

2019 DRAFTING REQUEST

Bill

For: **Administration-Budget** Drafter: **tdodge**
 By: **Bollhorst** Secondary Drafters:
 Date: **2/12/2019** May Contact:

Same as LRB:

Submit via email: **YES**
 Requester's email:
 Carbon copy (CC) to: **doasbostatlanguage@wisconsin.gov**
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Pre Topic:

DOA:.....Bollhorst, BB0333 -

Topic:

MA post-partum coverage

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tdodge 2/12/2019	kfollett 2/13/2019			
/P1			mbarman 2/13/2019		State

FE Sent For: **<END>**

Dodge, Tamara

From: Hanaman, Cathlene
Sent: Monday, February 11, 2019 1:39 PM
To: Dodge, Tamara; Walkenhorst Barber, Sarah; Paczuski, Konrad
Subject: FW: Statutory Language Drafting Request - 2019-21
Attachments: PW Statute Change.docx

From: Bollhorst, Nathan - DOA <Nathan.Bollhorst@wisconsin.gov>
Sent: Monday, February 11, 2019 1:30 PM
To: Hanaman, Cathlene <Cathlene.Hanaman@legis.wisconsin.gov>
Cc: Dombrowski, Cynthia A - DOA <Cynthia.Dombrowski@wisconsin.gov>; Bollhorst, Nathan - DOA <Nathan.Bollhorst@wisconsin.gov>
Subject: Statutory Language Drafting Request - 2019-21

Biennial Budget: 2019-21

Topic: MA Post-Partum Coverage

Tracking Code: BB0333

SBO Team: HSI

SBO Analyst: Bollhorst, Nathan
Phone: 608-267-7980
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Agency Acronym: 435

Agency Number: 435

Priority: High

Intent:

See attached.

Attachments: True

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

Statutory Changes to Pregnant Woman Eligibility

Background

1. Current federal statute and regulations limit a woman's eligibility for Medicaid to the duration of the pregnancy through the month in which the 60th day post-partum falls. In places, state statutes make the same restriction.
2. For pregnant women whose incomes would qualify them for BadgerCare after the birth of their child, their health coverage remains continuous. This occurs for those women with incomes at or below 100 percent of the federal poverty level (FPL). For women with incomes above 100 percent of the FPL, they would become eligible for insurance through the federal health care marketplace, their employer, or other source. Although health insurance is presumably available, the cost of and/or logistics to maintain health insurance may result in those women not maintain coverage.
3. This initiative will seek modifications to Wisconsin statutes and statutory direction to seek demonstration projection approval to extend the pregnant woman eligibility through the month in which the 365th day post-partum falls.
4. For additional discussion see OPIB 2019-21 budget papers related to Health Disparities and Health Birth Outcomes.

Requested Statute Changes

5. Amend 49.46(1)(a)1m to read:

1m. Any pregnant woman whose income does not exceed the standard of need under s. 49.19 (11) and whose pregnancy is medically verified. Eligibility continues to the last day of the month in which the 365th day after the last day of the pregnancy falls.
6. Amend 49.46(1)(j) to read:

j. An individual determined to be eligible for benefits under par. (a) 9. remains eligible for benefits under par. (a) 9. for the balance of the pregnancy and to the last day of the month in which the 365th day after the last day of the pregnancy falls without regard to any change in the individual's family income.
7. Amend 49.47(4)(ag)2 to read:

2. Pregnant and the woman's pregnancy is medically verified. Eligibility continues to the last day of the month in which the 365th day after the last day of the pregnancy falls.

8. Amend 49.471(6)(b) to read:

(b) A pregnant woman who is determined to be eligible for benefits under sub. (4) remains eligible for benefits under sub. (4) for the balance of the pregnancy and to the last day of the month in which the 365th day after the last day of the pregnancy falls without regard to any change in the woman's family income.

9. Amend 49.471(7)(b)1 to read:

1. A pregnant woman whose family income exceeds 300 percent of the poverty line may become eligible for coverage under this section if the difference between the pregnant woman's family income and the applicable income limit under sub. (4) (a) is obligated or expended for any member of the pregnant woman's family for medical care or any other type of remedial care recognized under state law or for personal health insurance premiums or for both. Eligibility obtained under this subdivision continues without regard to any change in family income for the balance of the pregnancy and to the last day of the month in which the 365th day after the last day of the woman's pregnancy falls. Eligibility obtained by a pregnant woman under this subdivision extends to all pregnant women in the pregnant woman's family.

10. Create 49.471(13) to read:

PREGNANT WOMEN ELIGIBILITY DEMONSTRATION PROJECT

(a) The department must request, as appropriate, approval of a state plan amendment, waiver of federal laws and regulations, or approval of a demonstration project from the federal department of health and human services to maintain pregnant women eligibility for purposes of medical assistance consistent with the period of post-partum eligibility for pregnant women eligible under 49.46(1)(a)(1m), 49.46(1)(a)(9), 49.47(4)(ag)(2), 49.471(4)(1g), and 49.471(4)(1m).



In: 2/12

DOA:.....Bollhorst, BB0333 - MA post-partum coverage

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

HEALTH AND HUMAN SERVICES
MEDICAL ASSISTANCE

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

Analysis by the Legislative Reference Bureau

This bill requires DHS to seek approval from the federal Department of Health and Human Services to extend to women who are eligible for Medical Assistance when pregnant Medical Assistance benefits until the last day of the month in which the 365th day after the last day of the pregnancy falls. Currently, post-partum women are eligible for Medical Assistance benefit until the last day of the month in which the 60th day after the last day of the pregnancy falls.

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:

2 SECTION 1. 49.46 (1) (a) 1m. of the statutes is amended to read:
3 49.46 (1) (a) 1m. Any pregnant woman whose income does not exceed the
4 standard of need under s. 49.19 (11) and whose pregnancy is medically verified.

1 Eligibility continues to the last day of the month in which the 60th day or, if approved
2 by the federal government, the 365th day after the last day of the pregnancy falls.

History: 1971 c. 125, 211, 215; 1973 c. 90, 147; 1975 c. 39; 1977 c. 29 ss. 592m, 1656 (18); 1977 c. 389, 418; 1979 c. 34, 221; 1981 c. 20, 93, 317; 1983 a. 27; 1983 a. 189 s. 329 (5); 1983 a. 245 ss. 10, 15; 1983 a. 538; 1985 a. 29, 120, 176, 253; 1987 a. 27, 307, 339, 399, 413; 1989 a. 9; 1989 a. 31 ss. 1454d to 1460 and 2909g, 2909i; 1989 a. 122, 173, 333, 336, 351; 1991 a. 39, 178, 269, 316; 1993 a. 16, 99, 269, 277, 446, 450, 491; 1995 a. 27, 77, 164, 289, 303, 457; 1997 a. 27, 35, 105, 237; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25, 253; 2007 a. 20, 91; 2009 a. 28, 221; 2011 a. 10, 32; 2013 a. 20; 2013 a. 116 s. 29; 2013 a. 117 s. 2, 3; 2015 a. 55; 2017 a. 59, 119, 306.

Cross-reference: See also chs. DHS 102, 103, and 107, Wis. adm. code.

3 **SECTION 2.** 49.46 (1) (j) of the statutes is amended to read:

4 49.46 (1) (j) An individual determined to be eligible for benefits under par. (a)
5 9. remains eligible for benefits under par. (a) 9. for the balance of the pregnancy and
6 to the last day of the month in which the 60th day or, if approved by the federal
7 government, the 365th day after the last day of the pregnancy falls without regard
8 to any change in the individual's family income.

History: 1971 c. 125, 211, 215; 1973 c. 90, 147; 1975 c. 39; 1977 c. 29 ss. 592m, 1656 (18); 1977 c. 389, 418; 1979 c. 34, 221; 1981 c. 20, 93, 317; 1983 a. 27; 1983 a. 189 s. 329 (5); 1983 a. 245 ss. 10, 15; 1983 a. 538; 1985 a. 29, 120, 176, 253; 1987 a. 27, 307, 339, 399, 413; 1989 a. 9; 1989 a. 31 ss. 1454d to 1460 and 2909g, 2909i; 1989 a. 122, 173, 333, 336, 351; 1991 a. 39, 178, 269, 316; 1993 a. 16, 99, 269, 277, 446, 450, 491; 1995 a. 27, 77, 164, 289, 303, 457; 1997 a. 27, 35, 105, 237; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25, 253; 2007 a. 20, 91; 2009 a. 28, 221; 2011 a. 10, 32; 2013 a. 20; 2013 a. 116 s. 29; 2013 a. 117 s. 2, 3; 2015 a. 55; 2017 a. 59, 119, 306.

Cross-reference: See also chs. DHS 102, 103, and 107, Wis. adm. code.

9 **SECTION 3.** 49.47 (4) (ag) 2. of the statutes is amended to read:

10 49.47 (4) (ag) 2. Pregnant and the woman's pregnancy is medically verified
11 Eligibility continues to the last day of the month in which the 60th day or, if approved
12 by the federal government, the 365th day after the last day of the pregnancy falls.

History: 1971 c. 125; 1971 c. 213 s. 5; 1971 c. 215; 1973 c. 90, 147, 333; 1977 c. 29 ss. 593, 1656 (18); 1977 c. 105 s. 59; 1977 c. 273, 418; 1979 c. 34; 1981 c. 20, 93; 1981 c. 314 s. 144; 1983 a. 27, 245; 1985 a. 29; 1987 a. 27, 307, 399, 413; 1989 a. 9; 1989 a. 31 ss. 1462k to 1466d, 2909c to 2909i; 1989 a. 173, 336, 351; 1991 a. 39, 178, 269, 316; 1993 a. 16, 269, 277, 437; 1995 a. 27 ss. 3026 to 3028, 9126 (19); 1995 a. 225, 289, 295; 1997 a. 27; 1999 a. 9; 2001 a. 16; 2005 a. 25, 253; 2007 a. 11; 2007 a. 20 ss. 1596 to 1604, 9121 (6) (a); 2009 a. 28, 180; 2011 a. 10, 32; 2013 a. 20; 2013 a. 116 s. 29, 30; 2013 a. 117 s. 2, 3; 2017 a. 59.

Cross-reference: See also chs. DHS 102, 103, and 107, Wis. adm. code.

13 **SECTION 4.** 49.471 (6) (b) of the statutes is amended to read:

14 49.471 (6) (b) A pregnant woman who is determined to be eligible for benefits
15 under sub. (4) remains eligible for benefits under sub. (4) for the balance of the
16 pregnancy and to the last day of the month in which the 60th day or, if approved by
17 the federal government, the 365th day after the last day of the pregnancy falls
18 without regard to any change in the woman's family income.

History: 2007 a. 20; 2009 a. 28, 180, 219; 2011 a. 10, 32; 2013 a. 20; 2013 a. 116 ss. 4, 5, 29 to 31, 33; 2013 a. 117 ss. 2 to 5; 2015 a. 55.

19 **SECTION 5.** 49.471 (6) (L) of the statutes is created to read:

1 49.471 (6) (L) The department shall request from the federal department of
2 health and human services approval of a state plan amendment, a waiver of federal
3 Medicaid law, or approval of a demonstration project to maintain eligibility for
4 post-partum women to the last day of the month in which the 365th day after the
5 last day of the pregnancy falls under s. 49.46 (1) (a) 1m. and 9. and (j), 49.47 (4) (ag)
6 2., and 49.471 (4) (a) 1g. and 1m., (6) (b), and (7) (b) 1.

7 **SECTION 6.** 49.471 (7) (b) 1. of the statutes is amended to read:

8 49.471 (7) (b) 1. A pregnant woman whose family income exceeds 300 percent
9 of the poverty line may become eligible for coverage under this section if the
10 difference between the pregnant woman's family income and the applicable income
11 limit under sub. (4) (a) is obligated or expended for any member of the pregnant
12 woman's family for medical care or any other type of remedial care recognized under
13 state law or for personal health insurance premiums or for both. Eligibility obtained
14 under this subdivision continues without regard to any change in family income for
15 the balance of the pregnancy and to the last day of the month in which the 60th day
16 or, if approved by the federal government, the 365th day after the last day of the
17 woman's pregnancy falls. Eligibility obtained by a pregnant woman under this
18 subdivision extends to all pregnant women in the pregnant woman's family.

History: 2007 a. 20; 2009 a. 28, 180, 219; 2011 a. 10, 32; 2013 a. 20; 2013 a. 116 ss. 4, 5, 29 to 31, 33; 2013 a. 117 ss. 2 to 5; 2015 a. 55.

19

(END)



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1966/P1
TJD:kjf

DOA:.....Bollhorst, BB0333 - MA post-partum coverage

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 requires DHS to seek approval from the federal Department of Health and Human Services to extend to women who are eligible for Medical Assistance when pregnant Medical Assistance benefits until the last day of the month in which the 365th day after the last day of the pregnancy falls. Currently, post-partum women are eligible for Medical Assistance benefits until the last day of the month in which the 60th day after the last day of the pregnancy falls.

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:

2 **SECTION 1.** 49.46 (1) (a) 1m. of the statutes is amended to read:
3 49.46 (1) (a) 1m. Any pregnant woman whose income does not exceed the
4 standard of need under s. 49.19 (11) and whose pregnancy is medically verified.

1 Eligibility continues to the last day of the month in which the 60th day or, if approved
2 by the federal government, the 365th day after the last day of the pregnancy falls.

3 **SECTION 2.** 49.46 (1) (j) of the statutes is amended to read:

4 49.46 (1) (j) An individual determined to be eligible for benefits under par. (a)
5 9. remains eligible for benefits under par. (a) 9. for the balance of the pregnancy and
6 to the last day of the month in which the 60th day or, if approved by the federal
7 government, the 365th day after the last day of the pregnancy falls without regard
8 to any change in the individual's family income.

9 **SECTION 3.** 49.47 (4) (ag) 2. of the statutes is amended to read:

10 49.47 (4) (ag) 2. Pregnant and the woman's pregnancy is medically verified
11 Eligibility continues to the last day of the month in which the 60th day or, if approved
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22 Medicaid law, or approval of a demonstration project to maintain eligibility for
23 post-partum women to the last day of the month in which the 365th day after the
24 last day of the pregnancy falls under ss. 49.46 (1) (a) 1m. and 9. and (j), 49.47 (4) (ag)
25 2., and 49.471 (4) (a) 1g. and 1m., (6) (b), and (7) (b) 1.

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13

(END)