



2009 SENATE BILL 682

April 12, 2010 – Introduced by Senator MILLER, cosponsored by Representative PARISI. Referred to Committee on Health, Health Insurance, Privacy, Property Tax Relief, and Revenue.

1 **AN ACT** *to renumber* 49.472 (2); and *to create* 49.472 (2) (b) of the statutes;
2 **relating to:** disregarding a spouse's income for purposes of eligibility for the
3 Medical Assistance Purchase Plan.

Analysis by the Legislative Reference Bureau

Under current law, under the Medical Assistance (MA) program, which is administered by the Department of Health Services (DHS) and under which eligible persons receive health care or long-term care services, an individual who would be eligible for MA based on eligibility for supplemental security income (SSI), but who is not eligible for SSI because he or she is employed, may pay premiums for coverage under MA if his or her family's net income is less than 250 percent of the poverty line and his or her assets do not exceed \$15,000. This subprogram is known as the "MA purchase plan."

This bill requires DHS to request a waiver from the secretary of the federal Department of Health and Human Services that would allow DHS, if the waiver is granted, to disregard the income of a married individual's spouse, and to treat the individual as single, when determining the individual's eligibility and continued eligibility for the MA purchase plan.

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:

SENATE BILL 682**SECTION 1**

1 **SECTION 1.** 49.472 (2) of the statutes is renumbered 49.472 (2) (a).

2 **SECTION 2.** 49.472 (2) (b) of the statutes is created to read:

3 49.472 (2) (b) 1. Subject to subd. 2. b., notwithstanding subs. (1) (am) and (3)
4 (a) and ch. 766 when determining a married individual's eligibility or continued
5 eligibility for medical assistance under this section the department shall not
6 consider the income or assets of the individual's spouse and shall treat the individual
7 as if he or she is unmarried for purposes of the individual's family size.

8 2. a. No later than the first day of the 4th month beginning after the effective
9 date of this subd. 2. a. [LRB inserts date], the department shall submit to the
10 federal department of health and human services an amendment to the state medical
11 assistance plan, and shall request any necessary waivers from the secretary of the
12 federal department of health and human services, to implement the determination
13 of eligibility and continued eligibility of a married individual in the manner provided
14 in subd. 1.

15 b. The department shall implement the determination of eligibility and
16 continued eligibility in the manner provided in subd. 1. only if a waiver under subd.
17 2. a. that is consistent with subd. 1. is granted and in effect.

18 **SECTION 3. Initial applicability.**

19 (1) The treatment of section 49.472 (2) (b) 1. of the statutes first applies to
20 eligibility and continued eligibility determinations that are made on the date that
21 a waiver under section 49.472 (2) (b) 2. a. of the statutes, as created by this act, goes
22 into effect.

23

(END)