

State of Wisconsin



2011 Senate Bill 474

Date of enactment: April 2, 2012
Date of publication*: April 16, 2012

2011 WISCONSIN ACT 192

AN ACT to create 49.45 (4m) and 224.42 of the statutes; relating to: matching financial records for Medical Assistance eligibility and providing a penalty.

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

SECTION 1. 49.45 (4m) of the statutes is created to read:

49.45 (4m) FINANCIAL RECORD MATCHING PROGRAM.

(a) *Definitions.* In this subsection:

1. "Account" means a demand deposit account, checking account, negotiable withdrawal order account, savings account, time deposit account, or money market mutual fund account.
2. "Applicant" means an individual applying for benefits under this subchapter.
3. "Financial institution" has the meaning given in 12 USC 3401 (1).
4. "Other individual" means an individual whose resources are required by law to be disclosed to determine the eligibility of an applicant or recipient.
5. "Recipient" means an individual who receives benefits under this subchapter.

(b) *Matching program and agreements.* 1. The department shall operate a financial record matching program under this subsection for the purpose of verifying the assets of applicants, recipients, and other individuals with respect to any program under this subchapter that requires asset verification.

2. The department shall enter into agreements with financial institutions doing business in this state to oper-

ate the financial record matching program under this subsection. An agreement shall require the financial institution to participate in the financial record matching program by electing either the financial institution matching option under par. (c) or the state matching option under par. (d). Any changes to the conditions of the agreement shall be submitted by the financial institution or the department at least 60 days before the effective date of the change. The department shall furnish the financial institution with a signed copy of the agreement.

3. The department shall reimburse a financial institution up to \$125 per calendar quarter for participating in the financial record matching program under this subsection.

4. To the extent feasible, the information to be exchanged under the matching program shall be provided by electronic data exchange as prescribed by the department in the agreement under subd. 2.

(c) *Financial institution matching option.* If a financial institution with which the department has an agreement under par. (b) elects the financial institution matching option under this paragraph, all of the following apply:

1. At least once each calendar quarter, the department shall provide to the financial institution, in the manner specified in the agreement under par. (b) 2., information regarding applicants, recipients, and other individuals.

* Section 991.11, WISCONSIN STATUTES 2009-10: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

The information shall include names and social security or other taxpayer identification numbers.

2. Based on the information received under subd. 1., the financial institution shall take actions necessary to determine whether any applicant, recipient, or other individual has an ownership interest in an account maintained at the financial institution. If the financial institution determines that an applicant, recipient, or other individual has an ownership interest in an account at the financial institution, the financial institution shall provide the department with a notice containing the applicant's, recipient's, or other individual's name, address of record, social security number or other taxpayer identification number, and account information. The account information shall include the account number, the account type, the nature of the ownership interest in the account, and the balance of the account at the time that the record match is made. The notice under this subdivision shall be provided in the manner specified in the agreement under par. (b) 2. and, to the extent feasible, by an electronic data exchange.

(d) *State matching option.* If a financial institution with which the department has an agreement under par. (b) elects the state matching option under this paragraph, all of the following apply:

1. At least once each calendar quarter, the financial institution shall provide the department with information concerning all accounts maintained at the financial institution. For each account maintained at the financial institution, the financial institution shall notify the department of the name and social security number or other tax identification number of each person having an ownership interest in the account, together with a description of each person's interest. The information required under this subdivision shall be provided in the manner specified in the agreement under par. (b) 2. and, to the extent feasible, by an electronic data exchange.

2. The department shall take actions necessary to determine whether any applicant, recipient, or other individual has an ownership interest in an account maintained at the financial institution providing information under subd. 1. Upon the request of the department, the financial institution shall provide to the department, for each applicant, recipient, or other individual who matches information provided by the financial institution under subd. 1., the address of record, the account number and account type, and the balance of the account.

(e) *Use of information by financial institution; penalty.* A financial institution participating in the financial

record matching program under this subsection, and the employees, agents, officers, and directors of the financial institution, may use information received from the department under par. (c) only for the purpose of matching records and may use information provided by the department in requesting additional information under par. (d) only for the purpose of providing the additional information. Neither the financial institution nor any employee, agent, officer, or director of the financial institution may disclose or retain information received from the department concerning applicants, recipients, or other individuals. Any person who violates this paragraph may be fined not less than \$50 nor more than \$1,000 or imprisoned in the county jail for not less than 10 days or more than one year or both.

(f) *Use of information by department.* The department may use information provided by a financial institution under this subsection only for matching records under par. (d), for administering the financial record matching program under this subsection, and for determining eligibility or continued eligibility under this subchapter. The department may not disclose or retain information received from a financial institution under this subsection concerning account holders who are not applicants, recipients, or other individuals.

(g) *Financial institution liability.* A financial institution is not liable to any person for disclosing information to the department under this subsection or for any other action that the financial institution takes in good faith to comply with this subsection.

SECTION 2. 224.42 of the statutes is created to read:
224.42 Disclosure of financial records for Medical Assistance eligibility. (1) DEFINITIONS. In this section:

(a) "Financial institution" has the meaning given in 12 USC 3401 (1).

(b) "Financial record" has the meaning given in 12 USC 3401 (2).

(2) **FINANCIAL RECORD MATCHING AGREEMENTS.** A financial institution is required to enter into an agreement with the department of health services under s. 49.45 (4m).

(3) **LIMITED LIABILITY.** A financial institution is not liable for any of the following:

(a) Disclosing a financial record of an individual or other information to the department of health services in accordance with an agreement, and its participation in the program, under s. 49.45 (4m).

(b) Any other action taken in good faith to comply with s. 49.45 (4m).