

WSSA EBD Committee Meeting Minutes  
Thursday, April 20, 2007

Attendees:

Ann Oven, Waukesha County  
Roberta Bloner, Kenosha County  
Mary Grell, Waukesha County  
Jeff Ulanski, DHFS  
Terri Hannes, Kenosha County  
Sharon Kok, Dodge County  
Nan Pahl, Brown County  
Sharon Doughty, Dodge County  
Cookie Vercauteren, Brown County  
Julie Milz, Clark County  
Kelly Goetl, Chippewa County  
Carol Hilsye, Pierce County

Meeting began with a welcome from the WSSA President, Paula Hintze. Paula began the meeting with a request for a Chair to be appointed for next year and a secretary was selected. The Nominated chairwoman is Mary Grell from Waukesha County Human Services. Ann Oven agreed to do the minutes for the year, which begins July 2007 and ends with the June conference. The meetings will be associated with the Bi-monthly Nursing Home meetings in Madison. Stay tuned for the meeting date for the July Organizational Meeting where we will set goals and finalize meeting dates. Agendas will be sent out sometime in June/early July. All interested parties are welcome to attend. There may also be a meeting on the Wednesday morning of Conference. Mary Grell will be seeing if that is a possibility.

No Corrections were issued from the last meeting minutes.

Jeff Ulanski, DHFS Medicaid Policy Analyst, had so much to share at this meeting that we could not get to all of his presentation. There is much going on.

**Autism Waiver Procedure**

The process begins with a referral from the Case Manager who has already completed the functional screen to determine that the child is potentially eligible. The referral should be followed by an MA/DA application (if the slot is State funded) and an MA application for the child only if the child is not already on some other form of MA.

The case should be entered on CWW with a Waivers screen completed that uses a CIP 1B code. Child support screens should be completed if there is an actual absent parent. Otherwise, just enter the parent names with no other info and code them as being in the home. The case is pended until the disability determination is made and then the Waivers are **denied, as there is no slot available**. Be sure to deny the MAOR, as the Parents are not requesting Family MA. Code ACPA after the Waivers denial as not requesting and close the case. (The Feds would not support ongoing pending of a case with no decision for an overextended period of time. The case cannot be pended until a slot becomes available.) . You could also enter as much of the Parent's information as you have and "QV" the parent's income and asset information.

When a slot becomes available, the child's parents need to resubmit an EBD/MA application and the case can be opened with slot approval letter and date of approval. The Disability determination does not have to be redone if the time period is before the disability diary date.

If the child is already on Medical Assistance, the Autism Waiver is treated as a Group A case. A Waivers screen is completed and the Case remains with the Family worker for the time being. If the family MA closes case can be transferred to the EBD worker.

A Handbook Policy update regarding the policy/process will be forthcoming. Jeff will talk to Terry Klubbertz at DDB to see if there is a way that functional screens can be sent directly to DDB by the Case Manager to get the disability determination done without an MA application. (Effectively bypassing the need for ES involvement at the initial stage. This is apparently the way things work with Katie Becket.) Don't get hopes too high as this may not happen any time soon, but it is a possibility.

Edvest accounts are an available asset to the person that has access to the funds. If a child cannot access the account, the money is not theirs.

### **MAPP Independence Accounts**

Coincide multiple accounts with the review date if possible. Look at all of the deposits to the accounts and determine if the total is less than half of the gross earned income for the entire 12 months of eligibility. Be sure to use Adverse Action logic and impose a penalty for a full 12 months beginning with the next possible month. If there is no premium during some of those months, the 12-month penalty clock continues to run. The recipient can also decide to decline benefits during the 12-month penalty period. Be sure to enter the overage in CWW even if there is no premium, as the penalty will pick up again if there is ever a premium established during the 12-month period.

There is no way to cure the penalty.

### **Other Insurance**

Do not counsel an MA recipient to drop medical insurance ever. If something changes in their particular program and the eligibility goes away, there is typically no way for them to get their private coverage back. Give the recipient the options and let them decide whether to keep private insurance or not.

### **Medicare B**

Individuals that have a premium penalty for some reason will no longer have the penalty added to their premium if they enroll in an MPA program.

### **Unearned Income**

Current policy requires the worker to verify unearned income even if they have verified that the gross amount never changes. Jeff will get back to us to see if that can be changed. \*\*\*Since the meeting, Jeff talked to Vicki Jessup and confirmed that, if you are absolutely certain that the gross amount of an unearned income payment will never change, you will only have to verify that income once, and not have to verify it at every review. \*\*\*

### **Life Insurance Under \$1500 and Burial Assets**

There is no need to reverify cash value of a policy, at review, where the total face value is under \$1500. There is no need to reverify the current value of known burial assets. Only verify value of assets purchased since the last review or unknown to CWW.

## **HOT TOPICS: VEHICLES, PERSONAL PROPERTY, DEFICIT REDUCTION AND THE NEW IRREVOCABLE TRUST POLICY**

### **Vehicles**

The vehicle policy is changing so that 1 vehicle is exempt no matter what the use, or what it is worth, as long as the owner uses the vehicle for transportation of the individual, couple or a member of the household. When there is more than 1 vehicle, the policy will be applied in a way that is most advantageous to the applicant/recipient. The exempt vehicle cannot be a junked vehicle or one that is used only for recreation. A vehicle can also be excluded if the vehicle is part of a plan for self-support, used for trade or business, or needed for work (pizza delivery). If a client/household owns only one vehicle and that vehicle is exempt because it is being used for transportation, the value of that vehicle will not need to be verified and there is no divestment if the vehicle is transferred because it is an exempt asset. Any vehicles, which are not

exempt, will have their equity value counted as an available asset. This policy will not be supported by CWW any time soon but a work around will be communicated.

### **Personal Property**

The current policy states that we count Personal Property of Unusual Value. The definition of “unusual value” is unclear so the policy will clarify when Personal Property is counted as an available asset. All household goods and personal property that is used for the occupancy or maintenance of the home will be exempt. (i.e. Lawn tractors and Dressers even if they are antiques.) Family Heirlooms will also be exempt. The only countable personal property will be items purchased or held because of value or for investment purposes. The way to determine if a personal property is countable will be to ask, “How did you obtain this item and what are you going to do with it?” If it is an inheritance or “handed down”, it is exempt. If it is a being held to fund retirement and was purchased for that purpose, it is countable.

### **Irrevocable Trusts: In Handbook Today!**

This change is in the 07-03 release. Any trust that is established with the resources of the individual or his/her spouse is a countable asset if it can be distributed in any portion at any time to the beneficiary of the trust. Exclusions are pooled or Special Needs Trusts.

Any trust that is set up by a third party is countable only if there are any circumstances under which the trustee can be compelled to make it available by the beneficiary. Be sure to read the policy for specific details. The governing State Statute is 49.454 and the US Code is 42USC1396p(d)(3)(B).

If the trust has mixed assets that were supplied by the individual and a third party, count only the resources contributed by the individual as an available asset.

### **Deficit Reduction Act**

2 separate groups have been meeting to decide how to interpret the Federal law. Once a final draft of the policy is created, it will need to be reviewed and ultimately approved by BEM Bureau Director, the DHCF Administrator’s Office, and perhaps the DHFS Secretary. The expected implementation date is October 1, 2007 pending budget approval.

For any divestments made on or after February 8, 2006, the new rules will apply. This means that we will be managing 2 different policies at the same time. It is unknown at this time how this will look, but there are many possibilities. CARES support will probably not be available.

Open and ongoing cases will probably be ok as the divestment has already been looked at, but...maybe not.

The new rules require a lookback period of 60 months for everything that was transferred out of the individual’s or their spouse’s ownership. Multiple divestments during the lookback period will be added together no matter when the transfer occurred after February 8, 2006 and the penalty will be applied. The penalty period will run from the date of application forward. There is also no rounding down of penalty months. Penalties will be calculated **to the day**.

Applications taken after the implementation of the policy will have to disclose all transfers and the transfers will be treated differently depending on the date that the asset was transferred. Anything transferred before February 8, 2006 will be treated with the old policy rules. Anything transferred after will have the new rules applied.

Undue Hardship will be able to be requested by the institution with the consent of the individual. Institutions are not able to discharge individuals unless they find another suitable facility. A 30-day bed hold claim can be made from the date of application for payment while the undue hardship is being considered.

**OTHER UPCOMING CHANGES: Watch your OPS memos and updates!**

**Annuities**

For any annuity purchased on or after February 08, 2006 the State of Wisconsin must be named primary beneficiary or secondary beneficiary after the spouse or disabled child or the creation of the annuity will be counted as a divestment.

**Life Estates**

Life Estates purchased in the home of a third party is divestment if the individual did not live in the home for 12 consecutive months. Allowances are made for short-term hospitalizations or vacations, illness or rehabs.

**Loans, Mortgages or Promissory Notes**

No balloons or forgiveness of balances will be allowed. The loan balance cannot be forgiven without divestment consequences.

**Home Equity Maximum**

No eligibility for long term care services will be granted to an individual or couple that have a home valued at more than \$750,000.00.

**Life Care Community Endowments**

The life care contracts will be enforced where the individual paid an endowment to a facility with a life care agreement. Under certain circumstances, the endowment can be counted as an available asset.

**Next Meeting:** Stay tuned! We are hoping for a meeting at the Osthoff on the 30<sup>th</sup> of May to finish what we didn't have time for on the 20<sup>th</sup> of April. An agenda will be sent out as soon as available. Send your questions to Ann Oven at [aoven@waukeshacounty.gov](mailto:aoven@waukeshacounty.gov) and they will be forwarded to Jeff to address at the next meeting. Hope to see everyone at Conference!

Minutes will be posted on the WSSA website found at [www.wssa.ws](http://www.wssa.ws). If you wish to have minutes emailed to you directly and are not a committee member, please email Maralyn Trayler at [mtrayler.parkstreet@co.waushara.wi.us](mailto:mtrayler.parkstreet@co.waushara.wi.us)