
Wisconsin Legislative Council

AMENDMENT MEMO



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2021 Assembly Bill 936

Assembly Amendment 1

2021 ASSEMBLY BILL 936

Current law prohibits any person from engaging in certain conduct relating to the Medical Assistance (MA) program administered by the Department of Health Services (DHS). For example, no person may misrepresent or knowingly conceal an event that affects their right to MA benefits.

The bill creates an additional such prohibition relating to the MA program. The prohibition generally applies to able-bodied adults without dependents (ABAWDs). The bill prohibits ABAWDs from knowingly failing to accept an employment offer, or an increase in work hours or wages, to maintain eligibility for MA benefits.

However, an ABAWD who works 40 hours per week does not violate the prohibition by refusing to work in excess of 40 hours per week. Additionally, the prohibition does not apply to an ABAWD who is over age 65, determined to be physically or mentally unfit for employment, pregnant or within six months postpartum, a caregiver of a child who is under age 13 (or age 19, for a child who is disabled), or a full-time student. Under the bill, any ABAWD who does not fit into one of these exceptions, and who violates the prohibition, is ineligible for MA benefits for six months from the date of discovery.

The bill directs DHS to seek federal approval to implement the legislation, as necessary. If federal approval is not obtained, implementation is not required by DHS. Also, if any provision would cause the state to lose enhanced federal funding under the Families First Coronavirus Response Act (FFCRA), it may not be implemented until after the period of enhanced federal funding under FFCRA has ended.

ASSEMBLY AMENDMENT 1

The amendment creates a new exception to the prohibition created in the bill. Under the amendment, the prohibition does not apply to a caretaker for a dependent who is disabled or elderly, as defined in the amendment.

BILL HISTORY

Representative Callahan introduced and Senator Kapenga cosponsored the bill on January 31, 2022. On the same day, it was referred to the Assembly Committee on Public Benefit Reform. On February 8, 2022, the Assembly Committee on Public Benefit Reform held a public hearing. On February 9, 2022, Representative Callahan offered Assembly Amendment 1. On February 10, 2022, the committee recommended adoption of the amendment on a vote of Ayes, 7; Noes, 0; and passage of the bill, as amended, on a vote of Ayes, 5; Noes 2.

BL:jal