

Health Care Policy Changes for Inmates

Rachel Witthoft, Wisconsin Department of Health Services
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Wisconsin
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Agenda

- Goals and background
- Policy changes overview
- General information
- Suspension for existing members
- Suspension for new applicants
- Special rules
- Redetermining eligibility at release
- ACCESS and MyACCESS
- Member communications

Goals of Policy Changes

- Improve health outcomes for people who are released from jail or prison into the community.
- Comply with federal requirements, specifically those in the federal SUPPORT Act.
- Simplify processes for individuals, income maintenance and tribal agencies (IM), and correctional facilities.

Background

- Under federal law, BadgerCare Plus and Medicaid for the Elderly, Blind, or Disabled (EBD Medicaid) may not pay for health services provided to incarcerated individuals, with the exception of someone who is outside of prison or jail for 24 hours or more. For example, the person is admitted as an inpatient to a hospital.
- This coverage restriction is current policy, and is not changing with these new policy changes.

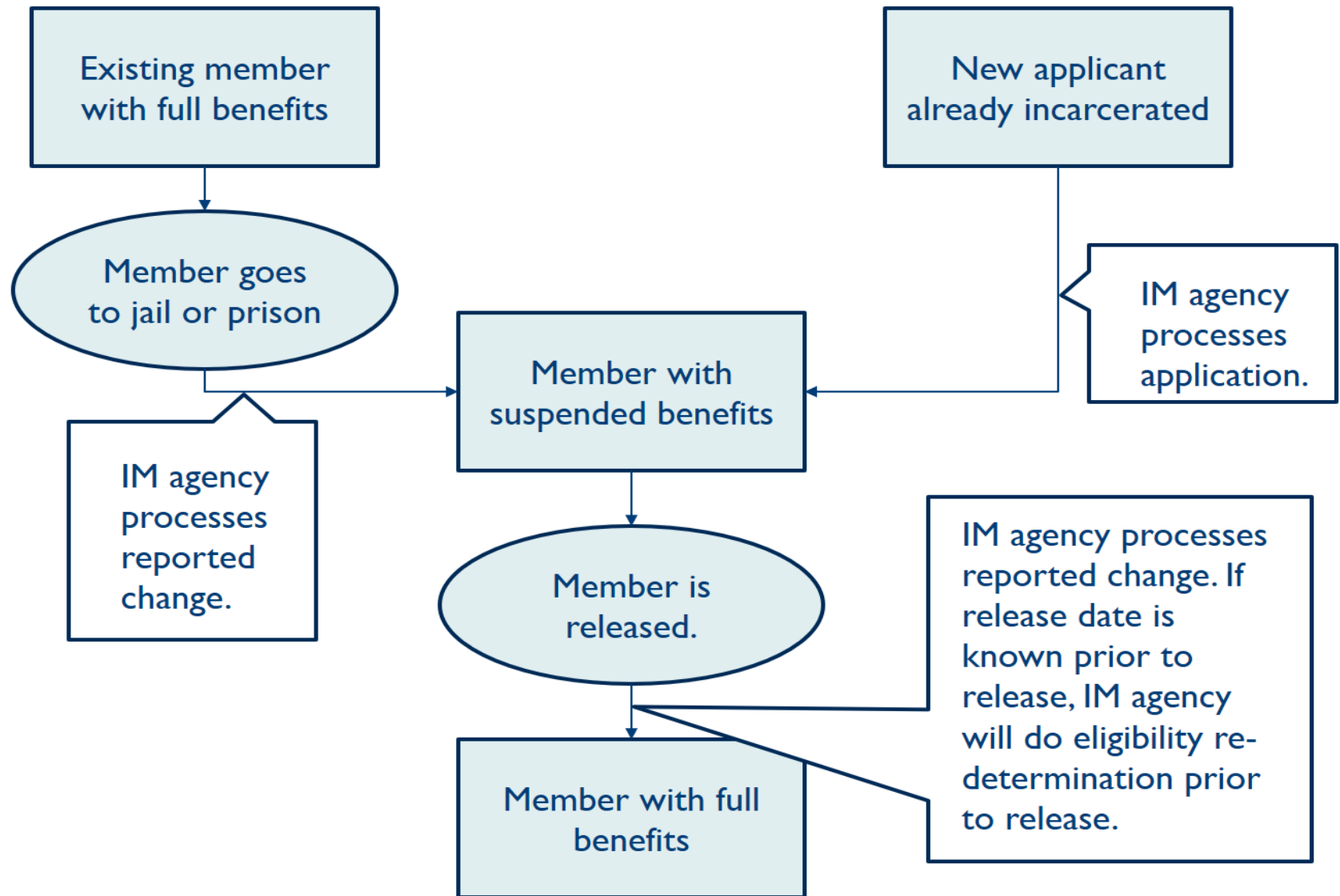
Current Policy

- BadgerCare Plus and Medicaid have had a longstanding policy of terminating eligibility when someone is incarcerated and requiring a new application upon release.
- If an inmate in a Department of Corrections (DOC) facility is hospitalized for 24 hours or more, DOC assists with completing an BadgerCare Plus/Medicaid application for that person. DHS determines eligibility, and if eligible, opens BadgerCare Plus or Medicaid only for the dates of hospitalization.

New Policy

- The SUPPORT Act require states to “suspend” instead of terminate Medicaid eligibility for juveniles who are incarcerated.
- Effective October 24, 2020, DHS plans to suspend health care eligibility for any inmate, regardless of age, for certain health care programs.

Process Chart



Programs That Can Be Suspended

Programs That Can Be Suspended

- BadgerCare Plus - except pregnant women enrolled in the BadgerCare Plus Prenatal Plan.
- The basic EBD Medicaid program for people who are age 65 or older, blind, or disabled (but who are not getting SSI).
- Wisconsin Well Woman Medicaid for women under age 65 who have been diagnosed with breast or cervical cancer or certain precancerous conditions.

Programs That Cannot Be Suspended

- Not all types of Medicaid can be suspended.
- Some forms of Medicaid will end because incarceration prevents the member from meeting basic program requirements. For example:
 - Medicaid Purchase Plan
 - Long-term care programs
- Prior to completely ending health care eligibility for a member, the IM agency will look to see if the member is eligible for a form of BadgerCare Plus or Medicaid that can be suspended.

Pregnant Women

- Pregnant members who are incarcerated will not be suspended. Their eligibility will continue to be determined under the BadgerCare Plus Prenatal Program which is a full benefit program.
- When the pregnancy ends, the member may move to suspended benefits under BadgerCare Plus or EBD Medicaid if they are still incarcerated.

General Information on Suspension

Household Composition

- If the person is part of a family enrolled in BadgerCare Plus or Medicaid, they can stay on the same case and be considered as “temporarily absent” from the home.
- This temporary absence can last as long as the person is incarcerated. There is no time limit while the person is incarcerated.

Household Composition

- Members will be asked to indicate if the incarcerated individual is still part of the household so that workers know if they need to be kept or removed from the case.
 - Members can report if this changes later on.
- If someone is no longer part of the household, they may need to apply for benefits on their own case.
 - If the incarcerated person is not the primary person on the case, they will need to file a new application if they want suspended BadgerCare Plus or Medicaid.

Member Requirements

- Suspended members are subject to change reporting rules and must report changes to their IM agency.
- The Notice of Decision will include the complete change reporting rules. It may include reporting the following changes within 10 days of occurrence:
 - Address
 - Income
 - Assets
 - Pregnancy
 - The people in the household
 - Tax filing status & tax dependents

Member Requirements

Members are required to complete an annual renewal in order to maintain their benefits. If the renewal is due while the person is incarcerated, they must complete it in order to maintain their suspended BadgerCare Plus or Medicaid.

In most cases, this will be an administrative renewal, which requires them to review information but not take action.

Suspension Length

There is no limit to how long someone's benefits can be suspended, as long as they continue to meet program rules.

Covered Services

- During the suspension, BadgerCare Plus or Medicaid will only pay for services if the member is hospitalized as an inpatient for 24 hours or more. The member will not need to submit a new application.
- Members who need other health care services should follow the process in the jail or prison facility for requesting services. BadgerCare Plus and Medicaid will not cover those services.

HMO Disenrollment

- Suspended members will not be enrolled in an HMO.
- If an existing member is in an HMO and is then incarcerated, the member will be disenrolled from the HMO when their BadgerCare Plus or Medicaid is suspended.
- If there are other members in the household who are not incarcerated, those members will continue to be enrolled in their HMO.

HMO Re-Enrollment

If the member regains full benefits at release, they may be:

- Automatically re-enrolled in their previous HMO if it is within the HMO reinstatement window.
- Asked to choose a new HMO if it is past the reinstatement window or they were not previously in an HMO.
- Automatically enrolled in their household's HMO.

Other Programs

- Non-health care programs (such as FoodShare) will continue to follow their existing policies for individuals who are incarcerated. Even though a case may remain open for health care, eligibility for other programs may end due to incarceration.
- Individuals interested in these other programs may need to submit a new application for these programs after they are released.

Suspension for Existing Members

Starting the Suspension

When someone becomes incarcerated and this information becomes known to the IM agency, their eligibility will be suspended.

- For DOC inmates, we expect to receive this information automatically via data exchange with DOC.
- For inmates of jails, we will continue to rely on direct reporting from members or jails.

Existing Members

When an incarceration is reported for an existing member, the suspension will start the first of the month following the month in which the incarceration was reported to the IM agency.

Example 1

Olivia is in a household by herself and is enrolled in full benefit BadgerCare Plus. On October 26, 2020, an IM agency receives a report that Olivia is incarcerated. The worker processes the change. Olivia's BadgerCare Plus is suspended starting November 1, 2020.

Example 2

Ty and Paula are married and have a 10-year-old child, Marcus. All three are enrolled in BadgerCare Plus. Ty is incarcerated on February 5, 2021. On February 10, 2021, Paula contacts the IM agency to report that Ty is incarcerated, but that she still considers him part of the household. The worker processes the change. Ty's BadgerCare Plus is suspended starting March 1, 2021. Paula and Marcus remain enrolled in full benefit BadgerCare Plus.

Suspension for New Applicants

New Applications

- New applications received after October 24, 2020, from people who are already incarcerated may go right into a suspension if they are eligible.
- If a new applicant was incarcerated after the first of the application month, the suspension will start the first of the month following the application month.

New Applications

A person must be incarcerated the full month in order to be eligible for suspended benefits that month. If the person is only incarcerated part of the month, they are eligible for full benefit BadgerCare Plus (assuming they meet the other eligibility criteria).

Example 3

Aaron has been incarcerated since June 15, 2020. He submits a new application on October 26, 2020. He does not request backdated benefits. Aaron is eligible for suspended BadgerCare Plus starting October 1, 2020.

Note: Health care generally starts the 1st of the application month, no matter what day of the month the application is submitted.

Special Rules

Children

- If the only adult(s) on the case are incarcerated, children on the case will continue to be eligible for health care on the case for up to three months.
- The purpose of this is to minimize disruption to the child's health care while the child transitions to a new living situation.
- The child can become eligible on another case, such as their other parent's case, prior to the end of the three-month period.

Children

Incarcerated children are not subject to premiums for the months in which health care is suspended.

Childless Adults

- “Childless adults” are adults ages 19 through 64 who do not have dependent children living in their home.
- Incarcerated BadgerCare Plus childless adults are not subject to premiums for the months in which health care is suspended.
- Childless adults are not required to answer the treatment needs question to gain or maintain suspended BadgerCare Plus.

They may be required to answer the treatment needs question to gain full benefits at release.

Out-of-State Incarceration

- If a person is incarcerated in Wisconsin and then involuntarily transferred to a correctional facility in another state, they are still considered a Wisconsin resident.
- If a person has committed a crime outside of Wisconsin and is incarcerated by that state in a correctional facility in that state, they are considered to be a resident of that state and not Wisconsin.

Redetermining Eligibility at Release

Redetermining Eligibility at Release

When someone is released and this information becomes known to the IM agency, eligibility can be reinstated without a new application for benefits.

- For DOC inmates, we expect to receive this information automatically via data exchange.
- For inmates of jails, we will continue to rely on direct reporting from members or jails.

Redetermining Eligibility at Release

- If the member continues to be eligible, full benefits are reinstated the first of the month in which the member is released.
- If the release date is known prior to release, the IM agency will do a pre-release redetermination a few weeks prior to the release so that the member can have full benefits when they walk out the door of the jail or prison.

Example 4

Cameron is incarcerated and enrolled in suspended BadgerCare Plus. Cameron's scheduled release date is December 15, 2020. The IM agency received his release date through the data exchange with DOC in October 2020. Prior to December 15, the IM agency redetermines his eligibility. Cameron's full benefit BadgerCare Plus starts December 1, 2020, so that he has access to full benefits right away when he is released on December 15.

Important Reminders After Release

- Members must follow change reporting rules and report to their IM agency changes such as if they have a new address or a new job.
- Members must remember to submit any requested verification and complete renewals.
- If a member does not have a reliable place to receive mail about their benefits, members can designate their IM agency as their mailing address and pick up mail there.
- Members with regular access to email can sign up for electronic notices through ACCESS.

ACCESS and MyACCESS

ACCESS Changes

- The ACCESS application will be updated to ask for the following information when an applicant is indicated as in jail or prison:
 - Incarceration Start Date
 - Release Date (if known)
 - Jail or Prison Facility Name and Address
- The application will also ask if the applicant is considered part of the household.

ACCESS Changes

The Renew My Benefits and Report My Changes modules in ACCESS will be updated with similar questions to ask for incarceration information when a member is reported as newly incarcerated, released, or moved to a different facility.

MyACCESS

While members will likely not have access to smartphones while in jail or prison, once they are released, the MyACCESS app can be a helpful tool for managing their benefits.

MyACCESS

Members with authenticated MyACCESS account can download the MyACCESS mobile app to do the following:

- Check your benefits: see the programs the member is enrolled in and when the next renewal is due.
- Get reminders: be reminded of actions the member needs to take or documents the member needs to submit.
- Submit documents: take photos of and submit proof at any time then check its status in real time.

The MyACCESS mobile app can be downloaded for free at the App Store or Google Play.

Member Communications

Member Communications

- The Notice of Decision will clearly state if a member will have their BadgerCare Plus or Medicaid put on hold. It will also include information about what it means for the member to have their benefits suspended.
- The renewal letter will also include information about suspension, if the member is due for a renewal while incarcerated.

Member Communications

Informational letters will be sent to the incarcerated member at their jail or prison address if known.

- A letter sent when the suspension starts will explain what it means for the member to have their health care benefits suspended.
- A letter sent when the suspension will soon end will explain that benefits will no longer be suspended.

Poll Question

Questions?

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

dhsforwardhealthpartners@wisconsin.gov