

2019 DRAFTING REQUEST

Bill

For: **Administration-Budget**

Drafter: **tdodge**

By: **Bollhorst**

Secondary Drafters:

Date: **2/1/2019**

May Contact:

Same as LRB:

Submit via email: **YES**

Requester's email:

Carbon copy (CC) to: **doasbostatlanguage@wisconsin.gov**

Pre Topic:

DOA:.....Bollhorst, BB0252 -

Topic:

Repeal child support compliance for Medicaid eligibility

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tdodge 2/2/2019	ccarmich 2/4/2019			
/P1			mbarman 2/4/2019		State

FE Sent For:

<END>

Dodge, Tamara

From: Shea, Elisabeth
Sent: Friday, February 01, 2019 8:41 AM
To: Wheeler, Elizabeth; Walkenhorst Barber, Sarah; Dodge, Tamara
Subject: RE: Statutory Language Drafting Request - 2019-21

I'm assuming this is either domestic relations or health...

From: Cathlene Hanaman <cathleneh@gmail.com>
Sent: Thursday, January 31, 2019 4:10 PM
To: Shea, Elisabeth <Elisabeth.Shea@legis.wisconsin.gov>; Wheeler, Elizabeth <Elizabeth.Wheeler@legis.wisconsin.gov>
Subject: Fwd: Statutory Language Drafting Request - 2019-21

Sent from my iPhone

Begin forwarded message:

Biennial Budget: 2019-21

Topic: Repeal Child Support Compliance for Medicaid Eligibility

Tracking Code: BB0252

SBO Team: HSI

SBO Analyst: Bollhorst, Nathan
Phone: 608-267-7980
E-mail: Nathan.Bollhorst@wisconsin.gov

Agency Acronym: 435

Agency Number: 435

Priority: Low

Intent:

Repeal the child support compliance for Medicaid eligibility requirement created by 2017 Wisconsin Act 268.

Attachments: False

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



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1733?
TJD: ad e PI

In: 214

DOA:.....Bollhorst, BB0252 - Repeal child support compliance for Medicaid eligibility

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

SLA
X-ref
S/C

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

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

2017 Wisconsin Act 268 prohibits the following individuals from being eligible for the Medical Assistance program: certain able-bodied adults and able-bodied parents who refuse to cooperate in determining the paternity of a child, establishing or enforcing any support order, or obtaining any other payments or property to which the adult or the child has rights, and certain parents who are delinquent in child support payments without satisfying an exception or who refuse to cooperate in providing or obtaining support for their child. This bill eliminates this prohibition and reinstates the pre-Act 268 requirement that person seeking Medical Assistance benefits must cooperate, in accordance with federal law, in good faith with efforts directed at establishing the paternity of a nonmarital child and obtaining support payments or any other payments or property to which the person and the dependent child or children may have rights.

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 (19) (title) of the statutes is amended to read:

2 49.45 (19) (title) ~~ASSIGNING~~ ESTABLISHING PATERNITY AND ASSIGNING MEDICAL
3 SUPPORT RIGHTS.

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; 2007 a. 20 ss. 1513 to 1559h, 9121 (6) (a); 2007 a. 90, 97, 104, 141, 153; 2009 a. 2, 28, 113, 177, 180, 190, 221, 334, 342; 2011 a. 10, 32, 120, 126, 158, 192, 209, 258; 2011 a. 260 s. 81; 2013 a. 20, 92; 2013 a. 116 ss. 2, 3, 29, 30; 2013 a. 117 ss. 2, 4; 2013 a. 130; 2013 a. 165 s. 114; 2013 a. 226; 2015 a. 55, 152, 153, 172, 294; 2017 a. 34, 59, 138, 185, 262, 268, 271, 279, 306, 344, 370; s. 13.92 (1) (bm) 2.

4 **Cross-reference:** See also chs. HA 3 and DHS 35, 101, 102, 103, 104, 105, 106, 107, and 108, Wis. adm. code.
4 SECTION 2. 49.45 (19) (am) of the statutes is created to read:

5 49.45 (19) (am) As a condition of eligibility for medical assistance a person shall
6 cooperate in good faith with efforts directed at establishing the paternity of a
7 nonmarital child and obtaining support payments or any other payments or property
8 to which the person and the dependent child or children may have rights. This
9 cooperation shall be in accordance with federal law and regulations applying to
10 paternity establishment and collection of support payments and may not be required
11 if the person has good cause for refusing to cooperate, as determined by the
12 department in accordance with federal law and regulations.

****NOTE: This draft reinstates the requirement to cooperate that was in the statutes before being replaced by the provision in 2017 Wisconsin Act 268. Please advise if you do not want to reinstate this requirement.

13 SECTION 3. 49.463 of the statutes is repealed.

14 (END)



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1733/P1
TJD:cde

DOA:.....Bollhorst, BB0252 - Repeal child support compliance for Medicaid eligibility

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

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

Analysis by the Legislative Reference Bureau

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