

**WISCONSIN DEPARTMENT OF HEALTH SERVICES**  
**Division of Health Care Access and Accountability**  
**1 West Wilson Street**  
**Madison, WI 53703**

To: BadgerCare Plus Eligibility Handbook Users

From: Vicki Jessup, Policy Section Chief  
 Bureau of Enrollment Policy and Systems

RE: **BadgerCare Plus Release 10-04**

Release Date: 10/01/10

**EFFECTIVE DATE** The following policy additions or changes are effective 10/01/10 unless otherwise noted. **Yellow text** denotes new text. Text with a strike through it denotes deleted text.

**Non-Financial Requirements (Chapters 2-15) > 4 Citizenship and Immigration Status > 4.3 Immigrants**

Effective 10-01-09, per Ops Memo 10-10

**New Text:**

Beginning, October 1, 2009, children under the age of 19, **young adults under age 21 residing in an IMD**, and pregnant women who are either:

- Lawfully Admitted for Permanent Residence (**CARES** TCTZ Code #1 in Immigration Status Chart below),
- Lawfully present under Section 203(a)(7) (Code #3 in Immigration Status Chart below),
- Lawfully present under Section 212(d)(5) (Code #6 in Immigration Status Chart below), or
- Who suffer from domestic abuse and are considered to be a battered immigrant (Code #16 in Immigration Status Chart below),

no longer have to wait 5 years to be eligible for full benefit Medicaid and BadgerCare Plus. This policy applies to both persons in existing open cases and new applicants. Women have the 5-year ban lifted when their pregnancy is verified and 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.

In addition, children under the age of 19, young adults under age 21 residing in an IMD, and pregnant women who are legally present in the U.S, under any of the non-immigrant statuses listed in the table below may also qualify for BC+ if otherwise eligible.

<b>USCIS Class of Admission Code or Section of the Federal Law Citation Authorizing Class</b>	
<b>Description</b>	<b>Class of Admission Code (COA)/Section of Law Citation</b>
Aliens currently in temporary resident status	S16, S26, W16, W25,

pursuant to section 210 or 245A of the Act.	W26, W36 or 8 CFR 103.12(a)(4)(i)
Aliens currently under Temporary Protected Status (TPS) pursuant to section 244 of the Act. Child accompanying or following to join a K-3 alien.	8 CFR 103.12(a)(4)(ii)
Family Unity beneficiaries pursuant to section 301 of Pub. L. 101-649. (These are the spouses and unmarried children of individuals granted temporary or permanent residence under Section 210 or 245A above.)	8 CFR 103.12(a)(4)(iv)
Aliens currently under Deferred Enforced Departure (DED) pursuant to a decision made by the President.	8 CFR 103.12(a)(4)(v)
Aliens currently in deferred action status pursuant to Service Operations Instructions at OI 242.1(a)(22).	8 CFR 103.12(a)(4)(vi)
Aliens who are the spouse or child of a United States citizen whose visa petition has been approved and who have a pending application for adjustment of status	8 CFR 103.12(a)(4)(vii)
Legal non-immigrants from the Compact of Free Association states (Republic of the Marshall Islands, the Federated States of Micronesia and the Republic of Palau) who are considered permanent non-immigrants.	NA
An alien who is the fiancée or fiancé of a U.S. citizen entering solely to conclude a valid marriage contract.	K-1
Child of K-1	K-2
Spouse of a U.S. citizen who is a beneficiary of a petition for status as the immediate relatives of a U.S. citizen (I-130).	K-3
Child accompanying or following to join a K-3 alien.	K-4
Parent of an alien classified SK3 or SN3	N-8
Child of N-8 or of an alien classified SK1, SK2, SK4, SN1, SN2, SN4.	N-9
Temporary worker to perform work in religious occupations.	R1
Spouse and children of R1	R2
An alien who is in possession of critical reliable information concerning a criminal organization or enterprise, is willing to supply or has supplied such information to Federal or State law enforcement authorities or a Federal or State court; and whose presence in the United States the Attorney General determines is essential to the success of an authorized criminal investigation or the successful prosecution of an individual involved in the criminal organization or enterprise	8 U.S.C. 1101(a)(15)(S)(i)
An alien who the Secretary of State and the Attorney General jointly determine is in possession	8 U.S.C. 1101(a)(15)(S)(ii)

of critical reliable information concerning a terrorist organization, enterprise, or operation; is willing to supply or has supplied such information to Federal law enforcement authorities or a Federal court; will be or has been placed in danger as a result of providing such information; and is eligible to receive a reward from the State Department.	
An alien who is the spouse, married and unmarried sons and daughters, and parents of an alien in possession of critical reliable information concerning either criminal activities or terrorist operations.	8 U.S.C. 1101(a)(15)(S)
Individuals who have suffered substantial physical or mental abuse as victim of criminal activity.	U-1
An alien who is the spouse, child, unmarried sibling or parent of the victim of the criminal activity above.	U-2, U-3, U-4, U-5
An alien who are the spouses or children of an alien lawfully admitted for permanent residence and who have been waiting since at least December 2000 for their visa application to be approved.	V-1, V-2, V-3

**Non-Financial Requirements (Chapters 2-15) > 4 Citizenship and Immigration Status > 4.3 Immigrants > 4.3.4 Immigration Status Chart**

Effective 10-01-09

The status for codes 13 and 14 in this chart were changed from “ineligible” to “eligible” per Ops Memo 10-10.

4.3.4 Immigration Status Chart

CARES TC/TZ Code	Immigration Status	Immigration Status	Veteran* Arrived before 8-22-96	Arrived on or after 8-22-96	Veteran* Arrived on or after 8-22-96	Children under age 19 and pregnant women; Arrived on or after 08/22/96
01	Lawfully admitted for permanent residence	Eligible	Eligible	Ineligible for 5 years	Eligible	Effective 10/01/09 Eligible
02	Permanent resident under color of law (PRUCOL)	Ineligible	Ineligible	Ineligible	Ineligible	Ineligible
03	Lawfully present under Section 203(a)(7)	Eligible	Eligible	Ineligible for 5 years	Eligible	Effective 10/01/09 Eligible
04	Lawfully present under Section 208	Eligible	Eligible	Eligible	Eligible	Eligible
05	Lawfully present under Section 208	Eligible	Eligible	Eligible	Eligible	Eligible
06	Lawfully present under Section 212(d)(5)	Eligible	Eligible	Ineligible for 5 years	Eligible	Effective 10/01/09 Eligible
07	IRCA (No longer valid)	N/A	N/A	N/A	N/A	N/A
08	Lawfully admitted - temporary	Ineligible	Ineligible	Ineligible	Ineligible	Ineligible
09	Undocumented Alien	Ineligible	Ineligible	Ineligible	Ineligible	Ineligible
10	Illegal Immigrant	Ineligible	Ineligible	Ineligible	Ineligible	Ineligible
11	Cuban/Haitian Entrant	Eligible	Eligible	Eligible	Eligible	Eligible
12	Considered a Permanent Resident by USCIS	Ineligible	Ineligible	Ineligible	Ineligible	Eligible
13	Special agricultural worker under Section 210(A)	Ineligible	Ineligible	Ineligible	Ineligible	Eligible
14	Additional special agricultural worker under Section 210(A)	Ineligible	Ineligible	Ineligible	Ineligible	Eligible

**Non-Financial Requirements (Chapters 2-15) > 4 Citizenship and**

Effective 12-19-09, per Ops Memo 10-15

This subsection was deleted and subsequent sections were renumbered.

**Immigration Status >  
4.3 Immigrants>  
4.3.5.1 End of  
Temporary Benefit  
Period**

**Old Text:**

**4.3.5.1 End of Temporary Benefit Period**

~~BC+ eligibility for special immigrants and family members must end within six or eight months after their US entry as special immigrants or conversion to special immigrant status, regardless of rules that are otherwise applied for their eligibility group (e.g. coverage of pregnant women until the end of their postpartum period).~~

~~These individuals would not be able to receive benefits until they have been here for five years from the date of entry. The five year clock begins from the individual's original date of entry and it does not start over once the limited special status benefits expire.~~

~~Iraqi and Afghan special immigrants and their families may qualify for BC+ coverage of emergency services, until they meet the 5-year bar for qualified immigrants.~~

~~Note: An infant born in the U.S. to a woman who was BC+ eligible as an Iraqi or Afghan special immigrant on the baby's date of birth, is a U.S. citizen and deemed BC+ eligible as a newborn until turning age one.~~

**Non-Financial  
Requirements  
(Chapters 2-15) > 9  
Verification > 9.9  
Mandatory  
Verification Items>  
9.9.1 Social Security  
Number> 9.9.1.1  
Newborns**

This paragraph was removed.

**Old Text:**

~~The BC+ fiscal agent receives notification of children born to BC+ members from hospitals and HMOs. The fiscal agent certifies newborns who are eligible for Continuously Eligible Newborn status in the MMIS Management Information System and sends a letter to both the mother of the newborn and to the certifying agency. This newborn letter received from the fiscal agent is a reported change. For purposes of BC+, the worker should add the newborn to CARES entering that pseudo SSN on the Household Members Page in CWW screen ANID. No further verification is required.~~

**Program Coverage  
(Chapters 38-47) > 38  
Covered Services >  
38.3 Transportation>  
38.3.4 Common  
Carrier**

**Old Text:**

**Benchmark Plan**

~~Common carrier services are not covered under the BadgerCare Plus Benchmark plan. BadgerCare Plus members may request non-covered services. Providers can collect reimbursement for non-covered services from the member if the member accepts responsibility for payment and makes payment arrangements with the provider. Providers are strongly encouraged to obtain a written statement in advance documenting that the member has accepted responsibility for payment of the service.~~

**New Text:**

Effective 07-01-10, transportation services are available to persons in the benchmark plan.

**Benchmark Plan**

Policy and procedures for common carrier services are the same under the BadgerCare Plus Benchmark Plan as they are under the current Wisconsin Medicaid program. See "[Transportation](#)" in [38.2 Standard and Benchmark Plans](#).

**Program Coverage  
(Chapters 38-47) > 43  
BadgerCare Plus  
Core Plan > 43.12**

**New Text:**

**Members Removed From The Core Plan Waitlist Due To Eligibility For Medicaid/BadgerCare Plus or Health Insurance Access or Coverage**

**BC+ Core Plan  
Enrollment Cap  
(Waitlist)**

If a person is removed from the Core Plan Waitlist because he or she:

- became eligible for Medicaid or BadgerCare Plus Standard or Benchmark Plan,
- gained coverage under a private health insurance plan, **or**
- gained access to private health insurance,

he or she can be added back to the waitlist, in the same position he or she was in prior to being removed, if the eligibility for Medicaid or BadgerCare Plus is terminated or the insurance access/coverage is lost due to a good cause reason.

**Program Coverage  
(Chapters 38-47) > 43  
BadgerCare Plus  
Core Plan > 43.13  
BC+ Core Plan Re-  
Enrollment**

This new section on BC+ Core Plan Re-Enrollment was added. The changes are too numerous to list.