



Date: October 14, 2015

DHCAA Operations Memo 15-39

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

<b>Affected Programs:</b>	
<input type="checkbox"/> BadgerCare Plus	<input type="checkbox"/> Caretaker Supplement
<input checked="" type="checkbox"/> FoodShare	<input checked="" type="checkbox"/> FoodShare Employment and Training
<input type="checkbox"/> Medicaid	
<input type="checkbox"/> SeniorCare	

From: Shawn Tessmann, Bureau Director  
Bureau of Enrollment Policy and Systems  
Division of Health Care Access and Accountability

**New, Optional Provider Form for Medical Exemption from the Work Requirement for Able-Bodied Adults Without Dependents**

**CROSS REFERENCE**

- FSET Handbook, [Section 6.2.2 Exempt ABAWD](#)
- FoodShare Wisconsin Handbook, [Section 3.17.1.5 ABAWD Exemptions from Time-Limited FoodShare Benefits](#)
- Operations Memos [14-25](#), [14-27](#), [14-55](#), and [14-56](#)
- 7 C.F.R. § 273.7(b)(ii)
- 7 C.F.R. § 273.24(c)(2)(iii)

**EFFECTIVE DATE**

Immediately

**PURPOSE**

This Operations Memo introduces the new, optional Medical Exemption from Work Requirement for Able-Bodied Adults Without Dependents form (F-01598). This form is to be completed by providers and can be used by Income Maintenance (IM) workers as one way to verify whether a non-exempt Able-Bodied Adult without Dependents (ABAWD) is physically or mentally unfit for employment and should be exempted from the ABAWD work requirement.

## **BACKGROUND**

As described in Operations Memos 14-25, 14-27, 14-55, and 14-56, Wisconsin implemented new eligibility rules to determine exempt or non-exempt ABAWD status for FoodShare applicants and members. These rules went into effect on July 1, 2014, for FoodShare applicants and members residing in the FoodShare Employment and Training (FSET) pilot region (Kenosha, Racine, and Walworth counties) and on April 1, 2015, for FoodShare applicants and members statewide.

Non-exempt ABAWDs must meet a work requirement to maintain FoodShare eligibility. Non-exempt ABAWDs who do not meet the work requirement will only receive three months of time-limited benefits in a 36-month period. In order to meet the work requirement, a non-exempt ABAWD must do one of the following:

- Work at least 80 hours per month
- Participate in an allowable work program for 80 hours per month
- Both work and participate in an allowable work program for a combined total of at least 80 hours per month

Participation in the FSET program is one way to meet the ABAWD work requirement.

## **POLICY**

There are exemptions from the ABAWD work requirement. Under 7 C.F.R. § 273.7(b)(ii) and 7 C.F.R. § 273.24(c)(2)(iii), one of the exemptions is that a non-exempt ABAWD may be exempt if he or she is “physically or mentally unfit for employment.”

## **FORM GUIDELINES**

Currently, non-exempt ABAWDs who are claiming the “physically or mentally unfit for employment” exemption may obtain a statement from a physician, physician’s assistant, nurse, nurse practitioner, designated representative of the physician’s office, licensed or certified psychologist, social worker, or any other medical personnel that he or she is physically or mentally unfit for employment.

The Medical Exemption from Work Requirement for Able-Bodied Adults Without Dependents form offers an additional option to verify the “physically or mentally unfit for employment” exemption. The form is available on the Department of Health Services website at [www.dhs.wisconsin.gov/library/f-01598.htm](http://www.dhs.wisconsin.gov/library/f-01598.htm) in English, Hmong, and Spanish.

A medical provider may complete this form and determine, based on his or her professional judgment, whether or not the individual is physically or mentally unfit for employment. This form is not required, and statements presented by medical providers in other manners should continue to be accepted under current policy.

## **MEDICAL PROVIDER ROLE**

If a medical provider determines that an individual is physically or mentally unfit for employment and should be exempted from the ABAWD work requirement, he or she must check the box in Section 2 – Work Exemption of the form.

Additionally, the medical provider must complete Section 3 – Medical Provider Information and sign and date the form. By signing the form, the medical provider is certifying that the non-exempt ABAWD is physically or mentally unfit for employment and should be exempted from the work requirement. The form is intended to simplify and streamline the documentation requirement for providers and is for their sole intended use.

### ***INCOME MAINTENANCE AGENCY RESPONSIBILITIES***

Income maintenance workers have the primary responsibility for determining and verifying ABAWD status. As part of this process, the IM worker must explain and identify potential exemptions during the FoodShare eligibility interview. If the IM worker identifies that an individual may be exempt due to a physical or mental condition, he or she should work with the FoodShare member or the member's provider to obtain the appropriate form of verification, if verification is needed.

If a medical provider completes and signs the Medical Exemption from Work Requirement for Able-Bodied Adults Without Dependents form, the individual claiming the exemption should return the completed and signed form to the IM agency. This form can be submitted to the IM agency via fax, (to the Central Document Processing Unit [CDPU] for non-MiLES cases and to the Milwaukee Document Process Unit [MDPU] for MiLES cases), regular mail, or in person. Income maintenance workers must accept this form as verification of the "physically or mentally unfit for employment" exemption if the medical provider has checked the box in Section 2, completed Section 3, and signed and dated the form. However, this completed form is only one method of providing acceptable verification for this exemption. Income maintenance workers must still accept other forms of verification for this exemption.

Income maintenance workers have the primary responsibility for processing verification for ABAWD exemptions, including the "physically or mentally unfit for employment" exemption. When IM workers receive a completed Medical Exemption from Work Requirement for Able-Bodied Adults Without Dependents form, they should follow the same process currently used for processing other forms of paper verification. Similar to other forms of paper verification for the "physically or mentally unfit for employment" exemption, the IM worker should scan the completed and signed form into the Electronic Case File as a medical assessment (MAS) form and use the MAS code.

### ***FOODSHARE EMPLOYMENT AND TRAINING AGENCY RESPONSIBILITIES***

An FSET worker may also assist the non-exempt ABAWD in identifying whether or not he or she qualifies for an exemption from the work requirement. If an exemption is identified, the FSET worker should notify the IM agency of the exemption and work with the individual to initiate the process for verifying the exemption. FoodShare Employment and Training and IM agencies should work together to facilitate and streamline the exemption verification process for the FoodShare member.

### **CARES**

There are no CARES changes related to this new form.

DHCAA Memo 15-39

October 14, 2015

Page 4 of 4

**CONTACTS**

BEPS CARES Information and Problem Resolution Center

DHS/DHCAA/BEPS/KK