



State of Wisconsin
2021 - 2022 LEGISLATURE

LRBs0060/1
KP&TJD:all

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 239**

April 13, 2021 - Offered by Representatives ANDERSON, BALDEH, BILLINGS, BOWEN, BROSTOFF, CABRERA, CONLEY, CONSIDINE, DOYLE, DRAKE, EMERSON, GOYKE, HAYWOOD, HEBL, HESSELBEIN, HINTZ, HONG, MCGUIRE, B. MEYERS, MILROY, MOORE OMOKUNDE, L. MYERS, NEUBAUER, OHNSTAD, ORTIZ-VELEZ, POPE, RIEMER, S. RODRIGUEZ, SHANKLAND, SHELTON, SINICKI, SNODGRASS, SPREITZER, STUBBS, SUBECK, VINING and VRUWINK.

1 **AN ACT to repeal** 49.45 (2p) and 49.45 (23); **to amend** 20.435 (4) (jw), 49.45 (23b)
2 (title), 49.45 (23b) (b), 49.45 (23b) (c), 49.45 (23b) (e), 49.471 (4) (a) 4. b., 49.686
3 (3) (d) and 196.504 (2) (a); and **to create** 20.155 (3) (a), 49.471 (1) (cr), 49.471
4 (4) (a) 8. and 49.471 (4g) of the statutes; **relating to:** eligibility expansion under
5 the Medical Assistance program, broadband expansion grants, and making an
6 appropriation.

Analysis by the Legislative Reference Bureau

MEDICAID EXPANSION

BadgerCare Plus and BadgerCare Plus Core are programs under the state's Medical Assistance program, which provides health services to individuals who have limited financial resources. The federal Patient Protection and Affordable Care Act allows a state to receive an enhanced federal medical assistance percentage payment for providing benefits to certain individuals through a state's Medical Assistance program. This bill changes the family income eligibility level to up to 133 percent of the federal poverty line for parents and caretaker relatives under BadgerCare Plus and for childless adults currently covered under BadgerCare Plus Core and who are incorporated into BadgerCare Plus in this bill. The bill requires the Department of

Health Services to comply with all federal requirements and to request any amendment to the state Medical Assistance plan, waiver of Medicaid law, or other federal approval necessary to qualify for the highest available enhanced federal medical assistance percentage for childless adults under the BadgerCare Plus program.

Under current law, certain parents and caretaker relatives with incomes of not more than 100 percent of the federal poverty line, before a 5 percent income disregard is applied, are eligible for BadgerCare Plus benefits. Under current law, childless adults who 1) are under age 65; 2) have family incomes that do not exceed 100 percent of the federal poverty line, before the 5 percent income disregard is applied; and 3) are not otherwise eligible for Medical Assistance, including BadgerCare Plus, are eligible for benefits under BadgerCare Plus Core. The bill eliminates the childless adults demonstration project, known as BadgerCare Plus Core, as a separate program.

BROADBAND EXPANSION GRANTS

The bill also provides \$1,000,000,000 in general purpose revenue funding for the broadband expansion grant program administered by the Public Service Commission. Under current law, the PSC makes grants to eligible applicants for constructing broadband infrastructure in underserved areas designated by the PSC. The bill’s appropriation is in addition to appropriations from the universal service fund for the grants under current law.

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

1 **SECTION 1.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
2 the following amounts for the purposes indicated:

	2021-22	2022-23
20.155 Public Service Commission		
(3) AFFILIATED GRANT PROGRAMS		
(a) Broadband expansion grants;		
general purpose revenue GPR C	1,000,000,000	-0-

7 **SECTION 2.** 20.155 (3) (a) of the statutes is created to read:

1 20.155 **(3)** (a) *Broadband expansion grants; general purpose revenue.* As a
2 continuing appropriation, the amounts in the schedule for broadband expansion
3 grants under s. 196.504 (2).

4 **SECTION 3.** 20.435 (4) (jw) of the statutes is amended to read:

5 20.435 **(4)** (jw) *BadgerCare Plus and hospital assessment.* All moneys received
6 from payment of enrollment fees under the program under s. 49.45 ~~(23)~~, all moneys
7 transferred under s. 50.38 (9), all moneys transferred from the appropriation account
8 under par. (jz), and 10 percent of all moneys received from penalty assessments
9 under s. 49.471 (9) (c), for administration of the program under s. 49.45 ~~(23)~~, to
10 provide a portion of the state share of administrative costs for the BadgerCare Plus
11 Medical Assistance program under s. 49.471, and for administration of the hospital
12 assessment under s. 50.38.

13 **SECTION 4.** 49.45 (2p) of the statutes is repealed.

14 **SECTION 5.** 49.45 (23) of the statutes is repealed.

15 **SECTION 6.** 49.45 (23b) (title) of the statutes is amended to read:

16 49.45 **(23b)** (title) CHILDLESS ADULTS DEMONSTRATION PROJECT REFORM WAIVER
17 IMPLEMENTATION REQUIRED.

18 **SECTION 7.** 49.45 (23b) (b) of the statutes is amended to read:

19 49.45 **(23b)** (b) Beginning as soon as practicable after October 31, 2018, and
20 ending no sooner than December 31, 2023, the department shall do all of the
21 following with regard to the childless adults demonstration project under sub. ~~(23)~~
22 s. 49.471 (4) (a) 8.:

23 1. Require in each month persons, except exempt individuals, who are eligible
24 to receive Medical Assistance under sub. ~~(23)~~ s. 49.471 (4) (a) 8. and who are at least
25 19 years of age but have not attained the age of 50 to participate in, document, and

1 report 80 hours per calendar month of community engagement activities. The
2 department, after finding good cause, may grant a temporary exemption from the
3 requirement under this subdivision upon request of a Medical Assistance recipient.

4 2. Require persons with incomes of at least 50 percent of the poverty line to pay
5 premiums in accordance with par. (c) as a condition of eligibility for Medical
6 Assistance under ~~sub. (23)~~ s. 49.471 (4) (a) 8.

7 3. Require as a condition of eligibility for Medical Assistance under ~~sub. (23)~~
8 s. 49.471 (4) (a) 8. completion of a health risk assessment.

9 4. Charge recipients of Medical Assistance under ~~sub. (23)~~ s. 49.471 (4) (a) 8.
10 an \$8 copayment for nonemergency use of the emergency department in accordance
11 with 42 USC 1396o-1 (e) (1) and 42 CFR 447.54.

12 5. Disenroll from Medical Assistance under ~~sub. (23)~~ s. 49.471 (4) (a) 8. for 6
13 months any individual who does not pay a required premium under subd. 2. and any
14 individual who is required under subd. 1. to participate in a community engagement
15 activity but who does not participate for 48 aggregate months in the community
16 engagement activity.

17 **SECTION 8.** 49.45 (23b) (c) of the statutes is amended to read:

18 49.45 **(23b)** (c) 1. Persons who are eligible for the demonstration project under
19 ~~sub. (23)~~ s. 49.471 (4) (a) 8. and who have monthly household income that exceeds
20 50 percent of the poverty line shall pay a monthly premium amount of \$8 per
21 household. A person who is eligible to receive an item or service furnished by an
22 Indian health care provider is exempt from the premium requirement under this
23 subdivision.

24 2. The department may disenroll under par. (b) 5. a person for nonpayment of
25 a required monthly premium only at annual eligibility redetermination after

1 providing notice and reasonable opportunity for the person to pay. If a person who
2 is disenrolled for nonpayment of premiums pays all owed premiums or becomes
3 exempt from payment of premiums, he or she may reenroll in Medical Assistance
4 under ~~sub. (23)~~ s. 49.471 (4) (a) 8.

5 3. The department shall reduce the amount of the required household premium
6 by up to half for a recipient of Medical Assistance under ~~sub. (23)~~ s. 49.471 (4) (a) 8.
7 who does not engage in certain behaviors that increase health risks or who attests
8 to actively managing certain unhealthy behaviors.

9 **SECTION 9.** 49.45 (23b) (e) of the statutes is amended to read:

10 49.45 **(23b)** (e) Before December 31, 2023, the ~~demonstration project~~
11 requirements under this subsection may not be withdrawn and the department may
12 not request from the federal government withdrawal, suspension, or termination of
13 the ~~demonstration project~~ requirements under this subsection unless legislation has
14 been enacted specifically allowing for the withdrawal, suspension, or termination.

15 **SECTION 10.** 49.471 (1) (cr) of the statutes is created to read:

16 49.471 **(1)** (cr) “Enhanced federal medical assistance percentage” means a
17 federal medical assistance percentage described under 42 USC 1396d (y) or (z).

18 **SECTION 11.** 49.471 (4) (a) 4. b. of the statutes is amended to read:

19 49.471 **(4)** (a) 4. b. The individual’s family income does not exceed ~~100~~ 133
20 percent of the poverty line ~~before application of the 5 percent income disregard under~~
21 ~~42 CFR 435.603 (d).~~

22 **SECTION 12.** 49.471 (4) (a) 8. of the statutes is created to read:

23 49.471 **(4)** (a) 8. An individual who meets all of the following criteria:

24 a. The individual is an adult under the age of 65.

1 b. The individual has a family income that does not exceed 133 percent of the
2 poverty line, except as provided in sub. (4g).

3 c. The individual is not otherwise eligible for the Medical Assistance program
4 under this subchapter or the Medicare program under 42 USC 1395 et seq.

5 **SECTION 13.** 49.471 (4g) of the statutes is created to read:

6 49.471 **(4g)** MEDICAID EXPANSION; FEDERAL MEDICAL ASSISTANCE PERCENTAGE. For
7 services provided to individuals described under sub. (4) (a) 8., the department shall
8 comply with all federal requirements to qualify for the highest available enhanced
9 federal medical assistance percentage. The department shall submit any
10 amendment to the state medical assistance plan, request for a waiver of federal
11 Medicaid law, or other approval request required by the federal government to
12 provide services to the individuals described under sub. (4) (a) 8. and qualify for the
13 highest available enhanced federal medical assistance percentage. Sections 20.940
14 and 49.45 (2t) do not apply to a submission to the federal government under this
15 subsection.

16 **SECTION 14.** 49.686 (3) (d) of the statutes is amended to read:

17 49.686 **(3)** (d) Has applied for coverage under and has been denied eligibility
18 for medical assistance within 12 months prior to application for reimbursement
19 under sub. (2). This paragraph does not apply to an individual who is eligible for
20 benefits under ~~the demonstration project for childless adults under s. 49.45 (23) or~~
21 ~~to an individual who is eligible for benefits under BadgerCare Plus under s. 49.471~~
22 (4) (a) 8. or (11).

23 **SECTION 15.** 196.504 (2) (a) of the statutes is amended to read:

24 196.504 **(2)** (a) To make broadband expansion grants to eligible applicants for
25 the purpose of constructing broadband infrastructure in underserved areas

1 designated under par. (d). Grants awarded under this section shall be paid from the
2 appropriations under s. 20.155 (3) (a), (r), and (rm).

3 **SECTION 16. Nonstatutory provisions.**

4 (1) CHILDLESS ADULTS DEMONSTRATION PROJECT. The department of health
5 services shall submit any necessary request to the federal department of health and
6 human services for a state plan amendment or waiver of federal Medicaid law or to
7 modify or withdraw from any waiver of federal Medicaid law relating to the childless
8 adults demonstration project under s. 49.45 (23), 2019 stats., to reflect the
9 incorporation of recipients of Medical Assistance under the demonstration project
10 into the BadgerCare Plus program under s. 49.471 and the termination of the
11 demonstration project. Sections 20.940 and 49.45 (2t) do not apply to a submission
12 to the federal government under this subsection.

13 **SECTION 17. Fiscal changes.**

14 (1) MEDICAID EXPANSION. In the schedule under s. 20.005 (3) for the
15 appropriation to the department of health services under s. 20.435 (4) (b), the dollar
16 amount for fiscal year 2021-22 is decreased by \$849,788,000 as a result of expanding
17 eligibility for the Medical Assistance program. In the schedule under s. 20.005 (3)
18 for the appropriation to the department of health services under s. 20.435 (4) (b), the
19 dollar amount for fiscal year 2022-23 is decreased by \$841,925,400 as a result of
20 expanding eligibility for the Medical Assistance program.

21 **SECTION 18. Effective dates.** This act takes effect on July 1, 2021, except as
22 follows:

