthal
Legislative Attorney
Phone: (608) 261-4455
E-mail: ivy.sager-rosenthal@legis.state.wi.us



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-2027/2

ISR:wlj:kjf

DOA:.....Mullikin – BadgerCare waiver; period of time individual must be without health care coverage

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

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Analysis by the Legislative Reference Bureau

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(END)