

Chapter HSS 205

MONTHLY REPORTING AND INCOME BUDGETING

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Note: Chapter HSS 205 was created as an emergency rule effective 12-31-82.

HSS 205.01 Authority and purpose. This chapter is adopted pursuant to ss. 46.016, 49.19 (2) (b) and (d), 49.45 (10), 49.50 (2), and 227.11 (2), Stats., for the purpose of administering the aid to families with dependent children program (AFDC), the medical assistance program (MA), and the food stamp program (FS).

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83; **correction made under s. 13.93 (2m) (b) 7., Stats., Register, February, 1995, No. 470.**

HSS 205.02 Applicability. This chapter applies to all applicants for and recipients of AFDC, MA or FS; to all persons engaged in the administration and supervision of AFDC, MA or FS; and to all persons who are legally or financially responsible for any applicant or recipient of AFDC, MA or FS.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83.

HSS 205.03 Definitions. The definitions in ch. HSS 201 apply to this chapter. In addition, in this chapter:

(1) "Case" means any group of people who have been found eligible under a single social security number for AFDC or MA or FS.

(2) "Cut-off" means the day which is 13 days prior to the end of the month.

(3) "FS" means food stamps, an assistance program under the Food Stamp Act of 1977, as amended.

(4) "Income month" means the month for which the recipient is reporting income and other information. It is the first month in the 3-month reporting cycle.

(5) "Legally responsible" means liable for the support of another person as specified in s. 52.01, Stats.

(6) "MA" means medical assistance, also called medicaid, an assistance program under title XIX of the Social Security Act of 1935, as amended, and ss. 49.43 to 49.49, Stats.

(7) "Monthly report" or "MRF" means the form prescribed by the department, on which certain applicants and recipients are required to report to the agency monthly regarding income, family composition and other circumstances relevant to the amount of benefits and eligibility for benefits.

(8) "Payment month" means the month for which AFDC benefits are paid based on income reported for the income month. It is the third month in the 3-month reporting cycle.

(9) "Process month" means the month following the income month in the 3-month reporting cycle.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83.

HSS 205.04 Monthly reporting. (1) CASES REQUIRED TO REPORT. Unless exempt under sub. (2) or (3), all cases shall report monthly to the agency information about income and any change in circumstances affecting eligibility for benefits or amount of benefits. The report shall be submitted on a form prescribed by the department and sent or given to the case by either the agency or the department.

(2) CASES THAT ARE EXEMPT. The following cases shall be exempt from monthly reporting:

(a) Nursing home cases.

(b) MA spenddown cases which are not receiving AFDC or FS. "Spenddown case" means a case which has income in excess of the eligibility limit but which becomes eligible for MA when the excess income is reduced according to procedures set forth in ch. HSS 103.

(c) Four-month extension cases which are not receiving FS. In this paragraph, "four-month extension case" means a case which receives MA because it meets the following criteria:

1. Within the last 4 months the case became ineligible for AFDC because of increased earnings or hours of employment;

2. An AFDC payment was received in at least 3 months of the 6 months preceding the month in which ineligibility for AFDC occurred; and

3. At least one person included in what was the AFDC group is employed.

(d) Migrant farm worker cases which receive food stamps. In this paragraph, "migrant farm worker" means any person whose primary employment in Wisconsin is in the agricultural field or cannery work, who is authorized to work in the United States, who is not immediate family by blood or marriage to the employer as distinguished from a crewleader, and who routinely leaves an established place of residence to travel to another locality to accept seasonal or temporary employment.

(e) Cases which are receiving MA and not AFDC or FS and whose eligibility for MA is based on blindness, disability or being over the age of 65.

(3) CASES THAT MAY BE EXEMPT. The department may exempt categories of cases from monthly reporting if:

(a) It determines, based on a review of quality control findings or other case studies, that a category of cases defined by case characteristics and circumstances is not likely to be in error as a result of exemption from the monthly reporting requirement;

(b) It determines, based on information gained from the implementation of monthly reporting, that the exemption will reduce administrative expenses; or

(c) The secretary of the federal department of health and human services approves.

(4) CASES THAT MAY BE REQUIRED TO REPORT. Any AFDC, MA or FS case exempted under sub. (3) may be required by the agency to report each month if the agency determines that circumstances affecting eligibility or amount of benefits are highly subject to change, the case has been previously convicted of fraud, there is an agency policy that certain types of cases be required to report or for any other reason that the agency finds compelling.

(5) OPERATION OF MONTHLY REPORTING. (a) Each person who receives a monthly report form shall submit the completed form to the local agency as specified in par. (e).

(b) If an agency receives an MRF which is not signed, the agency shall either return the form to the person for signature or request the person to come to the agency to sign the MRF.

(c) If an agency receives an MRF which is signed but otherwise incomplete, it shall either be returned to the person or completed by the agency over the phone.

(d) The agency shall mark each MRF with the date it is received. If an MRF is returned to the person because it is incom-

plete or not signed and is then resubmitted to the agency, the agency shall mark it with the new date. The latest date on the MRF shall be the receipt date. If the agency worker completes the MRF without returning it to the person, the receipt date is the date the incomplete MRF was initially received in the agency.

(e) 1. An MRF shall be timely if the receipt date is on or before the 5th calendar day of the process month. If the 5th falls on a Saturday, Sunday, or holiday, the receipt date shall be the first working day after the 5th to be timely.

2. An MRF shall be untimely if the receipt date is after the 5th calendar day of the month, but before cutoff, unless the 5th falls on a Saturday, Sunday, or holiday. An untimely MRF may cause a delay of benefits.

3. An MRF shall be overdue if the receipt date is after cutoff, but on or before the last day of the process month. An overdue MRF shall cause a delay or termination of benefits.

4. If no MRF is received during the process month, the case shall be terminated effective the last day of the process month.

5. If a completed MRF is received during the payment month, the case shall be reopened if still eligible, and the benefits for the payment month shall be prorated from the date the MRF was received by the agency. However, if the person had good cause for failure to submit an MRF during the process month the benefits shall not be prorated. If there was good cause the agency shall

enter the data from the MRF using the last day of the process month as the receipt date. In this subdivision, "good cause" means that circumstances were beyond the person's control.

6. Any person whose MRF is received by the agency after the payment month shall be required to file a new application. However, if the person had good cause for failure to submit a report during the payment month no new application is required. If there was good cause the agency shall enter the data from the MRF using the last day of the process month as the receipt date. There shall not be prorating of benefits. In this subdivision, "good cause" means that circumstances were beyond the person's control.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83.

HSS 205.05 Income budgeting. Prospective income shall be used to determine eligibility and the amount of benefits during the first 2 months following application. After the first 2 months the prospective income is used to test eligibility. If the prospective income does not make the recipient ineligible, the actual monthly income and expenses 2 months ago shall determine eligibility and benefits of the third month following application. In this section, "prospective income" means the amount the agency worker decides is the best possible and reasonable estimate of what the income will be.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83.