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TO: **Income Maintenance Supervisors**
Income Maintenance Lead Workers
Income Maintenance Staff
W-2 Agencies
Workforce Development Boards
Job Center Leads and Managers
Training Staff
Child Care Coordinators

FROM: Amy Mendel-Clemens, Chief
Technical Assistance and Training Section
Bureau of Enrollment Management
Division of Health Care Access and Accountability

BEM/DFS OPERATIONS MEMO

No: 09-03

DATE: 1/14/2009

FS	<input type="checkbox"/>	MA	<input checked="" type="checkbox"/>	BC+	<input type="checkbox"/>
SC	<input type="checkbox"/>	CTS	<input type="checkbox"/>	FSET	<input type="checkbox"/>
CC	<input type="checkbox"/>	W-2	<input type="checkbox"/>	EA	<input type="checkbox"/>
CF	<input type="checkbox"/>	JAL	<input type="checkbox"/>	JC	<input type="checkbox"/>
RAP	<input type="checkbox"/>	WIA	<input type="checkbox"/>	Other	<input type="checkbox"/>
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PRIORITY: HIGH

SUBJECT: Estate Recovery for the Family Care Partnership Program

EFFECTIVE DATE: March 1, 2009

PURPOSE:

This memo describes changes to the Medicaid (MA) Estate Recovery Program (ERP) for Medicaid members who are enrolled in Family Care Partnership Program, formerly the Wisconsin Partnership Program.

Medicaid members age 55 or older may have the cost recovered for certain Partnership services received on and after March 1, 2009. These services include:

- Skilled nursing services
- Home health aide services
- Home health therapy and speech pathology services
- Private duty nursing services
- Personal care services
- Home and community-based waiver services provided through the Partnership program
- Inpatient hospital services
- Prescription drugs

For people of all ages, all Medicaid services received on and after March 1, 2009, while living in a nursing home or institutionalized in an inpatient hospital may be recovered.

Local IM agency staff should be able to inform new applicants and members about these changes. A notice will be issued to the affected members and they may direct their questions to their Partnership Program care manager, their local Aging and Disability Resource Center (ADRC), their local county or tribal income maintenance agency, the Medicaid Member Services hotline at 1-800-362-3002, or go to: dhs.wisconsin.gov/medicaid/recpubs/erp/phc13032.htm

BACKGROUND

Through the estate recovery program, the state seeks repayment of certain home health and long-term care Medicaid benefits provided to members. Recovery is made from the estates of members and in limited situations, from liens placed on homes. The recovered funds are returned to the Medicaid Program.

This estate recovery policy change occurs now because Wisconsin's Family Care Partnership Program, formerly the Wisconsin Partnership Program, is no longer a demonstration waiver program, and is now authorized to deliver home and community-based waiver services under s.1915(c) of the Social Security Act and health care services through a state plan amendment. Under the demonstration waiver, Wisconsin Partnership Program services were not subject to estate recovery.

Under both § 49.496(3) (a) WI Stats. and 42 USC 1396p, estate recovery is required for all home and community-based waiver services, including services in Family Care and the long term care services in Family Care Partnership.

Currently Family Care Partnership Programs operate in the following counties:

- Care Wisconsin Health Plan – Columbia, Dane, Dodge, Jefferson, Sauk Counties
- Community Care Health Plan, Inc. – Kenosha, Milwaukee, and Racine Counties
- Partnership Health Plan, Inc. – Chippewa, Dunn, Eau Claire, Pierce, and St. Croix Counties

With Family Care expansion over the next few years, Family Care Partnership Programs are expected to expand into the following counties:

- Green Lake
- Marquette
- Ozaukee (expected early in 2009)
- Washington (expected early in 2009)
- Waukesha (expected early in 2009)
- Waushara

Members who are enrolled in PACE Programs will **not** be subject to estate recovery.

MEMBER NOTIFICATION OF CHANGES

In early January 2009, a notice of these changes will be mailed to Family Care Partnership members. A copy of this notice is attached for your information.

Please include a **copy of this attachment** with each Estate Recovery brochure (*Wisconsin's Medicaid Estate Recovery Program, Most Commonly Asked Questions & Answers*) that you provide until your current supply of brochures is depleted and the brochure is updated. The current brochure information may be viewed or printed from the DHS Internet site at:

dhs.wisconsin.gov/medicaid/recpubs/erp/phc13032.htm.

POLICY CHANGE

Estate recovery program policies will apply to selected services provided to members of the Family Care Partnership Program, formerly the Wisconsin Partnership Program.

CONTACTS

BEM CARES Information & Problem Resolution Center

*Program Categories – FS – FoodShare, MA – Medicaid, BC+ – BadgerCare Plus, SC – Senior Care, CTS – Caretaker Supplement, CC – Child Care, W-2 – Wisconsin Works, FSET – FoodShare Employment and Training, CF – Children First, EA – Emergency Assistance, JAL – Job Access Loan, JC - Job Center Programs, RAP – Refugee Assistance Program, WIA – Workforce Investment Act, Other EP – Other Employment Programs.

DHS/DHCAA/BEM/MP