



*Advocacy & Benefits Counseling for Health, Inc.
Serving Wisconsin Families Since 1994*

**Birth Cost Recovery Update - "The Birth Tax"
May 19, 2020**

Hello Partners,

As you know, ABC for Health is dedicated to tracking the birth cost recovery policy in Wisconsin. This policy, we call it the "birth tax," is one that is especially important to keep our partners engaged and up to date as we work to eliminate the policy statewide.

This Update calls your attention to the Resolution to abolish the Birth Tax, before the Milwaukee County Board of Supervisor's Health and Human Needs Committee this week. We also review the potential impact of WI Act 185 (the COVID Relief Bill) on BadgerCare Plus sanctions, like those imposed against women not cooperating in BCR actions. We also have a "changing of the guard" in our Birth Tax staffing as we say goodbye to intern Robin Mwai, and welcome student intern Megan Ramirez to our Birth Tax work.

Milwaukee County Board Committee Takes Up Resolution to Abolish the Birth Tax

The Milwaukee County Board's Committee on Health and Human Needs will meet **Wednesday, May 20, 2020 at 9:00am** in a virtual meeting. On this agenda is the resolution requesting the Milwaukee County Department of Child Support Services discontinue the discretionary practice of pursuing birth cost recovery collections in child support cases in Milwaukee County effective May 1, 2020, and earmarking \$250,000 in Org. Unit 1840-1945 Appropriation for Contingencies to offset the loss of related revenues.

Read the [Resolution](#). Read the [Fiscal Note](#).

At this meeting, the Committee may consider and vote to recommend County Board adoption of this resolution.

Instructions for Viewing the Meeting: This meeting is being live-streamed on the County Legislative Information Center: <https://milwaukeecounty.legistar.com/Calendar.aspx>

Instructions for submitting comments: Members of the public are invited to submit written comments to members of the Committee on Health and Human Needs by sending an email to HHN@milwaukeecountywi.gov no later than 1 hour prior to the scheduled start time of this meeting. Please include the File Number "**File No. 20-266**" in the email subject line. All submitted written comments will be included as part of the official public record.

Recall, in late December 2019 then County Board Chairman Theodore A. Lipscomb, Sr., introduced a resolution to review birth cost recovery practices to determine "the fiscal and racial equity impacts" of the practice in Milwaukee County. On March 3, Lipscomb introduced the current [Resolution](#) eliminating Birth Cost Recovery in Milwaukee County. He calls birth cost recovery, "a harmful practice to vulnerable communities within Milwaukee County" that "should not be continued." Lipscomb also acknowledges that "the 2020 Adopted Budget for Dane County, Wisconsin, eliminated the policy of birth cost recovery as part of their Access to Opportunity Initiative to alleviate financial stress for parents and address barriers that disproportionately impact low income families."



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WI Act 185 – COVID19 Relief and “Maintenance of Effort” Requirements

On May 4, Wisconsin’s Gov. Tony Evers and Department of Health Services Secretary Designee Andrea Palm signed [Emergency Order #35](#), suspending several administrative rules and directives that impact some state Medicaid program eligibility and benefits management criteria, FoodShare Administration, Emergency Mental Health, and more.

The Order specifies that the Department of Health Services shall **maintain Medicaid eligibility** for persons who were enrolled on March 18, 2020 or after. The authority for this “Maintenance of Effort” requirement comes from the Families First Coronavirus Response Act, as one of the four conditions that must be met if Wisconsin seeks an enhanced Federal Share in its Medicaid Program (enhanced FMAP percentage). The language was ultimately approved by the Wisconsin Legislature as part of WI Act 185.

In application, the provision means the state *cannot remove anyone from the State Medicaid Program* unless the individual specifically requests to be removed, even if that individual would otherwise fall out of eligibility for the program (for either financial or non-financial reasons).

Relevance to the Birth Tax: In practice, this provision would apply to women who would otherwise have been subject to sanction for noncooperation with child support pursuant to Birth Cost Recovery actions, if after March 18, 2020. It would be inappropriate, and a violation of this Emergency Order, for the State to remove a woman from her health coverage 60 days post-partum for noncooperation. The Emergency Order is in effect for the duration of the National Public Health Emergency Declaration.

Gov. Evers, [upon signing the Emergency Order](#) stated, “This order reduces regulatory burdens while allowing us to maintain essential Medicaid services and ensure the health and safety of Wisconsinites.”

Changing of the Guard

In May, ABC said goodbye and a big thank you to its student intern Robin Mwai for a great term at ABC for Health. We wish Robin all the best as she puts her new degree in Rehabilitation Psychology into action! Robin helped create educational materials to help families understand the Birth Tax policy, and compiled stories of families negatively impacted by the inequitable policy. One of Robin’s last tasks was to film a virtual workshop, titled, “[Eliminating a Medicaid Health Disparity: Stopping the Birth Tax](#),” featured at the 13th Annual HealthWatch Wisconsin Conference 2020 Visions & Decisions: Health Insurance. Social Justice. Health Equity. On May 27, ABC will welcome Megan Ramirez, a Clinical Rehabilitation Counseling Masters Student to our team. Megan will continue the momentum by working with our multi-disciplinary team, pursuing the elimination of the Birth Tax policy!

This update is for informational purposes only.

Regards,

[Brynne McBride](#)

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