



DEPARTMENT OF CHILDREN  
AND FAMILIES  
Secretary Reggie Bicha  
201 East Washington Avenue, Room G200  
P.O. Box 8916  
Madison, WI 53708-8916  
Telephone: 608-266-8684  
Fax: 608-261-6972  
www.dcf.wisconsin.gov

DEPARTMENT OF HEALTH SERVICES  
Secretary Karen E. Timberlake  
1 West Wilson Street  
P.O. Box 7850  
Madison, WI 53707-7850  
Telephone: (608) 266-9622  
FAX: (608) 266-7882  
www.dhfs.wisconsin.gov

**State of Wisconsin  
Governor Jim Doyle**

**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, Section Chief  
Technical Assistance, Training & Education  
Bureau of Enrollment Management  
Division of Health Care Access and Accountability**

<b>BEM/DFS OPERATIONS MEMO</b>					
<b>No: 10-10</b>					
<b>DATE: 1/25/2010</b>					
<b>FS</b> <input type="checkbox"/>	<b>MA</b> <input checked="" type="checkbox"/>	<b>BC+</b> <input checked="" type="checkbox"/>			
<b>SC</b> <input type="checkbox"/>	<b>CTS</b> <input type="checkbox"/>	<b>FSET</b> <input type="checkbox"/>			
		<b>BC+ CORE</b> <input type="checkbox"/>			
<b>CC</b> <input type="checkbox"/>	<b>W-2</b> <input type="checkbox"/>	<b>EA</b> <input type="checkbox"/>			
<b>CF</b> <input type="checkbox"/>	<b>JAL</b> <input type="checkbox"/>	<b>JC</b> <input type="checkbox"/>			
<b>RAP</b> <input type="checkbox"/>	<b>WIA</b> <input type="checkbox"/>	<b>Other</b> <input type="checkbox"/>			
<b>EP</b>					

**SUBJECT: Expansion of Medicaid and BadgerCare Plus Eligibility for Non-Citizen  
Children and Pregnant Women**

**CROSS REFERENCE:** BadgerCare Plus Eligibility Handbook, Section 4.3  
Medicaid Eligibility Handbook, Section 7.3.1  
Operations Memo 09-57

**EFFECTIVE DATE:** October 1, 2009

**PURPOSE:**

This memo announces a change to add a group of **non-immigrant** (documented individuals who have temporary rather than permanent immigrant status) children and pregnant women who could qualify for Medicaid or BadgerCare Plus while only having temporary residency in the U.S, and extends this eligibility to certain individuals under age 21.

**BACKGROUND:**

Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193), restricted the eligibility of certain immigrants for the Medicaid program. Those immigrants who were considered 'Qualified Aliens' and met all other financial and non-financial criteria could receive full benefit Medicaid while those who were not considered 'Qualified

Aliens' could only receive Emergency Services Medicaid. In January 2006, Wisconsin extended prenatal health care benefits to pregnant women who were not qualifying immigrants.

Section 214 of the Children's Health Insurance Program Reauthorization Act of 2009 (P.L. 111-3), offers States the option to cover children and pregnant women under the federal Medicaid and State Children's Health Insurance Programs who are not 'Qualified Aliens'.

### ***POLICY CHANGE/CLARIFICATION:***

Operation Memo 09-57 was issued October 5, 2009 with a policy effective date of October 1, 2009, to allow immigrant children under the age of 19 and pregnant women who met all financial and non-financial criteria, other than citizenship, to receive full Medicaid or BadgerCare Plus benefits without the 5 year ban, based on the following immigrant statuses:

<b><i>Immigrant Status</i></b>	<b><i>CARES Alien Registration Status Code</i></b>
➤ Lawfully Admitted for Permanent Residence	Code 01
➤ Lawfully Present under Section 203(a)(7)	Code 03
➤ Lawfully Present under Section 212(d)(5)	Code 06
➤ Battered Immigrant who suffered domestic abuse	Code 16

### ***NEW NON-IMMIGRATION STATUSES ELIGIBLE FOR FULL MEDICAID OR BADGERCARE PLUS***

We have since learned that the change in the law also affects children and pregnant women in a number of **non-immigration** statuses/classes (see table below) who are lawfully residing in the country for an indefinite period. This policy clarification allows children and pregnant women admitted to the United States in these statuses/classes to qualify for Medicaid and BadgerCare Plus, if they are otherwise eligible, starting October 1, 2009.

### ***NEW AGE GROUP***

CMS (Centers for Medicare and Medicaid Services) requires that the new policies that apply to children also be applied to persons under age 21 who are institutionalized, including residents of Institutions for Mental Disease (IMDs). These changes are effective October 1, 2009.

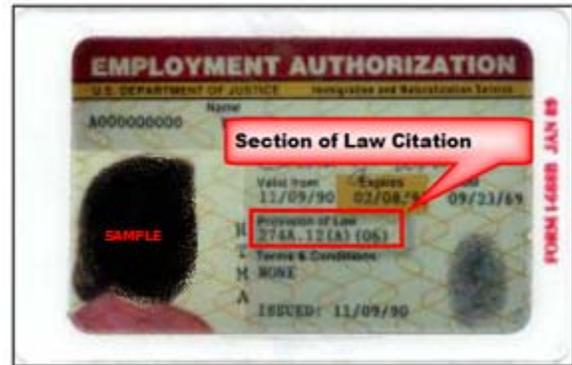
### ***IMPLEMENTATION:***

Agencies are not expected to find cases that may have been denied since 10/1/09 for individuals who have one of these non-immigrant statuses. If a worker becomes aware of an adversely impacted case, s/he should apply the policy to re-determine eligibility for the individual(s) meeting the new criteria.

### ***VIS SAVE Verification Responses***

All non-immigrants admitted legally to the United States for any reason will have some type of United States Citizen and Immigration Services (USCIS) document, for example, a Non-immigrant Visa, Employment Authorization card, Passport, etc. The USCIS document proof provided by the non-immigrant individual will usually include a two to three digit code called the

“Class of Admission Code” (COA) or the Section of Federal Law citation. The COA code is also found in the SAVE response when doing a SAVE query.



A table of the COA codes or the Section of Law citation for this new non-immigrant population is included below. The non-immigrant children and pregnant women with the admission code or Federal law citation found in this table who are otherwise eligible are now able to receive full benefit Medicaid or BadgerCare Plus.

<b>USCIS Class of Admission Code or Section of the Federal Law Citation Authorizing Class</b>	
<b>Description</b>	<b>Class of Admission Code (COA)/Section of Law Citation</b>
Aliens currently in temporary resident status pursuant to section 210 or 245A of the Act.	S16, S26, W16, W25, W26, W36 or 8 CFR 103.12(a)(4)(i)
Aliens currently under Temporary Protected Status (TPS) pursuant to section 244 of the Act. Child accompanying or following to join a K-3 alien.	8 CFR 103.12(a)(4)(ii)

Description	Class of Admission Code (COA)/Section of Law Citation
Family Unity beneficiaries pursuant to section 301 of Pub. L. 101-649. (These are the spouses and unmarried children of individuals granted temporary or permanent residence under Section 210 or 245A above.)	8 CFR 103.12(a)(4)(iv)
Aliens currently under Deferred Enforced Departure (DED) pursuant to a decision made by the President.	8 CFR 103.12(a)(4)(v)
Aliens currently in deferred action status pursuant to Service Operations Instructions at OI 242.1(a)(22).	8 CFR 103.12(a)(4)(vi)
Aliens who are the spouse or child of a United States citizen whose visa petition has been approved and who have a pending application for adjustment of status	8 CFR 103.12(a)(4)(vii)
Legal non-immigrants from the Compact of Free Association states (Republic of the Marshall Islands, the Federated States of Micronesia and the Republic of Palau) who are considered permanent non-immigrants.	NA
An alien who is the fiancée or fiancé of a U.S. citizen entering solely to conclude a valid marriage contract.	K-1
Child of K-1	K-2
Spouse of a U.S. citizen who is a beneficiary of a petition for status as the immediate relatives of a U.S. citizen (I-130).	K-3
Child accompanying or following to join a K-3 alien.	K-4
Parent of an alien classified SK3 or SN3	N-8
Child of N-8 or of an alien classified SK1, SK2, SK4, SN1, SN2, SN4.	N-9
Temporary worker to perform work in religious occupations.	R1
Spouse and children of R1	R2
An alien who is in possession of critical reliable information concerning a criminal organization or enterprise, is willing to supply or has supplied such information to Federal or State law enforcement authorities or a Federal or State court; and whose presence in the United States the Attorney General determines is essential to the success of an authorized criminal investigation or the successful prosecution of an individual involved in the criminal organization or enterprise	8 U.S.C. 1101(a)(15)(S)(i)
An alien who the Secretary of State and the Attorney General jointly determine is in possession of critical reliable information concerning a terrorist organization, enterprise, or operation; is willing to supply or has supplied such information to Federal law enforcement authorities or a Federal court; will be or has been placed in danger as a result of providing such information; and is eligible to receive a reward from the State Department.	8 U.S.C. 1101(a)(15)(S)(ii)
An alien who is the spouse, married and unmarried sons and daughters, and parents of an alien in possession of critical reliable information concerning either criminal activities or terrorist operations.	8 U.S.C. 1101(a)(15)(S)

Description	Class of Admission Code (COA)/Section of Law Citation
Individuals who have suffered substantial physical or mental abuse as victim of criminal activity.	U-1
An alien who is the spouse, child, unmarried sibling or parent of the victim of the criminal activity above.	U-2, U-3, U-4, U-5
An alien who are the spouses or children of an alien lawfully admitted for permanent residence and who have been waiting since at least December 2000 for their visa application to be approved.	V-1, V-2, V-3

For a complete table of the USCIS Class of Admission (COA) Codes log into the SAVE system and click on the “Online Resources” tab.

- Note: There is no change in MA or BC+ eligibility policy for individuals in any other status or for those who are undocumented.

### **CARES:**

Until changes can be made to CARES programming, workers must use the following manual workaround to certify Medicaid or BadgerCare Plus for this non-immigrant population:

Enter the application into CWW and run eligibility to test Medicaid/BadgerCare Plus. When the individual failure reason code “039 Is neither a citizen nor a qualifying alien” is the only reason Medicaid/BadgerCare Plus failed, follow the steps below to certify Medicaid/BadgerCare Plus:

1. Run eligibility in CARES, confirm the failed Medicaid/BadgerCare Plus eligibility due to reason code 039, and suppress the notice.
2. Go to the CWW BC+ or SSI Related Medicaid budget screen to find the group’s actual countable income. Compare the group’s income against the FPL table in the [BC+HB 50.1](#) to determine whether the applicant falls under the maximum FPL allowed for BC+. For EBD applicants, see SSI Related Medicaid Income and Asset Limit in the [MEH 39.4.1 EBD Assets and Income Table](#) to determine if the individual meets the asset and income limits.
3. If the income is below the program limits, complete and send a Positive Notice (English [F16015](#) or Spanish [F16015S](#)) to the customer. If the income is over the program limits, send a manual Negative Notice ([English F16001](#) or Spanish [F16001S](#))
4. Complete a manual certification form (F-10110) for the individual. For manual certification instructions see [PH 81.2](#).
  - Use the appropriate medical status code according to the individual’s FPL for BC+ or EBD Medicaid.
  - Obtain the MCI ID/MAID number found on the CWW Case Member History page to complete the manual form, F-10110.
  - You must include a certification begin and end date or ForwardHealth iChange cannot process the form. The certification period for children under the age of 19 and persons under age 21 who are institutionalized is 12 months. Pregnant women

should be certified eligible ending with the last day of the month following the 60<sup>th</sup> day after the end of the pregnancy.

5. Send the completed certification to ForwardHealth iChange using one of the following methods:

Mail: Forward Health iChange  
P.O. Box 7636  
Madison, WI 53707

E-mail: [veds3070@wisconsin.gov](mailto:veds3070@wisconsin.gov)

Fax: (608) 221-8815

- **Note:** Manual certification by mail, fax or email of the F-10110 is preferred. Using the ForwardHealth interChange online certification could cause a problem with duplicate MCI numbers being created for individuals.

This work around process is necessary to allow these individuals to receive BadgerCare Plus or Medicaid benefits without interfering with the State's determination of their State-only FoodShare and W2 benefits.

### **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/JL/PH