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To: Income Maintenance Supervisors
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   FSET Agencies
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**Policy Changes and CARES Enhancements to Allow Organizations to Act as Authorized Representatives**

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PURPOSE

This Operations Memo announces policy changes and CARES enhancements that allow organizations to be appointed as authorized representatives in compliance with the Affordable Care Act (ACA). This Memo will also provide details about the responsibilities of an authorized representative who is acting as a Medicaid payee and how an applicant or member can appoint his or her authorized representative as a Medicaid payee.

BACKGROUND

Previously, only individuals could act as authorized representatives. Under ACA regulations enacted in 2013, the Centers for Medicare & Medicaid Services defined an authorized representative as an individual or organization that acts responsibly on behalf of the applicant or member in assisting with the individual’s application and renewal of eligibility and other ongoing communications with the agency.

To comply with the ACA regulations, both organizations and individuals will be able to serve as an authorized representative for the purposes of eligibility effective June 23, 2018.
POLICY

Effective June 23, 2018, applicants or members can appoint either an individual or an organization as the authorized representative for their case.

A case can have no more than one authorized representative. Once appointed, the authorized representative (individual or organization) can act on the applicant’s or member’s behalf for any of the following programs:

- Wisconsin Medicaid
- BadgerCare Plus
- FoodShare
- Family Planning Only Services
- Caretaker Supplement
- SeniorCare

If the member is enrolled in any of the programs above and Wisconsin Works (W-2), the authorized representative can also act on behalf of the member for W-2. SeniorCare authorized representatives can only be appointed through the SeniorCare program and can only act for SeniorCare.

As a reminder, authorized representatives cannot be appointed for the Wisconsin Shares Child Care Subsidy Program.

RESPONSIBILITIES AND EXPECTATIONS OF THE AUTHORIZED REPRESENTATIVE

Authorized representatives should be familiar with an applicant’s or member’s household situation and are expected to fulfill their responsibilities to the same extent as the individual being represented. An authorized representative is limited to doing any or all of the following on behalf of the applicant or member:

- Apply for or renew benefits
- Report changes in the applicant’s or member’s circumstances or demographic information
- Receive copies of the applicant’s or member’s notices and other communications from the agency
- Work with the IM agency on any benefit-related matters
- File grievances or appeals regarding the applicant’s or member’s eligibility

There is no set time limit on an authorized representative’s appointment; it is valid until the applicant or member notifies the income maintenance (IM) agency of a change in writing.

For health care programs, a member is responsible for paying back any benefits received in error if the authorized representative reports inaccurate or false information. For FoodShare, the member or authorized representative may be responsible for paying back any benefits received in error if the authorized representative knowingly provides false information (commits an intentional program violation) or traffics the FoodShare benefits.
APPOINTING AN AUTHORIZED REPRESENTATIVE

An applicant or member and authorized representative must complete the appropriate appointment through one of the following means:

- ACCESS when applying
- Federally Facilitated Marketplace
- Paper form (The forms will be available on June 25, 2018):
  - Appoint, Change, or Remove an Authorized Representative: Person, F-10126A
  - Appoint, Change, or Remove an Authorized Representative: Organization, F-10126B

If an applicant or member is represented by a legal guardian, conservator, or power of attorney, the legal guardian, conservator, or power of attorney must appoint the authorized representative.

If an applicant or member is represented by a legal guardian of the person and the estate, legal guardian in general, or conservator, the legal guardian or conservator must appoint the authorized representative. If the applicant or member only has a legal guardian of the person, the applicant or member must appoint the legal guardian of the person as an authorized representative if the applicant or member would like the legal guardian of the person to act on his or her behalf. If the applicant or member has a power of attorney, the applicant or member can still appoint an authorized representative.

A valid authorized representative appointment requires the signatures of the applicant or member, the authorized representative, and a witness. If the applicant or member is signing with an “X,” a valid appointment requires a witness signature. If any of the required signatures are missing, the following three conditions apply:

- The authorized representative appointment is **not** valid.
- This authorized representative cannot take action on behalf of the applicant or member.
- The IM agency cannot disclose information about the case to the invalid authorized representative.

IM workers must ensure that all contact information for the authorized representative is complete and verify that all signatures are provided. If required fields, including the authorized representative’s contact information, are not completed or all the required signatures are not provided, workers must follow up with the applicant or member by mail or by phone.

An organization appointed as an authorized representative must provide the name and contact information of a person from the organization in case the agency needs to contact the organization. However, once the organization has been appointed as the authorized representative, **anyone from the organization** will be able to take action on behalf of the applicant or member (not just the person who signed the designation on behalf of the organization). Also, copies of notices and agency communications will be addressed to the contact person of the organization in order to protect the applicant’s or member’s private information if the applicant or member chose for the authorized representative to receive their notices and agency communications.

**Note:** A complete Appoint, Change or Remove Authorized Representative form must be on file for an authorized representative designation to be valid. Therefore, the authorized representative’s identity does not need to be verified. Verification of an authorized representative’s identity is required when an authorized representative is applying on behalf of the household for FoodShare (see [FoodShare Wisconsin Handbook, Section 1.2.3.1 Identity Verification](#)). The completed authorized representative
CHANGING OR REMOVING AN AUTHORIZED REPRESENTATIVE

Applicants or members can change an authorized representative at any time by completing and submitting the Appoint, Change, or Remove an Authorized Representative form to their IM agency.

To remove an authorized representative, the applicant or member needs to let the agency know of the removal in writing (for example completing section one of the Appoint, Change, or Remove an Authorized Representative form or submitting a signed letter indicating the removal). Only the applicant’s or member’s signature is required to remove an authorized representative. Authorized representatives can also request in writing (for example, a signed statement) to be removed if they no longer want to act as the authorized representative. If an authorized representative is requesting to be removed, a signed statement is not needed by the member. An authorized representative designation is valid on a case until a written and signed request is received for removal.

Example 1: Penny is due for renewal of her BadgerCare Plus benefits on August 31. In July, she receives her case summary as part of the administrative renewal process. Penny’s case summary lists her mom, Darlene, as her authorized representative. Penny no longer wants Darlene to be her authorized representative.

Penny crosses out the authorized representative information on the case summary, signs it, and mails it to the IM agency. The IM agency receives the case summary on August 3. Based on Penny’s handwritten update on the case summary, the IM agency removes Darlene as Penny’s authorized representative effective on August 3.

CHANGING AN ORGANIZATION’S CONTACT PERSON

Either a representative of the organization or the applicant or member must notify the IM agency, by phone or in writing, if the organization’s contact person has changed. The Appoint, Change, or Remove an Authorized Representative form does not need to be used.

Example 2: Serena is open for FoodShare and BadgerCare Plus benefits and has appointed ORG Co., an organization, as her authorized representative. Serena has permitted ORG Co. to receive copies of her notices. Christian, an employee of ORG Co., has been listed as the contact person for the organization, but he leaves the organization in May.

In June, Micah calls the IM agency, identifies himself as an employee of ORG Co., says Christian no longer works at ORG Co., and indicates that he should be listed as the contact person at ORG Co. instead of Christian. The worker asks Micah to validate some information on Serena’s case, such as her date of birth and her current address, which Micah is able to provide. The worker updates the contact person for ORG Co. as Micah and confirms the case. Copies of Serena’s correspondence will now be sent to Micah at ORG Co. Other ORG Co. employees besides Micah can ask questions or make changes, which must be documented in case comments; however, Micah will be listed as the contact person.
RESPONSIBILITIES OF A MEDICAID PAYEE

An applicant or member can choose to appoint an individual who is acting as his or her authorized representative to also be his or her Medicaid payee (also known as MA Payee). The authorized representative and the Medicaid payee must be the same person. The Medicaid payee cannot be an organization. As Medicaid payee, the authorized representative receives the member’s ForwardHealth card and is also allowed to do the following tasks:

- Enroll the member in an HMO
- Contact Member Services or the HMO about a bill, service or other medical information, including protected health information (PHI)
- File grievances and appeals about the member’s health care services (for example, treatment and bills)

An authorized representative is not required to act as an Medicaid payee unless appointed to do so. An applicant or member should only appoint a Medicaid payee if he or she needs assistance with the responsibilities listed above.

APPOINTING A MEDICAID PAYEE

An applicant or member can appoint his or her authorized representative as a Medicaid payee by checking Yes in Section 1 Part C of the Appoint, Change or Remove Authorized Representative: Person form. As part of the Medicaid payee designation, the applicant or member acknowledges that he or she is authorizing the disclosure of PHI to the authorized representative. This allows the authorized representative to fulfill the responsibilities of the Medicaid payee and get access to the applicant’s or member’s medical information, such as health care services or treatments and medical bills.

REMOVING A MEDICAID PAYEE

As with the authorized representative, there is no time limit on a Medicaid payee designation. An applicant or member can request removal of the Medicaid payee in writing at any time. The applicant or member can submit the Appoint, Change or Remove Authorized Representative: Person form or write a letter indicating the removal.

CARES

The updates to CARES described in this Memo will be implemented June 23, 2018. In addition to the changes described below, CARES will be updated to send authorized representative details to ForwardHealth interChange when an authorized representative is added, updated, or removed from a case or when an authorized representative’s Medicaid payee status is changed. Workers must only assign Medicaid payee authority to an authorized representative (individual) when the applicant or member has indicated to do so by completing the PHI disclosure on the Appoint, Change, or Remove an Authorized Representative: Person form.

APPLICATION SUMMARY PAGE

Three signatures (applicant or member, authorized representative, and witness) are required when an applicant or member appoints an authorized representative; however, ACCESS will not prevent an applicant or member from completing an online application if the required signatures are not collected as part of the application.
A new flag has been created to identify when any of the three signatures are not included as part of the authorized representative appointment in ACCESS. The new flag, Missing signature(s) for authorized representative, alerts workers if any of the signatures (applicant or member, authorized representative, or witness) were not included as part of the authorized designation on the ACCESS application.

**Note:** Other flags may appear when an authorized representative is appointed to a case:
- **Authorized Representative:** This flag appears any time an authorized representative was entered on the ACCESS application even if the required three signatures were not completed.
- **Applicant signature does not match name:** This flag appears any time the signature on the application does not match the primary person who is applying for benefits. This flag will also appear when an invalid authorized representative signs the application on behalf of an applicant or member when the required authorized representative signatures have not been collected.

![Application Summary Page Showing Missing Signature(s) for Authorized Representative Flag](image)

When an applicant or member appoints an authorized representative through the ACCESS application, a copy of the electronic authorized representative appointment form is stored in the Electronic Case File (ECF). Workers must ensure all signatures are displayed on this form or on the ACCESS application.
summary PDF prior to creating or updating the Representative Details page. Since authorized representatives are not a condition of eligibility, the case will not pend for authorized representative information. Workers will be able to complete an application and process eligibility without the authorized representative signatures. However, if any of the required signatures are missing, workers must follow up with the applicant or member either by mail or phone to collect the required signatures before creating or updating the Representative Details page.

**Example 4:** Antonio is filling out an application on ACCESS requesting health care and FoodShare benefits. He wants to appoint his friend, Shannon, as his authorized representative. However, Shannon was not available to electronically sign the authorized representative page when he started his application, so he continues the online application without getting either Shannon or a witness’s signature to complete the authorized representative appointment. Antonio signs and submits his application on August 14.

When the worker begins processing the online ACCESS application into a CARES case on August 16, she sees the Missing signature(s) for authorized representative flag. The worker checks the ACCESS application summary PDF and sees that neither Shannon nor a witness electronically signed the authorized representative appointment. The worker contacts Antonio to complete his FoodShare interview. While conducting the interview, the worker informs Antonio that he did not get the signature of his authorized representative or a witness to complete the appointment of his authorized representative, and he must complete a paper form. Antonio understands and requests a blank form be sent in the mail so he can get Shannon and a witness to sign the form. The worker mails Antonio a blank Appoint, Change or Remove Authorized Representative: Person form. Meanwhile, the worker completes the interview and finishes processing the application without adding any authorized representative details.

**REPRESENTATIVE DETAILS PAGE**

When workers select the Representative Type AR – Auth Rep/Desig Rep, the Representative Subtype drop-down menu will be enabled. Workers must select IN - Individual or OR - Organization depending on whom the applicant or member has appointed as authorized representative.

If workers select OR - Organization, the Authorized Organization Name field will be enabled, and workers must then enter the name of the organization into that field. When the authorized representative is an organization, the first and last names of the contact person at the organization will also be required.
An organization cannot serve as a payee; therefore, workers will not be able to select any of the payee fields (FS, MA, W-2) for an organization.

Because the Representative Subtype field and Authorized Organization Name fields were not available prior to June 2018, all existing authorized representatives will have an individual representative subtype.

As a reminder, for cases that are reopening, existing authorized representative designations are still valid, regardless of the amount of time that has passed since the case closed. Workers should review the authorized representative details with the member if an authorized representative is still listed on the case. If the member no longer wants the authorized representative on his or her case, the worker should explain to the member how to remove the authorized representative and, if needed, send a copy of the Add, Change, or Remove an Authorized Representative form. To prevent disclosure of private information while waiting to receive the member’s signed statement, workers should update the value in the Send copy of notices? field to No on the Representative Details page.

**CASE INFORMATION SUMMARY PAGE**

The Case Information Summary page will be enhanced to display the representative’s type and subtype when a representative is on a case or is being added to a case. Workers must check the type and subtype prior to merging a newly reported authorized representative with existing authorized representative pages.

- If a new representative’s type and subtype match the existing representative’s type and subtype, workers can merge the new representative to the existing page.
- If the type or subtype of the new authorized representative in the “Client Reported Information” section does not match the subtype of the existing authorized representative in the “Representative” section (for example, changing from an individual to organization), workers can select Replace or Do Not Add.
  - If workers select Replace, the existing authorized representative will be deleted using code NL, and a new Representative Details page will be created with the new representative’s information.
  - If workers select Do Not Add, the new representative details will be discarded, and the existing Representative Details sequence will remain unchanged.

If all three signatures for the authorized representative have not been collected on the ACCESS application, workers will not be able to add the authorized representative through the Case Information
Summary page. Workers can still navigate to the Representative Details page to add the authorized representative details. However, workers should only add the authorized representative to the case if all signatures have been collected.

![Case Information Summary Page](image)

**Figure 3** Case Information Summary Page Showing Organization as Authorized Representative

**AUTOMATED CASE PROCESSING STATUS**

Automated Case Processing will create a Representative Details page if none exists. If any of the three signatures are missing, CWW will not create a Representative Details page but will display a follow-up action on the Automated Case Processing Status page directing the worker to follow up with the applicant or member. When the follow-up action displays, the Representative Details page will be scheduled in the workflow. The worker must follow up with the applicant or member, by phone or by mail, to complete the required action.
Figure 4 Automated Case Processing Status Page Showing Follow-Up Action for Signatures

**CASE SUMMARY PDF**

The Case Summary PDF has been enhanced to display the organization’s name and contact person if an organization has been appointed as the authorized representative.
ACCESS

Effective June 23, 2018, the ACCESS Apply for Benefits module will be updated to allow applicants and members to appoint an organization as their authorized representative. Members will not be able to appoint or change an authorized representative through the Check My Benefits, Report My Changes, and Renew My Benefits modules; however, a link to the Appoint, Change, or Remove an Authorized Representative forms will be added to those modules.
APPLY FOR BENEFITS

USING ACCESS PAGE

If the authorized representative option is chosen on the Using ACCESS page, two new radio buttons will display for the user to indicate whether the authorized representative is a person or an organization. Different pages will be scheduled based on the selection.

Figure 6 Using ACCESS Page
MORE ABOUT YOUR AUTHORIZED REPRESENTATIVE PAGE: PERSON

If the applicant chooses to appoint an individual as his or her authorized representative, the following page will be displayed:

The information being collected on this page has not changed; however, the introduction as well as the applicant’s and authorized representative’s statements of understanding have been updated to outline the responsibilities of an authorized representative.
The signature of the applicant, authorized representative, and witness are not required to continue with the application; however, if all three signatures are not provided, a new message will display indicating that the authorized representative appointment is not valid if the signatures are not provided.

**Figure 8** More About Your Authorized Representative Page Showing Signature Warning Message

**MORE ABOUT YOUR AUTHORIZED REPRESENTATIVE PAGE: ORGANIZATION**

If the applicant chooses to appoint an organization as his or her authorized representative, the following page will be displayed. This page will collect the organization’s contact information as well as the contact information for the organization’s contact person.

**Figure 9** More About Your Authorized Representative Page: Organization
The signature of the applicant, authorized representative, and witness are not required to continue with the application; however, if all three signatures are not provided, a new message will display indicating that the authorized representative appointment is not valid if the signatures are not provided.

**ACCESS APPLICATION SUMMARY PDF**

The ACCESS application summary PDF will continue to list authorized representative information in the Help From Others section. The electronic signature(s) will also display. If any of the authorized representative signatures are missing, they will be listed as “Not Provided.”

If an organization is appointed as an authorized representative, the organization name and the organization’s contact person will display in the Representative Name column.

![Application Summary PDF](image)

*Figure 10 ACCESS Application Summary PDF Showing Authorized Representative Organization and Contact Person*
CHECK MY BENEFITS

CONTACT INFORMATION PAGE

If a member has an authorized representative, the “Authorized Representative Address and Phone Number” section will be displayed on the Contact Information page. Although members cannot change their authorized representative through Check My Benefits, a link to the Appoint, Change, or Remove an Authorized Representative forms will be added to this section so that they can complete and submit the applicable form to their agency.

Figure 11 Contact Information Page
REPORT MY CHANGES, RENEW MY BENEFITS, AND ADD A PROGRAM

Members will be able to view the authorized representative listed on their cases using the Report My Changes, Renew My Benefits, and Add a Program modules. Although members cannot change their authorized representative through these modules, a link to the Appoint, Change, or Remove an Authorized Representative forms will be added so that members can complete and submit the applicable form to their agency.

CORRESPONDENCE

If an organization has been appointed as an authorized representative and the applicant or member has chosen for the organization to receive copies of notices, the notices the organization receives will be addressed to the organization’s contact person and the organization as shown below. The name and address of the authorized representative is based on the information on the Representative Details page in CWW.

Figure 12 Mailing Address on Notices Sent to Organizations

CONTACTS

BEPS CARES Information and Problem Resolution Center

DHS/DMS/BEPS/PJH