



STATE OF WISCONSIN

Date: January 19, 2021

DMS, DECE, and DFES Operations Memo 21-J1

To: Income Maintenance Supervisors
Income Maintenance Lead Workers
Income Maintenance Staff
W-2 Agencies
Training Staff
Child Care Eligibility and Authorization
Supervisors and Workers

From: Jonelle Brom, Director
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Department of Children and Families

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Affected Programs:

- ☒ BadgerCare Plus
- ☒ Caretaker Supplement
- ☐ Children First
- ☐ Emergency Assistance
- ☒ FoodShare
- ☐ FoodShare Employment and Training
- ☐ Job Access Loan
- ☐ Job Center Programs
- ☒ Medicaid
- ☐ Other Employment Programs
- ☐ Refugee Assistance Program
- ☐ SeniorCare
- ☒ Wisconsin Shares Child Care
- ☒ Wisconsin Works
- ☐ Workforce Innovation and Opportunity Act

Update to Coverage for Residential Substance Use Disorder Treatment

CROSS REFERENCE

- BadgerCare Plus Handbook, [Section 1.1.2 BadgerCare Plus Coverage Groups](#)
- FoodShare Handbook, [Section 3.2.1.2 Temporary Absence](#) and [Section 3.2.1.5.3 Drug and Alcohol Treatment Facilities](#)
- Medicaid Eligibility Handbook, [Section 21.2 Full Benefit Medicaid](#) and [Section 27.1.2 Institutions for Mental Disease](#)

- Wis. Admin. Code § DHS 103.03(7)
- Wis. Stat. § 49.46(2)(b)14m

EFFECTIVE DATE

February 1, 2021

PURPOSE

This operations memo announces an eligibility change for health care members and FoodShare members receiving Residential Substance Use Disorder (RSUD) treatment beginning February 1, 2021.

BACKGROUND

The 2015–2017 Biennial Budget authorized Wisconsin Department of Health Services (DHS) to include residential treatment for substance use disorder as a Medicaid- and BadgerCare Plus-covered service

On October 31, 2018, CMS approved an amendment to Wisconsin's BadgerCare Reform Section 1115 Demonstration waiver that authorizes federal funding for RSUD treatment provided to members enrolled in full-benefit Medicaid and BadgerCare Plus programs. The waiver allows DHS to offer RSUD treatment to full-benefit health care members through all state-certified residential programs regardless of size, including institutions for mental disease (IMDs). As a result, full-benefit health care members will have access to RSUD treatment services and will maintain BadgerCare Plus or Medicaid eligibility while receiving these services if they continue to meet all other program rules.

POLICY

HEALTH CARE

Effective February 1, 2021, coverage for RSUD treatment under full-benefit Medicaid and BadgerCare Plus plans will be available to members of all ages. To support this new service, the following will apply:

- Health care members receiving RSUD treatment are considered temporarily absent from the home while in treatment, as long as the member intends to return to the home following the treatment.
- Members will maintain their eligibility for BadgerCare Plus or Medicaid while residing in a certified treatment facility for purposes of RSUD treatment as long as they continue to meet all other program rules. This means that an individual of any age who is receiving RSUD treatment while residing in an IMD is eligible for BadgerCare Plus or Medicaid as long as they continue to meet all other program rules.
- A health care member residing in a medical institution solely for the purpose of receiving RSUD treatment is not considered an institutionalized person and therefore is not subject to patient liability, divestment rules, and spousal impoverishment rules.
- The cost of RSUD treatment is subject to estate recovery only if one of the following is true:
 - The member is age 55 or older and participating in a home and community-based waivers program when receiving RSUD treatment; or
 - The member is participating in Institutional Medicaid and residing in a nursing home or hospital when receiving RSUD treatment.

FOODSHARE

A FoodShare member receiving RSUD treatment is considered temporarily absent from the home while in treatment as long as the member plans to return to the home following treatment.

CARETAKER SUPPLEMENT, WISCONSIN SHARES CHILD CARE AND WISCONSIN WORKS

There are no changes to Caretaker Supplement (CTS), Wisconsin Shares Child Care or Wisconsin Works (W-2) policy.

Individuals residing out of the home and receiving RSUD treatment are not eligible for CTS or Wisconsin Shares Child Care.

W-2 participants who are receiving RSUD treatment may remain eligible for W-2 if they are able to participate in activities and retain care and control of their children.

CONTACTS

BEOT CARES Information and Problem Resolution Center: DHSCAREScallcenter@wi.gov

For Wisconsin Shares Child Care policy questions outside of Milwaukee County: Bureau of Regional Operations (BRO), Child Care Coordinators at broccpolicyhelpdesk@wisconsin.gov

For Child Care CARES/CWW and CSAW processing questions statewide and policy questions in Milwaukee County: Child Care Subsidy and Technical Assistance line at childcare@wisconsin.gov or 608-422-7200

For Child Care investigation, overpayment, and program integrity internal procedure development questions; written resource and subject matter expert requests; and VPAs and Retractions, please contact the Bureau of Program Integrity (BPI) at: DCFBPITArequest@wisconsin.gov or the [Technical Assistance Request Page](#) on the DCF website.

For referrals regarding alleged client or provider child care fraud or other program integrity concerns, please submit a referral to the Child Care Fraud Mailbox at DCFMBCHILDCAREFRAUD@wisconsin.gov.

For W-2 Policy Questions: DCFW2PolicyQuestions@wisconsin.gov

For W-2 CARES or WWP Functionality Questions: [BWF Work Programs Help Desk](#)

DHS/DMS/BEEP/NAH

DHS/DMS/BEOT

DCF/DECE/BCCSA/EAM

DCF/DFES/BWF/LMW