

CR 86-146

CERTIFICATE

STATE OF WISCONSIN )  
 ) SS  
DEPARTMENT OF HEALTH AND SOCIAL SERVICES)

I, Linda Reivitz, Secretary of the Department of Health and Social Services and custodian of the official records of the Department, do hereby certify that the annexed rules relating to excess assets of institutionalized medical assistance recipients were duly approved and adopted by this Department on December 10, 1986.

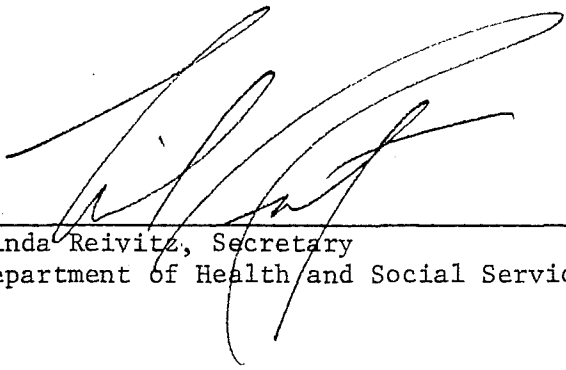
I further certify that this copy has been compared by me with the original on file in the Department and that this copy is a true copy of the original, and of the whole of the original.

IN TESIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the State Office Building, 1 W. Wilson Street, in the city of Madison, this 10th day of December, 1986.

**RECEIVED**

DEC 10 1986  
3:40 pm  
Revisor of Statutes  
Bureau

SEAL:

  
\_\_\_\_\_  
Linda Reivitz, Secretary  
Department of Health and Social Services

2-1-87

ORDER OF THE  
DEPARTMENT OF HEALTH AND SOCIAL SERVICES  
AMENDING AND REPEALING AND RECREATING RULES

To amend HSS 103.06(1)(d) and to repeal and recreate HSS 103.06(1)(e), relating to excess assets of MA recipients.

Analysis Prepared by the Department of Health and Social Services

To be eligible for Medical Assistance (MA) a recipient must have no more assets than are permitted under s.49.46(1)(e) or 49.47(4)(b), Stats. The proposed rule makes clear that if the recipient's assets come to exceed the MA assets limit, MA eligibility ends until the person's assets are once again within the appropriate limits. The current rule states erroneously that the agency may continue MA eligibility if the recipient signs an agreement to refund the excess assets to the MA program. This is based on federal Supplemental Security Income (SSI) regulations which provide for conditional eligibility based on fulfillment of certain conditions. However, this policy does not apply to MA because federal regulations for the MA program, 42 CFR Part 447, do not permit conditional payments to MA recipients. Therefore, the rule language dealing with conditional payments is being deleted. The recipient may maintain eligibility for MA by actually applying excess assets as refunds to the Department. The Department's authority to make this rule change is found in s.49.45(10), Stats.

Pursuant to the authority vested in the Department of Health and Social Services by s.49.45(10), Stats., the Department of Health and Social Services hereby amends and repeals and recreates rules interpreting ss.49.46(1)(e) and 49.47(4)(b), Stats., as follows:

SECTION 1. HSS 103.06(1)(d) is amended to read:

HSS 103.06(1)(d) When income that has been protected for the ~~personal needs of~~ institutionalized recipients accumulates to the point that the asset limit is exceeded, ~~the recipient may voluntarily apply the excess assets accumulation as a refund to the department.~~ If the recipient does not elect one of the refund options under part (e), MA eligibility shall terminate at the time the asset limit is exceeded. Eligibility may not be reinstated until the assets are below the limit at which time a new application shall be required.

SECTION 2. HSS 103.06(1)(e) is repealed and recreated to read:

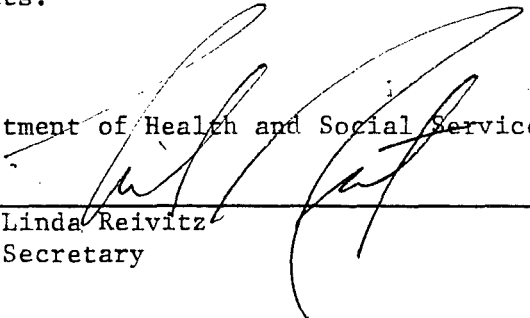
HSS 103.06(1)(e) To maintain continuous MA eligibility the recipient may apply assets as a refund of MA benefits to the department. In no instance may refunds exceed benefits received.

The repeal and rule contained in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s.227.22(2), Stats.

Department of Health and Social Services

Date: December 10, 1986

By:

  
\_\_\_\_\_  
Linda Reivitz  
Secretary

Seal:



State of Wisconsin \ DEPARTMENT OF HEALTH AND SOCIAL SERVICES

1 West Wilson Street, Madison, Wisconsin 53702

Anthony S. Earl  
Governor

December 10, 1986

Linda Reivitz  
Secretary

Mailing Address:  
Post Office Box 7850  
Madison, WI 53707

Mr. Orlan Prestegard  
Revisor of Statutes  
9th Floor - 30 on the Square  
Madison, Wisconsin 53702

Dear Mr. Prestegard:

As provided in s. 227.20, Stats., there is hereby submitted a certified copy of HSS 103.06(1)(d) & (e), administrative rules relating to excess assets of institutionalized Medical Assistance recipients.

These rules are also being submitted to the Secretary of State as required by s. 227.20, Stats.

The proposed changes to HSS 103.06(1)(d) & (e) relate to county administration of a federal and state program and do not affect small business as defined in s. 227.114(1)(a), Stats.

Sincerely,

Linda Reivitz  
SECRETARY

Enclosure

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