



Date: July 3, 2023

DMS Operations Memo 23-21

To: Income Maintenance Supervisors  
Income Maintenance Lead Workers  
Income Maintenance Staff

**Affected Programs:**

- |   |  |
|---|--|
| <input type="checkbox"/> BadgerCare Plus      | <input type="checkbox"/> Caretaker Supplement              |
| <input checked="" type="checkbox"/> FoodShare | <input type="checkbox"/> FoodShare Employment and Training |
| <input type="checkbox"/> Medicaid             |  |
| <input type="checkbox"/> SeniorCare           |  |

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Division of Medicaid Services

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Division of Medicaid Services

**Changes to FoodShare Overpayment Policy Following the End of the COVID-19 Public Health Emergency**

**CROSS REFERENCE**

- FoodShare Wisconsin Policy Handbook, [Section 3.14.1 Intentional Program Violation \(IPV\) Disqualification](#), [Section 7.3.1 Benefit Overpayment](#), and [Section 7.3.2 Calculating Overpayment Claim Amounts](#)
- Process Help, [Section 3.1.3 Benefit Recovery \(BV\)](#)
- [Operations Memo 21-25, "Overpayment Claims Establishment Policy Changes"](#)

**EFFECTIVE DATE**

May 12, 2023

**PURPOSE**

This operations memo announces the restarting of FoodShare overpayment claims with the end of the Public Health Emergency (PHE) on May 11, 2023.

**BACKGROUND**

Income Maintenance (IM) and tribal agencies establish overpayment claims against members to repay FoodShare benefits they were not entitled to receive. There are three types of overpayments for FoodShare: non-client error, client error, and Intentional Program Violation (IPV).

Under authority from the USDA Food and Nutrition Service (FNS), the State of Wisconsin suspended FoodShare overpayment claims, so a FoodShare overpayment claim cannot be established for benefit months that occurred during the PHE, March 13, 2020, through May 11, 2023. FoodShare overpayment claims originating from IPVs or Quality Control (QC) reviews were not suspended.

## **POLICY**

Any overpayment that happened during the PHE, March 13, 2020, through May 11, 2023, is not recoverable unless the overissuance was due to IPV or QC review. This policy remains in place and these past months shall not be considered for recovery.

Client and non-client errors made on or after the last day of the PHE are subject to recovery if they meet the policy criteria to establish an overpayment claim (see FoodShare Handbook 7.3.1.3).

As a reminder, Wisconsin changed its overpayment establishment criteria in December 2021. Review overpayment establishment policies to ensure that any potential client or non-client errors meet the \$500 cost effectiveness threshold and policies.

## **CONTACTS**

DHS CARES Problem Resolution Team

DHS/DMS/BEOT/CH

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