



State of Wisconsin
2021 - 2022 LEGISLATURE

LRBa0346/1
TJD:wlj

**ASSEMBLY AMENDMENT 2,
TO ASSEMBLY BILL 23**

March 23, 2021 - Offered by Representatives RIEMER, S. RODRIGUEZ, ANDERSON, ANDRACA, BALDEH, BILLINGS, BOWEN, BROSTOFF, CABRERA, CONLEY, CONSIDINE, DOYLE, DRAKE, EMERSON, GOYKE, HAYWOOD, HEBL, HESSELBEIN, HINTZ, HONG, MCGUIRE, B. MEYERS, MILROY, MOORE OMOKUNDE, L. MYERS, NEUBAUER, OHNSTAD, ORTIZ-VELEZ, POPE, SHANKLAND, SHELTON, SINICKI, SNODGRASS, SPREITZER, STUBBS, SUBECK, VINING and VRUWINK.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 3: after “coronavirus” insert “and eligibility expansion under
3 the Medical Assistance program”.

4 **2.** Page 1, line 4: before that line insert:

5 “**SECTION 1c.** 20.435 (4) (jw) of the statutes is amended to read:

6 20.435 (4) (jw) *BadgerCare Plus and hospital assessment.* All moneys received
7 ~~from payment of enrollment fees under the program under s. 49.45 (23),~~ all moneys
8 transferred under s. 50.38 (9), all moneys transferred from the appropriation account
9 under par. (jz), and 10 percent of all moneys received from penalty assessments
10 under s. 49.471 (9) (c), ~~for administration of the program under s. 49.45 (23),~~ to
11 provide a portion of the state share of administrative costs for the BadgerCare Plus
12 Medical Assistance program under s. 49.471, and for administration of the hospital
13 assessment under s. 50.38.

1 **SECTION 1e.** 49.45 (2p) of the statutes is repealed.

2 **SECTION 1g.** 49.45 (23) of the statutes is repealed.

3 **SECTION 1h.** 49.45 (23b) (title) of the statutes is amended to read:

4 49.45 **(23b)** (title) CHILDLESS ADULTS ~~DEMONSTRATION PROJECT~~ REFORM WAIVER
5 IMPLEMENTATION REQUIRED.

6 **SECTION 1j.** 49.45 (23b) (b) of the statutes is amended to read:

7 49.45 **(23b)** (b) Beginning as soon as practicable after October 31, 2018, and
8 ending no sooner than December 31, 2023, the department shall do all of the
9 following with regard to the childless adults ~~demonstration project~~ under sub. ~~(23)~~
10 s. 49.471 (4) (a) 8.:

11 1. Require in each month persons, except exempt individuals, who are eligible
12 to receive Medical Assistance under sub. ~~(23)~~ s. 49.471 (4) (a) 8. and who are at least
13 19 years of age but have not attained the age of 50 to participate in, document, and
14 report 80 hours per calendar month of community engagement activities. The
15 department, after finding good cause, may grant a temporary exemption from the
16 requirement under this subdivision upon request of a Medical Assistance recipient.

17 2. Require persons with incomes of at least 50 percent of the poverty line to pay
18 premiums in accordance with par. (c) as a condition of eligibility for Medical
19 Assistance under sub. ~~(23)~~ s. 49.471 (4) (a) 8.

20 3. Require as a condition of eligibility for Medical Assistance under sub. ~~(23)~~
21 s. 49.471 (4) (a) 8. completion of a health risk assessment.

22 4. Charge recipients of Medical Assistance under sub. ~~(23)~~ s. 49.471 (4) (a) 8.
23 an \$8 copayment for nonemergency use of the emergency department in accordance
24 with 42 USC 1396o-1 (e) (1) and 42 CFR 447.54.

1 5. Disenroll from Medical Assistance under ~~sub. (23) s. 49.471 (4) (a) 8.~~ for 6
2 months any individual who does not pay a required premium under subd. 2. and any
3 individual who is required under subd. 1. to participate in a community engagement
4 activity but who does not participate for 48 aggregate months in the community
5 engagement activity.

6 **SECTION 1k.** 49.45 (23b) (c) of the statutes is amended to read:

7 49.45 **(23b)** (c) 1. Persons who are eligible for the demonstration project under
8 ~~sub. (23) s. 49.471 (4) (a) 8.~~ and who have monthly household income that exceeds
9 50 percent of the poverty line shall pay a monthly premium amount of \$8 per
10 household. A person who is eligible to receive an item or service furnished by an
11 Indian health care provider is exempt from the premium requirement under this
12 subdivision.

13 2. The department may disenroll under par. (b) 5. a person for nonpayment of
14 a required monthly premium only at annual eligibility redetermination after
15 providing notice and reasonable opportunity for the person to pay. If a person who
16 is disenrolled for nonpayment of premiums pays all owed premiums or becomes
17 exempt from payment of premiums, he or she may reenroll in Medical Assistance
18 under ~~sub. (23) s. 49.471 (4) (a) 8.~~

19 3. The department shall reduce the amount of the required household premium
20 by up to half for a recipient of Medical Assistance under ~~sub. (23) s. 49.471 (4) (a) 8.~~
21 who does not engage in certain behaviors that increase health risks or who attests
22 to actively managing certain unhealthy behaviors.

23 **SECTION 1m.** 49.45 (23b) (e) of the statutes is amended to read:

24 49.45 **(23b)** (e) Before December 31, 2023, the demonstration project
25 requirements under this subsection may not be withdrawn and the department may

1 not request from the federal government withdrawal, suspension, or termination of
2 the ~~demonstration project~~ requirements under this subsection unless legislation has
3 been enacted specifically allowing for the withdrawal, suspension, or termination.

4 **SECTION 1p.** 49.471 (1) (cr) of the statutes is created to read:

5 49.471 (1) (cr) “Enhanced federal medical assistance percentage” means a
6 federal medical assistance percentage described under 42 USC 1396d (y) or (z).

7 **SECTION 1q.** 49.471 (4) (a) 4. b. of the statutes is amended to read:

8 49.471 (4) (a) 4. b. The individual’s family income does not exceed ~~100~~ 133
9 percent of the poverty line ~~before application of the 5 percent income disregard under~~
10 ~~42 CFR 435.603 (d).~~

11 **SECTION 1r.** 49.471 (4) (a) 8. of the statutes is created to read:

12 49.471 (4) (a) 8. An individual who meets all of the following criteria:

13 a. The individual is an adult under the age of 65.

14 b. The individual has a family income that does not exceed 133 percent of the
15 poverty line, except as provided in sub. (4g).

16 c. The individual is not otherwise eligible for the Medical Assistance program
17 under this subchapter or the Medicare program under 42 USC 1395 et seq.

18 **SECTION 1s.** 49.471 (4g) of the statutes is created to read:

19 49.471 (4g) MEDICAID EXPANSION; FEDERAL MEDICAL ASSISTANCE PERCENTAGE. For
20 services provided to individuals described under sub. (4) (a) 8., the department shall
21 comply with all federal requirements to qualify for the highest available enhanced
22 federal medical assistance percentage. The department shall submit any
23 amendment to the state medical assistance plan, request for a waiver of federal
24 Medicaid law, or other approval request required by the federal government to
25 provide services to the individuals described under sub. (4) (a) 8. and qualify for the

1 highest available enhanced federal medical assistance percentage. Sections 20.940
2 and 49.45 (2t) do not apply to a submission to the federal government under this
3 subsection.

4 **SECTION 1t.** 49.686 (3) (d) of the statutes is amended to read:

5 49.686 (3) (d) Has applied for coverage under and has been denied eligibility
6 for medical assistance within 12 months prior to application for reimbursement
7 under sub. (2). This paragraph does not apply to an individual who is eligible for
8 benefits under ~~the demonstration project for childless adults under s. 49.45 (23) or~~
9 ~~to an individual who is eligible for benefits under BadgerCare Plus under s. 49.471~~
10 (4) (a) 8. or (11).”.

11 **3.** Page 2, line 4: after that line insert:

12 **“SECTION 3. Nonstatutory provisions.**

13 (1) CHILDLESS ADULTS DEMONSTRATION PROJECT. The department of health
14 services shall submit any necessary request to the federal department of health and
15 human services for a state plan amendment or waiver of federal Medicaid law or to
16 modify or withdraw from any waiver of federal Medicaid law relating to the childless
17 adults demonstration project under s. 49.45 (23), 2019 stats., to reflect the
18 incorporation of recipients of Medical Assistance under the demonstration project
19 into the BadgerCare Plus program under s. 49.471 and the termination of the
20 demonstration project. Sections 20.940 and 49.45 (2t) do not apply to a submission
21 to the federal government under this subsection.

22 (2) FUNDING FOR HEALTH CARE. The department of health services shall ensure
23 that any increased funding that results from this act is used to improve access to and

1 affordability of health care and to support health care quality for residents of this
2 state.

3 **SECTION 4. Fiscal changes.**

4 (1) MEDICAID EXPANSION. In the schedule under s. 20.005 (3) for the
5 appropriation to the department of health services under s. 20.435 (4) (b), the dollar
6 amount for fiscal year 2021-22 is decreased by \$849,788,000 as a result of expanding
7 eligibility for the Medical Assistance program. In the schedule under s. 20.005 (3)
8 for the appropriation to the department of health services under s. 20.435 (4) (b), the
9 dollar amount for fiscal year 2022-23 is decreased by \$841,925,400 as a result of
10 expanding eligibility for the Medical Assistance program.

11 **SECTION 5. Effective dates.** This act takes effect on the day after publication,
12 except as follows:

13 (1) MEDICAID EXPANSION. The treatment of ss. 20.435 (4) (jw), 49.45 (2p), (23),
14 and (23b) (title), (b), (c), and (e), 49.471 (1) (cr), (4) (a) 4. b. and 8. and (4g), and 49.686
15 (3) (d) and SECTIONS 3 and 4 of this act take effect on July 1, 2021.”.

16 (END)