



2025 ASSEMBLY BILL 163

April 8, 2025 - Introduced by Representatives PENTERMAN, BROOKS, DUCHOW, ALLEN, TUCKER, KREIBICH, KNODL and MURPHY, cosponsored by Senators STAFSHOLT, NASS and KAPENGA. Referred to Committee on Public Benefit Reform.

1 **AN ACT to renumber and amend** 49.823; **to create** 49.45 (2) (a) 3m., 49.471
2 (4d), (4j) and (4p) and 49.823 (2) of the statutes; **relating to:** redeterminations
3 of eligibility for the Medical Assistance program and database confirmation
4 for public assistance program eligibility.

Analysis by the Legislative Reference Bureau

This bill makes various changes to eligibility determinations for the Medical Assistance program. Currently, the Department of Health Services administers the Medical Assistance program, a joint federal and state program that provides health services to individuals who have limited financial resources.

The bill prohibits DHS from automatically renewing the eligibility of a recipient under the Medical Assistance program. DHS must determine an individual's eligibility every six months under the bill. DHS is also prohibited from using prepopulated forms or otherwise supplying information, except for name and address, to a recipient under the Medical Assistance program that has been supplied to DHS. Additionally, any recipient under the Medical Assistance program that fails to report to DHS or its designee any change that may affect eligibility within 10 days following such a change is ineligible for benefits for six months from the date DHS discovers the failure to report the change. Under current law, knowingly concealing or failing to disclose any event that an individual

ASSEMBLY BILL 163**SECTION 1**

knows affects the initial or continued right to a Medical Assistance benefit is subject to a forfeiture of not less than \$100 nor more than \$15,000 for each concealment or failure. If DHS determines that it is necessary to obtain permission from the federal Department of Health and Human Services to implement any portion of the bill with respect to the Medical Assistance program, the bill requires DHS to request any state plan amendment, waiver of federal law, or other federal approval necessary to implement that portion of the bill.

The bill requires DHS to enter into data-sharing agreements with any agency that maintains a database of financial or personal information about residents of this state. DHS must confirm the information of an applicant for a public assistance program against the information contained in those databases. The bill also requires DHS to share data for the purpose of confirming eligibility for public assistance programs. Current law requires DHS and the Department of Children and Families to compare each department's respective databases against the databases of death records to identify deceased participants.

The bill directs DHS to complete a redetermination of eligibility for all recipients of Medical Assistance and immediately remove from Medical Assistance any recipient who is ineligible before January 1, 2026. For all such individuals removed from the Medical Assistance program, the bill directs DHS to inform them of the availability of coverage under a qualified health plan that is offered through an American health benefit exchange and that they may be eligible for premium assistance.

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:

1 **SECTION 1.** 49.45 (2) (a) 3m. of the statutes is created to read:

2 49.45 (2) (a) 3m. Remove immediately from eligibility for the Medical
3 Assistance program under sub. (23) or s. 49.471 any individual who has been
4 determined to be ineligible.

5 **SECTION 2.** 49.471 (4d), (4j) and (4p) of the statutes are created to read:

6 49.471 (4d) REDETERMINATION OF ELIGIBILITY. The department may not
7 automatically renew the eligibility of a recipient of Medical Assistance benefits
8 under this section or s. 49.45 (23). The department shall redetermine eligibility for

ASSEMBLY BILL 163**SECTION 2**

1 the Medical Assistance program under this section or s. 49.45 (23) for each
2 individual every 6 months. In collecting information from a recipient of Medical
3 Assistance benefits or an applicant, the department may not use any form that is
4 prepopulated with, or otherwise provide to the recipient or applicant, information
5 that has been supplied to the department except for the recipient's or applicant's
6 name and address.

7 **(4j) FAILURE TO REPORT.** Any recipient of Medical Assistance benefits under
8 this section or s. 49.45 (23) who fails to report to the department or an entity
9 designated by the department any change that may affect the recipient's eligibility
10 for benefits within 10 days following such a change shall be ineligible for benefits
11 under this section or s. 49.45 (23) for 6 months following the date that the
12 department discovers the failure to report the change.

13 **(4p) FEDERAL APPROVAL.** If the department determines that it is necessary to
14 obtain permission from the federal department of health and human services to
15 implement sub. (4d) or (4j), the department shall request any state plan
16 amendment, waiver of federal law, or other federal approval necessary to implement
17 subs. (4d) and (4j). If federal approval is necessary under this subsection but not
18 obtained, the department is not required to implement any portion of sub. (4d) or
19 (4j) for which federal approval is not obtained.

20 **SECTION 3.** 49.823 of the statutes is renumbered 49.823 (1) and amended to
21 read:

22 49.823 (1) The department of health services and the department of children
23 and families shall, at least once every ~~3 months~~ month, perform a comparison of
24 each department's respective public benefit database information against

ASSEMBLY BILL 163**SECTION 3**

1 nationally recognized databases that contain information on death records,
2 including the federal social security administration's Death Master File, to identify
3 participants in public benefit programs that are deceased. If a department
4 determines during a review under this ~~section~~ subsection that a participant is
5 deceased, the department shall designate that individual as ineligible for benefits
6 in any applicable database. The requirements under this ~~section~~ subsection do not
7 apply to the department of children and families with regard to child care subsidies
8 under s. 49.155.

9 **SECTION 4.** 49.823 (2) of the statutes is created to read:

10 49.823 (2) The department of health services shall enter into a data-sharing
11 agreement with the department of children and families, the department of
12 workforce development, and any other agency that maintains a database of
13 financial or personal information about residents of this state. The department of
14 health services, through the data-sharing agreement, shall confirm the information
15 submitted by an applicant for a public assistance program with the information
16 contained in other databases held by other agencies, including all available prison
17 records, death records, wage and employment records, lottery and gaming
18 winnings, and out-of-state benefits received under the federal food stamp program
19 under 7 USC 2011 to 2036. The department of health services shall share data
20 with other agencies for the purposes of confirming eligibility for public assistance
21 programs.

22 **SECTION 5. Nonstatutory provisions.**

23 (1) MEDICAL ASSISTANCE ELIGIBILITY REDETERMINATIONS.

ASSEMBLY BILL 163**SECTION 5**

1 (a) In this subsection, “Medical Assistance” means the program under subch.
2 IV of ch. 49.

3 (b) Beginning on the day after the effective date of this paragraph, the
4 department of health services shall redetermine the eligibility of all recipients of
5 Medical Assistance and immediately remove from Medical Assistance any recipient
6 who is ineligible. The department of health services shall complete
7 redeterminations of eligibility for all recipients of Medical Assistance before
8 January 1, 2026.

9 (c) The department of health services shall inform any individual who is
10 removed from Medical Assistance under par. (b) of the availability of coverage
11 under a qualified health plan, as defined in 42 USC 18021 (a), that is offered
12 through an American health benefit exchange, as described in 42 USC 18031, and
13 that the individual may be eligible for premium assistance under 26 USC 36B.

14

(END)