

State of Wisconsin



2021 Assembly Bill 934

Date of enactment:
Date of publication*:

2021 WISCONSIN ACT

AN ACT *to renumber and amend* 49.823; and *to create* 49.45 (2) (a) 3m., 49.471 (4d) and (4j) and 49.823 (2) of the statutes; **relating to:** disenrollment of ineligible individuals from and redeterminations of eligibility for the Medical Assistance program and database confirmation for public assistance program eligibility.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 49.45 (2) (a) 3m. of the statutes is created to read:

49.45 (2) (a) 3m. Remove promptly from eligibility for the Medical Assistance program under sub. (23) or s. 49.471 any individual who has been determined to be ineligible.

SECTION 2. 49.471 (4d) and (4j) of the statutes are created to read:

49.471 (4d) **REDETERMINATION OF ELIGIBILITY.** The department may not automatically renew the eligibility of a recipient of Medical Assistance benefits under this section or s. 49.45 (23). The department shall redetermine eligibility for the Medical Assistance program under this section or s. 49.45 (23) for each individual every 6 months. In collecting information from a recipient of Medical Assistance benefits or an applicant, the department may not use any form that is prepopulated or otherwise provide to the recipient or applicant with information that has been supplied to the department except for the recipient's or applicant's name and address.

(4j) **FAILURE TO REPORT.** Any recipient of Medical Assistance benefits under this section or s. 49.45 (23) who fails to timely report to the department or an entity designated by the department any change that may affect

the recipient's eligibility for benefits shall be ineligible for benefits under this section or s. 49.45 (23) for 6 months following the date that the department discovers the failure to report the change.

SECTION 3. 49.823 of the statutes is renumbered 49.823 (1) and amended to read:

49.823 (1) The department of health services and the department of children and families shall, at least once every 3 months, perform a comparison of each department's respective public benefit database information against nationally recognized databases that contain information on death records, including the federal social security administration's Death Master File, to identify participants in public benefit programs that are deceased. If a department determines during a review under this section subsection that a participant is deceased, the department shall designate that individual as ineligible for benefits in any applicable database. The requirements under this section subsection do not apply to the department of children and families with regard to child care subsidies under s. 49.155.

SECTION 4. 49.823 (2) of the statutes is created to read:

49.823 (2) The department of health services shall enter a data sharing agreement with the department of children and families, the department of workforce

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

development, and any other agency that maintains a database of financial or personal information about residents of this state. The department of health services, through the data sharing agreement, shall confirm the information submitted by the applicant for a public assistance program with the information contained in other databases held by other agencies. The department of health services shall share data with other agencies for the purposes of confirming eligibility for public assistance programs.

SECTION 5. Nonstatutory provisions.

(1) EFFECTIVE DATE OF DISENROLLMENT; REPORT ON INELIGIBILITY. If implementation of s. 49.45 (2) (a) 3m. or any other part of this act does not comply with section 6008 (b) of the federal Families First Coronavirus Response Act, P.L. 116-127, to receive the enhanced federal medical assistance percentage, the department of health services shall implement any part of the act that does not comply beginning no sooner than the first day of the month beginning after the month in which the enhanced federal medical assistance percentage

described in section 6008 (a) of the federal Families First Coronavirus Response Act ends. During the period before the enhanced federal medical assistance percentage described in section 6008 (a) of the federal Families First Coronavirus Response Act ends, the department of health services shall perform an audit of Medical Assistance eligibility and report quarterly to the legislature under s. 13.172 (2) the number of individuals who are ineligible for Medical Assistance under subch. IV of ch. 49 but who are still receiving benefits.

(2) FEDERAL APPROVAL. If the department of health services determines that it is necessary to obtain permission from the federal department of health and human services to implement any portion of this act, the department shall request any state plan amendment, waiver of federal law, or other federal approval to implement that portion of the act. If federal approval is necessary under this subsection but not obtained, the department of health services is not required to implement the portion of the act for which approval is not obtained.