

BadgerCare Plus Eligibility Rules

Overview for Navigators, Certified Application Counselors, Partners, Agents, and Brokers

Nikki Biddick

WI Department of Health Services

September 11, 2023



Wisconsin Department of Health Services
Division of Medicaid Services

Today's Agenda

- Purpose
- Overview of BadgerCare Plus
- Non-Financial Rules
- Financial Rules
- Resources

Purpose

The purpose of this training is to provide navigators, Certified Application Counselors (CACs), partners, agents, and brokers with an overview of the eligibility rules for BadgerCare Plus.

Reminder:

- Session 1 was on Applying for Wisconsin's Health Care Programs.
- Tomorrow's 9:00 a.m. session will be on eligibility rules for Elderly, Blind, or Disabled (EBD) Medicaid.

Overview of BadgerCare Plus Eligibility Rules

Keep in Mind

This training provides an overview of the eligibility rules for BadgerCare Plus.

- It is not intended as a training on how to determine eligibility.
- Only IM agencies can determine eligibility.

The policies described in this training are subject to change. Updates are available at:

www.dhs.wisconsin.gov/forwardhealth/index.htm

and www.dhs.wisconsin.gov/alerts.htm.

COVID-19 Temporary Rules

- We are in the process of “unwinding”, which is the term our federal partners use to describe returning to routine Medicaid operations after the COVID-19 Public Health Emergency (PHE).
- During the PHE:
 - We maintained “continuous coverage”, in which BadgerCare Plus and Medicaid members remained eligible unless they passed away, moved out of state, or asked to disenroll.
 - We temporarily suspended premiums, MAPP work requirements, and a requirement for childless adults to answer a question about treatment needs for substance abuse.

Current Status of Unwinding

- New applicants who apply for BadgerCare Plus or Medicaid on or after April 1, 2023, do not have continuous coverage.
- Existing members who enrolled prior to April 1, 2023, must maintain continuous coverage until a full redetermination of eligibility – in most cases, at their next renewal.
 - Renewals were distributed evenly over a 12-month period from June 2023 through May 2024.
- Premiums and MAPP work requirements will be reinstated starting January 1, 2024.

Available Programs

BadgerCare Plus covers:

- Children ages 0 through 18.
- Parents / caretaker relatives of children ages 0 through 18.
- Pregnant people.
- Childless adults ages 19 through 64 who are not receiving Medicare, except Medicare Part B Immunosuppressive Drug Benefit (Part B-ID).

BadgerCare Plus

- BadgerCare Plus is a state and federal program that provides health coverage for low-income Wisconsin residents.
- BadgerCare Plus is funded by Medicaid (Title 19) and the Children's Health Insurance Program (CHIP or Title 21).
 - CHIP is primarily a program covering low-income children's health care needs. CHIP also covers pregnant women who are enrolled in the BadgerCare Plus Prenatal Program

Nonfinancial Rules for BadgerCare Plus

Nonfinancial Rules

- Must be one of the following to qualify for BadgerCare Plus:
 - Child age 0 through 18 years old
 - A parent or caretaker relative (no age limit) who lives with and cares for a child age 0 through 18 years old
 - Pregnant person (no age limit)
 - Childless adult age 19 through 64 years old who is not receiving Medicare, except Medicare Part B-ID.

Nonfinancial Rules

- Benefits for some children with higher household incomes are funded through the Children's Health Insurance Program (CHIP).
 - This includes children ages 1 to 5 with income above 191% of the Federal Poverty Level and ages 6 to 18 with income above 156% FPL.
 - As a result, they are subject to different rules regarding backdated coverage and crowd-out policies.

Nonfinancial Rules

- To qualify for BadgerCare Plus, you must:
 - Be a Wisconsin resident physically present with an intent to reside in Wisconsin.
 - Be a U.S. citizen or qualifying immigrant.
 - Provide Social Security number (with some exceptions).
 - Supply required information and verification within the required time frame.

Nonfinancial Rules

- Pay premiums if they are required.
- Meet crowd-out rules when they apply.
 - Children with higher incomes may not qualify if they have access to or coverage through certain employer-sponsored health insurance.
 - Some pregnant women who are immigrants or inmates may not qualify if they have other health insurance or have access to employer-sponsored health insurance.

Poll Question #1

What population does not qualify for BadgerCare Plus?

- a. Pregnant people
- b. Child under age 19
- c. Parents and caretaker relatives living with children under age 19
- d. Childless adults ages 19 – 64
- e. People ages 19 – 64 who are receiving Medicare (Not Part B-ID)

Financial Rules for BadgerCare Plus

Financial Rules

- Financial eligibility is based on the household's expected monthly income. In some circumstances annual income may also be considered.
- Assets are not considered when determining eligibility for BadgerCare Plus.

Income Limits

Adults	Children	Pregnant Women
Household income at or below 100% of the federal poverty level*	Household income at or below 306% of the federal poverty level	Household income at or below 306% of the federal poverty level

*Federal poverty level (FPL) is a federally determined income amount that is scaled based on household size and is usually adjusted every year. Current FPL amounts can be found here:

<http://www.dhs.wisconsin.gov/badgercareplus/fpl.htm>.

For a household of...	100% FPL	306% FPL
1	\$1,215.00/month	\$3,717.90/month
2	\$1,643.33/month	\$5,028.59/month
3	\$2,071.67/month	\$6,339.31/month
4	\$2,500.00/month	\$7,650.00 /month
5	\$2,928.33/month	\$8,960.69/month

Income Limits

- People whose income is too high to be eligible for BadgerCare Plus may be eligible for Advance Premium Tax Credits (APTCs) through the Marketplace.
- APTCs can help lower monthly insurance payments when enrolling in a health insurance plan through the Marketplace.
- The American Rescue Plan Act expanded eligibility for APTCs beyond the original 400% FPL limit, and the Inflation Reduction Act extended this provision through 2025.

How is Income Counted?

- Modified adjusted gross income (MAGI) rules are used to determine household size and household income for Badger Care Plus.
- MAGI rules are also used when determining eligibility for advance premium tax credits (APTCs) at the Marketplace.
- Using MAGI rules, IM agencies determine:
 - How big the household is (household size).
 - Which household members' income is counted.
 - What types of income and deductions are counted.

Poll Question #2

The income limit for BadgerCare Plus for pregnant people is _____ of the FPL.

- a. 100%
- b. 150%
- c. 200%
- d. 256%
- e. 306%

How Big is the Household?

Determining household size using MAGI rules can be complex.

- Tax rules: In some cases, household size is based on who plans to file taxes and whom they plan to claim as tax dependents.
- Relationship rules: In other cases, household size is based only on how household members are related to each other.
- As a result of these rules, different household members can have different household sizes.

Pregnant People

- For any pregnant people included in a given household, the household size is increased by the number of babies expected.
- Verification of pregnancy is not required unless the IM agency has information that contradicts the person's statement.

Tax Rules

In most cases, if an adult in the household is planning to file taxes (and is not being claimed as a tax dependent), the household includes the tax filer, spouse and tax dependents.

- Example 1: Joe and Liz are married and have two young sons, Matt and Leo. Liz is pregnant. Joe and Liz plan to file taxes and claim both children as tax dependents.
- **The family's household size is 5:** Joe, Liz, the expected baby, Matt, and Leo.

Tax Rules

- Example 2: Rich is a single adult who lives with and provides financial support to his elderly mother, Maggie. He plans to claim Maggie as a tax dependent.
- **Rich's household size is 2:** Rich and Maggie.

Relationship Rules

In most cases, if an adult in the household is not planning to file taxes, the household includes the adult, spouse, and their children under age 19 who are living with them.

- Example 3: Mike and Kelly are married and have a young daughter, Fiona. Mike and Kelly do not plan to file taxes.
- **Each person's household size is 3:** Mike, Kelly, and Fiona.

Relationship Rules

- Example 4: Lars and Laura are childless adults who live together but are not married. Laura is pregnant. Neither is filing taxes.
- **Lars' household size is 1.**
- **Laura's household size is 2.**

Relationship Rules

Relationship rules are also used for:

- Children who are claimed as a tax dependent by someone other than their parent.
- Children who are claimed as a tax dependent by a parent who lives outside of the home.
- Children who live with both parents but those parents are not filing jointly.

Note: when relationship rules are used for children under age 19, their household includes parents who are living with them and siblings under age 19 who are living with them.

More Examples

- Example 5: Jayden, Rylan, and Warren are teenage brothers (all under 19) who live with their aunt, Sarah. Sarah plans to file taxes and claim all three brothers as tax dependents this year.
 - Using tax rules, **Sarah's household size is 4** because she is a tax filer with 3 tax dependents.
 - Because the brothers are being claimed by someone who is not their parent, relationship rules are used. **Each brother has a household size of 3:** himself and his two brothers.

More Examples

- Example 6: Jocelyn is divorced and lives with her 17-year-old daughter, Maisie. Jocelyn plans to file taxes, but Maisie's father, Chris, plans to claim Maisie as a tax dependent this year.
 - Using tax rules, **Jocelyn's household size is 1** because she is a tax filer with no tax dependents.
 - Because Chris is a parent who lives outside of the household and is claiming Maisie, relationship rules are used for Maisie. **Maisie's household size is 2**: herself and her mother.

More Examples

- Example 7: Dan and Jackie live together but are not married. They have 10-year-old twins, Sadie and Lily. Dan plans to file taxes and claim both children as dependents. Jackie also plans to file taxes.
 - Using tax rules, **Dan's household size is 3** because he is a tax filer with 2 tax dependents.
 - Using tax rules, **Jackie's household size is 1** because she is a tax filer with no dependents.
 - For the twins, relationship rules are used because their parents are living together but not filing jointly. **Each child's household size is 4** because it includes the child, her sister, and their two parents.

More About Household Size

- Tax dependents can be included in someone's household size even if they are living outside of the home or are deceased.
- Spouses must always be included unless they are living separately and filing taxes separately.
- To be considered to be living with a parent, a child under age 19 must be in the parent's home at least 40 percent of the time.
- If parents are divorced, only one parent can claim the child as a tax dependent each year.
- Tax rules are based on how the person plans to file taxes for the current tax year.

For More About Households

- See the BadgerCare Plus Eligibility Handbook, Chapter 2.3:
www.emhandbooks.wisconsin.gov/bcplus/bcplus.htm
- See the flowchart, “Four Steps to Forming a MAGI group,” Chapter 2.3.3.

Poll Question #3

Relationship rules are not used for the indicated individual in which scenario?

Hint: Households may have some people under tax rules and other people under relationship rules, so only think about if tax rules or relationship rules are used for the specific individual described in the scenario.

- a. An adult in the household who is planning to file taxes and is not being claimed as a tax dependent.
- b. An adult in the household who is not planning to file taxes.
- c. A child who is claimed as a tax dependent by a parent who lives outside of the home.
- d. A child who lives with both parents, but those parents are not filing jointly.

Whose Income is Counted?

In general, all household members' income is counted.

- However, if a household member is a child or tax dependent of another household member, his or her income is only counted if he or she is 'expected to be required' to file a tax return for the current year.
- This includes children or tax dependents who expect to have more than **\$13,850** in earned income or more than **\$1,250** in other income for the tax year.
 - For this rule, other income does not include child support, Social Security, Supplemental Security Income, workers compensation, veterans benefits, money from another person, or educational aid.
 - These thresholds are updated annually.

Revisiting Example 6

Example 6: Jocelyn is divorced and lives with her 17-year-old daughter, Maisie. Jocelyn plans to file taxes, but Maisie's father, Chris, plans to claim Maisie as a tax dependent this year.

- Using tax rules, Jocelyn's household size is 1 because she is a tax filer with no tax dependents.
- Because Chris is a parent who lives outside of the household and is claiming Maisie, relationship rules are used for Maisie. Maisie's household size is 2: herself and her mother.
- **Maisie has a part-time job at McDonald's and is earning approximately \$400/month.**

Revisiting Example 6

- For Jocelyn's eligibility, Jocelyn is the only household member, so only her income is counted.
- For Maisie's eligibility, she is the child of another household member (Jocelyn), so Maisie's income is only counted if she is expected to be required to file.

Revisiting Example 6

- Maisie expects to earn \$4,800 this year from her job, so she is below the “expected to be required to file” threshold and her income is not counted.
- Only Jocelyn’s income will be counted for Maisie’s eligibility.
- If Maisie were to earn \$1,200/month, or \$14,400/year, she would be above the threshold and this income would be counted in addition to Jocelyn’s for Maisie’s eligibility.

What income is counted?

Most taxable income is counted for BadgerCare Plus. This includes (but is not limited to):

- Taxable gross earnings from a job,
- Taxable earnings from self-employment,
- Unemployment compensation,
- Student financial aid, if used for living expenses,
- Taxable retirement, pension, and annuities, and
- Interest and dividends.

Note that Social Security income is usually not taxable but is counted for BadgerCare Plus.

What income is not counted?

Examples of common types of income that are not counted for BadgerCare Plus include:

- Child support,
- Alimony, spousal support, or maintenance payments (received under separation or divorce agreement completed after January 1, 2019)
- Supplemental Security Income (SSI),
- Gifts or other money from another person,
- Worker's compensation, and
- Veteran's benefits.

Deductions

- Pretax paycheck deductions are allowed as BadgerCare Plus income deductions.
For example: Pretax contributions to health savings accounts.
- Tax deductions listed on IRS Schedule 1 (Form 1040) are also allowed. Examples include:
 - Student loan interest paid,
 - Higher education expenses, and
 - Self-employment tax.
- Itemized deductions – like mortgage interest and charitable contributions – are not allowed.

Poll Question #4

What type of income is not counted for BadgerCare Plus?

- a. Social Security payments
- b. Child support payments
- c. Taxable earnings from self-employment
- d. Unemployment compensation
- e. Taxable gross earnings from a job

Special Situations

- Presumptive eligibility (Express Enrollment)
- Gap filling
- Former foster care youth
- Income extensions
- Continuous eligibility for pregnant people
- Continuous eligibility for newborns
- BadgerCare Plus Emergency Services
- BadgerCare Plus Prenatal Program
- Family Planning Only Services
- Premiums

Presumptive eligibility (PE)

- Also known as Express Enrollment (EE) or temporary enrollment (TE).
- Streamlined online application for BadgerCare Plus or Family Planning Only Services.
- Facilitated through partners, providers and/or qualified hospitals.

Presumptive eligibility (PE)

- Provides up to 60 days of benefits before applying for ongoing benefits through the Income Maintenance agency.
- Available to children, pregnant people, and adults under age 65.
 - PE was temporarily extended to elderly, blind, and disabled adults during the COVID-19 Public Health Emergency, but has since ended.

Gap Filling

- In most cases, eligibility for BadgerCare Plus is based on monthly income.
- At the Marketplace, eligibility for APTCs is based on expected annual income. Only people with household income above 100 percent of the FPL are eligible for APTCs.
- Someone can be ineligible for BadgerCare Plus because of high monthly income and ineligible for APTCs because of low annual income.

Gap Filling

- For example, James is unemployed for most of 2023 but starts a job in October earning \$3,000/month.

As a single adult, he is well above the monthly income limit of \$1,215 for BadgerCare Plus. But his annual income is only \$9,000, which is below 100 percent FPL and makes him ineligible for APTCs.

- In situations like these, individuals can enroll in BadgerCare Plus based on their annual income.
- This type of enrollment is called gap filling.

Gap Filling

- Applicants and members found eligible under gap filling rules are certified under a 12-month eligibility period, like other BadgerCare Plus members.
 - This rolling 12-month certification period can start and end any month of the year.
 - This allows members to keep their certification period even if they change from having their eligibility determined under monthly income rules to annual income rules when they report changes.
 - Because 12-month certification periods often extend over two calendar years, the applicant or member's expected annual income will be collected at the beginning of a new year.
 - Verification of the next year's expected annual income is not required.

Gap Filling

- In some situations, the Marketplace tells a person their annual income is too low for APTCs, but after applying for BadgerCare Plus, their annual income is too high to be eligible for BadgerCare Plus under gap filling rules.
 - In most cases, this is because they did not report all of their income when applying at the Marketplace.
 - Someone denied BadgerCare Plus under gap filling rules can provide updated income information to the Marketplace or appeal their Marketplace decision.

Former Foster Care Youth

- Anyone who was in foster care, subsidized guardianship, or court-ordered kinship care **when they turned 18.**
- No income limit is applied to this population until age 26.

Earned Income Extensions

When a parent or caretaker relative's earned monthly income goes above 100 percent FPL due to increased earnings, their eligibility (and their children's eligibility) is extended by 12 months.

- The extension continues as long as the household continues to meet basic nonfinancial rules.
- There is no income limit during the extension.
- However, if the household's verified income goes below 100 percent FPL during the extension, the household will go back to normal BadgerCare Plus.
- This is also known as Transitional Medical Assistance.

Continuous Eligibility

Pregnant people who become eligible for BadgerCare Plus stay eligible through the end of the pregnancy.

- They are also eligible during a post-partum period that lasts until the end of the month in which the 60th day after the end of the pregnancy occurs.

Continuous Eligibility

- Babies who are born to a mother enrolled in BadgerCare Plus or Medicaid stay eligible for BadgerCare Plus until they turn 13 months old.
- These eligibility periods for pregnant people and newborns continue even if the household's income goes over the program's income limit.

BadgerCare Plus Emergency Services

- Covers services needed for the treatment of an emergency medical condition when certain individuals meet all BadgerCare Plus program rules except citizenship or qualifying immigration status and having or applying for an SSN.
- Not available for:
 - Childless adults (adults ages 19 through 64 who are not living with and caring for a child under age 19).
 - Children with higher incomes.
 - Women enrolled in the BadgerCare Plus Prenatal Program.

BadgerCare Plus Emergency Services

- Applications are processed by IM agencies.
 - Providers may complete the Certification of Emergency for Non-U.S. Citizens form (F-01162), but it is not required and does not guarantee reimbursement.
 - The fiscal agent determines if a condition is an emergency medical condition covered by BadgerCare Plus Emergency Services.

- For more information:

<https://www.dhs.wisconsin.gov/publications/p1/p10072.pdf>.

BadgerCare Plus Prenatal

- Available to pregnant people who meet all other rules for BadgerCare Plus but do not qualify because they do not have citizenship or qualifying immigration status or are inmates of a public institution.
- People are not eligible for BadgerCare Plus Prenatal if they are currently covered by any HIPAA health insurance policy.

BadgerCare Plus Prenatal

- They may not have current or past access to an employer-sponsored health insurance plan in which the employer pays at least 80 percent of the premium.
- People enrolled in Badger Care Plus Prenatal do not qualify for backdated eligibility.
- Continuous eligibility for pregnant people does not apply to people enrolled in BadgerCare Plus Prenatal.

Family Planning Only Services

- Limited benefit plan for people of childbearing or reproductive age.
- Covers certain services and supplies related to family planning.
- Income limit is 306% of the FPL.
- The household size is always one and only the individual's own income is counted.

Children's Premiums

- Children with household income above 201% of the FPL must pay premiums, except for:
 - Pregnant minors,
 - Former Foster Care Youth,
 - Children who have met a BadgerCare Plus deductible during the remainder of the deductible period,
 - Children in a BadgerCare Plus extension,
 - All children under age 1 including Continuously Eligible Newborns,
 - American Indian or Alaskan Native Tribal members, the son or daughter of a tribal member, the grandson or granddaughter of a tribal member, or anyone otherwise eligible to receive Indian Health Services.

Children's Premiums

- Failure to pay required premiums results in a 3-month restrictive re-enrollment period (RRP).
- Individuals can re-enroll during the RRP by paying owed premiums.
- Note: BadgerCare Plus premiums are currently still suspended.

Poll Question #5

Which of the following is a true statement regarding applicants or members eligible under gap filling rules?

- a. At the end of the year, members eligible under gap filling rules must reapply for BadgerCare Plus.
- b. The Marketplace must send an application to Wisconsin that has been identified as a possible gap filling situation for gap filling rules to be used in the eligibility determination.
- c. An applicant or member determined eligible under gap filling rules must submit their expected annual income at the beginning of a new calendar year.
- d. Applicants and members found eligible under gap filling rules have a shortened certification period (less than 12 months).

Additional Resources

Policy Resources

Online policy resources, such as policy manuals, handbooks, forms, and directories, can be found at:

www.dhs.wisconsin.gov/em/index.htm.

- The BadgerCare Plus Eligibility Handbook can be found at:

www.emhandbooks.wisconsin.gov/bcplus/bcplus.htm.

Policy Questions

Please direct policy questions related to Medicaid or BadgerCare Plus to:

dhsforwardhealthpartners@wisconsin.gov