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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: 09-10 (Amended)

DATE: 2/20/2009

FS	<input type="checkbox"/>	MA	<input checked="" type="checkbox"/>	BC+	<input checked="" 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"/> *
				EP	

**PRIORITY: HIGH**

**SUBJECT: TRIBAL PER CAPITA PAYMENTS FROM GAMING REVENUE**

**CROSS REFERENCE:** Medicaid Eligibility Handbook Sections 15.2 and 15.3  
BadgerCare Plus Eligibility Handbook Sections 16.2 and 16.7

**EFFECTIVE DATE:** 12/1/08

- **Note:** This policy change applies to applications, reviews and changes processed on or after December 1, 2008. The changes described below should be applied retroactively to 12/1/08 only for those cases you are aware of that may have been adversely affected prior to the issuance of this memorandum.

**PURPOSE:**

This memo describes changes to the way tribal per capita payments from gaming revenue are treated in the eligibility determination process for Medicaid and BadgerCare Plus.

**BACKGROUND:**

When a tribe receives revenue of any type, the tribal government may decide to issue “per capita payments” to tribal members from the funds received.

Some Wisconsin Indian tribes distribute payments derived from tribal gaming revenue to their members. These payments vary widely from tribe to tribe with regard to amount and frequency of distribution. Federal law does not exempt tribal per capita payments from gaming revenue and, therefore, such payments have been considered countable unearned income when determining eligibility for Medicaid, BadgerCare Plus and FoodShare.

Through an amendment to the Medicaid State Plan, states may change their policy for counting income if the policy is less restrictive than the policies used for SSI or AFDC. Wisconsin has recently requested such an amendment to allow for the disregard of a portion of the Tribal per capita payments from gaming revenue for Medicaid (MA) and BadgerCare Plus (BCP).

FoodShare (FS) is not affected by this change.

**POLICY CHANGE:**

When determining eligibility for Medicaid and BadgerCare Plus, disregard the first \$500 of the monthly income from Tribal Per Capita payments from gaming revenue. If the payments are received less than monthly, prorate the gross payment amount over the months it is intended to cover and disregard \$500 from the monthly amount.

This change applies to eligibility determinations for BadgerCare Plus and all Medicaid subprograms for elderly, blind, or disabled persons except Senior Care and Long Term Care programs such as Institutional Medicaid, Family Care (FC) and Home and Community Based Waivers (HCBW) including Partnership and Pace.

**Example 1:** Mary receives a monthly per capita payment of \$1000. The first \$500 is disregarded in the MA and BCP eligibility determinations so only \$500 is counted for those programs. The entire \$1000 is counted in the FS eligibility determination and benefit calculation.

**Example 2:** John receives his per capita payment of \$2400 quarterly. The \$2400 is prorated over 3 months so \$800 is the monthly amount. The first \$500 is disregarded each month so \$300 is counted in the MA and BCP eligibility determination. The entire \$800 is counted in the FS determinations.

**Example 3:** George is applying for Home and Community Waivers (HCBW). He receives a \$1500 per capita payment monthly. The entire \$1500 is used in both his eligibility determination and when calculating any cost share he has.

**Example 4:** Norma is residing in a nursing home and is applying for Medicaid. She receives a \$700 per capita payment every month. The entire \$700 is used in both her eligibility determination and when calculating her monthly patient liability amount.

**CARES:**

Until CARES can be programmed to accommodate this change, enter the gross monthly amount of the payment on the Unearned Income page in CWW. Enter the \$500 disregarded amount as court ordered Child Support on the CWW Support page in the 'Obligation Amount' field. This will allow CARES to count the gross income amount for FoodShare, Child Care and W2, but allow the \$500 as a deduction for BadgerCare Plus and Medicaid.

Because the disregard is not given in either the eligibility determination or in the post eligibility cost share/patient liability calculation for applicants or recipients of the Long Term Care programs (nursing home, IMD, hospital, HCBW, FC, PACE, Partnership) the gross amount of the payment should be entered on the Unearned Income Page in CWW as OT income on these cases. ,

### **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/SR