



Date: April 28, 2023

DMS Operations Memo 23-14

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 | |

From: Jonelle Brom, Bureau Director
Bureau of Eligibility Operations & Training
Division of Medicaid Services

Jori Mundy, Bureau Director
Bureau of Enrollment & Eligibility Policy
Division of Medicaid Services

Changes to Drug Testing Requirements

CROSS REFERENCE

- FoodShare Wisconsin Handbook, [Section 3.20.1 Drug Felons](#)
- Wis. Stat. [§ 49.79\(5\)\(a\)](#)

EFFECTIVE DATE

June 12, 2023

PURPOSE

This memo announces new policy requirements to standardize drug testing for persons convicted of a drug felony for continued FoodShare eligibility.

BACKGROUND

A FoodShare applicant or member convicted by a state or federal court of a felony for possession, use, or distribution of a controlled substance in the past five years is required to submit to and pass a drug test as a condition of continued FoodShare eligibility.

POLICY

Effective June 12, 2023, in addition to existing policies in the FoodShare Wisconsin Handbook, [Section 3.20.1 Drug Felons](#), Consortium and Tribal Income Maintenance (IM) agencies will need to follow new standardized testing policy requirements.

REQUIRED DRUG PANEL

At a minimum, a seven-panel drug test must be used. Never test an applicant or member for alcohol use.

DRUG TEST METHOD

Urine and oral swabs are the **only** two acceptable methods of sampling and the person must submit to one or the other.

Blood, hair, and fingernail sampling **are not** allowed for FoodShare drug testing purposes.

DRUG TEST ADMINISTRATION

Consortium and Tribal IM agency staff cannot administer the drug tests. County or tribal staff not involved in IM administration are permitted to administer the tests if they are a trained professional.

For example, an IM agency may be co-located with the county's public health department. A nurse employed by the county at the public health department could administer the drug test; however, the IM worker employed by the county would not be authorized to administer the test.

Drug tests can be administered by the following entities:

- Doctors and nurses
- Public and Tribal health centers and departments
- Certified laboratories
- Justice centers
- Drug courts
- Hospitals
- Medical centers
- Probation and parole
- Employers
- Drug and Alcohol Treatment Centers
- Other credentialed drug testing individuals/agencies (non-Consortia/Tribal IM staff)

Applicants and members cannot self-administer the drug tests.

TESTING TIMEFRAME

Drug test results received from an acceptable entity can be used to meet the drug testing requirement if the results were received in the past 30 days.

OTHER REQUIREMENTS

The IM or tribal agency must provide the applicant or member with all the information and materials needed to schedule the test. The agency must assist with scheduling the test if the applicant or member requests help.

If an IM or Tribal agency has questions about whether an entity is acceptable, or if there is a situation where an accommodation may be needed, contact the Problem Resolution Team and DHS will review.

CONTACTS

DHS CARES Problem Resolution Team

DHS/DMS/BEOT/
DHS/DMS/BEEP/JT