

---

# Wisconsin Legislative Council

## AMENDMENT MEMO

---



**Memo published:** April 21, 2023

**Contact:** Kelly McGraw, Staff Attorney

**2023 Assembly Bill 148**

**Assembly  
Amendment 1**

### BACKGROUND

Medical Assistance, also known as “Medicaid,” is a health care services program for low-income individuals and aged, blind, or disabled individuals. It is funded jointly by the federal government and the states. Within parameters set in federal law, state agencies have flexibility under the program. States may request federal approval to change Medical Assistance programs. Wisconsin has received federal approval for BadgerCare Plus, which is a health care program for low-income children, pregnant women, and adults in Wisconsin.

### 2023 ASSEMBLY BILL 148

2023 Assembly Bill 148 requires the Department of Health Services (DHS) to redetermine eligibility for BadgerCare Plus for each individual every six months and prohibits DHS from automatically renewing eligibility. DHS must remove promptly from eligibility for BadgerCare Plus any individual who is determined to be ineligible. Any BadgerCare Plus benefits recipient who fails to timely report to DHS or an entity designated by DHS any change that may affect their benefits eligibility must be ineligible for such benefits for six months following the date that DHS discovers the failure to report the change.

Additionally, when DHS collects information from a Medical Assistance benefits recipient or applicant under the bill, DHS may not use any form with prepopulated information other than name and address.

Under the bill, DHS must enter into a data sharing agreement with the Department of Children and Families (DCF), the Department of Workforce Development, and any other agency that maintains a database of financial or personal information about Wisconsin residents. DHS must confirm information submitted by a benefits applicant for a public assistance program with information from the other agencies’ databases.

The bill includes a delayed effective date if necessary to receive enhanced federal funds. If the effective date is delayed, DHS must audit and report quarterly to the Legislature the number of individuals ineligible for BadgerCare Plus that are still receiving benefits.

If DHS determines that federal approval is needed to implement any provision of the bill, DHS must request federal approval. If federal approval is needed but not obtained for any provision of the bill, DHS is not required to implement that provision.

### ASSEMBLY AMENDMENT 1

Assembly Amendment 1 changes redetermination timelines and requirements, and specifies particular data DHS must confirm through data sharing.

The amendment creates a new provision that requires DHS to redetermine eligibility of all Medical Assistance recipients beginning on the day after the effective date of the legislation and ending before January 1, 2024. The amendment requires DHS to inform any individual removed from Medical Assistance under this provision of the availability of premium assistance and coverage through the American health benefit exchange.

The amendment requires DHS to remove “immediately,” instead of “promptly,” any individual who has been determined to be ineligible for BadgerCare Plus.

The amendment specifies that a BadgerCare Plus recipient who fails to report any change that may affect their benefits must be ineligible for benefits for six months if they fail to report the change within 10 days; whereas, under the bill, they must be ineligible for benefits for six months if they fail to “timely” report the change.

The bill requires DHS to enter into a data sharing agreement with other agencies and confirm information submitted by a benefits applicant for a public assistance program. The amendment specifies particular types of data that DHS must confirm with information from other databases held by other agencies, including all available prison records, death records, wage and employment records, lottery and gaming winnings, and out-of-state benefits received under the federal food stamp program.

Under current law not affected by the bill, DHS and DCF must, at least once every three months, compare public benefits information in their agency against national death record databases to identify participants in public benefit programs who are deceased. The amendment requires that comparison monthly.

Finally, under the bill, DHS must request federal approval as needed for any provision of the bill. The amendment requires DHS to request federal approval as needed for only changes related to six-month redeterminations, prepopulated information, and six-month ineligibility from failure to report a change. If federal approval is needed, but not obtained for those provisions, then DHS is not required to implement the unapproved provisions.

## **BILL HISTORY**

Representative Rozar offered Assembly Amendment 1 on April 17, 2023. On April 19, 2023, the Assembly Committee on Health, Aging and Long-Term Care recommended adoption of the amendment, and passage of the bill, as amended, both on votes of Ayes, 11; Noes, 5.

For a full history of the bill, visit the Legislature’s [bill history page](#).

KAM:ksm