



2013 ASSEMBLY BILL 651

January 22, 2014 – Introduced by Representatives SARGENT, DOYLE, BARNES, JOHNSON, BERNARD SCHABER, KAHL, BERCEAU, GENRICH, ZEPNICK, CLARK, WRIGHT, HESSELBEIN, HINTZ, DANOU, HEBL, BILLINGS, RINGHAND, KESSLER, SINICKI, C. TAYLOR, OHNSTAD, GOYKE and SHANKLAND, cosponsored by Senators HANSEN, CARPENTER, WIRCH, HARRIS, L. TAYLOR, VINEHOUT, RISSER, LASSA and MILLER. Referred to Committee on Health.

1 **AN ACT** *to create* 49.45 (23m) of the statutes; **relating to:** assisting counties to
2 request to expand Medical Assistance eligibility.

Analysis by the Legislative Reference Bureau

Currently, the Department of Health Services (DHS) administers the Medical Assistance (MA) program, which is a joint federal and state program that provides health services to individuals who have limited financial resources. Some services are provided through programs that operate under a waiver of federal Medicaid laws, including services provided through the BadgerCare Plus (BC+) and BadgerCare Plus Core (BC+ Core) programs. Under current law, certain parents and caretaker relatives with incomes of not more than 200 percent of the federal poverty line (FPL) are eligible for BC+ benefits. Adults who are under age 65, who have a family income that does not exceed 200 percent of the FPL and who are not otherwise eligible for MA, including BC+, are eligible for benefits under BC+ Core under current law. Beginning on January 1, 2014, the income eligibility level is 100 percent of the FPL before a 5 percent income disregard is applied for parents and caretaker relatives under BC+ and for all individuals under BC+ Core.

This bill requires DHS to submit on behalf of a county a waiver of federal Medicaid law or a proposal for a demonstration program to the federal government in order to provide MA benefits to adults whose family incomes do not exceed 133 percent of the FPL. Under the bill, DHS is required to assist, in good faith, the county in preparing the waiver request or proposal for federal approval and in any negotiations with the federal government. In any negotiations with the federal government, DHS must promote approval of the waiver request or proposal and must

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also seek the highest available federal medical assistance matching percentage described in the federal Patient Protection and Affordable Care Act. To qualify for the highest available federal medical assistance matching percentage, DHS must submit any necessary amendment to the state plan, submit any amendment to the county's waiver request or proposal, and comply and assist the county in complying with all federal requirements. If the county obtains federal permission to expand MA eligibility, DHS must facilitate the administration of MA benefits in that county as needed.

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

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

1 **SECTION 1.** 49.45 (23m) of the statutes is created to read:

2 49.45 (**23m**) COUNTY ELIGIBILITY EXPANSION. (a) Notwithstanding sub. (23) or
3 s. 49.471 (4) (a), the department shall submit on behalf of any county, with approval
4 of the county board of supervisors, a waiver of federal Medicaid law or a proposal for
5 a demonstration program to the federal department of health and human services
6 in order for that county to provide benefits under the Medical Assistance program
7 to adults whose family incomes do not exceed 133 percent of the poverty line. The
8 department, in good faith, shall assist the county in preparing the waiver or proposal
9 and in any negotiations with the federal department of health and human services.

10 (b) In any negotiations with the federal department of health and human
11 services related to the waiver request or proposal under par. (a), the department
12 shall promote the approval of the waiver request or proposal and shall seek the
13 highest available federal medical assistance matching percentage described under
14 42 USC 1396d (y) or (z). The department shall submit any amendment to the state
15 medical assistance plan and any amendment to the waiver request or proposal under
16 par. (a) and shall comply and assist the county in complying with all federal

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1 requirements to qualify for the highest available federal medical assistance
2 percentage.

3 (c) If the federal department of health and human services approves the waiver
4 or demonstration program described under par. (a), the department shall facilitate,
5 as needed, the administration of Medical Assistance benefits in that county.

6 (END)