

2019 DRAFTING REQUEST

Bill

For: **Administration-Budget** Drafter: **tdodge**
 By: **Ames** Secondary Drafters:
 Date: **11/27/2018** May Contact:

Same as LRB:

Submit via email: **YES**
 Requester's email:
 Carbon copy (CC) to: **doasbostatlanguage@wisconsin.gov**
Kyle.Ames@wisconsin.gov
cynthia.dombrowski@doa.state.wi.us
tamara.dodge@legis.wisconsin.gov
sarah.walkenhorstbarber@legis.wisconsin.gov

Pre Topic:

DOA:.....Ames, BB0117 -

Topic:

Medicaid expansion

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tdodge 12/11/2018				
/P1	tdodge 2/18/2019	kfollett 2/18/2019	mbarman 12/17/2018		State
/P2	tdodge 2/19/2019	kfollett 2/19/2019	lparisi 2/18/2019		State
/P3	tdodge	anienaja	lparisi		State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	2/21/2019	2/21/2019	2/19/2019		
/P4	tdodge 2/27/2019	wjackson 2/27/2019	lparisi 2/21/2019		State
/P5			dwalker 2/27/2019		State

FE Sent For:

<END>

Dodge, Tamara

From: Hanaman, Cathlene
Sent: Monday, November 26, 2018 4:36 PM
To: Dodge, Tamara; Walkenhorst Barber, Sarah
Subject: FW: Statutory Language Drafting Request - 2019-21

From: Ames, Kyle - DOA <Kyle.Ames@wisconsin.gov>
Sent: Monday, November 26, 2018 4:35 PM
To: Hanaman, Cathlene <Cathlene.Hanaman@legis.wisconsin.gov>
Cc: Dombrowski, Cynthia A - DOA <Cynthia.Dombrowski@wisconsin.gov>; Ames, Kyle - DOA <Kyle.Ames@wisconsin.gov>
Subject: Statutory Language Drafting Request - 2019-21

Biennial Budget: 2019-21

Topic: Medicaid Expansion

Tracking Code: BB0117

SBO Team: HSI

SBO Analyst: Ames, Kyle
Phone: 608-266-2214
E-mail: kyle.ames@wisconsin.gov

Agency Acronym: 435

Agency Number: 435

Priority: Low

Intent:

Please direct DHS to accept Medicaid expansion. The intent is to provide medical assistance to all adults, ages 18-64, who earn incomes up to 138 percent of the federal poverty level. Please reference Senate Amendment 1, to Senate Substitute Amendment 1, to Senate Bill 770 for model language. For reference, relevant statutes may include: s. 49.45(23), 49.471(4)

Attachments: False

Please send completed drafts to SBOSatlanguage@spmail.enterprise.wistate.us



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-0943/P1

TJD:

keep
JF

In: 12/11

DOA:.....Ames, BB0117 - Medicaid expansion

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

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

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

This bill changes the family income eligibility level to up to 133 percent of the federal poverty line for parents and caretaker relatives under BadgerCare Plus and for childless adults under BadgerCare Plus Core. BadgerCare Plus and BadgerCare Plus Core are programs under the state's Medical Assistance program, which provides health services to individuals who have limited financial resources. The federal Patient Protection and Affordable Care Act allows a state to receive an enhanced federal medical assistance percentage payment for providing benefits to certain individuals through a state's Medical Assistance program. The bill requires the Department of Health Services to comply with all federal requirements and to request any amendment to the state Medical Assistance plan, waiver of Medicaid law, or other federal approval necessary to qualify for the highest available enhanced federal medical assistance percentage for parents and caretaker relatives and childless adults under the BadgerCare Plus and BadgerCare Plus Core programs. If DHS does not qualify for the enhanced federal medical assistance percentage or if the percentage is reduced, DHS is required to submit to the Joint Committee on Finance a fiscal analysis comparing the cost of covering parents and caretaker relatives and childless adults under the Medical Assistance program at up to 133 percent of the federal poverty line to the cost of limiting income eligibility to those

DHS

JCF

JCF
adults to up to 100 percent of the federal poverty line. DHS may reduce income eligibility levels for those adults to up to 100 percent of the federal poverty line only if the Joint Committee on Finance approves.

Under current law, certain parents and caretaker relatives with incomes of not more than 100 percent of the federal poverty line, before a 5 percent income disregard is applied, are eligible for BadgerCare Plus benefits. Under current law, childless adults who 1) are under age 65; 2) have family incomes that do not exceed 100 percent of the federal poverty line, before a 5 percent income disregard is applied; and 3) are not otherwise eligible for Medical Assistance, including BadgerCare Plus, are eligible for benefits under BadgerCare Plus Core.

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

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

1 **SECTION 1.** 49.45 (23) (a) of the statutes is amended to read:

2 49.45 (23) (a) The department shall request a waiver from the secretary of the
3 federal department of health and human services to permit the department to
4 conduct a demonstration project to provide health care coverage to adults who are
5 under the age of 65, who have family incomes not to exceed 100 133 percent of the
6 poverty line ~~before application of the 5 percent income disregard under 42 CFR~~
7 ~~435.603 (d), except as provided in s. 49.471 (4g),~~ and who are not otherwise eligible
8 for medical assistance under this subchapter, the Badger Care health care program
9 under s. 49.665, or Medicare under 42 USC 1395 et seq.

10 **SECTION 2.** 49.471 (1) (cr) of the statutes is created to read:

11 49.471 (1) (cr) “Enhanced federal medical assistance percentage” means a
12 federal medical assistance percentage described under 42 USC 1396d (y) or (z).

13 **SECTION 3.** 49.471 (4) (a) 4. b. of the statutes is amended to read:

1 49.471 (4) (a) 4. b. The Except as provided in sub. (4g), the individual's family
2 income does not exceed 100 133 percent of the poverty line before application of the
3 5 percent income disregard under 42 CFR 435.603 (d).

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

5 49.471 (4g) MEDICAID EXPANSION; FEDERAL MEDICAL ASSISTANCE PERCENTAGE. (a)
6 For services provided to individuals described under sub. (4) (a) 4. and s. 49.45 (23),
7 the department shall comply with all federal requirements to qualify for the highest
8 available enhanced federal medical assistance percentage. The department shall
9 submit any amendment to the state medical assistance plan, request for a waiver of
10 federal Medicaid law, or other approval request required by the federal government
11 to provide services to the individuals described under sub. (4) (a) 4. and s. 49.45 (23)
12 and qualify for the highest available enhanced federal medical assistance
13 percentage.

14 (b) If the department does not qualify for an enhanced federal medical
15 assistance percentage, or if the enhanced federal medical assistance percentage
16 obtained by the department is lower than printed in federal law as of July 1, 2013,
17 for individuals eligible under sub. (4) (a) 4. or s. 49.45 (23), the department shall
18 submit to the joint committee on finance a fiscal analysis comparing the cost to
19 maintain coverage for adults who are not pregnant and not elderly with family
20 incomes of up to 133 percent of the poverty line to the cost of limiting eligibility to
21 those adults with family incomes of up to 100 percent of the poverty line. The
22 department may reduce income eligibility for adults who are not pregnant and not
23 elderly from family incomes of up to 133 percent of the poverty line to family incomes
24 of up to 100 percent of the poverty line only if this reduction in income eligibility
25 levels is approved by the joint committee on finance.

Dodge, Tamara

From: Ames, Kyle - DOA
Sent: Monday, February 18, 2019 11:46 AM
To: Dodge, Tamara
Subject: LRB-0943/P1 and LRB-1566/P1

Tami:

Per our discussion, could we please amend LRB-0943/P1 to do the following:

- Repeal s. 49.45(23)
- Provide coverage up to 133 percent of the poverty line in s. 49.471(4)(a) for childless adults

Please include non-state language in LRB-1566/P1 that directs DHS to repeal the federal waiver that outlines the childless adult demonstration project.

Please let me know if you have any questions.

not needed

Best,
Kyle



KYLE AMES | Executive Budget and Policy Analyst
Department of Administration
Division of Executive Budget and Finance
Kyle.Ames@wisconsin.gov
Main: (608) 266-2214 |



In: 2/18

DOA:.....Ames, BB0117 - Medicaid expansion

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

(This has already been included electronically)

#. Medicaid expansion

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

and who are incorporated into BadgerCare Plus in this bill

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

currently covered

This bill changes the family income eligibility level to up to 133 percent of the federal poverty line for parents and caretaker relatives under BadgerCare Plus and for childless adults under BadgerCare Plus Core. BadgerCare Plus and BadgerCare Plus Core are programs under the state's Medical Assistance program, which provides health services to individuals who have limited financial resources. The federal Patient Protection and Affordable Care Act allows a state to receive an enhanced federal medical assistance percentage payment for providing benefits to certain individuals through a state's Medical Assistance program. The bill requires DHS to comply with all federal requirements and to request any amendment to the state Medical Assistance plan, waiver of Medicaid law, or other federal approval necessary to qualify for the highest available enhanced federal medical assistance percentage for parents and caretaker relatives and childless adults under the BadgerCare Plus and BadgerCare Plus Core programs. If DHS does not qualify for the enhanced federal medical assistance percentage or if the percentage is reduced, DHS is required to submit to JCF a fiscal analysis comparing the cost of covering parents and caretaker relatives and childless adults under the Medical Assistance program at up to 133 percent of the federal poverty line to the cost of limiting income eligibility to those adults to up to 100 percent of the federal poverty line. DHS may

program

The bill eliminates the childless adults demonstration project known as BadgerCare Plus Core.

reduce income eligibility levels for those adults to up to 100 percent of the federal poverty line only if JCF approves.

Under current law, certain parents and caretaker relatives with incomes of not more than 100 percent of the federal poverty line, before a 5 percent income disregard is applied, are eligible for BadgerCare Plus benefits. Under current law, childless adults who 1) are under age 65; 2) have family incomes that do not exceed 100 percent of the federal poverty line, before a 5 percent income disregard is applied; and 3) are not otherwise eligible for Medical Assistance, including BadgerCare Plus, are eligible for benefits under BadgerCare Plus Core.

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:

Fix component

← Insert 2-1

repealed

1 SECTION 1. 49.45 (23) (a) of the statutes is amended to read:

2 49.45 (23) (a) The department shall request a waiver from the secretary of the
3 federal department of health and human services to permit the department to
4 conduct a demonstration project to provide health care coverage to adults who are
5 under the age of 65, who have family incomes not to exceed 100 133 percent of the
6 poverty line before application of the 5 percent income disregard under 42 CFR
7 435.603 (d), except as provided in s. 49.471 (4g), and who are not otherwise eligible
8 for medical assistance under this subchapter, the Badger Care health care program
9 under s. 49.665, or Medicare under 42 USC 1395 et seq.

10 SECTION 2. 49.471 (1) (cr) of the statutes is created to read:

11 49.471 (1) (cr) "Enhanced federal medical assistance percentage" means a
12 federal medical assistance percentage described under 42 USC 1396d (y) or (z).

13 SECTION 3. 49.471 (4) (a) 4. b. of the statutes is amended to read:

14 49.471 (4) (a) 4. b. The Except as provided in sub. (4g), the individual's family
15 income does not exceed 100 133 percent of the poverty line before application of the
16 5 percent income disregard under 42 CFR 435.603 (d).

Insert 2-16

1 SECTION 4. 49.471 (4g) of the statutes is created to read:

2 49.471 (4g) MEDICAID EXPANSION; FEDERAL MEDICAL ASSISTANCE PERCENTAGE. (a) 8.

3 For services provided to individuals described under sub. (4) (a) 4. and (s. 49.45 (23)),
4 the department shall comply with all federal requirements to qualify for the highest
5 available enhanced federal medical assistance percentage. The department shall
6 submit any amendment to the state medical assistance plan, request for a waiver of
7 federal Medicaid law, or other approval request required by the federal government
8 to provide services to the individuals described under sub. (4) (a) 4. and (s. 49.45 (23)) 8.
9 and qualify for the highest available enhanced federal medical assistance
10 percentage.

11 (b) If the department does not qualify for an enhanced federal medical
12 assistance percentage, or if the enhanced federal medical assistance percentage
13 obtained by the department is lower than printed in federal law as of July 1, 2013,
14 for individuals eligible under sub. (4) (a) 4. or (s. 49.45 (23)) 8. ✓
15 submit to the joint committee on finance a fiscal analysis comparing the cost to
16 maintain coverage for adults who are not pregnant and not elderly with family
17 incomes of up to 133 percent of the poverty line to the cost of limiting eligibility to
18 those adults with family incomes of up to 100 percent of the poverty line. The
19 department may reduce income eligibility for adults who are not pregnant and not
20 elderly from family incomes of up to 133 percent of the poverty line to family incomes
21 of up to 100 percent of the poverty line only if this reduction in income eligibility
22 levels is approved by the joint committee on finance. (Insert 3-23)

23 SECTION 9419. Effective dates; Health Services.

24 (1) MEDICAID EXPANSION. The treatment of ss. 49.45 (23) (a) and 49.471 (1) (cr),
25 (4) (a) 4. b. and (4g) takes effect on January 1, 2020. 1 and 8.

****NOTE: This effective date is a placeholder. Please let me know what effective date you would like or whether you want the Medicaid expansion to go into effect on the same day as the budget.

1

(END)

2019-2020 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0943/P2ins
TJD:...

1 INSERT 2-1

2 **SECTION 1.** 20.435 (4) (jw) of the statutes is amended to read:

3 20.435 (4) (jw) *BadgerCare Plus and hospital assessment*. All moneys received
4 from payment of enrollment fees under the program under s. 49.45 (23), all moneys
5 transferred under s. 50.38 (9), all moneys transferred from the appropriation account
6 under par. (jz), and 10 percent of all moneys received from penalty assessments
7 under s. 49.471 (9) (c), for administration of the program under s. 49.45 (23), to
8 provide a portion of the state share of administrative costs for the BadgerCare Plus
9 Medical Assistance program under s. 49.471, and for administration of the hospital
10 assessment under s. 50.38.

History: 1971 c. 125 ss. 138 to 155, 522 (1); 1971 c. 211, 215, 302, 307, 322; 1973 c. 90, 198, 243; 1973 c. 284 s. 32; 1973 c. 308, 321, 322, 333, 336; 1975 c. 39 ss. 153 to 173, 732 (1), (2); 1975 c. 41 s. 52; 1975 c. 82, 224, 292; 1975 c. 413 s. 18; 1975 c. 422, 423; 1975 c. 430 ss. 1, 2, 80; 1977 c. 29 ss. 236 to 273, 1657 (18); 1977 c. 112; 1977 c. 203 s. 106; 1977 c. 213, 233, 327; 1977 c. 354 s. 101; 1977 c. 359; 1977 c. 418 ss. 129 to 137, 924 (18) (d), 929 (55); 1977 c. 428 s. 115; 1977 c. 447; 1979 c. 32 s. 92 (11); 1979 c. 34, 48; 1979 c. 102 s. 237; 1979 c. 111, 175, 177; 1979 c. 221 ss. 118g to 133, 2202 (20); 1979 c. 238, 300, 331, 361; 1981 c. 20 ss. 301 to 356b, 2202 (20) (b), (d), (g); 1981 c. 93 ss. 3 to 8, 186; 1981 c. 298, 314, 317, 359, 390; 1983 a. 27 ss. 318 to 410, 2202 (20); 1983 a. 192, 199, 245; 1983 a. 333 s. 6; 1983 a. 363, 398, 410, 427; 1983 a. 435 ss. 2, 3, 7; 1983 a. 538; 1985 a. 24, 29, 56, 73, 120, 154, 176, 255, 281, 285, 332; 1987 a. 27, 339, 368, 398, 399, 402; 1987 a. 403 ss. 25, 256; 1987 a. 413; 1989 a. 31, 53; 1989 a. 56 ss. 13, 259; 1989 a. 102; 1989 a. 107 ss. 11, 13, 17 to 37; 1989 a. 120, 122, 173, 199, 202, 318, 336, 359; 1991 a. 6, 39, 189, 269, 275, 290, 315, 322; 1993 a. 16, 27, 76, 98, 99, 168, 183, 377, 437, 445, 446, 450, 469, 479, 490, 491; 1995 a. 27 ss. 806 to 961r, 9126 (19); 1995 a. 77, 98; 1995 a. 216 ss. 26, 27; 1995 a. 266, 276, 289, 303, 404, 417, 440, 448, 464, 468; 1997 a. 27 ss. 211, 214, 216, 217, 527 to 609; 1997 a. 35, 105, 231, 237, 280, 293; 1999 a. 5, 9, 32, 52, 84, 103, 109, 113, 133, 185, 186; 2001 a. 16, 69, 103, 105; 2003 a. 33, 139, 186, 318, 320, 326, 327; 2005 a. 15, 22; 2005 a. 25 ss. 299 to 331, 2498 to 2500, 2510; 2005 a. 74, 107, 199, 228, 264, 388, 406, 434; 2007 a. 20 ss. 331 to 422, 9121 (6) (a); 2007 a. 39, 88, 107, 111, 130; 2009 a. 2, 15; 2009 a. 28 ss. 325 to 470, 485, 488, 490; 2009 a. 76, 180, 190, 219, 274, 276, 279, 318, 334; 2011 a. 32, 70, 257; 2013 a. 20, 92; 2013 a. 116 s. 31; 2013 a. 126, 127, 129, 131, 132, 137; 2013 a. 166 s. 77; 2013 a. 168 s. 21; 2013 a. 195, 203, 246; 2015 a. 55, 153, 172, 195, 265, 274; 2017 a. 12, 28; 2017 a. 59 ss. 369 to 392, 451; 2017 a. 96, 184, 186, 250, 261, 266, 296.

11 **END INSERT 2-1**

12 INSERT 3-23A

13 **SECTION 2.** 49.686 (3) (d) of the statutes is amended to read:

14 49.686 (3) (d) Has applied for coverage under and has been denied eligibility
15 for medical assistance within 12 months prior to application for reimbursement
16 under sub. (2). This paragraph does not apply to an individual who is eligible for
17 benefits under ~~the demonstration project for childless adults under s. 49.45 (23)~~
18 BadgerCare Plus under s. 49.471 (4) (a) 8. or to an individual who is eligible for
19 benefits under BadgerCare Plus under s. 49.471 (11).

History: 1989 a. 31; 1991 a. 39; 1993 a. 16; 1995 a. 27 ss. 3061 to 3062d; Stats. 1995 s. 49.686; 1997 a. 27; 2001 a. 81; 2007 a. 20, 89; 2009 a. 28, 209; 2013 a. 20.

1 END INSERT 3-23A

1 INSERT 2-16 ✓

2 SECTION 1. 49.471 (4) (a) 8. of the statutes is created to read:

3 49.471 (4) (a) 8. An individual who meets all of the following criteria:

4 a. The individual is an adult under the age of 65.

5 b. The adult has a family income that does not exceed 133 percent of the poverty
6 line, except as provided in sub. (4g). ✓

7 c. The adult is not otherwise eligible for the Medical Assistance program under
8 this subchapter or the Medicare program under 42 USC 1395 et seq.

9 END INSERT 2-16

10 INSERT 3-23

11 SECTION 9119. Nonstatutory provisions; Health Services.

12 (1) CHILDLESS ADULTS DEMONSTRATION PROJECT. The department of health
13 services shall submit any necessary request to the federal department of health and
14 human services for a state plan amendment or waiver of federal Medicaid law or to
15 modify or withdraw from any waiver of federal Medicaid law relating to the childless
16 adults demonstration project under s. 49.45 (23), 2017 stats., to reflect the
17 incorporation of recipients of Medical Assistance under the demonstration project
18 into the BadgerCare Plus program under s. 49.471 and the termination of the
19 demonstration project. Sections 20.940 and 49.45 (2t) do not apply to a request under
20 this subsection. ✓

21 END INSERT 3-23

Dodge, Tamara

From: Dodge, Tamara
Sent: Tuesday, February 19, 2019 11:41 AM
To: Ames, Kyle - DOA
Cc: Dombrowski, Cynthia A - DOA
Subject: RE: 0943/P2

Will do.

Tamara J. Dodge
Senior Legislative Attorney
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison, WI 53701-2037
(608) 504 - 5808
tamara.dodge@legis.wisconsin.gov

Please note my new direct phone number (as of June 13, 2018).

From: Ames, Kyle - DOA <Kyle.Ames@wisconsin.gov>
Sent: Tuesday, February 19, 2019 11:38 AM
To: Dodge, Tamara <Tamara.Dodge@legis.wisconsin.gov>
Cc: Dombrowski, Cynthia A - DOA <Cynthia.Dombrowski@wisconsin.gov>
Subject: RE: 0943/P2

Tami:

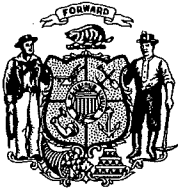
Please remove Section 6. Part b. that requires the department to submit fiscal analysis to Joint Finance.

Also, under part a of that section please remove the sub. (4) (a) 4 in lines 13 and 18.

Finally, please repeal s. 49.45(2p)

Please let me know if you have any questions.

Thanks,
Kyle



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-0943/P2

TJD:kjf

ep3

In: 2/19

DOA:.....Ames, BB0117 - Medicaid expansion

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

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

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

1. Medicaid expansion

This bill changes the family income eligibility level to up to 133 percent of the federal poverty line for parents and caretaker relatives under BadgerCare Plus and for childless adults currently covered under BadgerCare Plus Core and who are incorporated into BadgerCare Plus in this bill. BadgerCare Plus and BadgerCare Plus Core are programs under the state's Medical Assistance program, which provides health services to individuals who have limited financial resources. The federal Patient Protection and Affordable Care Act allows a state to receive an enhanced federal medical assistance percentage payment for providing benefits to certain individuals through a state's Medical Assistance program. The bill requires DHS to comply with all federal requirements and to request any amendment to the state Medical Assistance plan, waiver of Medicaid law, or other federal approval necessary to qualify for the highest available enhanced federal medical assistance percentage for parents and caretaker relatives and childless adults under the BadgerCare Plus program. If DHS does not qualify for the enhanced federal medical assistance percentage or if the percentage is reduced, DHS is required to submit to JCF a fiscal analysis comparing the cost of covering parents and caretaker relatives

and childless adults under the Medical Assistance program at up to 133 percent of the federal poverty line to the cost of limiting income eligibility to those adults to up to 100 percent of the federal poverty line. DHS may reduce income eligibility levels for those adults to up to 100 percent of the federal poverty line only if JCF approves.

Under current law, certain parents and caretaker relatives with incomes of not more than 100 percent of the federal poverty line, before a 5 percent income disregard is applied, are eligible for BadgerCare Plus benefits. Under current law, childless adults who 1) are under age 65; 2) have family incomes that do not exceed 100 percent of the federal poverty line, before a 5 percent income disregard is applied; and 3) are not otherwise eligible for Medical Assistance, including BadgerCare Plus, are eligible for benefits under BadgerCare Plus Core. The bill eliminates the childless adults demonstration project known as BadgerCare Plus Core.

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.** 20.435 (4) (jw) of the statutes is amended to read:

2 20.435 (4) (jw) *BadgerCare Plus and hospital assessment.* All moneys received
3 ~~from payment of enrollment fees under the program under s. 49.45 (23), all moneys~~
4 ~~transferred under s. 50.38 (9), all moneys transferred from the appropriation account~~
5 ~~under par. (jz), and 10 percent of all moneys received from penalty assessments~~
6 ~~under s. 49.471 (9) (c), for administration of the program under s. 49.45 (23), to~~
7 ~~provide a portion of the state share of administrative costs for the BadgerCare Plus~~
8 ~~Medical Assistance program under s. 49.471, and for administration of the hospital~~
9 ~~assessment under s. 50.38.~~

10 **SECTION 2.** 49.45 (23) of the statutes is repealed.

11 **SECTION 3.** 49.471 (1) (cr) of the statutes is created to read:

12 49.471 (1) (cr) “Enhanced federal medical assistance percentage” means a
13 federal medical assistance percentage described under 42 USC 1396d (y) or (z).

14 **SECTION 4.** 49.471 (4) (a) 4. b. of the statutes is amended to read:

49.45 (2p) of the statutes is repealed.

Sections 20.940 and 49.45(2t) do not apply to a submission to the federal government under this subsection.

1 49.471 (4) (a) 4. b. The ^{plain} Except as provided in sub. (4g), the individual's family
2 income does not exceed 100 133 percent of the poverty line before application of the
3 5 percent income disregard under 42 CFR 435.603 (d).

4 SECTION 5. 49.471 (4) (a) 8. of the statutes is created to read:

5 49.471 (4) (a) 8. An individual who meets all of the following criteria:

6 a. The individual is an adult under the age of 65.

7 b. The adult has a family income that does not exceed 133 percent of the poverty
8 line, except as provided in sub. (4g).

9 c. The adult is not otherwise eligible for the Medical Assistance program under
10 this subchapter or the Medicare program under 42 USC 1395 et seq.

11 SECTION 6. 49.471 (4g) of the statutes is created to read:

12 49.471 (4g) MEDICAID EXPANSION; FEDERAL MEDICAL ASSISTANCE PERCENTAGE. (a)

13 For services provided to individuals described under sub. (4) (a) 4. and 8., the
14 department shall comply with all federal requirements to qualify for the highest
15 available enhanced federal medical assistance percentage. The department shall
16 submit any amendment to the state medical assistance plan, request for a waiver of
17 federal Medicaid law, or other approval request required by the federal government
18 to provide services to the individuals described under sub. (4) (a) 4. and 8. and qualify
19 for the highest available enhanced federal medical assistance percentage. ^

20 (b) If the department does not qualify for an enhanced federal medical
21 assistance percentage, or if the enhanced federal medical assistance percentage
22 obtained by the department is lower than printed in federal law as of July 1, 2013,
23 for individuals eligible under sub. (4) (a) 4. or 8., the department shall submit to the
24 joint committee on finance a fiscal analysis comparing the cost to maintain coverage
25 for adults who are not pregnant and not elderly with family incomes of up to 133

1 percent of the poverty line to the cost of limiting eligibility to those adults with family
2 incomes of up to 100 percent of the poverty line. The department may reduce income
3 eligibility for adults who are not pregnant and not elderly from family incomes of up
4 to 133 percent of the poverty line to family incomes of up to 100 percent of the poverty
5 line only if this reduction in income eligibility levels is approved by the joint
6 committee on finance.

7 **SECTION 7.** 49.686 (3) (d) of the statutes is amended to read:

8 49.686 (3) (d) Has applied for coverage under and has been denied eligibility
9 for medical assistance within 12 months prior to application for reimbursement
10 under sub. (2). This paragraph does not apply to an individual who is eligible for
11 benefits under ~~the demonstration project for childless adults under s. 49.45 (23)~~
12 BadgerCare Plus under s. 49.471 (4) (a) 8. or to an individual who is eligible for
13 benefits under BadgerCare Plus under s. 49.471 (11).

14 **SECTION 9119. Nonstatutory provisions; Health Services.**

15 ^{AR} (1) CHILDLESS ADULTS DEMONSTRATION PROJECT. The department of health
16 services shall submit any necessary request to the federal department of health and
17 human services for a state plan amendment or waiver of federal Medicaid law or to
18 modify or withdraw from any waiver of federal Medicaid law relating to the childless
19 adults demonstration project under s. 49.45 (23), 2017 stats., to reflect the
20 incorporation of recipients of Medical Assistance under the demonstration project
21 into the BadgerCare Plus program under s. 49.471 and the termination of the
22 demonstration project. Sections 20.940 and 49.45 (2t) do not apply to a request under
23 this subsection.

24 **SECTION 9419. Effective dates; Health Services.**

20.435(4)(jw) ✓

1 (1) MEDICAID EXPANSION. The treatment of ss. 49.45 (23) and 49.471 (1) (cr), (4)

2 (a) 4. b. and 8., and (4g) takes effect on January 1, 2020.

3 (END)

and 49.686 (3)(d) and SECTION 9119 (ARI) of this act

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

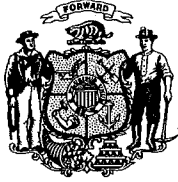
LRB-0943/P4dn

TJD:... *am*

Date

This draft reconciles LRB-0943/P3, LRB-1566/P1, and LRB-1569/P1. All of these drafts should continue to appear in the compiled bill.

Tamara J. Dodge
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State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-0943(P3)
TJD:kjf *ec/p4*

DOA:.....Ames, BB0117 - Medicaid expansion

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

D-note

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

Analysis by the Legislative Reference Bureau
HEALTH AND HUMAN SERVICES
MEDICAL ASSISTANCE

1. Medicaid expansion

This bill changes the family income eligibility level to up to 133 percent of the federal poverty line for parents and caretaker relatives under BadgerCare Plus and for childless adults currently covered under BadgerCare Plus Core and who are incorporated into BadgerCare Plus in this bill. BadgerCare Plus and BadgerCare Plus Core are programs under the state's Medical Assistance program, which provides health services to individuals who have limited financial resources. The federal Patient Protection and Affordable Care Act allows a state to receive an enhanced federal medical assistance percentage payment for providing benefits to certain individuals through a state's Medical Assistance program. The bill requires DHS to comply with all federal requirements and to request any amendment to the state Medical Assistance plan, waiver of Medicaid law, or other federal approval necessary to qualify for the highest available enhanced federal medical assistance percentage for childless adults under the BadgerCare Plus program.

Under current law, certain parents and caretaker relatives with incomes of not more than 100 percent of the federal poverty line, before a 5 percent income disregard is applied, are eligible for BadgerCare Plus benefits. Under current law, childless

adults who 1) are under age 65; 2) have family incomes that do not exceed 100 percent of the federal poverty line, before a 5 percent income disregard is applied; and 3) are not otherwise eligible for Medical Assistance, including BadgerCare Plus, are eligible for benefits under BadgerCare Plus Core. The bill eliminates the childless adults demonstration project known as BadgerCare Plus Core. *on January 1, 2020*

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.** 20.435 (4) (jw) of the statutes is amended to read:

2 20.435 (4) (jw) *BadgerCare Plus and hospital assessment.* All moneys received
3 ~~from payment of enrollment fees under the program under s. 49.45 (23),~~ all moneys
4 transferred under s. 50.38 (9), all moneys transferred from the appropriation account
5 under par. (jz), and 10 percent of all moneys received from penalty assessments
6 under s. 49.471 (9) (c), ~~for administration of the program under s. 49.45 (23),~~ to
7 provide a portion of the state share of administrative costs for the BadgerCare Plus
8 Medical Assistance program under s. 49.471, and for administration of the hospital
9 assessment under s. 50.38.

10 **SECTION 2.** 49.45 (2p) of the statutes is repealed.

11 **SECTION 3.** 49.45 (23) of the statutes is repealed.

12 **SECTION 4.** 49.471 (1) (cr) of the statutes is created to read:

13 49.471 (1) (cr) “Enhanced federal medical assistance percentage” means a
14 federal medical assistance percentage described under 42 USC 1396d (y) or (z).

15 **SECTION 5.** 49.471 (4) (a) 4. b. of the statutes is amended to read:

16 49.471 (4) (a) 4. b. The individual’s family income does not exceed ~~100~~ 133
17 percent of the poverty line ~~before application of the 5 percent income disregard under~~
18 ~~42 CFR 435.603 (d).~~

1 **SECTION 6.** 49.471 (4) (a) 8. of the statutes is created to read:

2 49.471 (4) (a) 8. An individual who meets all of the following criteria:

3 a. The individual is an adult under the age of 65.

4 b. The adult has a family income that does not exceed 133 percent of the poverty
5 line, except as provided in sub. (4g).

6 c. The adult is not otherwise eligible for the Medical Assistance program under
7 this subchapter or the Medicare program under 42 USC 1395 et seq.

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

9 49.471 (4g) MEDICAID EXPANSION; FEDERAL MEDICAL ASSISTANCE PERCENTAGE. For
10 services provided to individuals described under sub. (4) (a) 8., the department shall
11 comply with all federal requirements to qualify for the highest available enhanced
12 federal medical assistance percentage. The department shall submit any
13 amendment to the state medical assistance plan, request for a waiver of federal
14 Medicaid law, or other approval request required by the federal government to
15 provide services to the individuals described under sub. (4) (a) 8. and qualify for the
16 highest available enhanced federal medical assistance percentage. Sections 20.940
17 and 49.45 (2t) do not apply to a submission to the federal government under this
18 subsection.

19 **SECTION 8.** 49.686 (3) (d) of the statutes is amended to read:

20 49.686 (3) (d) Has applied for coverage under and has been denied eligibility
21 for medical assistance within 12 months prior to application for reimbursement
22 under sub. (2). This paragraph does not apply to an individual who is eligible for
23 benefits under ~~the demonstration project for childless adults under s. 49.45 (23)~~
24 BadgerCare Plus under s. 49.471 (4) (a) 8. or to an individual who is eligible for
25 benefits under BadgerCare Plus under s. 49.471 (11).

Insert
3-19

**2019-2020 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0943/P4ins
TJD:...

1 **INSERT 3-19**

 ****NOTE: This is reconciled s. 49.471 (4g). This SECTION has been affected by drafts with the following LRB numbers: -0943/P3, -1566/P1, and -1569/P1.

2 **END INSERT 3-19**

3 **INSERT 4-11**

 ****NOTE: This is reconciled SECTION 9119 (1). This SECTION has been affected by drafts with the following LRB numbers: -0943/P3, -1566/P1, and -1569/P1.

4 **END INSERT 4-11**

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

LRB-0943/P4dn
TJD:amn

February 21, 2019

This draft reconciles LRB-0943/P3, LRB-1566/P1, and LRB-1569/P1. All of these drafts should continue to appear in the compiled bill.

Tamara J. Dodge
Senior Legislative Attorney
(608) 504-5808
tamara.dodge@legis.wisconsin.gov

Dodge, Tamara

From: Ames, Kyle - DOA
Sent: Wednesday, February 27, 2019 11:10 AM
To: Dodge, Tamara
Subject: 0943/P4

Tami:

If it's not too late. I just went over all of our drafts, and we missed this effective date for MA Expansion..

SECTION 9419. Effective dates; Health Services.

January repeal *January 1, 2020*
(1) MEDICAID EXPANSION. The treatment of ss. 20.435 (4) (jw), 49.45 (23), ~~49.471~~
~~(1) (cr), (4) (a) 4. b. and 8., and (4g), and 49.686 (3) (d) and SECTION 9119 (1)~~ of this
act take effect on January 1, 2020. **Should be July 1, 2019** *(4)*

I apologize for the last minute adds. Also, it is in the analysis that MA Expansion is effective January 1, 2020. It should be July 1, 2019.

Thanks



KYLE AMES | Executive Budget and Policy Analyst
Department of Administration
Division of Executive Budget and Finance
Kyle.Ames@wisconsin.gov
Main: (608) 266-2214 |

*Tele phone call
w/ Cindy & Kyle
Delay repeal of
49.45(23) to ensure
there is no gap
but make expansion
otherwise effective on
effective date of the
budget.*

Dodge, Tamara

From: Dodge, Tamara
Sent: Wednesday, February 27, 2019 11:50 AM
To: Ames, Kyle - DOA
Cc: Dombrowski, Cynthia A - DOA
Subject: RE: Effective Date

Kyle,

Yes, that is what I concluded and I have made the change.

Tami

Tamara J. Dodge
Senior Legislative Attorney
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison, WI 53701-2037
(608) 504 - 5808
tamara.dodge@legis.wisconsin.gov

Please note my new direct phone number (as of June 13, 2018).

From: Ames, Kyle - DOA <Kyle.Ames@wisconsin.gov>
Sent: Wednesday, February 27, 2019 11:47 AM
To: Dodge, Tamara <Tamara.Dodge@legis.wisconsin.gov>
Cc: Dombrowski, Cynthia A - DOA <Cynthia.Dombrowski@wisconsin.gov>
Subject: Effective Date

Tami:

After our conversation, we think this is the change needed (see attached).

Could you please confirm if this change is made?

Thanks!
Kyle



KYLE AMES | Executive Budget and Policy Analyst
Department of Administration
Division of Executive Budget and Finance
Kyle.Ames@wisconsin.gov
Main: (608) 266-2214 |

Section 9419:

(2) MEDICAID EXPANSION. The treatment of ss. 20.435 (4) (jw), and 49.45 (23), ~~49.471 (1) (cr), (4) (a) 4. b. and 8., and (4g), and 49.686 (3) (d) and SECTION 9119 (4)~~ of this act take effect on January 1, 2020.



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-0943/P4
TJD:kjf
e PS
TWJ

DOA:.....Ames, BB0117 - Medicaid expansion

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

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

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

1. Medicaid expansion

This bill changes the family income eligibility level to up to 133 percent of the federal poverty line for parents and caretaker relatives under BadgerCare Plus and for childless adults currently covered under BadgerCare Plus Core and who are incorporated into BadgerCare Plus in this bill. BadgerCare Plus and BadgerCare Plus Core are programs under the state's Medical Assistance program, which provides health services to individuals who have limited financial resources. The federal Patient Protection and Affordable Care Act allows a state to receive an enhanced federal medical assistance percentage payment for providing benefits to certain individuals through a state's Medical Assistance program. The bill requires DHS to comply with all federal requirements and to request any amendment to the state Medical Assistance plan, waiver of Medicaid law, or other federal approval necessary to qualify for the highest available enhanced federal medical assistance percentage for childless adults under the BadgerCare Plus program.

Under current law, certain parents and caretaker relatives with incomes of not more than 100 percent of the federal poverty line, before a 5 percent income disregard is applied, are eligible for BadgerCare Plus benefits. Under current law, childless

adults who 1) are under age 65; 2) have family incomes that do not exceed 100 percent of the federal poverty line, before a 5 percent income disregard is applied; and 3) are not otherwise eligible for Medical Assistance, including BadgerCare Plus, are eligible for benefits under BadgerCare Plus Core. The bill eliminates the childless adults demonstration project known as BadgerCare Plus Core on January 1, 2020.

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.** 20.435 (4) (jw) of the statutes is amended to read:

2 20.435 (4) (jw) *BadgerCare Plus and hospital assessment.* All moneys received
3 ~~from payment of enrollment fees under the program under s. 49.45 (23),~~ all moneys
4 transferred under s. 50.38 (9), all moneys transferred from the appropriation account
5 under par. (jz), and 10 percent of all moneys received from penalty assessments
6 under s. 49.471 (9) (c), ~~for administration of the program under s. 49.45 (23),~~ to
7 provide a portion of the state share of administrative costs for the BadgerCare Plus
8 Medical Assistance program under s. 49.471, and for administration of the hospital
9 assessment under s. 50.38.

10 **SECTION 2.** 49.45 (2p) of the statutes is repealed.

11 **SECTION 3.** 49.45 (23) of the statutes is repealed.

12 **SECTION 4.** 49.471 (1) (cr) of the statutes is created to read:

13 49.471 (1) (cr) “Enhanced federal medical assistance percentage” means a
14 federal medical assistance percentage described under 42 USC 1396d (y) or (z).

15 **SECTION 5.** 49.471 (4) (a) 4. b. of the statutes is amended to read:

16 49.471 (4) (a) 4. b. The individual’s family income does not exceed ~~100~~ 133
17 percent of the poverty line ~~before application of the 5 percent income disregard under~~
18 ~~42 CFR 435.603 (d).~~

1 **SECTION 6.** 49.471 (4) (a) 8. of the statutes is created to read:

2 49.471 (4) (a) 8. An individual who meets all of the following criteria:

3 a. The individual is an adult under the age of 65.

4 b. The adult has a family income that does not exceed 133 percent of the poverty
5 line, except as provided in sub. (4g).

6 c. The adult is not otherwise eligible for the Medical Assistance program under
7 this subchapter or the Medicare program under 42 USC 1395 et seq.

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

9 49.471 (4g) MEDICAID EXPANSION; FEDERAL MEDICAL ASSISTANCE PERCENTAGE. For
10 services provided to individuals described under sub. (4) (a) 8., the department shall
11 comply with all federal requirements to qualify for the highest available enhanced
12 federal medical assistance percentage. The department shall submit any
13 amendment to the state medical assistance plan, request for a waiver of federal
14 Medicaid law, or other approval request required by the federal government to
15 provide services to the individuals described under sub. (4) (a) 8. and qualify for the
16 highest available enhanced federal medical assistance percentage.

****NOTE: This is reconciled s. 49.471 (4g). This SECTION has been affected by drafts
with the following LRB numbers: -0943/P3, -1566/P1, and -1569/P1.

17 **SECTION 8.** 49.686 (3) (d) of the statutes is amended to read:

18 49.686 (3) (d) Has applied for coverage under and has been denied eligibility
19 for medical assistance within 12 months prior to application for reimbursement
20 under sub. (2). This paragraph does not apply to an individual who is eligible for
21 benefits under the demonstration project for childless adults under s. 49.45 (23)
22 BadgerCare Plus under s. 49.471 (4) (a) 8. or to an individual who is eligible for
23 benefits under BadgerCare Plus under s. 49.471 (11).

SECTION 9119. Nonstatutory provisions; Health Services.

(1) CHILDLESS ADULTS DEMONSTRATION PROJECT. The department of health services shall submit any necessary request to the federal department of health and human services for a state plan amendment or waiver of federal Medicaid law or to modify or withdraw from any waiver of federal Medicaid law relating to the childless adults demonstration project under s. 49.45 (23), 2017 stats., to reflect the incorporation of recipients of Medical Assistance under the demonstration project into the BadgerCare Plus program under s. 49.471 and the termination of the demonstration project.

****NOTE: This is reconciled SECTION 9119 (1). This SECTION has been affected by drafts with the following LRB numbers: -0943/P3, -1566/P1, and -1569/P1.

SECTION 9419. Effective dates; Health Services.

(1) MEDICAID EXPANSION. The treatment of ss. 20.435 (4) (jw) ^g 49.45 (23), 49.471 ^{and} (1) (cr), (4) (a) 4. b. and 8., and (4g), and 49.686 (3) (d) and SECTION 9119 (1) of this act take effect on January 1, 2020.

(END)



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-0943/P5
TJD:kjf&wlj

DOA:.....Ames, BB0117 - Medicaid expansion

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

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

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

1. Medicaid expansion

This bill changes the family income eligibility level to up to 133 percent of the federal poverty line for parents and caretaker relatives under BadgerCare Plus and for childless adults currently covered under BadgerCare Plus Core and who are incorporated into BadgerCare Plus in this bill. BadgerCare Plus and BadgerCare Plus Core are programs under the state's Medical Assistance program, which provides health services to individuals who have limited financial resources. The federal Patient Protection and Affordable Care Act allows a state to receive an enhanced federal medical assistance percentage payment for providing benefits to certain individuals through a state's Medical Assistance program. The bill requires DHS to comply with all federal requirements and to request any amendment to the state Medical Assistance plan, waiver of Medicaid law, or other federal approval necessary to qualify for the highest available enhanced federal medical assistance percentage for childless adults under the BadgerCare Plus program.

Under current law, certain parents and caretaker relatives with incomes of not more than 100 percent of the federal poverty line, before a 5 percent income disregard is applied, are eligible for BadgerCare Plus benefits. Under current law, childless

adults who 1) are under age 65; 2) have family incomes that do not exceed 100 percent of the federal poverty line, before a 5 percent income disregard is applied; and 3) are not otherwise eligible for Medical Assistance, including BadgerCare Plus, are eligible for benefits under BadgerCare Plus Core. The bill eliminates the childless adults demonstration project known as BadgerCare Plus Core.

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:

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5 under par. (jz), and 10 percent of all moneys received from penalty assessments
6 under s. 49.471 (9) (c), ~~for administration of the program under s. 49.45 (23),~~ to
7 provide a portion of the state share of administrative costs for the BadgerCare Plus
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9 assessment under s. 50.38.

10 **SECTION 2.** 49.45 (2p) of the statutes is repealed.

11 **SECTION 3.** 49.45 (23) of the statutes is repealed.

12 **SECTION 4.** 49.471 (1) (cr) of the statutes is created to read:

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18 ~~42 CFR 435.603 (d).~~

1 **SECTION 6.** 49.471 (4) (a) 8. of the statutes is created to read:

2 49.471 (4) (a) 8. An individual who meets all of the following criteria:

3 a. The individual is an adult under the age of 65.

4 b. The adult has a family income that does not exceed 133 percent of the poverty
5 line, except as provided in sub. (4g).

6 c. The adult is not otherwise eligible for the Medical Assistance program under
7 this subchapter or the Medicare program under 42 USC 1395 et seq.

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

9 49.471 (4g) MEDICAID EXPANSION; FEDERAL MEDICAL ASSISTANCE PERCENTAGE. For
10 services provided to individuals described under sub. (4) (a) 8., the department shall
11 comply with all federal requirements to qualify for the highest available enhanced
12 federal medical assistance percentage. The department shall submit any
13 amendment to the state medical assistance plan, request for a waiver of federal
14 Medicaid law, or other approval request required by the federal government to
15 provide services to the individuals described under sub. (4) (a) 8. and qualify for the
16 highest available enhanced federal medical assistance percentage.

 ***NOTE: This is reconciled s. 49.471 (4g). This SECTION has been affected by drafts
with the following LRB numbers: -0943/P3, -1566/P1, and -1569/P1.

17 **SECTION 8.** 49.686 (3) (d) of the statutes is amended to read:

18 49.686 (3) (d) Has applied for coverage under and has been denied eligibility
19 for medical assistance within 12 months prior to application for reimbursement
20 under sub. (2). This paragraph does not apply to an individual who is eligible for
21 benefits under the ~~demonstration project for childless adults under s. 49.45 (23)~~
22 BadgerCare Plus under s. 49.471 (4) (a) 8. or to an individual who is eligible for
23 benefits under BadgerCare Plus under s. 49.471 (11).

