

WISCONSIN DEPARTMENT OF HEALTH SERVICES
Division of Medicaid Services
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To: BadgerCare Plus Eligibility Handbook Users

From: Rebecca McAtee, Bureau Director
Bureau of Enrollment Policy and Systems

Re: **BadgerCare Plus Handbook Release 17-03**

Release Date: 08/21/2017

Effective Date: 08/21/2017

EFFECTIVE DATE The following policy additions or changes are **effective 08/21/2017** unless otherwise noted. **Grey highlighted text denotes new text. Text with a strike through it in the old policy section denotes deleted text.**

POLICY UPDATES

2.3.1.1 Tax Filers Deceased Co-Filers

It is possible for a person to file his or her taxes jointly with a deceased spouse for the taxable year in which the spouse died. ~~However, unlike deceased tax dependents, they will not be included as a household member.~~ As of February 1, 2014, the deceased co-filer should be added to assistance groups according to MAGI rules for adding the jointly filing spouse of a tax filer.

3.6.3 Huber Law ~~Huber Law prisoners who are childless adults are not eligible for BadgerCare Plus.~~

Huber Law prisoners who are released from jail for the purpose of attending to the needs of their families can become eligible for BadgerCare Plus if they **both the following are true:**

- They intend to return to the home.
- They continue to be involved in the planning for the support and care of the minor children.

Huber Law prisoners who are released for a purpose other than attending to the needs of their families are not eligible for BadgerCare Plus. They should be considered absent parents.

4.3 Immigrants Immigrants are people who reside in the U.S., but are not U.S. citizens or nationals.

4.3.1 Immigrants Eligible for BadgerCare Plus *(The other sections have been renumbered.)*

~~The immigrants described below, who apply for BadgerCare Plus and meet all eligibility requirements, are entitled to receive BadgerCare Plus benefits.~~ The following immigrants may be eligible for BadgerCare Plus if they meet all eligibility requirements:

Number 12 was moved to be number 6. (The rest of the list has been renumbered.)

*If these immigrants lawfully entered the U.S. on or after August 22, 1996, they must

also meet one of the following:

- Be lawfully residing in Wisconsin and an honorably discharged veteran of the U.S. Armed Forces
- Be lawfully residing in Wisconsin and on active duty (other than active duty for training) in the U.S. Armed Forces
- Be lawfully residing in Wisconsin and the spouse, unmarried dependent child, or surviving spouse of a person described in one of the first two criteria either an honorably discharged veteran or a person on active duty in the U.S. Armed Forces
- Be an Amerasian
- Have resided in the U.S. for at least five years since his or her date of entry (see Section 4.3.3 Continuous Presence)

4.3.1.1 Immigrant Children, Young Adults, and Pregnant Women Eligible for BadgerCare Plus

~~Beginning October 1, 2009, the following no longer have to wait five years to be eligible for full-benefit Medicaid and BadgerCare Plus:~~

- ~~• Children younger than 19 years old~~
- ~~• Young adults younger than 21 years old residing in an IMD~~
- ~~• Pregnant women who are either:~~

~~Children younger than 19 years old, adults younger than 21 years old who are residing in an IMD, and pregnant women do not have to wait five years to be eligible for full-benefit Medicaid and BadgerCare Plus if they meet one of the following:~~

- ~~○ Are lawfully admitted for permanent residence (CARES TCTZ Code #1 in the Immigration Status Chart in Section 4.3.5)~~
- ~~○ Are lawfully present under Section 203(a)(7) (Code #3 in the Immigration Status Chart Section 4.3.5)~~
- ~~○ Are lawfully present under Section 212(d)(5) (Code #6 in the Immigration Status Chart Section 4.3.5)~~
- ~~○ Have suffered from domestic abuse and are considered to be a battered immigrant (Code #16 in the Immigration Status Chart Section 4.3.5)~~

~~This policy applies to both persons in existing open cases and new applicants.~~

~~Women have the five-year ban lifted when their pregnancy is verified and Women who have an immigration status requiring a five-year waiting period before being eligible for BadgerCare Plus will have the waiting period lifted when their pregnancy is reported to the agency. The lift on the five-year waiting period continues for an additional 60 days after the last day of pregnancy and through the end of the month in which the 60th day occurs.~~

Example 1 is new.

~~In addition, if c~~Children younger than 19 years old, young adults younger than 21 years old who are residing in an IMD, and pregnant women may qualify for BadgerCare Plus if they ~~who~~ are legally present in the U.S. ~~are~~ under any of the non-immigrant statuses listed in the table below ~~and are, they may also qualify for BadgerCare Plus if otherwise eligible.~~

The table has been retitled.

Immigrants who do not appear in the lists above (e.g., someone with a status of DACA) and who apply for BadgerCare Plus and meet all eligibility requirements except for citizenship are entitled to receive BadgerCare Plus Emergency Services only (see Chapter 39 Emergency Services).

Pregnant immigrants who do not appear in the list above and who apply for BadgerCare Plus and meet the eligibility requirements, except for citizenship, are

entitled to receive BadgerCare Plus Prenatal Program benefits (see Chapter 41 BadgerCare Plus Prenatal Program) and/or BadgerCare Plus Emergency Services (see Chapter 39 Emergency Services).

Immigration status is an individual eligibility requirement. An individual's immigration status does not affect the eligibility of the BadgerCare Plus Group. The citizen spouse or child of an ineligible immigrant may still be eligible even though the immigrant is not.

Verify immigration status using either the data exchange with the FDSH (see Process Help Section 44.3.9 Immigrant/Refugee Information Page) or the procedures in the SAVE Manual.

16.3.1 Support Payments

16.3.1 Child Support Payments

Child support payments are not allowed as an income deduction.

~~The income deduction for a monthly court ordered support expense is the amount that the member is "obligated" to pay as stipulated in the court order. The court ordered obligated amount is allowed even if actual payments are not being made. The deduction can only be made from the income of the person with the court ordered obligation. Do not allow payments for arrearages and annual receipt and disbursement (R & D) expenses.~~

~~Actual payments may be deducted for court ordered lying in costs (for the costs of the birth of the child). Unlike monthly court ordered expenses, actual payments for lying in costs are frequently paid at various times and are usually not tied to a regular payment schedule.~~

~~**Note:** If the court order stipulates that the individual must pay a monthly amount toward lying in costs, allow the court ordered monthly amount (obligated amount) as an income deduction. If the member is required to pay lying in costs, but no specific monthly amount is ordered, allow actual payments for lying in costs as an income deduction.~~

This section has been updated to remove policy related to non-MAGI rules since the policy is no longer applicable.

16.9 Gap Filling

Due to differences between the eligibility rules used by the Federally Facilitated Marketplace for APTC and the eligibility rules used when counting income for BadgerCare Plus, the Marketplace may find someone to be at or below 100 percent of the FPL based on his or her annual income, while BadgerCare Plus may find someone to be above 100 percent of the FPL based on his or her current monthly income. Because of this difference in eligibility rules, people are eligible for neither BadgerCare Plus nor APTCs. If people were left in this eligibility "gap," then the only option available to them is to pay for the full cost of private health insurance through the Marketplace. To prevent this from happening, these people must be enrolled based on a monthly equivalent of **have eligibility for BadgerCare Plus determined based on** their expected annual income under a process called "gap filling."

(This was effective July 28, 2017.)

16.9.1 Processing Gap Filling Referrals

16.9.1 Processing Gap Filling Referrals and Requests

This section has been rewritten.

(This was effective July 28, 2017.)

16.9.1.2 People Found Ineligible Under Gap Filling Rules

This section has been rewritten.
(This was effective July 28, 2017.)

16.9.2 Determining Annual Income for Gap Filling Referrals

16.9.2 Determining Annual Income for Gap Filling Referrals and Requests

Example 1 has been updated.
Example 4 has been deleted and the subsequent example renumbered.
Examples 5, 6, 7, and 8 are new.
(This was effective July 28, 2017.)

16.9.3 Change Reporting for People Eligible Under Gap Filling Rules

People are still subject to change reporting requirements while enrolled in BadgerCare Plus under gap filling rules. A person can lose eligibility during the certification period if:

- He or she ~~fails eligibility~~ **is no longer eligible** for any nonfinancial reason such as moving out of the state.
- He or she experiences an increase in income that will make annual income greater than 100 percent of the FPL.

When a person is no longer eligible for the reasons noted above, the IM agency should inform EM CAPO to end eligibility and send the termination notice.

(This was effective July 28, 2017.)

17.1 Deductibles

Children (younger than 19 years old) with income over 306 percent of the FPL may become eligible for BadgerCare Plus by meeting a deductible. Children with income over 156 percent of the FPL who are denied BadgerCare Plus solely due to access to health insurance may also become eligible for BadgerCare Plus by meeting a deductible. The deductible amount is calculated for a six-month period using the amount of income that exceeds ~~456~~ **150** percent of the FPL.

(This was effective April 11, 2017.)