

1993 Senate Bill 574

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1993 WISCONSIN ACT 277

AN ACT to amend 49.46 (1) (L), 49.47 (4) (am) 1 and 49.47 (4) (am) 2; and to create 49.46 (1) (am) and 49.47 (4) (j) of the statutes, relating to: the availability of medical assistance to children and pregnant women.

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

SECTION 1. 49.46 (1) (am) of the statutes is created to read:

49.46 (1) (am) 1. If the change requested under subd. 2 in the approved state plan for services under 42 USC 1396 is approved by the federal department of health and human services, the department shall disregard income from the following individuals, in an amount sufficient for the individual to become eligible for medical assistance under this section:

a. A pregnant woman whose family income, before any income is disregarded under this paragraph, does not exceed, in state fiscal year 1994–95, 155% of the poverty line for a family the size of the woman’s family; and, in each state fiscal year after the 1994–95 state fiscal year, 185% of the poverty line for a family the size of the woman’s family.

b. A child who is under 6 years of age and whose family income, before any income is disregarded under this paragraph, does not exceed, in state fiscal year 1994–95, 155% of the poverty line for a family the size of the child’s family; and, in each state fiscal year after the 1994–95 state fiscal year, 185% of the poverty line for a family the size of the child’s family.

c. A child who is under one year of age, whose mother was determined to be eligible under subd. 1. a. and who lives with his or her mother.

2. The department shall request a change in the approved state plan for services under 42 USC 1396 to allow, pursuant to the authority granted under 42 USC

1396a (r) (2), the use of federal matching funds to provide medical assistance coverage to individuals under subd. 1, beginning on July 1, 1994.

SECTION 2. 49.46 (1) (L) of the statutes is amended to read:

49.46 (1) (L) For the purposes of par. (a) 9. to 12., “income” includes income that would be used in determining eligibility for aid to families with dependent children under s. 49.19, except to the extent that that determination is inconsistent with 42 USC 1396a (a) 17., and excludes income that would be excluded in determining eligibility for aid to families with dependent children under s. 49.19. For the purposes of par. (am), “income” shall be determined in accordance with the approved state plan for services under 42 USC 1396.

SECTION 3. 49.47 (4) (am) 1 of the statutes is amended to read:

49.47 (4) (am) 1. A pregnant woman whose family income does not exceed 155% of the poverty line for a family the size of the woman’s family, except that if a waiver under par. (j) or a change in the approved state plan under s. 49.46 (1) (am) 2 is in effect, the income limit is 185% of the poverty line for a family the size of the woman’s family in each state fiscal year after the 1994–95 state fiscal year.

SECTION 4. 49.47 (4) (am) 2 of the statutes is amended to read:

49.47 (4) (am) 2. A child who is under 6 years of age and whose family income does not exceed 155% of the poverty line for a family the size of the child’s family, except that if a waiver under par. (j) or a change in the approved state plan under s. 49.46 (1) (am) 2 is in effect,

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the income limit is 185% of the poverty line for a family the size of the child's family in each state fiscal year after the 1994–95 state fiscal year.

SECTION 5. 49.47 (4) (j) of the statutes is created to read:

49.47 (4) (j) If the change in the approved state plan under s. 49.46 (1) (am) 2 is denied, the department shall request a waiver from the secretary of the federal department of health and human services to allow the use of federal matching funds to provide medical assistance cover-

age under par. (am) 1 and 2 to individuals whose family incomes do not exceed 185% of the poverty line in each state fiscal year after the 1994–95 state fiscal year.

SECTION 6. Nonstatutory provisions. The department of health and social services shall request a change in the approved state plan under section 49.46 (1) (am) 2 of the statutes, as created by this act, no later than the first day of the 4th month beginning after the effective date of this SECTION.

