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**State of Wisconsin
Governor Scott Walker**

**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: Rich Albertoni, Director
Bureau of Enrollment Policy & Systems
Division of Health Care Access and Accountability**

BEPS/DFS OPERATIONS MEMO					
No:		11-35			
DATE:		7/01/2011			
FS	<input type="checkbox"/>	MA	<input type="checkbox"/>	BC+	<input checked="" type="checkbox"/>
SC	<input type="checkbox"/>	CTS	<input type="checkbox"/>	FSET	<input type="checkbox"/>
BC+ Basic	<input type="checkbox"/>	BC+ CORE	<input checked="" 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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SUBJECT: Premium and Application Fee Exemptions for American Indians

CROSS REFERENCE: BadgerCare Plus Handbook [19.1](#), [43.4.2.1](#)

EFFECTIVE DATE: JULY 1, 2011

PURPOSE:

The purpose of this Operations Memo is to describe changes to the BadgerCare Plus policies regarding premium and application processing fee exemptions for certain American Indian tribal members and others under the American Recovery and Reinvestment Act of 2009. This memo also describes changes in Cares Worker Web (CWW) and ACCESS to the tribal member questions which will collect the necessary information to determine eligibility for these exemptions.

BACKGROUND:

Effective July 1st, 2009, provisions within Section 5006(a) of the American Recovery and Reinvestment Act (ARRA) of 2009 exempted American Indian applicants and recipients from certain Medicaid cost sharing requirements. On May 28, 2010, the Department of Health and Human Services issued final regulations concerning these cost sharing exemptions for Indians under the Medicaid program.

The regulations under ARRA define an “Indian” to include:

1. A member of a Federally-recognized Indian tribe, Eskimo or other Alaskan Native;
2. Descendants in the first or second degree, which means a child or grandchild of a tribal member; and
3. A person who is eligible to receive Indian Health Services (IHS) or services from an Indian health care provider.

In addition, the regulations directed that States may no longer charge any enrollment fee, premium or similar charge for Medicaid services to individuals who meet this definition. The table below illustrates the premium and application processing fee exemptions for tribal members.

These Title 19 premium exemptions do not apply to Medical Assistance Purchase Plan (MAPP) premiums, cost share amounts for Long Term Care Medicaid and patient liability for Institutional Medicaid. The exemptions only apply to BadgerCare Plus premiums for families and the application processing fee for adults in the Core plan.

For Title 21-funded BadgerCare Plus, children of tribal members are also now exempt from premium payments, regardless of whether that child is a tribal member themselves. Previously, only children who were tribal members were exempt from premium payments.

OLD POLICY:

Currently, BadgerCare Plus children who are tribal members and are funded under the Title 21 separate CHIP program are not required to pay a premium. In BadgerCare Plus, the children eligible for separate CHIP benefits are children ages 1 through 5, with family income from 185% to 300% of FPL, and children ages 6 through 18 with family income from 150% to 300% of the FPL.

NEW POLICY:

Effective July 1, 2011 individuals receiving Title 19-funded BadgerCare Plus will be exempt from paying application processing fees and premiums if they are a tribal member, the son or daughter of a tribal member, the grandson or granddaughter of a tribal member, or they are otherwise eligible to receive Indian Health Services. (See Table 51.1 in the BadgerCare+ Eligibility Handbook to see which recipients are receiving Medicaid-funded benefits.)

Children who are tribal members or who are the son or daughter of a tribal member and eligible for Title 21-funded (separate CHIP program) BadgerCare Plus will also be exempt from premiums. The following table outlines which populations are exempt from premiums:

American Indian Groups	BC+ Premium Exemption
Tribal Members eligible under Medicaid BC+ Adults >150% Federal Poverty Level (FPL) BC+ age 0-1 >200 - 300% FPL	Yes
Tribal Members eligible under CHIP BC+ age 1-18 >200 - 300% FPL	Yes
Son or Daughter of a Tribal Member (Medicaid) BC+ Adults >150% FPL BC+ age 0-1 >200 - 300% FPL	Yes
Son or Daughter of a Tribal Member (CHIP) BC+ age 1-18 >200 - 300% FPL	Yes
Grandchild of a Tribal Member and others eligible to use IHS (Medicaid) BC+ Adults >150% FPL BC+ age 0-1 >200 - 300% FPL	Yes
Grandchild of a Tribal Member and others eligible to use IHS (CHIP) BC+ age 1-18 >200 - 300% FPL	No

BADGERCARE PLUS CORE PLAN

Processing Fee:

Anyone meeting the Medicaid definition of 'Indian' is also exempt from paying the processing fee for a Core Plan application or renewal.

VERIFICATION

Verification of Tribal membership or Native American descent is required to receive a premium exemption if verification has not already been obtained. The Enrollment & Benefits Booklet will be updated to include this information for applicants/recipients. Examples of items to use as verification include but are not limited to:

- Tribal Enrollment Card,
- Written verification or a document issued by the Tribe indicating tribal affiliation,
- Certificate of degree of Indian blood issued by the Bureau of Indian Affairs,
- A Tribal census document, or
- A medical record card or similar documentation that specifies an individual is an Indian that is issued by an Indian health care provider.

CARES:

CARES will be updated on July 9, 2011 to exempt premiums for anyone meeting the criteria listed in the chart above. For applications processed on or after July 11, CARES will exempt Indians from premiums and application processing fees starting with the month of July. Ongoing cases which include persons that have verified their tribal status will be run through batch at Adverse Action to exempt them from premium payments for the month of August.

The "Tribal Member Information" questions on the Permanent Demographics page in CWW will be updated to:

1. Are you a member or a child of a member of an American Indian Tribe or an Alaskan Native?
2. Are you eligible to receive health care from Indian Health Services or at a tribal clinic?

The current questions only gather information about tribal members or children of tribal members. At conversion, the first question will be updated to 'Yes' if either of the current questions is answered Yes. The questions should be updated at the next review or change report.

Inbox Update:

An update to the CWW Inbox will be implemented in August 2011 which will mark the Tribal CLA Application as "Fee waived" when the member answers yes to either of the Tribal Member questions in ACCESS. Workers will then know the application or renewal can be pulled from the inbox and processed without a fee payment.

RETROACTIVE REFUNDS

Since the federal policy changes are effective back to July 2009, some members may have paid premiums in the last two years who should have been exempt.

Members who paid premiums between July 2009 and August 2011, who should have been exempt as a Tribal member, or son or daughter of a Tribal member, will be identified through a central process and the premiums will be refunded. The member must have verified that he or she is a tribal member or son or daughter of a tribal member to be considered exempt.

If during future eligibility reviews, workers find that a member should have been exempt from a premium based on their eligibility to receive health care from an Indian Health Services or tribal clinic, the case should be referred to the Call Center to have the premiums zeroed out for that person. The State will refund any premiums paid for that person during the time he or she should have been exempt.

ACCESS:

The Tribal information questions in ACCESS will be changed to better mirror the updates to the questions in CARES. The new questions will read as follows:

1. Is this person a member or child of a member of an American Indian Tribe or an Alaskan Native?
2. Is this person eligible to receive health care from Indian Health Services or at a tribal clinic?

CONTACTS:**BEPS 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, BC+ Core – BadgerCare Plus Core, 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/BEPS/AR