



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-3510/01

PJK:bjk:jt

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bjk
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vms

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION ✓

Today

SOON ←
(in 12-4)
D-note ←

SA

regenerate ↓

1 AN ACT *to repeal* 49.471 (6) (e); *to renumber* 46.286 (1) (b) (intro.), 46.286 (1)
2 (b) 1m. and 46.286 (1) (b) 3.; *to renumber and amend* 49.471 (5) (c) and 49.471
3 (6) (a); *to amend* 46.286 (3) (a) 4m., 49.471 (3) (b) 1. (intro.), 49.471 (3) (b) 1. c.,
4 49.471 (3) (b) 2., 49.471 (4) (a) 4. a., 49.471 (4) (b) 4. a., 49.471 (5) (b) 1., 49.471
5 (5) (b) 2., 49.471 (7) (b) 1., 49.471 (7) (b) 3., 49.471 (7) (c) 1., 49.471 (8) (d) 2. c.
6 and 49.471 (10) (b) 5.; and *to create* 46.286 (1) (b) 1c., 49.471 (4) (a) 7., 49.471
7 (5) (c) 1., 49.471 (6) (a) 1., 49.471 (8) (d) 1. f. and 49.471 (10) (b) 4. g. of the
8 statutes; **relating to:** changes to BadgerCare Plus.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version. ✓
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:

9 SECTION 1. 46.286 (1) (b) (intro.) of the statutes, as affected by 2007 Wisconsin ✓
10 Act 20, is renumbered 46.286 (1) (b) 2m. (intro.).

1 SECTION 2. 46.286 (1) (b) 1c. of the statutes is created to read:

2 46.286 (1) (b) 1c. In this paragraph, "medical assistance" does not include
3 coverage of the benefits under s. 49.471 (11).

4 SECTION 3. 46.286 (1) (b) 1m. of the statutes, as affected by 2007 Wisconsin Act
5 20, is renumbered 46.286 (1) (b) 2m. a.

6 SECTION 4. 46.286 (1) (b) 3. of the statutes, as affected by 2007 Wisconsin Act
7 20, is renumbered 46.286 (1) (b) 2m. b.

8 SECTION 5. 46.286 (3) (a) 4m. of the statutes, as affected by 2007 Wisconsin Act
9 20, is amended to read:

10 46.286 (3) (a) 4m. The person is financially eligible under sub. (1) (b) ~~1m.~~ 2m.
11 a., and fulfills any applicable cost-sharing requirements.

Insert 2-11

12 SECTION 6. 49.471 (3) (b) 1. (intro.) of the statutes, as created by 2007 Wisconsin
13 Act 20, is amended to read:

14 49.471 (3) (b) 1. (intro.) If an individual over 18 years of age who is eligible for
15 and receiving Medical Assistance benefits under s. 49.46, 49.47, or 49.665 in the
16 month before BadgerCare Plus is implemented loses that eligibility solely due to the
17 implementation of BadgerCare Plus and, because of his or her income, is not eligible
18 for BadgerCare Plus, the individual shall continue receiving for ~~18~~ 12 consecutive
19 months the medical assistance he or she was receiving before the implementation of
20 BadgerCare Plus if all of the following are satisfied:

21 SECTION 7. 49.471 (3) (b) 1. c. of the statutes, as created by 2007 Wisconsin Act
22 20, is amended to read:

23 49.471 (3) (b) 1. c. The individual ~~continues to meet~~ meets all nonfinancial
24 eligibility requirements ~~for the coverage that he or she had in the month before the~~
25 ~~implementation of BadgerCare Plus~~ under this section.

1 **SECTION 8.** 49.471 (3) (b) 2. of the statutes, as created by 2007 Wisconsin Act
2 20, is amended to read:

3 49.471 (3) (b) 2. Notwithstanding subd. 1., if at any time during an individual's
4 ~~18-month~~ 12-month eligibility extension under subd. 1. any criterion under subd.
5 1. a. to d. is not satisfied, the individual's eligibility for the extended coverage is
6 terminated and any time remaining in the eligibility period is lost.

7 **SECTION 9.** 49.471 (4) (a) 4. a. of the statutes, as created by 2007 Wisconsin Act
8 20, is amended to read:

9 49.471 (4) (a) 4. a. The individual is a parent or caretaker relative of a child who
10 is living in the home with the parent or caretaker relative or who is temporarily
11 absent from the home for not more than 6 months or, if the child has been removed
12 from the home for more than 6 months, the parent or caretaker relative is working
13 toward unifying the family by complying with a permanency plan under s. 48.38 or
14 938.38.

15 **SECTION 10.** 49.471 (4) (a) 7. of the statutes is created to read:

16 49.471 (4) (a) 7. Individuals who qualify for a medical assistance eligibility
17 extension under s. 49.46 (1) (c), (cg), or (co) when they lose eligibility due to increased

their → (17) → (18) income → increases above the poverty line

19 **SECTION 11.** 49.471 (4) (b) 4. a. of the statutes, as created by 2007 Wisconsin
20 Act 20, is amended to read:

21 49.471 (4) (b) 4. a. The individual is a parent or caretaker relative of a child who
22 is living in the home with the parent or caretaker relative or who is temporarily
23 absent from the home for not more than 6 months or, if the child has been removed
24 from the home for more than 6 months, the parent or caretaker relative is working

1 toward unifying the family by complying with a permanency plan under s. 48.38 or
2 938.38.

3 **SECTION 12.** 49.471 (5) (b) 1. of the statutes, as created by 2007 Wisconsin Act
4 20, is amended to read:

5 49.471 (5) (b) 1. Except as provided in sub. (6) (a) 1, a pregnant woman is
6 eligible for the benefits specified in par. (c) during the period beginning on the day
7 on which a qualified provider determines, on the basis of preliminary information,
8 that the woman's family income does not exceed 300 percent of the poverty line and
9 ending on the applicable day specified in subd. 3.

10 **SECTION 13.** 49.471 (5) (b) 2. of the statutes, as created by 2007 Wisconsin Act
11 20, is amended to read:

12 49.471 (5) (b) 2. Except as provided in sub. (6) (a) 2, a child who is not an unborn
13 child is eligible for the benefits described in s. 49.46 (2) (a) and (b) during the period
14 beginning on the day on which a qualified entity determines, on the basis of
15 preliminary information, that the child's family income does not exceed 150 percent
16 of the poverty line and ending on the applicable day specified in subd. 3.

17 **SECTION 14.** 49.471 (5) (c) of the statutes, as created by 2007 Wisconsin Act 20,
18 is renumbered 49.471 (5) (c) 2. and amended to read:

19 49.471 (5) (c) 2. On behalf of a woman under par. (b) 1. whose family income
20 exceeds 200 percent of the poverty line, the department shall audit and pay allowable
21 charges to a provider certified under s. 49.45 (2) (a) 11. only for ambulatory prenatal
22 care services under the benefits under sub. (11).

23 **SECTION 15.** 49.471 (5) (c) 1. of the statutes is created to read:

24 49.471 (5) (c) 1. On behalf of a woman under par. (b) 1. whose family income
25 does not exceed 200 percent of the poverty line, the department shall audit and pay

1 allowable charges to a provider certified under s. 49.45 (2) (a) 11. only for ambulatory
2 prenatal care services under the benefits described in s. 49.46 (2) (a) and (b).

3 **SECTION 16.** 49.471 (6) (a) of the statutes, as created by 2007 Wisconsin Act 20,
4 is renumbered 49.471 (6) (a) 2. and amended to read:

5 49.471 (6) (a) 2. Any pregnant woman, including a pregnant woman under sub
6 (5) (b) 1., child who is not an unborn child, including a child under sub. (5) (b) 2.,
7 parent, or caretaker relative whose family income is less than 150 percent of the
8 poverty line is eligible for medical assistance under this section for any of the 3
9 months prior to the month of application if the individual met the eligibility criteria
10 under this section and had a family income of less than 150 percent of the poverty
11 line in that month.

12 **SECTION 17.** 49.471 (6) (a) 1. of the statutes is created to read:

13 49.471 (6) (a) 1. Any pregnant woman, including a pregnant woman under sub.
14 (5) (b) 1., is eligible for medical assistance under this section for any of the 3 months
15 prior to the month of application if she met the eligibility criteria under this section
16 in that month.

17 **SECTION 18.** 49.471 (6) (e) of the statutes, as created by 2007 Wisconsin Act 20,
18 is repealed.

19 **SECTION 19.** 49.471 (7) (b) 1. of the statutes, as created by 2007 Wisconsin Act
20 20, is amended to read:

21 49.471 (7) (b) 1. A pregnant woman, ~~or an unborn child~~, whose family income
22 exceeds 300 percent of the poverty line may become eligible for coverage under this
23 section if the difference between the pregnant woman's ~~or unborn child's~~ family
24 income and the applicable income limit under sub. (4) (b) is obligated or expended
25 for any member of the pregnant woman's ~~or unborn child's~~ family for medical care

1 or any other type of remedial care recognized under state law or for personal health
 2 insurance premiums or for both. Eligibility obtained under this subdivision
 3 continues without regard to any change in family income for the balance of the
 4 pregnancy and, ~~for a pregnant woman but not for an unborn child~~, to the last day of
 5 the month in which the 60th day after the last day of the woman's pregnancy falls.
 6 Eligibility obtained by a pregnant woman under this subdivision extends to all
 7 pregnant women in the pregnant woman's family.

8 **SECTION 20.** 49.471 (7) (b) 3. of the statutes, as created by 2007 Wisconsin Act
 9 20, is amended to read:

10 49.471 (7) (b) 3. For a pregnant woman ~~or an unborn child~~ to obtain eligibility
 11 under subd. 1., the amount that must be obligated or expended in any 6-month
 12 period is equal to the sum of the differences in each of those 6 months between the
 13 pregnant woman's ~~or unborn child's~~ monthly family income and the monthly family
 14 income that is 300 percent of the poverty line. For a child to obtain eligibility under
 15 subd. 2., the amount that must be obligated or expended in any 6-month period is
 16 equal to the sum of the differences in each of those 6 months between the child's
 17 monthly family income and the monthly family income that is 150 percent of the
 18 poverty line.

19 **SECTION 21.** 49.471 (7) (c) 1. of the statutes, as created by 2007 Wisconsin Act
 20 20, is amended to read:

21 49.471 (7) (c) 1. Deduct from ~~family~~ ^{strike} income ^{the individual's} any payments made by amount the
 22 individual is obligated to pay for court-ordered child or family support or
 23 maintenance.

24 **SECTION 22.** 49.471 (8) (d) 1. f. of the statutes is created to read:

25 49.471 (8) (d) 1. f. An individual described in sub. (4) (a) 7.

Insert 6-7

Insert 6-23

up to the amount of the individual's income,

1 SECTION 23. 49.471 (8) (d) 2. c. of the statutes, as created by 2007 Wisconsin
2 Act 20, is amended to read:

3 49.471 (8) (d) 2. c. One or more members of the individual's family were eligible
4 for other health insurance coverage or Medical Assistance under s. 49.46 or 49.47 at
5 the time the employee failed to enroll in the health insurance coverage under par. (b)
6 1. and no member of the family was eligible for coverage under this section at that
7 time or, if one or more members of the individual's family were eligible for coverage
8 under this section at that time, family income did not exceed 150 percent of the
9 poverty line or the individual qualified for a medical assistance eligibility extension
10 as provided in sub. (4) (a) 7.

Insert 7-10

11 SECTION 24. 49.471 (10) (b) 4. g. of the statutes is created to read:

12 49.471 (10) (b) 4. g. An individual described in sub. (4) (a) 7.

13 SECTION 25. 49.471 (10) (b) 5. of the statutes, as created by 2007 Wisconsin Act
14 20, is amended to read:

15 49.471 (10) (b) 5. If a recipient who is required to pay a premium under this
16 paragraph or under sub. (2m) or (4) (c) either does not pay a premium when due or
17 requests that his or her coverage under this section be terminated, the recipient's
18 coverage terminates and the recipient is not eligible for BadgerCare Plus for 6
19 consecutive calendar months following the date on which the recipient's coverage
20 terminated, except for any month during that 6-month period when the recipient's
21 family income does not exceed 150 percent of the poverty line.

22 (END)

Insert 7-21

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2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3510/P2ins
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INSERT 2-11

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1 SECTION 1. 49.45 (18) (am) of the statutes, as affected by 2007 Wisconsin Act
2 20, is renumbered 49.45 (18) (am) 1. and amended to read:

3 49.45 (18) (am) 1. ~~No Except as provided in subd. 2., no person is liable under~~
4 this subsection for services provided through prepayment contracts. This paragraph
5 does not apply to a person who is eligible for the benefits under s. 49.46 (2) (a) and
6 (b) under s. 49.471.

History: 2007 a. 20.

7 SECTION 2. 49.45 (18) (am) 2. of the statutes is created to read:
8 49.45 (18) (am) 2. A person who is eligible for benefits under s. 49.46 (2) (a) and
9 (b) under s. 49.471 is liable under this subsection for services provided through a
10 prepayment contract in the amounts and according to the procedures specified by the
11 department.

****NOTE: If the department determines the amounts and procedures, is it accurate
to say that the person is liable *under this subsection*? Does *under this subsection* refer
to cost sharing in general or to the specific amounts, etc., included in the subsection?

12 SECTION 3. 49.45 (18) (b) 2. of the statutes is amended to read:
13 49.45 (18) (b) 2. Any service provided to a person who is less than 18 years old.
14 This subdivision does not apply if the person's family income exceeds 100 percent of
15 the poverty line and he or she is eligible for the benefits under s. 49.46 (2) (a) and (b)
16 under s. 49.471.

History: 1971 c. 40 s. 93; 1971 c. 42, 125; 1971 c. 213 s. 5; 1971 c. 215, 217, 307; 1973 c. 62, 90, 147; 1973 c. 333 ss. 106g, 106h, 106j, 201w; 1975 c. 39; 1975 c. 223 s. 28; 1975 c. 224 ss. 54h, 56 to 59m; 1975 c. 383 s. 4; 1975 c. 411; 1977 c. 29, 418; 1979 c. 34 ss. 837f to 838, 2102 (20) (a); 1979 c. 102, 177, 221, 355; 1981 c. 20 ss. 839 to 854, 2202 (20) (r); 1981 c. 93, 317; 1983 a. 27 ss. 1046 to 1062m, 2200 (42); 1983 a. 245, 447, 527; 1985 a. 29 ss. 1026m to 1031d, 3200 (23), (56), 3202 (27); 1985 a. 120, 176, 269; 1985 a. 332 ss. 91, 251 (5), 253; 1985 a. 340; 1987 a. 27 ss. 989r to 1000s, 2247, 3202 (24); 1987 a. 186, 307, 339, 399; 1987 a. 403 s. 256; 1987 a. 413; 1989 a. 6; 1989 a. 31 ss. 1402 to 1452g, 2909g, 2909i; 1989 a. 107, 173, 310, 336, 351, 359; 1991 a. 22, 39, 80, 250, 269, 315, 316; 1993 a. 16 ss. 1362g to 1403, 3883; 1993 a. 27, 107, 112, 183, 212, 246, 269, 335, 356, 437, 446, 469; 1995 a. 20; 1995 a. 27 ss. 2947 to 3002r, 7299, 9126 (19), 9130 (4), 9145 (1); 1995 a. 191, 216, 225, 289, 303, 398, 417, 457; 1997 a. 3, 13, 27, 114, 175, 191, 237, 252, 293; 1999 a. 9, 63, 103, 180, 185; 2001 a. 13, 16, 35, 38, 57, 67, 104, 109; 2003 a. 33, 318, 321; 2005 a. 22; 2005 a. 25 ss. 1120 to 1149f, 2503 to 2510; 2005 a. 107, 165, 253, 254, 264, 301, 340, 386, 441.

17 SECTION 4. 49.471 (2) of the statutes, as created by 2007 Wisconsin Act 20, is
18 amended to read:

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Ins. 2-11 contd 2003

1 49.471 (2) WAIVER AND STATE PLAN AMENDMENTS. The department shall request
2 a waiver from, and submit amendments to the state Medical Assistance plan to, the
3 secretary of the federal department of health and human services to implement
4 BadgerCare Plus. If the state plan amendments are approved and a waiver that is
5 substantially consistent with the provisions of this section, excluding sub. (2m), is
6 granted and in effect, the department shall implement BadgerCare Plus beginning
7 on January 1, 2008, the effective date of the state plan amendments, or the effective
8 date of the waiver, whichever is latest. If the state plan amendments are approved
9 but the terms of approval do not allow for federal funding of the cost of benefits for
10 all or any part of one or more of the eligibility categories under sub. (4) (b), the
11 department may at its discretion pay for the cost of benefits for all or any part of any
12 group for which federal funding was denied exclusively with moneys from the
13 appropriation under s. 20.435 (4) (b). If the state plan amendments are not approved
14 or if a waiver that is substantially consistent with the provisions of this section,
15 excluding sub. (2m), is not granted, BadgerCare Plus may not be implemented. If
16 the state plan amendments are approved but approval is not continued or if a waiver
17 that is substantially consistent with the provisions of this section, excluding sub.
18 (2m), is granted but not continued in effect, BadgerCare Plus shall be discontinued.

History: 2007 a. 20.

19 **SECTION 5.** 49.471 (3) (a) 1. of the statutes, as created by 2007 Wisconsin Act
20 20, is amended to read:

21 49.471 (3) (a) 1. Notwithstanding ss. 49.46 (1), 49.465, 49.47 (4), and 49.665 (4),
22 if the amendments to the state plan under sub. (2) are approved and a waiver under
23 sub. (2) that is substantially consistent with all of the provisions of this section,
24 excluding sub. (2m), is granted and in effect, an individual described in sub. (4) (a)

bus 2-11 cont'd 3003

1 or (b) or (5) is not eligible under s. 49.46, 49.465, 49.47, or 49.665 for Medical
2 Assistance or BadgerCare health program benefits. The eligibility of an individual
3 described in sub. (4) (a) or (b) or (5) for Medical Assistance benefits shall be
4 determined under this section.

History: 2007 a. 20.

(END OF INSERT 2-11)

INSERT 6-7

5 **SECTION 6.** 49.471 (7) (b) 2. of the statutes, as created by 2007 Wisconsin Act
6 20, is amended to read:

7 49.471 (7) (b) 2. A child who is not an unborn child ~~and~~, whose family income
8 exceeds 150 percent of the poverty line, and who is ineligible under this section solely
9 because of sub. (8) (b) may obtain eligibility under this section if the difference
10 between the child's family income and 150 percent of the poverty line is obligated or
11 expended on behalf of the child or any member of the child's family for medical care
12 or any other type of remedial care recognized under state law or for personal health
13 insurance premiums or for both. Eligibility obtained under this subdivision during
14 any 6-month period, as determined by the department, continues for the remainder
15 of the 6-month period and extends to all children in the family.

History: 2007 a. 20.

****NOTE: This change was not included in the original instructions. I hope I'm not missing anything else.

(END OF INSERT 6-7)

INSERT 6-23

would
↓

****NOTE: I wasn't quite sure about this change, since it seems that the end result be the same regardless of whether the child support obligation is deducted from one individual's income or the family's income (since this affects the determination of an

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Ins 6-23 cont'd

individual's family income). Is the important part the fact that the deduction may not exceed the income of the person who has the obligation?

(END OF INSERT 6-23)

INSERT 7-10

1 **SECTION 7.** 49.471 (10) (a) of the statutes, as created by 2007 Wisconsin Act 20,
2 is amended to read:

3 49.471 (10) (a) *Copayments.* Except as provided in s. 49.45 (18) (am) 2. and (b)
4 2., all cost-sharing provisions under s. 49.45 (18) apply to a recipient with coverage
5 of the benefits described in s. 49.46 (2) (a) and (b) to the same extent as they apply
6 to a person eligible for medical assistance under s. 49.46, 49.468, or 49.47.

History: 2007 a. 20.

(END OF INSERT 7-10)

INSERT 7-21

7 **SECTION 8.** 49.471 (12) (b) of the statutes, as created by 2007 Wisconsin Act 20,
8 is amended to read:

9 49.471 (12) (b) If the amendments to the state plan submitted under sub. (2)
10 are approved and a waiver that is substantially consistent with all of the provisions
11 of this section is granted and in effect, the department shall publish a notice in the
12 Wisconsin Administrative Register that states the date on which BadgerCare Plus
13 is implemented.

History: 2007 a. 20.

14 **SECTION 9. Effective date.**

15 (1) This act takes effect on the date stated in the Wisconsin Administrative
16 Register by the department of health and family services under section 49.471 (12)



Ins 7-21 contd

- 1 (b) of the statutes, as affected by this act, as the implementation date for BadgerCare
- 2 Plus.

(END OF INSERT 7-21)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3510/P2dn

PJK:.....

Date

Leg
kf

I amended s. 49.471 (3) (a) 1. and (12) (b) so that the language is consistent with the language of s. 49.471 (2), as it was amended in Act 20.

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.wisconsin.gov

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

LRB-3510/P2dn
PJK:bjk&kjf:pg

December 7, 2007

I amended s. 49.471 (3) (a) 1. and (12) (b) so that the language is consistent with the language of s. 49.471 (2), as it was amended in Act 20.

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.wisconsin.gov

Kahler, Pam

From: John LaPhillip [LAPHIJO@dhfs.state.wi.us]
Sent: Monday, December 10, 2007 10:12 AM
To: Kahler, Pam
Cc: Jones, James D - DHFS; Gauger, Michelle C - DOA
Subject: Re: Fwd: FW: Draft review: LRB 07-3510/P2, Additional Change to BadgerCare Plus

Pam, the changes you made to s. 49.471 (3) (a) 1. and (12) (b) in the P2 draft are exactly what we needed. You managed to make the change before we got around to asking for it, so sorry for the confusion. Thank you.

John

* * * * *

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* * * * *

>>> "Gauger, Michelle C - DOA" <Michelle.Gauger@Wisconsin.gov>
>>> 12/10/2007 9:59 AM >>>
Jim,

Please see Pam's response.

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

From: Kahler, Pam [mailto:Pam.Kahler@legis.wisconsin.gov]
Sent: Monday, December 10, 2007 9:57 AM
To: Gauger, Michelle C - DOA
Subject: RE: Draft review: LRB 07-3510/P2, Additional Change to BadgerCare Plus

In the P2 version, I amended both s. 49.471 (3) (a) 1. and (12) (b) to be consistent with the change that I made in the budget to s. 49.471 (2). My drafter's note indicates that. Could you tell me what change they now want to s. 49.471 (12) (b)?

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

From: Gauger, Michelle C - DOA [mailto:Michelle.Gauger@Wisconsin.gov]
Sent: Monday, December 10, 2007 8:23 AM
To: Kahler, Pam
Cc: Jones, James D - DHFS; Johnston, James - DOA
Subject: Draft review: LRB 07-3510/P2, Additional Change to BadgerCare Plus

Good morning, Pam,

I hope you had a nice weekend.

DHFS reviewed the P2 version of the draft and Neil Gebhart responded to the drafter's note below. In addition, Jim Jones notes that there is an inconsistency between the changes enacted in Act 20 and 49.471(12)(b). Can you please make this final change?

Thank you!

Michelle Gauger

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

From: Jones, James [mailto:JONESJD@dhfs.state.wi.us]
Sent: Monday, December 10, 2007 8:12 AM

To: Gauger, Michelle C - DOA; [doa.state.wi.us];.james.johnston
Subject: Re: Fwd: FW: Draft review: LRB 07-3510/P2 Topic: Changes to BadgerCare Plus

There was one question in the draft (Section 7) that Neil answers below.

Otherwise we have no comments.

We did however find an inconsistency that needs to be addressed. It appears that we need to amend 49.471(12)(b) because it has that requirement that we can't implement until we get approval of all waivers and state plan amendments that are consistent with ALL BC+ provisions.

This is similar to the provision in (2) that was changed in the budget bill before it went to Doyle.

My suggestion for wording of a request is the following:

The Department of Health and Family Services requests the following changes to the draft Technical Amendments to Wisconsin Act 20, which concerns the BadgerCare Plus program.

S. 49.471 (12)(b)

While the Department needs federal approval to provide funding for BadgerCare Plus (BC+), we are concerned that if we specify that the federal government has to approve BC+ exactly as it is written in statute, we run the risk of minor differences preventing the Department from implementing the program.
Please make the following changes.

"(b) If the amendments to the state plan submitted under sub. (2) are approved and a waiver that is substantially consistent with all of the provisions of this section is granted and in effect, the department shall publish a notice in the Wisconsin Administrative Register that states the date on which BadgerCare Plus is implemented."

>>> Neil Gebhart 12/10/2007 7:59 AM >>>

I think it is accurate to say "is liable under this subsection" unless we want to charge BC+ standard plan HMO enrollees copay amounts for prescription drugs that differ from the \$1 for generics and \$3 for brand names that MA FFS members pay, which I don't believe is the case. The generic and brand name drug copays are the only ones for which a dollar value is specified in the statute.

* * * * *



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-3510/P2
PJK:hjk&kjf:pg

Stays
revisions

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

2007 Bill

Inserts

→ SODW
(in 12-10)
→ D-note

SAV

regen. cat.

1 AN ACT to repeal 49.471 (6) (e); to renumber 46.286 (1) (b) (intro.), 46.286 (1)
2 (b) 1m. and 46.286 (1) (b) 3.; to renumber and amend 49.45 (18) (am), 49.471
3 (5) (c) and 49.471 (6) (a); to amend 46.286 (3) (a) 4m., 49.45 (18) (b) 2., 49.471
4 (2), 49.471 (3) (a) 1., 49.471 (3) (b) 1. (intro.), 49.471 (3) (b) 1. c., 49.471 (3) (b)
5 2., 49.471 (4) (a) 4. a., 49.471 (4) (b) 4. a., 49.471 (5) (b) 1., 49.471 (5) (b) 2., 49.471
6 (7) (b) 1., 49.471 (7) (b) 2., 49.471 (7) (b) 3., 49.471 (7) (c) 1., 49.471 (8) (d) 2. c.,
7 49.471 (10) (a), 49.471 (10) (b) 5. and 49.471 (12) (b); and to create 46.286 (1)
8 (b) 1c., 49.45 (18) (am) 2., 49.471 (4) (a) 7., 49.471 (5) (c) 1., 49.471 (6) (a) 1.,
9 49.471 (8) (d) 1. f. and 49.471 (10) (b) 4. g. of the statutes; relating to: changes
10 to BadgerCare Plus.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.

fix component →

Insert A

Insert B ✓ →

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. 46.286 (1) (b) (intro.) of the statutes, as affected by 2007 Wisconsin
2 Act 20, is renumbered 46.286 (1) (b) 2m. (intro.).

3 SECTION 2. 46.286 (1) (b) 1c. of the statutes is created to read:
4 46.286 (1) (b) 1c. In this paragraph, "medical assistance" does not include
5 coverage of the benefits under s. 49.471 (11).

6 SECTION 3. 46.286 (1) (b) 1m. of the statutes, as affected by 2007 Wisconsin Act
7 20, is renumbered 46.286 (1) (b) 2m. a.

8 SECTION 4. 46.286 (1) (b) 3. of the statutes, as affected by 2007 Wisconsin Act
9 20, is renumbered 46.286 (1) (b) 2m. b.

10 SECTION 5. 46.286 (3) (a) 4m. of the statutes, as affected by 2007 Wisconsin Act
11 20, is amended to read:

12 46.286 (3) (a) 4m. The person is financially eligible under sub. (1) (b) ~~1m.~~ 2m.
13 a., and fulfills any applicable cost-sharing requirements.

14 SECTION 6. 49.45 (18) (am) of the statutes, as affected by 2007 Wisconsin Act
15 20, is renumbered 49.45 (18) (am) 1. and amended to read:

16 49.45 (18) (am) 1. ~~No~~ Except as provided in subd. 2., no person is liable under
17 this subsection for services provided through prepayment contracts. ~~This paragraph~~
18 ~~does not apply to a person who is eligible for the benefits under s. 49.46 (2) (a) and~~
19 ~~(b) under s. 49.471.~~

20 SECTION 7. 49.45 (18) (am) 2. of the statutes is created to read:

1 49.45 (18) (am) 2. A person who is eligible for the benefits under s. 49.46 (2) (a)
2 and (b) under s. 49.471 is liable under this subsection for services provided through
3 a prepayment contract in the amounts and according to the procedures specified by
4 the department.

* ****NOTE: If the department determines the amounts and procedures, is it accurate
 to say that the person is liable *under this subsection*? Does *under this subsection* refer
 to cost sharing in general or to the specific amounts, etc., included in the subsection?

5 SECTION 8. 49.45 (18) (b) 2. of the statutes is amended to read:

6 49.45 (18) (b) 2. Any service provided to a person who is less than 18 years old.
7 This subdivision does not apply if the person's family income exceeds 100 percent of
8 the poverty line and he or she is eligible for the benefits under s. 49.46 (2) (a) and (b)
9 under s. 49.471.

10 SECTION 9. 49.471 (2) of the statutes, as created by 2007 Wisconsin Act 20, is
11 amended to read:

12 49.471 (2) WAIVER AND STATE PLAN AMENDMENTS. The department shall request
13 a waiver from, and submit amendments to the state Medical Assistance plan to, the
14 secretary of the federal department of health and human services to implement
15 BadgerCare Plus. If the state plan amendments are approved and a waiver that is
16 substantially consistent with the provisions of this section, excluding sub. (2m), is
17 granted and in effect, the department shall implement BadgerCare Plus beginning
18 on January 1, 2008, the effective date of the state plan amendments, or the effective
19 date of the waiver, whichever is latest. If the state plan amendments are approved
20 but the terms of approval do not allow for federal funding of the cost of benefits for
21 all or any part of one or more of the eligibility categories under sub. (4) (b), the
22 department may at its discretion pay for the cost of benefits for all or any part of any
23 group for which federal funding was denied exclusively with moneys from the

1 appropriation under s. 20.435 (4) (b). If the state plan amendments are not approved
2 or if a waiver that is substantially consistent with the provisions of this section,
3 excluding sub. (2m), is not granted, BadgerCare Plus may not be implemented. If
4 the state plan amendments are approved but approval is not continued or if a waiver
5 that is substantially consistent with the provisions of this section, excluding sub.
6 (2m), is granted but not continued in effect, BadgerCare Plus shall be discontinued.

7 **SECTION 10.** 49.471 (3) (a) 1. of the statutes, as created by 2007 Wisconsin Act
8 20, is amended to read:

9 49.471 (3) (a) 1. Notwithstanding ss. 49.46 (1), 49.465, 49.47 (4), and 49.665 (4),
10 if the amendments to the state plan under sub. (2) are approved and a waiver under
11 sub. (2) that is substantially consistent with ~~all of~~ the provisions of this section,
12 excluding sub. (2m), is granted and in effect, an individual described in sub. (4) (a)
13 or (b) or (5) is not eligible under s. 49.46, 49.465, 49.47, or 49.665 for Medical
14 Assistance or BadgerCare health program benefits. The eligibility of an individual
15 described in sub. (4) (a) or (b) or (5) for Medical Assistance benefits shall be
16 determined under this section.

17 **SECTION 11.** 49.471 (3) (b) 1. (intro.) of the statutes, as created by 2007
18 Wisconsin Act 20, is amended to read:

19 49.471 (3) (b) 1. (intro.) If an individual over 18 years of age who is eligible for
20 and receiving Medical Assistance benefits under s. 49.46, 49.47, or 49.665 in the
21 month before BadgerCare Plus is implemented loses that eligibility solely due to the
22 implementation of BadgerCare Plus and, because of his or her income, is not eligible
23 for BadgerCare Plus, the individual shall continue receiving for ~~18~~ 12 consecutive
24 months the medical assistance he or she was receiving before the implementation of
25 BadgerCare Plus if all of the following are satisfied:

1 **SECTION 12.** 49.471 (3) (b) 1. c. of the statutes, as created by 2007 Wisconsin
2 Act 20, is amended to read:

3 49.471 (3) (b) 1. c. The individual ~~continues to meet~~ meets all nonfinancial
4 eligibility requirements ~~for the coverage that he or she had in the month before the~~
5 ~~implementation of BadgerCare Plus~~ under this section.

6 **SECTION 13.** 49.471 (3) (b) 2. of the statutes, as created by 2007 Wisconsin Act
7 20, is amended to read:

8 49.471 (3) (b) 2. Notwithstanding subd. 1., if at any time during an individual's
9 ~~18-month~~ 12-month eligibility extension under subd. 1. any criterion under subd.
10 1. a. to d. is not satisfied, the individual's eligibility for the extended coverage is
11 terminated and any time remaining in the eligibility period is lost.

12 **SECTION 14.** 49.471 (4) (a) 4. a. of the statutes, as created by 2007 Wisconsin
13 Act 20, is amended to read:

14 49.471 (4) (a) 4. a. The individual is a parent or caretaker relative of a child who
15 is living in the home with the parent or caretaker relative or who is temporarily
16 absent from the home for not more than 6 months or, if the child has been removed
17 from the home for more than 6 months, the parent or caretaker relative is working
18 toward unifying the family by complying with a permanency plan under s. 48.38 or
19 938.38.

20 **SECTION 15.** 49.471 (4) (a) 7. of the statutes is created to read:

21 49.471 (4) (a) 7. Individuals who qualify for a medical assistance eligibility
22 extension under s. 49.46 (1) (c), (cg), or (co) when their income increases above the
23 poverty line.

24 **SECTION 16.** 49.471 (4) (b) 4. a. of the statutes, as created by 2007 Wisconsin
25 Act 20, is amended to read:

1 49.471 (4) (b) 4. a. The individual is a parent or caretaker relative of a child who
2 is living in the home with the parent or caretaker relative or who is temporarily
3 absent from the home for not more than 6 months or, if the child has been removed
4 from the home for more than 6 months, the parent or caretaker relative is working
5 toward unifying the family by complying with a permanency plan under s. 48.38 or
6 938.38.

7 **SECTION 17.** 49.471 (5) (b) 1. of the statutes, as created by 2007 Wisconsin Act
8 20, is amended to read:

9 49.471 (5) (b) 1. Except as provided in sub. (6) (a) 1., a pregnant woman is
10 eligible for the benefits specified in par. (c) during the period beginning on the day
11 on which a qualified provider determines, on the basis of preliminary information,
12 that the woman's family income does not exceed 300 percent of the poverty line and
13 ending on the applicable day specified in subd. 3.

14 **SECTION 18.** 49.471 (5) (b) 2. of the statutes, as created by 2007 Wisconsin Act
15 20, is amended to read:

16 49.471 (5) (b) 2. Except as provided in sub. (6) (a) 2., a child who is not an unborn
17 child is eligible for the benefits described in s. 49.46 (2) (a) and (b) during the period
18 beginning on the day on which a qualified entity determines, on the basis of
19 preliminary information, that the child's family income does not exceed 150 percent
20 of the poverty line and ending on the applicable day specified in subd. 3.

21 **SECTION 19.** 49.471 (5) (c) of the statutes, as created by 2007 Wisconsin Act 20,
22 is renumbered 49.471 (5) (c) 2. and amended to read:

23 49.471 (5) (c) 2. On behalf of a woman under par. (b) 1. whose family income
24 exceeds 200 percent of the poverty line, the department shall audit and pay allowable

1 charges to a provider certified under s. 49.45 (2) (a) 11. only for ambulatory prenatal
2 care services under the benefits under sub. (11).

3 **SECTION 20.** 49.471 (5) (c) 1. of the statutes is created to read:

4 49.471 (5) (c) 1. On behalf of a woman under par. (b) 1. whose family income
5 does not exceed 200 percent of the poverty line, the department shall audit and pay
6 allowable charges to a provider certified under s. 49.45 (2) (a) 11. only for ambulatory
7 prenatal care services under the benefits described in s. 49.46 (2) (a) and (b).

8 **SECTION 21.** 49.471 (6) (a) of the statutes, as created by 2007 Wisconsin Act 20,
9 is renumbered 49.471 (6) (a) 2. and amended to read:

10 49.471 (6) (a) 2. Any ~~pregnant woman, including a pregnant woman under sub~~
11 ~~(5) (b) 1.,~~ child who is not an unborn child, including a child under sub. (5) (b) 2.,
12 parent, or caretaker relative whose family income is less than 150 percent of the
13 poverty line is eligible for medical assistance under this section for any of the 3
14 months prior to the month of application if the individual met the eligibility criteria
15 under this section and had a family income of less than 150 percent of the poverty
16 line in that month.

17 **SECTION 22.** 49.471 (6) (a) 1. of the statutes is created to read:

18 49.471 (6) (a) 1. Any pregnant woman, including a pregnant woman under sub.
19 (5) (b) 1., is eligible for medical assistance under this section for any of the 3 months
20 prior to the month of application if she met the eligibility criteria under this section
21 in that month.

22 **SECTION 23.** 49.471 (6) (e) of the statutes, as created by 2007 Wisconsin Act 20,
23 is repealed.

24 **SECTION 24.** 49.471 (7) (b) 1. of the statutes, as created by 2007 Wisconsin Act
25 20, is amended to read:

1 49.471 (7) (b) 1. A pregnant woman, ~~or an unborn child~~, whose family income
2 exceeds 300 percent of the poverty line may become eligible for coverage under this
3 section if the difference between the pregnant woman's ~~or unborn child's~~ family
4 income and the applicable income limit under sub. (4) (b) is obligated or expended
5 for any member of the pregnant woman's ~~or unborn child's~~ family for medical care
6 or any other type of remedial care recognized under state law or for personal health
7 insurance premiums or for both. Eligibility obtained under this subdivision
8 continues without regard to any change in family income for the balance of the
9 pregnancy and, ~~for a pregnant woman but not for an unborn child~~, to the last day of
10 the month in which the 60th day after the last day of the woman's pregnancy falls.
11 Eligibility obtained by a pregnant woman under this subdivision extends to all
12 pregnant women in the pregnant woman's family.

13 SECTION 25. 49.471 (7) (b) 2. of the statutes, as created by 2007 Wisconsin Act
14 20, is amended to read:

15 49.471 (7) (b) 2. A child who is not an unborn child and, whose family income
16 exceeds 150 percent of the poverty line, and who is ineligible under this section solely
17 because of sub. (8) (b) may obtain eligibility under this section if the difference
18 between the child's family income and 150 percent of the poverty line is obligated or
19 expended on behalf of the child or any member of the child's family for medical care
20 or any other type of remedial care recognized under state law or for personal health
21 insurance premiums or for both. Eligibility obtained under this subdivision during
22 any 6-month period, as determined by the department, continues for the remainder
23 of the 6-month period and extends to all children in the family.

*
***NOTE: This change was not included in the original instructions. I hope I'm not
missing anything else.

1 **SECTION 26.** 49.471 (7) (b) 3. of the statutes, as created by 2007 Wisconsin Act
2 20, is amended to read:

3 49.471 (7) (b) 3. For a pregnant woman ~~or an unborn child~~ to obtain eligibility
4 under subd. 1., the amount that must be obligated or expended in any 6-month
5 period is equal to the sum of the differences in each of those 6 months between the
6 pregnant woman's ~~or unborn child's~~ monthly family income and the monthly family
7 income that is 300 percent of the poverty line. For a child to obtain eligibility under
8 subd. 2., the amount that must be obligated or expended in any 6-month period is
9 equal to the sum of the differences in each of those 6 months between the child's
10 monthly family income and the monthly family income that is 150 percent of the
11 poverty line.

12 **SECTION 27.** 49.471 (7) (c) 1. of the statutes, as created by 2007 Wisconsin Act
13 20, is amended to read:

14 49.471 (7) (c) 1. Deduct from family the individual's income, up to the amount
15 of the individual's income, any payments made by amount the individual is obligated
16 to pay for court-ordered child or family support or maintenance.

****NOTE: I wasn't quite sure about this change, since it seems that the end result would be the same regardless of whether the child support obligation is deducted from one individual's income or the family's income (since this affects the determination of an individual's family income). Is the important part the fact that the deduction may not exceed the income of the person who has the obligation?

*

17 **SECTION 28.** 49.471 (8) (d) 1. f. of the statutes is created to read:

18 49.471 (8) (d) 1. f. An individual described in sub. (4) (a) 7.

19 **SECTION 29.** 49.471 (8) (d) 2. c. of the statutes, as created by 2007 Wisconsin
20 Act 20, is amended to read:

21 49.471 (8) (d) 2. c. One or more members of the individual's family were eligible
22 for other health insurance coverage or Medical Assistance under s. 49.46 or 49.47 at

1 the time the employee failed to enroll in the health insurance coverage under par. (b)
2 1. and no member of the family was eligible for coverage under this section at that
3 time or, if one or more members of the individual's family were eligible for coverage
4 under this section at that time, family income did not exceed 150 percent of the
5 poverty line or the individual qualified for a medical assistance eligibility extension
6 as provided in sub. (4) (a) 7.

7 **SECTION 30.** 49.471 (10) (a) of the statutes, as created by 2007 Wisconsin Act
8 20, is amended to read:

9 49.471 (10) (a) *Copayments*. Except as provided in s. 49.45 (18) (am) 2. and (b)
10 2., all cost-sharing provisions under s. 49.45 (18) apply to a recipient with coverage
11 of the benefits described in s. 49.46 (2) (a) and (b) to the same extent as they apply
12 to a person eligible for medical assistance under s. 49.46, 49.468, or 49.47.

13 **SECTION 31.** 49.471 (10) (b) 4. g. of the statutes is created to read:

14 49.471 (10) (b) 4. g. An individual described in sub. (4) (a) 7.

15 **SECTION 32.** 49.471 (10) (b) 5. of the statutes, as created by 2007 Wisconsin Act
16 20, is amended to read:

17 49.471 (10) (b) 5. If a recipient who is required to pay a premium under this
18 paragraph or under sub. (2m) or (4) (c) either does not pay a premium when due or
19 requests that his or her coverage under this section be terminated, the recipient's
20 coverage terminates and the recipient is not eligible for BadgerCare Plus for 6
21 consecutive calendar months following the date on which the recipient's coverage
22 terminated, except for any month during that 6-month period when the recipient's
23 family income does not exceed 150 percent of the poverty line.

24 **SECTION 33.** 49.471 (12) (b) of the statutes, as created by 2007 Wisconsin Act
25 20, is amended to read:



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Insert A

1803

1 AN ACT *to repeal* 49.471 (6) (e); *to renumber* 46.286 (1) (b) (intro.), 46.286 (1)
2 (b) 1m. and 46.286 (1) (b) 3.; *to renumber and amend* 49.471 (5) (c) and 49.471
3 (6) (a); *to amend* 46.286 (3) (a) 4m., 49.471 (3) (b) 1. (intro.), 49.471 (3) (b) 1. c.,
4 49.471 (3) (b) 2., 49.471 (4) (a) 4. a., 49.471 (4) (b) 4. a., 49.471 (5) (b) 1., 49.471
5 (5) (b) 2., 49.471 (7) (b) 1., 49.471 (7) (b) 3., 49.471 (7) (c) 1., 49.471 (8) (d) 2. c.
6 and 49.471 (10) (b) 5.; and *to create* 46.286 (1) (b) 1c., 49.471 (4) (a) 7., 49.471
7 (5) (c) 1., 49.471 (6) (a) 1., 49.471 (8) (d) 1. f. and 49.471 (10) (b) 4. g. of the
8 statutes; **relating to:** modifications to the BadgerCare Plus program
9 (suggested as remedial legislation by the Department of Health and Family
10 Services).

Analysis by the Legislative Reference Bureau

BadgerCare Plus (BC+) is a Medical Assistance (MA) program that was approved in the biennial budget act. BC+, which will be administered by the Department of Health and Family Services (DHFS), provides health care benefits under two different plans, depending on the basis for a recipient's eligibility, to recipients who satisfy financial and nonfinancial eligibility criteria. The first plan provides the same benefits that are provided under regular MA. Individuals eligible

Cons A covered 203

for BC+ benefits under that plan (regular MA plan) include: a pregnant woman whose family income does not exceed 200 percent of the poverty level (poverty); a child under one year of age whose mother, on the day on which the child was born, was eligible for and receiving benefits under MA or BC+ under the regular MA plan; any child whose family income does not exceed 200 percent of poverty; an individual whose family income does not exceed 200 percent of poverty and who is the parent or caretaker relative of a child who is, generally, living in the home of the parent or caretaker relative; certain migrant workers and their dependents; and an individual between 19 and 21 years of age who was in foster care on his or her 18th birthday.

The second plan, called the Benchmark Plan, provides specified benefits, including, but not limited to, coverage for prescription drugs; physicians' services; inpatient and outpatient hospital services; home health services; physical, occupational, and speech therapy; treatment for nervous and mental disorders and alcoholism and other drug abuse problems; durable medical equipment; and transportation to obtain emergency medical care. Individuals eligible for BC+ benefits under the Benchmark Plan include: *** a pregnant woman whose family income exceeds 200 percent, but does not exceed 300 percent, of poverty; a child under one year of age whose mother, on the day on which the child was born, was eligible for and receiving BC+ benefits under the Benchmark Plan; any child whose family income exceeds 200 percent, but does not exceed 300 percent, of poverty; and an individual whose family income exceeds 200 percent, but does not exceed 300 percent, of poverty and who is the parent or caretaker relative of a child who is, generally, living in the home of the parent or caretaker relative. In addition, any child whose family income exceeds 300 percent of poverty may purchase coverage under the Benchmark Plan at the full per member per month cost of the coverage.

This bill makes a number of changes to BC+, including the following:

1) Specifies that DHFS will provide prenatal care services under the regular MA plan for a pregnant woman with presumptive eligibility (has not applied for benefits but satisfies the eligibility ~~criteria~~) whose income is not greater than 200 percent of the poverty level (poverty) and will provide prenatal care services under the Benchmark Plan for a pregnant woman with presumptive eligibility whose income is greater than 200 percent but not greater than 300 percent of poverty.

2) Specifies that any pregnant woman is eligible for benefits for any of the three months before applying for benefits if she met the eligibility criteria during that month. Under current law, only a pregnant woman whose income is less than 150 percent of poverty is eligible for benefits for any of the three months before she applied for benefits.

3) Specifies that only a pregnant woman with income greater than 300 percent of poverty may obtain eligibility for BC+ benefits if medical expenses reduce her income to the applicable limit for eligibility. Current law provides that any pregnant woman or unborn child may obtain eligibility if medical expenses reduce income.

*** 4) Provides that for determining financial eligibility, a person's income will be reduced by the amount of a court-ordered obligation. Current law reduces income by the amount the person pays in child support.

sup to amount of the person's income

Ins Allowed 303

5) Provides that a person who loses eligibility for six months for failure to pay a premium retains eligibility in any month during that six-month period when their family income is not more than 150 percent of poverty.

6) Extends eligibility for MA coverage for 12, rather than 18, months for a person over 18 years of age who was receiving MA when BC+ was implemented, who lost eligibility for MA solely because of the implementation of BC+, and who does not meet the income eligibility criteria of BC+.

7) Clarifies that a parent or caretaker relative of a child may be eligible for BC+ if the child is absent from the home but the parent or caretaker relative is complying with a permanency plan prepared under the juvenile justice code provisions of the statutes, as well as under the children's code provisions of the statutes.

8) Provides that certain persons who are eligible for an extension of MA benefits when their household incomes increase above poverty are eligible for BC+ benefits under the regular MA plan, are not required to pay a premium for the extension of benefits, and do not lose eligibility due to having access to employer-sponsored health insurance.

For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council.

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:

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the Department of Health and Family Services and introduced by the Law Revision Committee under s. 13.83 (1) (c) 4., stats. After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

1 **SECTION 1.** 46.286 (1) (b) (intro.) of the statutes, as affected by 2007 Wisconsin
2 Act 20, is renumbered 46.286 (1) (b) 2m. (intro.).

3 **SECTION 2.** 46.286 (1) (b) 1c. of the statutes is created to read:
4 46.286 (1) (b) 1c. In this paragraph, "medical assistance" does not include
5 coverage of the benefits under s. 49.471 (11).

6 **SECTION 3.** 46.286 (1) (b) 1m. of the statutes, as affected by 2007 Wisconsin Act
7 20, is renumbered 46.286 (1) (b) 2m. a.

permanency

(end of ins A)

2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

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PJK:.....

Lbjk

INSERT B

9) Clarifies that a child whose family income exceeds 150 percent of poverty and who may obtain eligibility if the difference between his or her family income and 150 percent of poverty is obligated or expended for medical care or health insurance premiums is one who is ineligible solely for reasons related to having certain types of access to certain types of health insurance coverage.

10) Provides that, if approval of the state plan amendments do not allow for federal funding for benefits for any part or all of one or more of the eligibility groups, DHFS may in its discretion pay for benefits for any part of any group for which federal funding is denied with moneys from a specified general purpose revenue appropriation.

(END OF INSERT B)

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

LRB-3510/1dn

PJK:.....

Lbjk

Date

This version takes out all embedded NOTES and adds an analysis. Please feel free to make suggestions for changes to the analysis if you feel that the effect of any provision is misstated. ✓

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.wisconsin.gov

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

LRB-3510/1dn
PJK:bjk:pg

December 10, 2007

This version takes out all embedded NOTES and adds an analysis. Please feel free to make suggestions for changes to the analysis if you feel that the effect of any provision is misstated.

Pamela J. Kahler
Senior Legislative Attorney
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State of Wisconsin
LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX -
PLEASE DO NOT REMOVE FROM DRAFTING FILE

Date Transfer Requested: 02/13/2008 (Per: PJK)



Appendix A

The 2007 drafting file for LRB-3510/1
has been copied/added to the drafting file for
2007 LRB-4076

Ⓒ The attached 2007 draft was incorporated into the new 2007 draft listed above. For research purposes, this cover sheet and the attached drafting file were copied, and added, as an appendix, to the new 2007 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

Ⓒ This cover sheet was added to rear of the original 2007 drafting file. The drafting file was then returned, intact, to its folder and filed.

Kahler, Pam

From: Plona, Katie [PlonaKP@dhfs.state.wi.us]
Sent: Friday, February 15, 2008 12:16 PM
To: Kahler, Pam
Subject: [Possible Spam] LRB 3510 * BadgerCare Plus statutory clean-up
Importance: Low

Hi Pam,

Per our conversation, I am writing to request that LRB 3510 be jacketed for Sen. Erpenbach. Kelly Johnson in his office is working on this with us, should you need to contact her. Is it possible to send the jacket as well as an electronic version to Kelly or to the Sen. Erpenbach email?

Thanks again, Katie

Katie Plona
Legislative Liaison
Department of Health and Family Services
(608) 266-3262
plonakp@dhfs.state.wi.us



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-3510/A
PJK:bjk&kjf:pg
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52

2007 BILL

SAV
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only change
on p.2

regen. cat

1 AN ACT *to repeal* 49.471 (6) (e); *to renumber* 46.286 (1) (b) (intro.), 46.286 (1)
2 (b) 1m. and 46.286 (1) (b) 3.; *to renumber and amend* 49.45 (18) (am), 49.471
3 (5) (c) and 49.471 (6) (a); *to amend* 46.286 (3) (a) 4m., 49.45 (18) (b) 2., 49.471
4 (2), 49.471 (3) (a) 1., 49.471 (3) (b) 1. (intro.), 49.471 (3) (b) 1. c., 49.471 (3) (b)
5 2., 49.471 (4) (a) 4. a., 49.471 (4) (b) 4. a., 49.471 (5) (b) 1., 49.471 (5) (b) 2., 49.471
6 (7) (b) 1., 49.471 (7) (b) 2., 49.471 (7) (b) 3., 49.471 (7) (c) 1., 49.471 (8) (d) 2. c.,
7 49.471 (10) (a), 49.471 (10) (b) 5. and 49.471 (12) (b); and *to create* 46.286 (1)
8 (b) 1c., 49.45 (18) (am) 2., 49.471 (4) (a) 7., 49.471 (5) (c) 1., 49.471 (6) (a) 1.,
9 49.471 (8) (d) 1. f. and 49.471 (10) (b) 4. g. of the statutes; **relating to:** changes
10 to BadgerCare Plus.

Analysis by the Legislative Reference Bureau

BadgerCare Plus (BC+) is a Medical Assistance (MA) program that was approved in the biennial budget act. BC+, which will be administered by the Department of Health and Family Services (DHFS), provides health care benefits under two different plans, depending on the basis for a recipient's eligibility, to recipients who satisfy financial and nonfinancial eligibility criteria. The first plan

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18 ← provides the same benefits that are provided under regular MA. Individuals eligible for BC+ benefits under that plan (regular MA plan) include: a pregnant woman whose family income does not exceed 200 percent of the poverty level (poverty); a child under one year of age whose mother, on the day on which the child was born, was eligible for and receiving benefits under MA or BC+ under the regular MA plan; any child whose family income does not exceed 200 percent of poverty; an individual whose family income does not exceed 200 percent of poverty and who is the parent or caretaker relative of a child who is, generally, living in the home of the parent or caretaker relative; certain migrant workers and their dependents; and an individual between ~~19~~ and 21 years of age who was in foster care on his or her 18th birthday.

The second plan, called the Benchmark Plan, provides specified benefits, including, but not limited to, coverage for prescription drugs; physicians' services; inpatient and outpatient hospital services; home health services; physical, occupational, and speech therapy; treatment for nervous and mental disorders and alcoholism and other drug abuse problems; durable medical equipment; and transportation to obtain emergency medical care. Individuals eligible for BC+ benefits under the Benchmark Plan include: a pregnant woman whose family income exceeds 200 percent, but does not exceed 300 percent, of poverty; a child under one year of age whose mother, on the day on which the child was born, was eligible for and receiving BC+ benefits under the Benchmark Plan; any child whose family income exceeds 200 percent, but does not exceed 300 percent, of poverty; and an individual whose family income exceeds 200 percent, but does not exceed 300 percent, of poverty and who is the parent or caretaker relative of a child who is, generally, living in the home of the parent or caretaker relative. In addition, any child whose family income exceeds 300 percent of poverty may purchase coverage under the Benchmark Plan at the full per member per month cost of the coverage.

This bill makes a number of changes to BC+, including the following:

1) Specifies that DHFS will provide prenatal care services under the regular MA plan for a pregnant woman with presumptive eligibility (has not applied for benefits but satisfies the eligibility criteria) whose income is not greater than 200 percent of the poverty level (poverty) and will provide prenatal care services under the Benchmark Plan for a pregnant woman with presumptive eligibility whose income is greater than 200 percent but not greater than 300 percent of poverty.

2) Specifies that any pregnant woman is eligible for benefits for any of the three months before applying for benefits if she met the eligibility criteria during that month. Under current law, only a pregnant woman whose income is less than 150 percent of poverty is eligible for benefits for any of the three months before she applied for benefits.

3) Specifies that only a pregnant woman with income greater than 300 percent of poverty may obtain eligibility for BC+ benefits if medical expenses reduce her income to the applicable limit for eligibility. Current law provides that any pregnant woman or unborn child may obtain eligibility if medical expenses reduce income.

4) Provides that for determining financial eligibility, a person's income will be reduced by the amount of a court-ordered obligation, up to amount of the person's income. Current law reduces income by the amount the person pays in child support.

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5) Provides that a person who loses eligibility for six months for failure to pay a premium retains eligibility in any month during that six-month period when their family income is not more than 150 percent of poverty.

6) Extends eligibility for MA coverage for 12, rather than 18, months for a person over 18 years of age who was receiving MA when BC+ was implemented, who lost eligibility for MA solely because of the implementation of BC+, and who does not meet the income eligibility criteria of BC+.

7) Clarifies that a parent or caretaker relative of a child may be eligible for BC+ if the child is absent from the home but the parent or caretaker relative is complying with a permanency plan prepared under the juvenile justice code provisions of the statutes, as well as under the children's code provisions of the statutes.

8) Provides that certain persons who are eligible for an extension of MA benefits when their household incomes increase above poverty are eligible for BC+ benefits under the regular MA plan, are not required to pay a premium for the extension of benefits, and do not lose eligibility due to having access to employer-sponsored health insurance.

9) Clarifies that a child whose family income exceeds 150 percent of poverty and who may obtain eligibility if the difference between his or her family income and 150 percent of poverty is obligated or expended for medical care or health insurance premiums is one who is ineligible solely for reasons related to having certain types of access to certain types of health insurance coverage.

10) Provides that, if approval of the state plan amendments do not allow for federal funding for benefits for any part or all of one or more of the eligibility groups, DHFS may in its discretion pay for benefits for any part of any group for which federal funding is denied with moneys from a specified general purpose revenue appropriation.

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. 46.286 (1) (b) (intro.) of the statutes, as affected by 2007 Wisconsin
2 Act 20, is renumbered 46.286 (1) (b) 2m. (intro.).

3 ✓
SECTION 2. 46.286 (1) (b) 1c. of the statutes is created to read:
4 46.286 (1) (b) 1c. In this paragraph, "medical assistance" does not include
5 coverage of the benefits under s. 49.471 (11).

6 ✓
SECTION 3. 46.286 (1) (b) 1m. of the statutes, as affected by 2007 Wisconsin Act
7 20, is renumbered 46.286 (1) (b) 2m. a.

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1 **SECTION 4.** 46.286 (1) (b) 3. of the statutes, as affected by 2007 Wisconsin Act
2 20, is renumbered 46.286 (1) (b) 2m. b.

3 **SECTION 5.** 46.286 (3) (a) 4m. of the statutes, as affected by 2007 Wisconsin Act
4 20, is amended to read:

5 46.286 (3) (a) 4m. The person is financially eligible under sub. (1) (b) ~~1m.~~ 2m.
6 a., and fulfills any applicable cost-sharing requirements.

7 **SECTION 6.** 49.45 (18) (am) of the statutes, as affected by 2007 Wisconsin Act
8 20, is renumbered 49.45 (18) (am) 1. and amended to read:

9 49.45 (18) (am) 1. ~~No Except as provided in subd. 2., no person is liable under~~
10 this subsection for services provided through prepayment contracts. ~~This paragraph~~
11 ~~does not apply to a person who is eligible for the benefits under s. 49.46 (2) (a) and~~
12 ~~(b) under s. 49.471.~~

13 **SECTION 7.** 49.45 (18) (am) 2. of the statutes is created to read:

14 49.45 (18) (am) 2. A person who is eligible for the benefits under s. 49.46 (2) (a)
15 and (b) under s. 49.471 is liable under this subsection for services provided through
16 a prepayment contract in the amounts and according to the procedures specified by
17 the department.

18 **SECTION 8.** 49.45 (18) (b) 2. of the statutes is amended to read:

19 49.45 (18) (b) 2. Any service provided to a person who is less than 18 years old.
20 This subdivision does not apply if the person's family income exceeds 100 percent of
21 the poverty line and he or she is eligible for the benefits under s. 49.46 (2) (a) and (b)
22 under s. 49.471.

23 **SECTION 9.** 49.471 (2) of the statutes, as created by 2007 Wisconsin Act 20, is
24 amended to read:

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1 49.471 (2) WAIVER AND STATE PLAN AMENDMENTS. The department shall request
2 a waiver from, and submit amendments to the state Medical Assistance plan to, the
3 secretary of the federal department of health and human services to implement
4 BadgerCare Plus. If the state plan amendments are approved and a waiver that is
5 substantially consistent with the provisions of this section, excluding sub. (2m), is
6 granted and in effect, the department shall implement BadgerCare Plus beginning
7 on January 1, 2008, the effective date of the state plan amendments, or the effective
8 date of the waiver, whichever is latest. If the state plan amendments are approved
9 but the terms of approval do not allow for federal funding of the cost of benefits for
10 all or any part of one or more of the eligibility categories under sub. (4) (b), the
11 department may at its discretion pay for the cost of benefits for all or any part of any
12 group for which federal funding was denied exclusively with moneys from the
13 appropriation under s. 20.435 (4) (b). If the state plan amendments are not approved
14 or if a waiver that is substantially consistent with the provisions of this section,
15 excluding sub. (2m), is not granted, BadgerCare Plus may not be implemented. If
16 the state plan amendments are approved but approval is not continued or if a waiver
17 that is substantially consistent with the provisions of this section, excluding sub.
18 (2m), is granted but not continued in effect, BadgerCare Plus shall be discontinued.

19 SECTION 10. 49.471 (3) (a) 1. of the statutes, as created by 2007 Wisconsin Act
20 20, is amended to read:

21 49.471 (3) (a) 1. Notwithstanding ss. 49.46 (1), 49.465, 49.47 (4), and 49.665 (4),
22 if the amendments to the state plan under sub. (2) are approved and a waiver under
23 sub. (2) that is substantially consistent with ~~all of~~ the provisions of this section,
24 excluding sub. (2m), is granted and in effect, an individual described in sub. (4) (a)
25 or (b) or (5) is not eligible under s. 49.46, 49.465, 49.47, or 49.665 for Medical

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1 Assistance or BadgerCare health program benefits. The eligibility of an individual
2 described in sub. (4) (a) or (b) or (5) for Medical Assistance benefits shall be
3 determined under this section.

4 **SECTION 11.** 49.471 (3) (b) 1. (intro.) of the statutes, as created by 2007
5 Wisconsin Act 20, is amended to read:

6 49.471 (3) (b) 1. (intro.) If an individual over 18 years of age who is eligible for
7 and receiving Medical Assistance benefits under s. 49.46, 49.47, or 49.665 in the
8 month before BadgerCare Plus is implemented loses that eligibility solely due to the
9 implementation of BadgerCare Plus and, because of his or her income, is not eligible
10 for BadgerCare Plus, the individual shall continue receiving for ~~18~~ 12 consecutive
11 months the medical assistance he or she was receiving before the implementation of
12 BadgerCare Plus if all of the following are satisfied:

13 **SECTION 12.** 49.471 (3) (b) 1. c. of the statutes, as created by 2007 Wisconsin
14 Act 20, is amended to read:

15 49.471 (3) (b) 1. c. The individual ~~continues to meet~~ meets all nonfinancial
16 eligibility requirements ~~for the coverage that he or she had in the month before the~~
17 ~~implementation of BadgerCare Plus~~ under this section.

18 **SECTION 13.** 49.471 (3) (b) 2. of the statutes, as created by 2007 Wisconsin Act
19 20, is amended to read:

20 49.471 (3) (b) 2. Notwithstanding subd. 1., if at any time during an individual's
21 ~~18-month~~ 12-month eligibility extension under subd. 1. any criterion under subd.
22 1. a. to d. is not satisfied, the individual's eligibility for the extended coverage is
23 terminated and any time remaining in the eligibility period is lost.

24 **SECTION 14.** 49.471 (4) (a) 4. a. of the statutes, as created by 2007 Wisconsin
25 Act 20, is amended to read:

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1 49.471 (4) (a) 4. a. The individual is a parent or caretaker relative of a child who
2 is living in the home with the parent or caretaker relative or who is temporarily
3 absent from the home for not more than 6 months or, if the child has been removed
4 from the home for more than 6 months, the parent or caretaker relative is working
5 toward unifying the family by complying with a permanency plan under s. 48.38 or
6 938.38.

7 **SECTION 15.** 49.471 (4) (a) 7. of the statutes is created to read:

8 49.471 (4) (a) 7. Individuals who qualify for a medical assistance eligibility
9 extension under s. 49.46 (1) (c), (cg), or (co) when their income increases above the
10 poverty line.

11 **SECTION 16.** 49.471 (4) (b) 4. a. of the statutes, as created by 2007 Wisconsin
12 Act 20, is amended to read:

13 49.471 (4) (b) 4. a. The individual is a parent or caretaker relative of a child who
14 is living in the home with the parent or caretaker relative or who is temporarily
15 absent from the home for not more than 6 months or, if the child has been removed
16 from the home for more than 6 months, the parent or caretaker relative is working
17 toward unifying the family by complying with a permanency plan under s. 48.38 or
18 938.38.

19 **SECTION 17.** 49.471 (5) (b) 1. of the statutes, as created by 2007 Wisconsin Act
20 20, is amended to read:

21 49.471 (5) (b) 1. Except as provided in sub. (6) (a) 1, a pregnant woman is
22 eligible for the benefits specified in par. (c) during the period beginning on the day
23 on which a qualified provider determines, on the basis of preliminary information,
24 that the woman's family income does not exceed 300 percent of the poverty line and
25 ending on the applicable day specified in subd. 3.

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1 **SECTION 18.** 49.471 (5) (b) 2. of the statutes, as created by 2007 Wisconsin Act
2 20, is amended to read:

3 49.471 (5) (b) 2. Except as provided in sub. (6) (a) 2., a child who is not an unborn
4 child is eligible for the benefits described in s. 49.46 (2) (a) and (b) during the period
5 beginning on the day on which a qualified entity determines, on the basis of
6 preliminary information, that the child's family income does not exceed 150 percent
7 of the poverty line and ending on the applicable day specified in subd. 3.

8 **SECTION 19.** 49.471 (5) (c) of the statutes, as created by 2007 Wisconsin Act 20,
9 is renumbered 49.471 (5) (c) 2. and amended to read:

10 49.471 (5) (c) 2. On behalf of a woman under par. (b) 1. whose family income
11 exceeds 200 percent of the poverty line, the department shall audit and pay allowable
12 charges to a provider certified under s. 49.45 (2) (a) 11. only for ambulatory prenatal
13 care services under the benefits under sub. (11).

14 **SECTION 20.** 49.471 (5) (c) 1. of the statutes is created to read:

15 49.471 (5) (c) 1. On behalf of a woman under par. (b) 1. whose family income
16 does not exceed 200 percent of the poverty line, the department shall audit and pay
17 allowable charges to a provider certified under s. 49.45 (2) (a) 11. only for ambulatory
18 prenatal care services under the benefits described in s. 49.46 (2) (a) and (b).

19 **SECTION 21.** 49.471 (6) (a) of the statutes, as created by 2007 Wisconsin Act 20,
20 is renumbered 49.471 (6) (a) 2. and amended to read:

21 49.471 (6) (a) 2. Any ~~pregnant woman, including a pregnant woman under sub~~
22 ~~(5) (b) 1.,~~ child who is not an unborn child, including a child under sub. (5) (b) 2.,
23 parent, or caretaker relative whose family income is less than 150 percent of the
24 poverty line is eligible for medical assistance under this section for any of the 3
25 months prior to the month of application if the individual met the eligibility criteria

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1 under this section and had a family income of less than 150 percent of the poverty
2 line in that month.

3 **SECTION 22.** 49.471 (6) (a) 1. of the statutes is created to read:

4 49.471 (6) (a) 1. Any pregnant woman, including a pregnant woman under sub.
5 (5) (b) 1., is eligible for medical assistance under this section for any of the 3 months
6 prior to the month of application if she met the eligibility criteria under this section
7 in that month.

8 **SECTION 23.** 49.471 (6) (e) of the statutes, as created by 2007 Wisconsin Act 20,
9 is repealed.

10 **SECTION 24.** 49.471 (7) (b) 1. of the statutes, as created by 2007 Wisconsin Act
11 20, is amended to read:

12 49.471 (7) (b) 1. A pregnant woman, ~~or an unborn child~~, whose family income
13 exceeds 300 percent of the poverty line may become eligible for coverage under this
14 section if the difference between the pregnant woman's ~~or unborn child's~~ family
15 income and the applicable income limit under sub. (4) (b) is obligated or expended
16 for any member of the pregnant woman's ~~or unborn child's~~ family for medical care
17 or any other type of remedial care recognized under state law or for personal health
18 insurance premiums or for both. Eligibility obtained under this subdivision
19 continues without regard to any change in family income for the balance of the
20 pregnancy and, ~~for a pregnant woman but not for an unborn child~~, to the last day of
21 the month in which the 60th day after the last day of the woman's pregnancy falls.
22 Eligibility obtained by a pregnant woman under this subdivision extends to all
23 pregnant women in the pregnant woman's family.

24 **SECTION 25.** 49.471 (7) (b) 2. of the statutes, as created by 2007 Wisconsin Act
25 20, is amended to read:

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1 49.471 (7) (b) 2. A child who is not an unborn child ~~and~~, whose family income
2 exceeds 150 percent of the poverty line, and who is ineligible under this section solely
3 because of sub. (8) (b) may obtain eligibility under this section if the difference
4 between the child's family income and 150 percent of the poverty line is obligated or
5 expended on behalf of the child or any member of the child's family for medical care
6 or any other type of remedial care recognized under state law or for personal health
7 insurance premiums or for both. Eligibility obtained under this subdivision during
8 any 6-month period, as determined by the department, continues for the remainder
9 of the 6-month period and extends to all children in the family.

10 **SECTION 26.** 49.471 (7) (b) 3. of the statutes, as created by 2007 Wisconsin Act
11 20, is amended to read:

12 49.471 (7) (b) 3. For a pregnant woman ~~or an unborn child~~ to obtain eligibility
13 under subd. 1., the amount that must be obligated or expended in any 6-month
14 period is equal to the sum of the differences in each of those 6 months between the
15 pregnant woman's ~~or unborn child's~~ monthly family income and the monthly family
16 income that is 300 percent of the poverty line. For a child to obtain eligibility under
17 subd. 2., the amount that must be obligated or expended in any 6-month period is
18 equal to the sum of the differences in each of those 6 months between the child's
19 monthly family income and the monthly family income that is 150 percent of the
20 poverty line.

21 **SECTION 27.** 49.471 (7) (c) 1. of the statutes, as created by 2007 Wisconsin Act
22 20, is amended to read:

23 49.471 (7) (c) 1. Deduct from family the individual's income, up to the amount
24 of the individual's income, any payments made by amount the individual is obligated
25 to pay for court-ordered child or family support or maintenance.

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1 **SECTION 28.** 49.471 (8) (d) 1. f. of the statutes is created to read:

2 49.471 (8) (d) 1. f. An individual described in sub. (4) (a) 7.

3 **SECTION 29.** 49.471 (8) (d) 2. c. of the statutes, as created by 2007 Wisconsin
4 Act 20, is amended to read:

5 49.471 (8) (d) 2. c. One or more members of the individual's family were eligible
6 for other health insurance coverage or Medical Assistance under s. 49.46 or 49.47 at
7 the time the employee failed to enroll in the health insurance coverage under par. (b)
8 1. and no member of the family was eligible for coverage under this section at that
9 time or, if one or more members of the individual's family were eligible for coverage
10 under this section at that time, family income did not exceed 150 percent of the
11 poverty line or the individual qualified for a medical assistance eligibility extension
12 as provided in sub. (4) (a) 7.

13 **SECTION 30.** 49.471 (10) (a) of the statutes, as created by 2007 Wisconsin Act
14 20, is amended to read:

15 49.471 (10) (a) *Copayments.* Except as provided in s. 49.45 (18) (am) 2. and (b)
16 2., all cost-sharing provisions under s. 49.45 (18) apply to a recipient with coverage
17 of the benefits described in s. 49.46 (2) (a) and (b) to the same extent as they apply
18 to a person eligible for medical assistance under s. 49.46, 49.468, or 49.47.

19 **SECTION 31.** 49.471 (10) (b) 4. g. of the statutes is created to read:

20 49.471 (10) (b) 4. g. An individual described in sub. (4) (a) 7.

21 **SECTION 32.** 49.471 (10) (b) 5. of the statutes, as created by 2007 Wisconsin Act
22 20, is amended to read:

23 49.471 (10) (b) 5. If a recipient who is required to pay a premium under this
24 paragraph or under sub. (2m) or (4) (c) either does not pay a premium when due or
25 requests that his or her coverage under this section be terminated, the recipient's

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1 coverage terminates and the recipient is not eligible for BadgerCare Plus for 6
2 consecutive calendar months following the date on which the recipient's coverage
3 terminated, except for any month during that 6-month period when the recipient's
4 family income does not exceed 150 percent of the poverty line.

5 **SECTION 33.** 49.471 (12) (b) of the statutes, as created by 2007 Wisconsin Act
6 20, is amended to read:

7 49.471 (12) (b) If the amendments to the state plan submitted under sub. (2)
8 are approved and a waiver that is substantially consistent with ~~all~~ of the provisions
9 of this section is granted and in effect, the department shall publish a notice in the
10 Wisconsin Administrative Register that states the date on which BadgerCare Plus
11 is implemented.

12 **SECTION 34. Effective date.**

13 (1) This act takes effect on the date stated in the Wisconsin Administrative
14 Register by the department of health and family services under section 49.471 (12)
15 (b) of the statutes, as affected by this act, as the implementation date for BadgerCare
16 Plus.

17 (END)