

CERTIFICATE

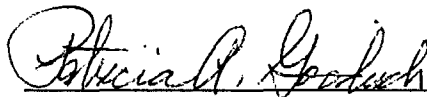
STATE OF WISCONSIN )  
 ) SS  
DEPARTMENT OF HEALTH AND SOCIAL SERVICES)

I, Patricia A. Goodrich, 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 the treatment of motor vehicles as assets in determining eligibility for Medical Assistance were duly approved and adopted by this Department on November 6, 1990.

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 TESTIMONY 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 6th day of November, 1990.

SEAL:



Patricia A. Goodrich, Secretary  
Department of Health and Social Services

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ORDER OF THE  
DEPARTMENT OF HEALTH AND SOCIAL SERVICES  
AMENDING, REPEALING  
AND RECREATING AND CREATING A RULE

To amend HSS 103.06(2)(b); to repeal and recreate HSS 103.06(2)(c) and to create HSS 103.06(2)(bm), relating to the treatment of motor vehicles as assets in determining eligibility for the Medical Assistance (MA) program.

Analysis Prepared by the Department of Health and Social Services

To be eligible for Medical Assistance (MA) an applicant or recipient may not have more assets than are permitted under s.49.46(1)(e) or 49.47(4), Stats. The Department's current rule on how a vehicle is counted as an asset in determining eligibility for MA conflicts with the statutory requirements found at s.49.47(4)(b)2m, Stats.

Section 49.47(4)(b)2m, Stats., provides that a person may be eligible for MA if the person's vehicle assets do not exceed certain limits. Section HSS 103.06(2) is amended by this order to provide that for a person applying for medically needy AFDC-related MA, one vehicle is exempt from consideration as an asset regardless of value; if a second vehicle is owned, it is exempt from consideration as an asset if the income maintenance agency determines that it is necessary for employment or to obtain medical care. If a person is applying for categorically or medically needy SSI-related MA, a vehicle can be totally exempt from consideration as an asset if it is necessary for employment or to obtain medical care, modified for operation by or transportation of a handicapped person, or necessary for performance of essential daily activities. If the vehicle does not meet one of these exemption reasons, then one vehicle is excluded from being counted as an asset to the extent that its current market value does not exceed \$4,500. Market value in excess of \$4,500 counts toward the asset limit. If more than one vehicle is owned, the equity value of the nonexempt vehicle is counted as an asset.

The Department's authority to amend this rule is found in s.49.45(10), Stats. The rule interprets ss.49.46(1)(e) and 49.47(4)(b)2m, Stats.

SECTION 1. HSS 103.06(2)(b) is amended to read:

HSS 103.06(2)(b) For persons whose eligibility is being determined according to AFDC categorically needy ~~or AFDC medically needy~~ financial standards, the following conditions shall apply:

1. If one vehicle is owned, up to \$1,500 of equity value ~~shall be exempted is exempt~~; and

2. If more than one vehicle is owned, up to \$1,500 of equity value ~~from of the vehicle with the greatest equity value shall be exempted is exempt~~. The equity value of the vehicle with the greatest equity value in excess of \$1,500 and The the equity value of any other vehicle is counted as an asset.

SECTION 2. HSS 103.06(2)(bm) is created to read:

HSS 103.06(2)(bm) For persons whose eligibility is being determined according to AFDC medically needy financial standards, the following conditions shall apply:

- 1. If one vehicle is owned, it is exempt from consideration as an asset regardless of value;
- 2. If more than one vehicle is owned, a second vehicle is exempt from consideration as an asset if the agency determines that it is necessary for the purpose of employment or to obtain medical care; and
- 3. The equity value of any nonexempt vehicle owned by the applicant is counted as an asset.

SECTION 3. HSS 103.06(2)(c) is repealed and recreated to read:

HSS 103.06(2)(c) For persons whose eligibility is being determined according to SSI categorically needy or medically needy financial standards, the following conditions shall apply:

- 1. If one vehicle is owned it is exempt if it meets one of the following conditions:
  - a. It is necessary for employment;
  - b. It is necessary for medical treatment of a specific or regular medical problem;
  - c. It is modified for operation by or transportation of a handicapped person; or
  - d. It is necessary because of climate, terrain, distance or similar factors to provide transportation to perform essential daily activities.
- 2. If no automobile is exempt under subd. 1, one automobile is not counted as an asset to the extent that its current fair market value does not exceed \$4,500. Fair market value in excess of \$4,500 counts toward the asset limit.
- 3. If more than one vehicle is owned, the equity value of the nonexempt vehicle is counted as an asset.

The repeals and rules 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.

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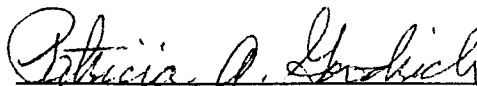
Wisconsin Department of Health  
and Social Services

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Date: November 6, 1990

By:



Patricia A. Goodrich  
Secretary

SEAL:



State of Wisconsin \

DEPARTMENT OF HEALTH AND SOCIAL SERVICES  
1 West Wilson Street, Madison, Wisconsin 53702

Tommy G. Thompson  
Governor

Patricia A. Goodrich  
Secretary

Mailing Address:  
Post Office Box 7850  
Madison, WI 53707

November 6, 1990

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Mr. Bruce E. Munson  
Revisor of Statutes  
119 Martin Luther King, Jr. Blvd.  
Madison, WI 53703

Dear Mr. Munson:

As provided in s. 227.20, Stats., there is hereby submitted a certified copy of HSS 103.06(2), administrative rules relating to the treatment of motor vehicles as assets in determining eligibility for Medical Assistance.

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

These rules concern county administration of a federal-state public assistance program. They do not directly affect small businesses as defined in s. 227.114(1)(a), Stats.

Sincerely,

Patricia A. Goodrich  
Secretary

Enclosure