

Suspension vs. Termination

Rachel Witthoft and Yia Xiong

Bureau of Enrollment Policy and Systems

IMAC

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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 have had a longstanding policy of terminating eligibility when someone is incarcerated and requiring a new application upon release.

Background

- For health care program purposes, a person is considered to be an inmate if they are in custody and held involuntarily in a correctional facility through operation of law enforcement authorities with a primary purpose of involuntary confinement.
- A key consideration in determining if a person is an inmate is their legal ability to exercise personal freedom.

Background

- Since late 2014, DHS and the Wisconsin Department of Corrections (DOC) have collaborated on a “pre-release” application process to streamline the process of reapplying for BadgerCare Plus or Medicaid via the IM agency prior to release from a DOC facility, i.e. prison.

Suspension of Eligibility

- Provisions in the federal SUPPORT Act require states to “suspend” instead of terminate Medicaid eligibility for juveniles and Former Foster Care Youth who are incarcerated.
- Effective October 24, 2020, DHS plans to suspend BadgerCare Plus, SSI-related Medicaid, and Well Woman Medicaid eligibility for any inmate, regardless of age.

Suspension of Eligibility

- DHS is also developing a data exchange with DOC to support a more streamlined process to suspend and reinstate eligibility for people incarcerated in DOC facilities.
- Non-health care programs 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.

Goals

- Improve health outcomes for offenders who are released into the community
- Comply with federal requirements, specifically those in the federal SUPPORT Act
- Simplify processes for individuals, IM agencies, and correctional facilities.
- Minimize program errors, particularly around the payment of claims for individuals who are incarcerated
- Streamline the “inpatient inmate” eligibility process

Continuing Policies

- Pregnant members who are incarcerated will not be suspended. Their eligibility will continue to be determined under the BadgerCare Plus Prenatal Program.
- When the pregnancy ends, the member may move to suspended benefits under BadgerCare Plus or SSI-Related Medicaid, if eligible.

Continuing Policies

- Current Huber Program policy for health care still applies.
- Huber Program inmates who are released from jail to attend to the needs of their families can be eligible for full benefit BadgerCare Plus or Medicaid if they intend to return to the home and they continue to be involved in the planning for the support and care of the minor children.
- Huber Program inmates who are released for a purpose other than attending to the needs of their families are not eligible for BadgerCare Plus or Medicaid.

Process Overview

- When someone becomes incarcerated and this information becomes known to the IM agency, their eligibility will be suspended.
 - For DOC inmates, we expect to receive this information automatically via data exchange.
 - For inmates of jails, we will continue to rely on direct reporting from members or jails.
- During the time they have suspended benefits, BadgerCare Plus/Medicaid will only cover services received while the member is outside of jail or prison for 24 hours or more.

Process Overview

- Some forms of Medicaid will end because incarceration prevents the member from meeting basic program requirements. For example:
 - MAPP
 - Long-term care programs
- Prior to completely ending health care eligibility for a member, CARES will look to see if the member is eligible for a form of BadgerCare Plus or Medicaid that can be suspended.

Process Overview

- Individuals whose health care is suspended are still considered eligible members with open cases.
 - If they are part of a family enrolled in BadgerCare Plus or Medicaid, they can stay on the same case and be considered to be “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 will be asked to indicate if the incarcerated individual is still part of the household so that workers know if they need to be kept or removed from the case.

Process Overview

- Eligible members are subject to change reporting rules.
- They are also required to complete an annual renewal, if it occurs while they are incarcerated, in order to maintain their benefits.
 - In most cases, this will be an administrative renewal, which requires them to review information but not take action.

Process Overview

- There is no limit to how long someone's benefits can be suspended, as long as they continue to meet program rules.
- If someone's benefits are suspended and they are admitted to a hospital as an inpatient, their services will be covered without having to do a new application.

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.

Childless Adults

- Incarcerated BadgerCare Plus CLAs are not subject to premiums for the months in which health care is suspended.
- CLAs are not required to answer the treatment needs question to gain or maintain suspended BadgerCare Plus.

New Applications

New applications received after the project implementation from people who are already incarcerated may go right into a suspension if they are eligible.

- Example: Aaron has been incarcerated since June 15, 2020. He submits a new application on October 26, 2020. Aaron is eligible for suspended BadgerCare Plus starting October 1, 2020.

New Applications

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.

- Example: Danielle is incarcerated on April 15, 2021. She applies for health care April 20, 2021, and is found eligible for BadgerCare Plus. She is certified for full-benefit BadgerCare Plus from April 1, 2021, until April 30, 2021. Her suspension starts on May 1, 2021.

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 living arrangement change is processed in CWW.

- Example: Olivia 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.
- Workers will need to run with dates if it is after adverse action in order to start the suspension the next month.

Existing Members

- When an existing member moves into or out of a suspension, their renewal date remains the same.
- For the first data exchange with DOC after implementation, we anticipate that IM may see a higher volume of members who are incarcerated in a DOC facility due to these members not previously reporting their incarceration to IM.

Special Rules for 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.
- The purpose of this is to minimize disruption to the child's health care while the child transitions to a new living situation.
- CWW will systematically handle this three month eligibility period.
- If the child gains health care eligibility on another case, the three month period will end early.

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 expect to receive this information automatically via data exchange.
- For inmates of jails, we will 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.
 - Example: Cameron is incarcerated and enrolled in suspended BadgerCare Plus. Cameron is released on December 15. Cameron's full benefit BadgerCare Plus starts December 1.
- This policy applies even if the release is reported untimely. However, this retroactive lifting may only go as far back as the last renewal.

Redetermining Eligibility At Release

- Workers will need to run with dates to open full benefits for the correct month(s).
- DHS is working on the policy and process for redetermining eligibility shortly before release when possible so that the member has full benefits at the time they exit the jail or prison.

ACCESS Changes

- Apply for Benefits (AFB) and the Add a Program variation of the application will be updated to ask for the following information when an applicant is indicated as in jail or prison:
 - Incarceration Start Date
 - Release Date (if known)
 - Jail or Prison Facility Name and Address
- The application will also ask if the applicant is considered part of the household and if they meet the Huber Law exemption criteria.

ACCESS Changes

- Renew My Benefits (RMB) and Report My Changes (RMC) will be updated with similar questions to ask for incarceration information when a member is reported as newly incarcerated, released, or moved to a different facility.

CWW Changes

- The changes to CWW mainly fit within the existing driver flow and worker processes.
- New fields to capture incarceration information will be on the Current Demographics page.
 - Incarceration Start Date
 - Release Date
 - Jail or Prison Facility Name and Address
 - Huber Law Exemption
 - Included in the Health Care Household

CWW Changes

- Workers will be able to clearly see if a member's health care is suspended.
- New med stat codes are being created for suspended populations.
- Workers will receive alerts if DOC has new information about a member.

Other Impacts to IM

- The pre-release telephonic application process that is currently used will still exist. Inmates who are not enrolled in suspended health care benefits during their incarceration may use this telephonic application process to apply for health care prior to their release.
- CARES will continue to receive Prisoner Match Data from SSA.

Member Communications

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

Member Communications

- Informational letters will be sent to the incarcerated member at their jail or prison address if known.
 - A letter sent when the suspension starts will explain what it means for the member to have their health care benefits suspended.
 - A letter sent when the suspension will soon end will explain that benefits will no longer be suspended.

HMO Enrollment

- Suspended members will not be enrolled in an HMO.
- If the member regains full benefits at release, the following may happen:
 - Automatic re-enrollment in their old HMO if it is within the HMO reinstatement window.
 - Sent the HMO enrollment information to pick a new HMO if it is past the reinstatement window or was not previously in an HMO.
 - Automatic enrollment in their household's HMO.

Questions?