

# BadgerCare Plus and Medicaid Suspension for Inmates

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# Background

- Under federal law, BadgerCare Plus and Medicaid may not pay for health services provided to incarcerated individuals, with the exception of someone who is outside of prison or jail for 24 hours or more (e.g., when admitted as an inpatient to a hospital).
- Given this restriction, BadgerCare Plus and Medicaid had a longstanding policy of terminating eligibility when someone was incarcerated and requiring a new application upon release.

# New Policy

- The SUPPORT Act require states to “suspend” instead of terminate Medicaid eligibility for juveniles who are incarcerated.
- Since October 24, 2020, DHS has suspended health care eligibility for any inmate, regardless of age, for certain health care programs.

# Programs That Can Be Suspended

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# Programs That Can Be Suspended

- BadgerCare Plus
  - Except pregnant women enrolled in the BadgerCare Plus Prenatal Plan.
- The basic EBD Medicaid program for people who are age 65 or older, blind, or disabled (but who are not getting SSI).
- Wisconsin Well Woman Medicaid for women under age 65 who have been diagnosed with breast or cervical cancer or certain precancerous conditions.

# Programs That Cannot Be Suspended

- Not all types of Medicaid can be suspended.
- Some forms of Medicaid will end because incarceration prevents the member from meeting basic program requirements. For example:
  - Medicaid Purchase Plan
  - Long-term care programs
- Prior to completely ending health care eligibility for a member, the IM agency will look to see if the member is eligible for a form of BadgerCare Plus or Medicaid that *can* be suspended.

# Pregnant Women

- Pregnant members who are incarcerated will not be suspended. Their eligibility will continue to be determined under the BadgerCare Plus Prenatal Program which is a full benefit program.
- When the pregnancy ends, the member may move to suspended benefits under BadgerCare Plus or EBD Medicaid if they are still incarcerated.

# General Information on Suspension

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# Suspension Length

- There is no limit to how long someone's benefits can be suspended, as long as they continue to meet program rules.

# Covered Services

- During the suspension, BadgerCare Plus or Medicaid will only pay for services if the member is hospitalized as an inpatient for 24 hours or more. The member will not need to submit a new application.
- Members who need other health care services should follow the process in the jail or prison facility for requesting services. BadgerCare Plus and Medicaid will not cover those services.

# Household Composition

- If the person is part of a family enrolled in BadgerCare Plus or Medicaid, they can stay on the same case and be considered as “temporarily absent” from the home.
- This temporary absence can last as long as the person is incarcerated. There is no time limit while the person is incarcerated.
- Members are asked to indicate if the incarcerated individual is still part of the household so that IM workers know if they need to be kept or removed from the case.

# Member Requirements

- Suspended members are subject to change reporting rules and must report changes to their IM agency.
- Members are required to complete an annual renewal in order to maintain their benefits.
  - If the renewal is due while the person is incarcerated, they must complete it in order to maintain their suspended BadgerCare Plus or Medicaid.
  - In most cases, this will be an administrative renewal, which requires them to review information but not take action.

# Other Programs

- Non-health care programs (such as FoodShare) will continue to follow their existing policies for individuals who are incarcerated. Even though a case may remain open for health care, eligibility for other programs may end due to incarceration.
- Individuals interested in these other programs may need to submit a new application for these programs after they are released.

# Suspension for Existing Members

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# Starting the Suspension

When someone becomes incarcerated and this information becomes known to the IM agency, their eligibility will be suspended.

- For DOC inmates, we receive this information automatically via data exchange with DOC.
- For inmates of jails, we continue to rely on direct reporting from members or jails.

# Existing Members

- When an incarceration is reported for an existing member, the suspension will start the first of the month following the month in which the incarceration was reported to the IM agency.
- When an existing member moves into or out of a suspension, their renewal date remains the same.



# Example 1

Olivia is in a household by herself and is open for full benefit BadgerCare Plus. On October 26, 2020, IM receives a report that Olivia is incarcerated. The worker processes the change. Olivia's BadgerCare Plus is suspended starting November 1, 2020.

## Example 2

Ty and Paula are married and have a 10 year old child, Marcus. All three are enrolled in BadgerCare Plus. Ty is incarcerated on February 5, 2021. On February 10, 2021, Paula contacts the IM agency to report that Ty is incarcerated, but that she still considers him part of the household. The worker processes the change. Ty's BadgerCare Plus is suspended starting March 1, 2021. Paula and Marcus remain enrolled in full benefit BadgerCare Plus.

# Suspension for New Applicants

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# New Applications

- New applications received after October 24, 2020, from people who are already incarcerated may go right into a suspension if they are eligible.
- If a new applicant was incarcerated after the first of the application month, the suspension will start the first of the month following the application month.
- A person must be incarcerated the full month in order to be eligible for suspended benefits that month. If the person is only incarcerated part of the month, they are eligible for full benefit BadgerCare Plus (assuming they meet the other eligibility criteria).

## Example 3

Aaron has been incarcerated since June 15, 2020. He submits a new application on October 26, 2020. He does not request backdated benefits. Aaron is eligible for suspended BadgerCare Plus starting October 1, 2020.

# Special Rules

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# Children

- If the only adult(s) on the case are incarcerated, children on the case will continue to be eligible for health care on the case for up to three months to minimize disruption to the child's health care while the child transitions to a new living situation.
- The child can become eligible on another case, such as their other parent's case, prior to the end of the three-month period.
- Incarcerated children are not subject to premiums for the months in which health care is suspended.

# Childless Adults

- Incarcerated BadgerCare Plus childless adults are not subject to premiums for the months in which health care is suspended.
- Childless adults are not required to answer the treatment needs question to gain or maintain suspended BadgerCare Plus. (They may be required to answer the treatment needs question to gain full benefits at release.)



# Out of State Incarceration

- If a person is incarcerated in Wisconsin and then involuntarily transferred to a correctional facility in another state, they are still considered a Wisconsin resident.
- If a person has committed a crime outside of Wisconsin and is incarcerated by that state in a correctional facility in that state, they are considered to be a resident of that state and not Wisconsin.

# Redetermining Eligibility at Release

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# Redetermining Eligibility at Release

When someone is released and this information becomes known to the IM agency, eligibility can be reinstated without a new application for benefits.

- For DOC inmates, we receive this information automatically via data exchange.
- For inmates of jails, we continue to rely on direct reporting from members or jails.

# Redetermining Eligibility at Release

- If the member continues to be eligible, full benefits are reinstated the first of the month in which the member is released.
- This policy applies even if the release is reported untimely. However, this retroactive lifting may not go back further than the beginning of the current certification period.
- If the release date is known prior to release, the IM agency will do a pre-release redetermination a few weeks prior to the release so that the member can have full benefits when they walk out the door of the jail or prison.

## Example 4

Cameron is incarcerated and enrolled in suspended BadgerCare Plus. Cameron's scheduled release date is December 15, 2020. This date has been previously reported to the IM agency. Prior to December 15, the IM agency redetermines his eligibility. Cameron's full benefit BadgerCare Plus starts December 1, 2020, so that he has access to full benefits right away when he is released on December 15.

# Member Communications

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# Member Communications

- The Notice of Decision clearly states if a member is open for suspended BadgerCare Plus or Medicaid. It also includes information about what it means for the member to have their benefits suspended.
- The 45-Day Renewal Letter and Administrative Renewal Letter also include information on suspension if applicable to the case.

# Member Communications

Informational letters are sent to the incarcerated member at their jail or prison address if known.

- A letter sent when the suspension starts explains what it means for the member to have their health care benefits suspended.
- A letter sent when the suspension will soon end explains that benefits will no longer be suspended.



# HMO Enrollment Impacts

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# HMO Disenrollment

- Suspended members are not enrolled in an HMO.
- If an existing member is in an HMO and is then incarcerated, the member will be disenrolled from the HMO when their BadgerCare Plus or Medicaid is suspended.
- If there are other members in the household who are not incarcerated, those members will continue to be enrolled in their HMO.

# HMO Re-Enrollment

If the member regains full benefits at release, they may be:

- Automatically re-enrolled in their previous HMO if it is within the HMO reinstatement window.
- Asked to choose a new HMO if it is past the reinstatement window or they were not previously in an HMO.
- Automatically enrolled in their household's HMO.

Questions?