

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

From: Jori Mundy, Bureau Director
Bureau of Eligibility and Enrollment Policy

Re: **Medicaid Eligibility Release 21-03**

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Effective Date: 12/13/2021

EFFECTIVE DATE	The following policy additions or changes are effective 12/13/2021 unless otherwise noted. Underlined text denotes new text. Text with a strike through it denotes deleted text.
POLICY UPDATES	
2.5.1 Valid Signature Introduction	Clarified policy to include electronic signatures
2.5.1.1 Signatures from Representatives	Clarified policy to include conservators as a type of representative
2.5.6 Electronic Signatures	Clarified policy for electronic signatures
3.1.4 Signature at Renewal	Clarified policy to include electronic signatures
15.3.26 VA Allowances	Clarified language and corrected grammatical errors
15.3.30 Certain Payment Types Related to the COVID-19 Pandemic	Added content from sections 15.3.31, 15.3.32, 15.3.33
15.3.31 Federal Pandemic Unemployment Compensation (FPUC)	Deleted section
15.3.32 Retroactive Pandemic Unemployment Assistance (PUA)	Deleted section
15.3.33 Retroactive Pandemic Emergency Unemployment Compensation (PEUC)	Deleted section
15.4 Unearned Income	Added #25 Certain Payment Types Related to the COVID-19 Pandemic
15.4.24 REWARD Wisconsin Stipends	New section
15.4.25 Certain Payment Types Related to the Covid-19 Pandemic	New section
15.6.5.1 IRS Tax Forms and Worksheets	Updated link to form F-16036
16.7.33 Certain Payment Types Related to the COVID-19 Pandemic	Added content from sections 16.7.34, 16.7.35, 16.7.36

16.7.34	Retroactive Federal Pandemic Unemployment Assistance (PUA)	Deleted section
16.7.35	Retroactive Federal Pandemic Emergency Unemployment Compensation (PEUC) Payments	Deleted section
16.7.36	Retroactive Federal Pandemic Unemployment Compensation (FPUC) Payments	Deleted section
22.1.2	Recoverable Services	Added an example
22.5.1	Authorized Representative	Clarified electronic signature policy for appointment of authorized representatives using a paper form
26.5.7	Opting Out	Updated Process Help link and clarified language

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2.5 Valid Signature

2.5.1 Valid Signature Introduction

The applicant or his or her representative (see below) must sign **one** of the following:

- The paper application form
- The signature page of the Application Summary, ~~either over the~~ (by telephone, electronically, or ~~face-to-face~~ by providing a handwritten signature)
- The ACCESS application with an electronic signature
- The online or paper [Application for Health Coverage & Help Paying Costs](#) from the FFM

2.5.1.1 Signatures From Representatives

An applicant's representative can be one of the following:

- **Guardian:** When an application is submitted with a signature of someone claiming to be the applicant's guardian, obtain a copy of the document that designates the signer of the application as the guardian. From the documents provided, ensure that the person claiming to be the applicant's guardian can file an application on his or her behalf. Only the person designated as one of the following may sign the application: When someone has been designated as the guardian of the estate, guardian of the person and the estate, or guardian in general, only the guardian, not the applicant, may sign the application or appoint another representative.

If the applicant only has a legal **guardian of the person**, the applicant must sign the application unless the applicant has appointed his or her guardian of the person to be the authorized representative.

- Guardian of the estate
- Guardian of the person and the estate
- Guardian in general
- **Authorized Representative:** The applicant may authorize someone to represent him or her. An authorized representative can be an individual or an organization. See [SECTION 22.5 REPRESENTATIVES](#) for more information.

If the applicant needs to appoint an authorized representative when applying by telephone or in person, instruct the applicant to complete the Appoint, Change, or Remove an Authorized Representative form ([Person F-10126A](#) or [Organization F-10126B](#)).

An authorized representative is responsible for submitting a completed, signed application and any required documents.

When appointing an authorized representative, someone other than the

authorized representative must witness the applicant's signature. If the applicant signs with a mark, two witness signatures are required.

- Conservator (Wis. Stat. 54.76(2)): A conservator is a person who is appointed by a court at an individual's request under Wis. Stat. 54.76(2) to manage the estate of the individual. When an application is submitted with a signature of someone claiming to be the applicant's conservator, a copy of the document that designates the signer of the application as the conservator is required.

For health care program purposes, conservators have the same powers as legal guardians. They can apply on behalf of the individual, report changes, renew benefits, and perform other benefit management activities. When someone has been appointed as the conservator, only the conservator, not the applicant may sign the health care application.

If both a conservator and a durable power of attorney (see below) have been appointed, the order of appointment determines who can sign:

- If the durable power of attorney was executed before the conservator was appointed, the durable POA can sign.
- If the durable power of attorney was executed after the conservator was appointed (or concurrently), either the conservator or the durable power of attorney can sign.

2.5.6 Electronic Signatures

In general, electronic signatures are valid signatures for documents requiring applicant or member signatures. Electronic signatures may appear typed or printed and may vary depending on the software used to collect the signature. Accept the electronic signature as a valid signature and process the document accordingly.

3.1 Renewals

3.1.4 Signature at Renewal

The member must include a valid signature at the time of renewal. This includes either signing telephonically, electronically or ~~signing~~ providing a handwritten signature on one of the following:

- The paper application form
- The signature page of the Application Summary
- The ACCESS or FFM application form with an electronic signature

The signature requirements for renewals are the same as those for applications (see SECTION 2.5 VALID SIGNATURE). The signature requirements do not apply to people whose renewal is completed through the administrative renewal process.

15.3 Exempt/Disregarded Income

15.3.26 VA Allowances

Disregard Except for individuals who reside in a State Veterans Home, disregard the following Veterans Administration (VA) allowances ~~for~~ in eligibility and, ~~if applicable,~~ post-eligibility*: determinations for Institutional or Community Waivers Medicaid:

- ~~Any unreimbursed (sometimes referred to as "unusual")~~ Unusual medical expenses that are received ~~as an allowance~~ by a veteran, his or her surviving spouse, or his or her dependent.
- Aid and attendance and housebound allowances received by veterans, spouses of disabled veterans and surviving spouses.

~~15.3.30 Federal Coronavirus Recovery Rebates (Stimulus Payments/Economic Impact Payments)~~ Certain Payment Types Related to the COVID-19 Pandemic

There is no uniform policy for how to count payment types related to the COVID-19 pandemic; some payment types are counted as income and some payment types are not counted as income. The criteria used to evaluate whether a payment type is counted as income include:

- The text of the federal law that authorized the payment type;
- Guidance received from federal agencies; and
- Whether the payment can be considered "disaster assistance".

The payment types that do not count as income include but are not limited to:

- Federal Recovery Rebates (sometimes referred to as Coronavirus stimulus payments or economic impact payments) issued by the IRS in response to the federal COVID-19 public health emergency.
- Federal Pandemic Unemployment Compensation (FPUC) payments.
- Retroactive Pandemic Unemployment Assistance (PUA) payments.
- We're All In Small Business Grants.
- Child Care Counts supplementary payments. These payments are awarded to child care providers.
- Wisconsin Emergency Rental Assistance (WERA) payments.
- COVID-19 Funeral Assistance.
- Emergency Assistance for Rural Housing/Rural Rental Assistance.
- Homeowner Assistance Fund.
- Housing Assistance and Supporting Services Programs for Native Americans.
- Higher Education Emergency Relief Fund (HEERF) payments.

See SECTION 15.4.25 CERTAIN PAYMENT TYPES RELATED TO THE COVID-19 PANDEMIC for countable types of pandemic-related unemployment compensation benefits.

~~15.3.31 Federal Pandemic Unemployment Compensation (FPUC)~~

~~Do not count Federal Pandemic Unemployment Compensation (FPUC) payments.~~

~~Note: These were the \$600 checks issued weekly from late April through July 2020, and were in addition to regular unemployment insurance benefits.~~

15.3.31 Reserved

~~15.3.32 Retroactive Pandemic Unemployment Assistance (PUA)~~

~~Disregard retroactive Pandemic Unemployment Assistance (PUA) payments.~~

15.3.32 Reserved

~~15.3.33 Retroactive Pandemic Emergency Unemployment Compensation (PEUC)~~

~~Disregard retroactive Pandemic Emergency Unemployment Compensation (PEUC) payments.~~

15.3.33 Reserved

15.4 Unearned Income

15.4.24 REWARD Wisconsin Stipends

Count REWARD Wisconsin stipends as income. These stipends are awarded to child care professionals.

15.4.25 Certain Payment Types Related to the COVID-19 Pandemic

There is no uniform policy for how to count payment types related to the COVID-19 pandemic; some payment types are counted as income and some payment types are not counted as income. The criteria used to evaluate whether a payment type is counted as income include:

- The text of the federal law that authorized the payment type;
- Guidance received from federal agencies; and
- Whether the payment can be considered “disaster assistance”.

The payment types that count as income **include but are not limited to:**

- Workforce Retention and Recognition Stipend Program payments. These payments are awarded to child care professionals.
- USDA Coronavirus Food Assistance Program – Direct Payments to Farmers and Ranchers.

See section 15.3.30 CERTAIN PAYMENT TYPES RELATED TO THE COVID-19 PANDEMIC for non-countable types of pandemic-related income.

15.6 Self-Employment Income

15.6.1 Definitions

15.6.5.1 IRS Tax Forms and Worksheets

IM workers should not complete any IRS tax forms on an applicant's or member's behalf. It is the responsibility of the applicant or member to complete IRS tax forms.

Workers should only consult IRS tax forms only if **all** of the following conditions are met:

- The business was in operation at least one full month during the previous tax year.
- The business has been in operation six or more months at the time of the application.
- The person does not claim a significant change in circumstances since the previous year.

If all three conditions are not met, use anticipated earnings (see [SECTION 15.6.5.3 ANTICIPATED EARNINGS](#)).

If you decide to use IRS tax forms, use them together with the charts in Process Help, [SECTION 16.2 SELF-EMPLOYMENT INCOME](#), or the self-employment income worksheets, which identify which income and expenses need to be entered onto the Self-Employment page by line on the IRS tax forms.

For each operation, select the worksheet you need (if applicable) and, using the provided tax forms and/or schedule, complete the worksheet (if applicable) and enter the income and expenses onto the Self-Employment page.

1. Sole Proprietor - Farm and Other Business

There is no worksheet for Sole Proprietor. See Process Help, [SECTION 16.2.2.3.2 ENTERING INFORMATION FOR A SOLE PROPRIETORSHIP](#) to identify which lines need to be entered in CWW for each of the following IRS tax forms:

1. IRS Form 4797 - Capital & Ordinary Gains
1. IRS Schedule C or C-EZ (Form 1040) - Profit or Loss From Business
1. IRS Schedule E (Form 1040) - Rental and Royalty Income
1. IRS Schedule F (Form 1040) - Farm Income

2. Partnership (~~F-16036~~F-16036)

1. IRS Form 1065 - Partnership Income
1. IRS Schedule K-1 (Form 1065) - Partner's Share of Income

16.7 Liquid Assets

~~16.7.33 Federal Coronavirus Recovery Rebates (Stimulus Payments/Economic Impact Payments)~~

~~Federal Recovery Rebates (sometimes referred to as Coronavirus stimulus payments or economic impact payments) issued by the IRS in response to the federal COVID-19 public health emergency should be disregarded as assets for 12 months following the month of receipt.~~

16.7.33 Certain Payment Types Related to the COVID-19 Pandemic

There is no uniform policy for how to count payment types related to the COVID-19 pandemic; some payment types are counted as assets and some payment types are not counted as assets. The criteria used to evaluate whether a payment type is counted as an asset include:

- The text of the federal law that authorized the payment type;
- Guidance received from federal agencies; and
- Whether the payment can be considered “disaster assistance”.

The payment types that count as assets (according to the specific policies noted below) include but are not limited to:

- Federal recovery rebates (sometimes referred to as Coronavirus stimulus payments or economic impact payments) issued by the IRS in response to the federal COVID-19 public health emergency should be disregarded as assets for 12 months following the month of receipt. After the 12-month disregard period has passed, count any remaining amount as an available non-exempt asset.
- Retroactive Pandemic Unemployment Assistance payments are counted as an asset the month they are received.
- Retroactive Pandemic Emergency Unemployment Compensation payments are counted as an asset the month they are received.
- Retroactive Federal Pandemic Unemployment Compensation (FPUC) payments are counted as an asset the month they are received. This policy is effective November 23, 2020.

The payment types that do not count as assets include but are not limited to:

- We’re All In Small Business Grants.
- Child Care Counts supplementary payments, which are payments awarded to child care providers.
- Wisconsin Emergency Rental Assistance (WERA) payments.

- COVID-19 Funeral Assistance.
- Emergency Assistance for Rural Housing/Rural Rental Assistance.
- Homeowner Assistance Fund payments.
- Housing Assistance and Supporting Services Programs for Native Americans payments.
- Higher Education Emergency Relief Fund (HEERF) payments.

~~16.7.34 Retroactive Federal Pandemic Unemployment Assistance (PUA)~~

~~Retroactive Pandemic Unemployment Assistance payments are counted as an asset the month they are received.~~

16.7.34 Reserved

~~16.7.35 Retroactive Federal Pandemic Emergency Unemployment Compensation (PEUC) Payments~~

~~Retroactive Pandemic Emergency Unemployment Compensation payments are counted as an asset the month they are received.~~

16.7.35 Reserved

~~16.7.36 Retroactive Federal Pandemic Unemployment Compensation (FPUC) Payments~~

~~Retroactive Federal Pandemic Unemployment Compensation (FPUC) payments are counted as an asset the month they are received. This policy is effective November 23, 2020.~~

16.7.36 Reserved

22.1 Estate Recovery

22.1.2 Recoverable Services

Not all services provided by Medicaid are recoverable. Recoverability depends on what was provided and the member's age and residence when he or she received the benefit. If a member's services do not meet the criteria listed below, they are not subject to estate recovery.

The following are the services for which ERP may seek recovery:

1. All Medicaid services received while living in a nursing home on or after October 1, 1991.
2. All Medicaid services received while institutionalized in an inpatient hospital on or after July 1, 1995.
3. Home health care services received by members age 55 or older on or after July 1, 1995, consisting of:
 - a. Skilled nursing services.
 - b. Home health aide services.
 - c. Home health therapy and speech pathology services.
 - d. Private duty nursing services.
 - e. Personal care services received by members age 55 or older on or after April 1, 2000.

<u>Example</u>	<u>Josie is 12 years old and is enrolled in Katie Beckett Medicaid. She receives home health care services that include skilled nursing services, home health therapy, and speech pathology. Because she was not 55 years or older when she received the home health care services, they are not subject to estate recovery.</u>
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22.5 Representatives

22.5.1 Authorized Representatives

Applicants or members can appoint either an individual or an organization as authorized representative. An authorized representative can be appointed through any of the following means:

- ACCESS, when applying
- Federally Facilitated Marketplace (Note: When a Marketplace application is processed by the agency and an applicant has appointed an authorized representative in the application, the agency must honor this appointment of an authorized representative.)
- Paper form: (signed in writing or electronically): [Appoint, Change, or Remove an Authorized Representative \(F-10126\)](#)

26.5 MAPP Premiums

26.5.7 Opting Out

If a MAPP member chooses to de-request MAPP coverage, or opt out, ~~anytime~~any time prior to the beginning of the next benefit month, ~~close the case in CARES~~end MAPP eligibility for the next possible month and do not impose an RRP. Refer to [Process Help 25.1.9 Opting Out](#).