

WISCONSIN DEPARTMENT OF HEALTH SERVICES
Division of Health Care Access and Accountability
1 W. Wilson St.
Madison WI 53703

To: Medicaid Eligibility Handbook (MEH) Users

From: Angela Dombrowicki, Director
Bureau of Enrollment Management

Re: **Medicaid Eligibility Handbook Release 09-04**

Release Date: 09/09/09
Effective Date: 09/09/09

EFFECTIVE DATE

The following policy additions or changes are effective 09/09/09, unless otherwise noted. **Bold text denotes new text. Text with a strike through it in the old policy section denotes deleted text.**

CHANGES

**Apps and Reviews (Chs. 2-3) >
2 Applications > 2.5 Valid
Signature**

The term "CAF" was replaced with "Application Summary" in this section.

**Nonfinancial (Chs. 4 - 14) > 7
U.S. Citizen or Qualifying
Immigrant > 7.2 Documenting
Citizenship and Identity> 7.2.1
Documenting Citizenship and
Identity Introduction**

New Text:

A document issued by a federally recognized Indian tribe evidencing membership or enrollment in, or affiliation with the tribe (such as a tribal enrollment card or certificate of degree of Indian blood) is now considered a "Level 1" form of documentation of citizenship and identity.

Applicants who are otherwise eligible and are only pending for verification of citizenship and identity must be certified for health care benefits, within the normal application processing timeframe (30 days from the filing date), as long as the applicant has notified the worker that s/he is taking steps to obtain the necessary documentation or has asked for the worker's assistance to obtain it.

The applicant will have 90 days after the request for verification to provide the requested documentation. If the requested verification is not provided by the end of the 90 days, the eligibility will be terminated with Adverse Action notice. This 90 day period applies to applications, reviews and person adds.

**Nonfinancial (Chs. 4 - 14) > 7
U.S. Citizen or Qualifying
Immigrant > 7.2 Documenting
Citizenship and Identity> 7.2.1
Documenting Citizenship and
Identity Introduction> 7.2.1.2
Exempt Populations**

New Text:

The following populations are exempt from the new citizenship and identity documentation requirement:
Anyone currently receiving Social Security Disability Insurance (SSDI).

- Anyone who is currently receiving Supplemental Security Income (SSI) benefits.
- Anyone currently receiving Medicare.
- Anyone currently receiving Foster Care (Title IV-E and Non IV-E)
- Anyone currently receiving Adoption Assistance
- Inmates applying for or receiving BadgerCare Prenatal Program

benefits.

- **All persons who have ever been eligible for Wisconsin Medicaid or BadgerCare Plus as a CEN, are now exempt from ever having to provide documentation of citizenship.**

**Nonfinancial (Chs. 4 - 14) > 7
U.S. Citizen or Qualifying
Immigrant > 7.2 Documenting
Citizenship and Identity> 7.2.4
Hierarchy of Documentation>
7.2.4.4 Tribes With An
International Border**

This new section was added.

7.2.4.4 Tribes With An International Border

For Tribes having an international border, and whose membership includes non-U.S. citizens, Tribal enrollment/membership documents may be used for purposes of proving both citizenship and identity.

**Financial (Chs. 15 - 19) > 17
Divestment > 17.13 Trusts>
17.13.4 Exceptions**

5. Pooled trusts (Effective 09-01-08).

I Pooled Trusts Not Subject to Divestment

These are trusts for disabled persons as determined by SSI rules. Disregard them if they meet the following conditions:

- Are established and managed by a non-profit association, and**
- Have separate accounts, within each fund, which are maintained for each beneficiary or the trust, but for purposes of investment and management of funds, the trust pools these accounts. There may be a separate fund with accounts that include or benefit persons who do not have a disability, and
- Contain accounts with the funds of disabled individuals (based upon SSI and Medicaid rules) that are established solely for their benefit by a parent, grandparent, or legal guardian of such individuals, by such individuals, or by a court. If the account includes a residential dwelling, the individual must reside in that dwelling, but a spouse, caregiver or housemate can also live there with the Medicaid applicant /recipient, and
- Repay Medicaid to the extent that amounts remaining upon death are not retained by the trust.

i. This requirement can be satisfied when the individual trust account contains liquid assets and has a balance by returning that amount to the Medicaid program after subtracting a reasonable amount for administrative costs.

ii. This requirement can also be satisfied when the pooled trust account includes real property, and the real property is retained by the pooled trust so long as the property continues to be used by another Medicaid recipient who is disabled (as established under SSI rules) or elderly (age 65 years or older). In addition, if the account contains liquid assets that had been used to help maintain the real property, the account funds may be retained to continue to maintain the housing that will be used by another Medicaid recipient, and

- The trust was established with the funds of a disabled individual of any age. These would be considered “self-funded” trusts, and the age of the disabled individual at the time the trust was created, is irrelevant.**

II Pooled Trusts Subject to Divestment

A pooled trust established with the funds of a third party on or after September 1, 2008 for a disabled individual, age 65 or over will not be exempt from the divestment penalty provisions, if the third party subsequently applies for Medicaid. The divestment penalty is applied to the third party who created the pooled trust unless the

trust beneficiary is the third party's disabled child. Similarly, contributions/additions to a pooled trust by a third party, made after the disabled beneficiary turns 65 will also be subject to divestment penalty provisions if the third party (trust grantor) subsequently applies for Medicaid.

III Third Party Funded Pooled Trusts For Individuals Not Yet Declared Disabled

Third party funded pooled trusts for individuals applying for disability status are not subject to divestment if:

- a. they have placed their assets in a potential pooled trust, and
- b. they meet all of the conditions in 5 I above, and
- c. the potential disabled individual has initiated the disability determination process prior to 09/01/08, and
- d. they are over age 65.

“Initiating the disability determination process” means that the individual must have asked either the county agency, the Social Security Administration, or DDB for a disability determination.

Financial (Chs. 15 - 19) > 18 Spousal Impoverishment > 18.6 Spousal Impoverishment Income Allocation > 18.6.2 Worksheet 7 Section A -- Community Spouse Income Allocation

New Text:
Effective 10/01/09

If <i>Community Spouse</i> pays:	Add
Heat and utilities	\$419
Utilities only	\$292
Telephone only	\$29
If the community spouse lives in a condominium or cooperative where the maintenance fee includes utility expenses, reduce the standard utility allowance by the amount of utility expenses included in the maintenance fee.	

For Community Waivers cases, follow these rules to determine when to add the excess shelter cost to the community spouse income allocation:

- If the waiver person's community spouse lives with him/her, do not add the excess shelter cost to the income allocation.
- If the waiver person's community spouse does not live with him/her, add the excess shelter cost to the income allocation.

Program Admin. (Chs. 20 - 23) > 21 Benefits > 21.2 Full Benefit Medicaid

New Text:

Those subprograms of Medicaid that are eligible to receive full- benefit Medicaid services include:

1. Katie Beckett Medicaid (25.6 Katie Beckett).
2. Home and Community Based Waivers Long Term Care (28.1 HCBWLTC Introduction).
3. Institutions Medicaid (27.1 Institutions).
4. BC+ and BC+ Extensions **Standard Plan** (See the BC+ Handbook)

Program Admin. (Chs. 20 - 23) > 21 Benefits > 21.3 Limited Benefit Medicaid

New Text:

Limited benefit subprograms of Medicaid includes:

1. Medicare Buy-In Programs (32.1 Medicare Beneficiaries Introduction).

2. Emergency Services for Non-Qualifying Aliens
3. Tuberculosis-Related Medicaid (25.7 Tuberculosis).
4. Presumptively Eligible Pregnant Women (See the BC+ Handbook)
5. Family Care Non-MA (See the BC+ Handbook)
6. SeniorCare (33.1 SeniorCare Introduction)
7. Family Planning Waiver (See the BC+ Handbook)
8. **BadgerCare Plus Benchmark Plan**
9. **BadgerCare Plus Core Plan**

**Appendix (Chs. 39-40) > 39
Tables > 39.8 Life Expectancy
Table**

The life expectancy table was removed and a link to the SSA Life Expectancy table was added.