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**State of Wisconsin
Governor Scott Walker**

**TO: Income Maintenance Supervisors
Income Maintenance Lead Workers
Income Maintenance Staff
W-2 Agencies
Workforce Development Boards
Job Center Leads and Managers
Training Staff
Child Care Coordinators**

**FROM: Shawn Smith, Bureau Director
Bureau of Enrollment Policy & Systems
Division of Health Care Access and Accountability**

BEPS/DFS OPERATIONS MEMO					
No: 13-43					
DATE: 12/20/2013					
FS	<input type="checkbox"/>	MA	<input checked="" type="checkbox"/>	BC+	<input checked="" type="checkbox"/>
SC	<input type="checkbox"/>	CTS	<input type="checkbox"/>	FSET	<input type="checkbox"/>
BC+ Basic	<input type="checkbox"/>	BC+ CORE	<input type="checkbox"/>		
CC	<input type="checkbox"/>	W-2	<input type="checkbox"/>	EA	<input type="checkbox"/>
CF	<input type="checkbox"/>	JAL	<input type="checkbox"/>	JC	<input type="checkbox"/>
RAP	<input type="checkbox"/>	WIA	<input type="checkbox"/>	Other	<input type="checkbox"/> *
EP					

SUBJECT: BadgerCare Plus Policy Updates

CROSS REFERENCE: [Operations Memo 13-32](#); [BadgerCare Plus Handbook](#)

EFFECTIVE DATE: January 1, 2014

PURPOSE:

The purpose of this memo is to identify policy changes to BadgerCare Plus that will take effect on January 1, 2014.

BACKGROUND:

As described in Operations Memo 13-32, provisions in the federal Patient Protection and Affordable Care Act (PPACA or ACA) and in 2013 Wisconsin Act 20 (the State Biennial Budget) require changes in the policies used to determine eligibility for the BadgerCare Plus (BC+) program. The effective date for these changes was planned for January 1, 2014. However, due to difficulties with the federal Health Insurance Marketplace, Wisconsin has delayed the implementation of most of these policies.

Current BadgerCare Plus coverage groups, income limits, benefit plans and eligibility policies remain in effect until April 1, 2014. Systems changes to support future changes will be implemented February 1, 2014 and available on February 3, 2014. Additional information about changes that take effect after January 31, 2014 will be published in a future Operations Memo.

However, there are six policies that will take effect on January 1, 2014. Please note, three of these are new policies and were not included in operations memo 13-32. The policies that will take effect on January 1, 2014 are detailed below.

The policy changes in this memo are not related to FoodShare, Wisconsin Works (W-2) and Wisconsin Shares Child Care (CC) programs. DCF will issue an Operations Memo to the W-2 agencies related to the ACA changes in the first quarter of 2014.

POLICY CHANGES:

PREGNANCY VERIFICATION:

Beginning January 1, 2014, verification of pregnancy, the due date, and the number of fetuses for BC+ or MA is no longer required. These items should not be questioned, unless there is other information that contradicts the applicant's statement deeming it questionable.

This new policy also applies to the BC+ Pre-natal Program (BC+PP). Eligibility for pregnant women under BC+PP will no longer be tied to the date pregnancy was verified. Instead, the eligibility effective date will be the first day of the month of application. Backdating of eligibility for BC+PP is still not allowed.

CARES will not be updated until February 1, 2014 to reflect this policy change. In the meantime, workers should enter the "NQ" verification code in the Pregnancy, Pregnancy Due Date and Fetus Number verification fields. A "Q?" should only be entered if any of these items are considered questionable. The first day of the month of eligibility should be entered in the Pregnancy Verification Date field.

FORMER FOSTER CARE YOUTH:

Formerly known as YEOHCs (Youth's Exiting Out-of-Home Care), youths who were in foster care, subsidized guardianships or court-ordered kinship care when they turned 18 will be eligible for BC+ up to age 26, starting January 1, 2014. It does not matter what state the youth was residing in when the youth turned 18. Any former YEOHC whose case closed prior to January 1, 2014, due to turning 21 will have to reapply for eligibility beginning January 1, 2014. CARES will not automatically re-establish eligibility for these individuals. The "out-of-home" status at the time the youth turned 18 does not have to be re-verified, if the youth re-requests benefits under this program starting January 1, 2014.

Unlike YEOHC's who were required to have been born on or after January 1, 1990, Former Foster Care Youths born before that date are eligible, as long as they are under age 26. All other eligibility criteria for YEOHC's will continue to apply to Former Foster Care Youths. There will continue to be no income or asset test for this group as long as they are eligible under this status.

CARES will not be updated until February 1, 2014 to reflect this policy change. In the meantime, workers must manually certify any Former Foster Care Youth who meets the

eligibility criteria using Med Stat Code "9Q". Workers should maintain a list of individuals who are manually certified and rerun their eligibility through CARES on or after February 3, 2104.

RESTRICTIVE RE-ENROLLMENT:

Beginning January 1, 2014, Restrictive Re-enrollment Periods (RRPs) for children who fail to pay a premium will now be for 3 months. After the 3 month RRP is served, the arrears will be forgiven. Children will also have the option to re-enroll within the 3 month period as long as they pay all premiums due and request to re-enroll prior to the end of the RRP. For more details on this new policy, see Operations Memo 13-32.

CARES will not be updated until February 1, 2014 to reflect this policy change. In the meantime, workers should set RRP's according to the current policy starting in January. Late payments of premiums are allowed up to 3 months after the start of the RRP. If a premium is made within those 3 months, delete the RRP using the "LP-Late payment" code. Eligibility will have to be run to re-determine eligibility for the months the child was in the RRP. (See Process Help Chapter 23.4 for instructions on processing a late premium). The system will be updated in early 2014 to delete any RRP's that were set in January or February that have been in effect for longer than 3 months.

RESIDENCY:

Effective January 1, 2014, an individual can be considered a resident of Wisconsin if they are physically present in the State and have entered Wisconsin with a job commitment or seeking employment, whether or not they are employed at the time of application.

VERIFICATION OF CITIZENSHIP / IMMIGRATION STATUS:

Effective January 1, 2014, applicants will have 95 days to provide verification of citizenship and/or identify after this verification is requested. If the requested verification is not provided by the end of the 95 days, the eligibility will be terminated with Adverse Action notice, unless the eligibility worker believes a good-faith effort is being made by the applicant/member and the worker chooses to extend the good-faith period. This 95 day period applies to applications, reviews and person adds. An individual can only receive one 95 day good-faith effort period in his or her lifetime.

DEFINITION OF LAWFUL PRESENCE

The Centers for Medicare and Medicaid Services (CMS) has clarified and expanded the meaning of lawful presence in the United States with regard to Medicaid and BadgerCare Plus eligibility. Effective January 1, 2014, children under the age of 19, young adults under age 21 residing in an Institute for Mental Disease (IMD), and pregnant women described below will be considered to be lawfully present in the United States and may be eligible for full benefit BadgerCare Plus or Medicaid. These groups are in addition to those described in section 4.3 of the BadgerCare Plus Eligibility Handbook.

"Lawfully present" means an individual who is a non-citizen and who:

- Is in any valid nonimmigrant status, as defined in 8 U.S.C. 1101(a)(15) or otherwise under the immigration laws,
- Has been granted employment authorization under 8 CFR 274a.12(c),
- Is a beneficiary of an approved visa petition who has a pending application for adjustment of status;
- Is an individual with a pending application for asylum under 8 U.S.C. 1158, or for withholding of removal under 8 U.S.C.1231, or under the Convention Against Torture who:
 - Has been granted employment authorization, or
 - Is under the age of 14 and has had an application pending for at least 180 days.
- Has been granted withholding of removal under the Convention Against Torture
- Is a child who has a pending application for Special Immigrant Juvenile status as described in section 101(a)(27)(J) of the INA (8 U.S.C. § 1101(a)(27)(J)), or
- Has been granted an administrative stay of removal under 8 CFR 241.

➤**Note:** One clarification concerns certain non-citizens who have been paroled into the United States pursuant to section 212(d)(5) of the Immigration and Nationality Act (INA) (8 U.S.C. §1182(d)(5)) for less than 1 year. They are considered lawfully present unless they are paroled for prosecution, for deferred inspection or pending removal proceedings.

CARES:

CARES and CWW will be updated February 1, 2014 to reflect these policies as described in detail above.

CONTACTS:

BEPS CARES Information & Problem Resolution Center

*Program Categories – FS – FoodShare, MA – Medicaid, BC+ – BadgerCare Plus, SC – Senior Care, CTS – Caretaker Supplement, CC – Child Care, W-2 – Wisconsin Works, FSET – FoodShare Employment and Training, BC+ Core – BadgerCare Plus Core, CF – Children First, EA – Emergency Assistance, JAL – Job Access Loan, JC - Job Center Programs, RAP – Refugee Assistance Program, WIA – Workforce Investment Act, Other EP – Other Employment Programs.

DHS/DHCAA/BEPS/AA