



2021 ASSEMBLY BILL 936

January 31, 2022 - Introduced by Representatives CALLAHAN, PENTERMAN, AUGUST, BRANDTJEN, CABRAL-GUEVARA, DITTRICH, DUCHOW, EDMING, JAMES, KITCHENS, KNODL, KUGLITSCH, KURTZ, MACCO, MAGNAFICI, MOSES, PETERSEN, SCHRAA, SNYDER, SORTWELL, STEFFEN, TITTL, TUSLER, VORPAGEL, WICHGERS, ZIMMERMAN and BORN, cosponsored by Senators KAPENGA, BERNIER, FELZKOWSKI, FEYEN, MARKLEIN and STROEBEL. Referred to Committee on Public Benefit Reform.

- 1 **AN ACT** *to create* 49.49 (4r) of the statutes; **relating to:** failure to accept
2 employment to remain eligible for Medical Assistance.

Analysis by the Legislative Reference Bureau

This bill adds to prohibited conduct related to Medical Assistance benefits knowingly failing to accept an offer of legal, paid employment and knowingly failing to accept an increase in paid work hours or wages to maintain eligibility for Medical Assistance benefits. A person who works 40 hours per week does not violate the bill's requirement by refusing to accept work hours in excess of 40 hours per week. The bill applies to any able-bodied adult without dependents who is between the ages of 18 and 65, not determined to be physically or mentally unfit for employment, not pregnant or within 6 months postpartum, not a full-time student, and not a caregiver of a child who is under the age of 13 or, if the child is disabled, under the age of 19. An able-bodied adult without dependents who commits the conduct prohibited by the bill is ineligible for Medical Assistance benefits for six months following the Department of Health Services discovering the violation.

Current law may subject a person to a forfeiture of at least \$100 but not more than \$15,000 for each instance of the following conduct: knowingly making or causing to be made any false statement or representation of a material fact used in determining rights to a Medical Assistance benefit or payment or in any application for a Medical Assistance benefit or payment or knowingly concealing or failing to disclose any event the person knows affects a right to a Medical Assistance benefit or payment. Current law also applies criminal penalties to certain violations related

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to public assistance and Medical Assistance. These forfeitures and criminal penalties do not apply to the conduct prohibited in the bill.

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

1 **SECTION 1.** 49.49 (4r) of the statutes is created to read:

2 **49.49 (4r) PROHIBITED CONDUCT; NONACCEPTANCE OF EMPLOYMENT.** (a) In this
3 subsection:

4 1. “Able-bodied adult without dependents” means an individual who is all of
5 the following:

6 a. At least 18 years of age but has not attained the age specified in 42 USC 426
7 (a) (1).

8 b. Not determined by the department to be medically certified as physically or
9 mentally unfit for employment, as described in 7 CFR 273.24 (c) (2).

10 c. Not pregnant and is not a postpartum woman within 6 months of delivery.

11 d. Not a caregiver of a child who is under the age of 13 or, if the child is disabled,
12 as defined in s. 49.155 (1) (aL), is under the age of 19.

13 e. Not a full-time student of a high school or an institution of higher education.

14 2. “Caregiver” means an individual who is maintaining a residence as a child’s
15 home, who exercises primary responsibility for the child’s care and control, including
16 making plans for the child, and who is a parent, a relative described in s. 49.471 (1)
17 (b) 1. to 4., or legal guardian of the child.

18 (b) No able-bodied adult without dependents, in connection with Medical
19 Assistance, may knowingly fail to accept an offer of legal, paid employment, an
20 increase in wages, or an increase in paid work hours to maintain eligibility for
21 Medical Assistance benefits. An able-bodied adult without dependents who works

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1 at paid employment for 40 hours per week does not violate this paragraph by refusing
2 work hours in excess of 40 hours per week.

3 (c) An able-bodied adult without dependents who violates par. (b) is ineligible
4 for Medical Assistance benefits for 6 months following the date the department
5 discovers the failure.

6 **SECTION 2. Nonstatutory provisions.**

7 (1) FEDERAL APPROVAL. If the department of health services determines that it
8 is necessary to obtain permission from the federal department of health and human
9 services to implement this act, the department shall request any state plan
10 amendment, waiver of federal law, or other federal approval to implement this act.
11 If federal approval is necessary under this subsection but not obtained, the
12 department of health services is not required to implement this act.

13 (2) EFFECTIVE DATE OF DISENROLLMENT. If implementation of s. 49.49 (4r) does
14 not comply with section 6008 (b) of the federal Families First Coronavirus Response
15 Act, P.L. 116-127, to receive the enhanced federal medical assistance percentage, the
16 department of health services shall implement s. 49.49 (4r) beginning no sooner than
17 the first day of the month beginning after the month in which the enhanced federal
18 medical assistance percentage described in section 6008 (a) of the federal Families
19 First Coronavirus Response Act ends.

20 (END)