

SENATE FILE NO. SF0106

Welfare Fraud Prevention Act Amendments.

Sponsored by: Senator(s) Biteman

A BILL

for

1 AN ACT relating to welfare; amending the intervals at which  
2 the department of health shall determine specified  
3 information of an applicant for or recipient of public  
4 welfare and assistance; making conforming amendments;  
5 amending the requirements for public welfare and assistance  
6 qualification and participation; establishing citizen,  
7 noncitizen and qualified alien eligibility for public  
8 welfare and assistance; requiring the reporting of illegal  
9 alien status; requiring specified hospitals to collect  
10 citizenship status information; requiring rulemaking;  
11 requiring reporting; providing definitions; specifying  
12 applicability; and providing for an effective date.

13

14 *Be It Enacted by the Legislature of the State of Wyoming:*

15

1           **Section 1.** W.S. 42-2-115, 42-10-108 through  
2 42-10-111, 42-10-204 and 42-12-101 through 42-12-106 are  
3 created to read:

4

5           **42-2-115. Supplemental nutrition assistance program**  
6 **eligibility recertification frequency.**

7

8           (a) The department shall assign certification periods  
9 of not greater than four (4) months to households with zero  
10 (0) net income, households that include an able bodied  
11 adult without dependents or other households whose  
12 circumstances are determined by the department to be  
13 unstable, unless otherwise prohibited under federal law for  
14 the supplemental nutrition assistance program.

15

16           (b) The department shall assign certification periods  
17 of one (1) or two (2) months to households that the  
18 department determines will become ineligible for the  
19 supplemental nutrition assistance program in the near  
20 future, unless otherwise prohibited under federal law.

21

22           (c) Except as provided by paragraphs (a) and (b) of  
23 this section, the department shall assign certification

1 periods of not more than six (6) months to households whose  
2 members are not elderly or disabled, unless otherwise  
3 prohibited under federal law.

4

5 **42-10-108. Prohibition on self-attestation.**

6

7 (a) Except as required under federal law,  
8 self-attestation shall not be accepted for any of the  
9 following eligibility factors without verification prior to  
10 enrollment in the medicaid program:

11

12 (i) Income;

13

14 (ii) Residency;

15

16 (iii) Identity;

17

18 (iv) Household composition;

19

20 (v) Citizenship or immigration status.

21

1           (b) The department shall not rely on self-attestation  
2 to establish any medicaid eligibility factor unless  
3 expressly required by federal law.

4

5           **42-10-109. Residency verification; monthly address**  
6 **checks; multistate enrollment; monthly death record checks.**

7

8           (a) As used in this section, "address change  
9 information" means postal change of address data, state  
10 address change databases or comparable systems.

11

12           (b) On not less than a monthly basis, the department  
13 shall review address change information to identify  
14 potential changes in residency for medicaid recipients.

15

16           (c) The department shall conduct monthly cross checks  
17 of address change information against enrollment records  
18 and shall initiate an eligibility redetermination when a  
19 change in residency is indicated.

20

21           (d) The department shall review out-of-state  
22 electronic benefit transactions on not less than a monthly

1 basis and shall initiate a redetermination when  
2 transactions indicate possible relocation.

3

4 (e) The department shall submit enrollment  
5 information to any national database used to identify  
6 persons enrolled in medicaid or public benefits in multiple  
7 states. Implementation of this subsection shall occur no  
8 later than October 1, 2029.

9

10 (f) Not later than August 31 of each year, the  
11 department shall submit a public report to the joint labor,  
12 health and social services interim committee of the Wyoming  
13 legislature, including:

14

15 (i) The number of persons flagged through  
16 address change information or out of state benefit  
17 activity;

18

19 (ii) The number of persons removed from the  
20 medicaid program due to enrollment in multiple states;

21

22 (iii) The estimated fiscal impact of this  
23 section.

1

2 (g) On not less than a monthly basis, the department  
3 shall receive and review information from the vital  
4 statistics services and the social security administration  
5 master death file to identify any deceased persons enrolled  
6 in the medicaid program. Upon confirmation of death, the  
7 department shall promptly remove the deceased person from  
8 the program. No medicaid payment shall be made for any  
9 service provided after the person's date of death and the  
10 department shall recoup any per member payments, care  
11 coordination payments or fee for service payments made for  
12 any period or service occurring after the date of death.

13

14 **42-10-110. Retroactive medicaid eligibility;**  
15 **rulemaking; reporting.**

16

17 (a) As used in this section:

18

19 (i) "Retroactive eligibility" means coverage for  
20 services furnished prior to the month of application as  
21 authorized by 42 U.S.C. § 1396a(a)(34);

22

1           (ii) "Medicaid eligible population" means  
2 persons eligible for medicaid under state or federal law.

3

4           (b) Retroactive medicaid eligibility shall not extend  
5 more than two (2) months prior to the month in which a  
6 completed medicaid application is submitted.

7

8           (c) This limitation applies only to initial  
9 applications and shall not affect ongoing eligibility.

10

11           (d) The department shall adopt rules necessary to  
12 implement this section.

13

14           (e) Not later than August 1 of each year, the  
15 department shall submit a report to the joint labor, health  
16 and social services interim committee of the Wyoming  
17 legislature, including:

18

19           (i) The number of medicaid applications  
20 processed;

21

22           (ii) The number of applicants denied retroactive  
23 eligibility under this section; and

1

2 (iii) The estimated fiscal impact of the  
3 limitation.

4

5 (f) This section shall be implemented not later than  
6 January 1, 2027.

7

8 **42-10-111. Eligibility redeterminations.**

9

10 (a) Unless prohibited by federal law, the department  
11 shall conduct eligibility redeterminations for all  
12 nonelderly medicaid recipients, as defined by 42 C.F.R.  
13 435.119(b)(1), who qualify as parents or caretaker  
14 relatives, whose eligibility is determined using modified  
15 adjusted gross income standards under 42 C.F.R. 435.603, at  
16 least one (1) time every six (6) months.

17

18 (b) The department shall conduct eligibility  
19 redeterminations for all medicaid recipients not described  
20 in paragraph (a) of this section at least once every twelve  
21 (12) months.

22

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Article 2

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WAIVER OF WORK REQUIREMENTS

**42-10-204. Prohibition on waiver of work requirements and exemptions.**

(a) The department shall not seek, apply for, accept or renew any waiver of work requirements under 7 U.S.C. § 2015(o)(4) without first obtaining specific authorization from the legislature. Such authorization shall be provided in a duly enacted statute.

(b) The department shall not exercise the state's option to provide any exemptions from the work requirement under 7 U.S.C. § 2015(o)(6)(F).

CHAPTER 12

CITIZENS AND QUALIFIED ALIENS STATUS VERIFICATION FOR WELFARE

**42-12-101. Definition of citizens who are eligible for public assistance.**

1           (a) No person who is not a United States citizen or  
2 national of the United States shall be eligible to receive  
3 food assistance through the supplemental nutrition  
4 assistance program, unless that individual meets the  
5 definition of a qualified alien pursuant to 8 U.S.C. §  
6 1641(b).

7

8           (b) No person who is not a United States citizen or  
9 national of the United States shall be eligible to receive  
10 medical assistance through medicaid, unless that person  
11 meets the definition of an eligible alien pursuant to 42  
12 U.S.C. § 1396b(v) and meets the definition of a qualified  
13 alien pursuant to 8 U.S.C. § 1641(b).

14

15           (c) No person who is not a United States citizen or  
16 national of the United States shall be eligible to receive  
17 assistance through the personal opportunities with  
18 employment responsibilities (POWER) program, unless that  
19 person meets the definition of a qualified alien pursuant  
20 to 8 U.S.C. § 1641(b).

21

22           **42-12-102. Verification of citizenship or eligible**  
23 **alien status.**

1

2 (a) The department shall be required to verify that a  
3 person is eligible to participate in the supplemental  
4 nutrition assistance program during enrollment and  
5 eligibility recertification by verifying citizenship or  
6 eligible alien status by using the United States  
7 citizenship and immigration services' systematic alien  
8 verification for entitlements (SAVE) online service or  
9 requiring the person to provide an acceptable form of proof  
10 of citizenship or eligible alien status, including but not  
11 limited to certified birth certificates, United States  
12 passports and United States customs and immigration  
13 services documentation.

14

15 (b) The department shall be required to verify that a  
16 person is eligible for medicaid during enrollment and  
17 eligibility redetermination by verifying citizenship or  
18 eligible alien status using the SAVE online service or  
19 requiring the person to provide an acceptable form of proof  
20 of citizenship or eligible alien status, including but not  
21 limited to, certified birth certificates, United States  
22 passports and United States customs and immigration  
23 services documentation.

1

2 (c) The department shall be required to verify that a  
3 person is eligible for the POWER program during enrollment  
4 and eligibility redetermination by verifying citizenship or  
5 eligible alien status using the SAVE online service or  
6 requiring the person to provide an acceptable form of proof  
7 of citizenship or eligible alien status, including but not  
8 limited to, certified birth certificates, United States  
9 passports and United States customs and immigration  
10 services documentation.

11

12 (d) The department shall submit to the United States  
13 department of agriculture information concerning any  
14 household member for whom it is unable to verify eligible  
15 alien status.

16

17 (e) The department shall submit to the United States  
18 department of health and human services information  
19 concerning any household member for whom it is unable to  
20 verify eligible alien status.

21

22 **42-12-103. Referral of illegal aliens to law**  
23 **enforcement.**

1

2 The department of human resources shall submit to the  
3 appropriate law enforcement authorities, including but not  
4 limited to the United States department of homeland  
5 security, information concerning any household member who  
6 it is determined to be an unlawfully present alien,  
7 regardless of whether such household member is applying to  
8 participate in a public assistance program, including but  
9 not limited to, the supplemental nutrition assistance  
10 program or medicaid.

11

12 **42-12-104. Counting of ineligible alien income in**  
13 **determination of benefits under the supplemental nutrition**  
14 **assistance program.**

15

16 The entire income and financial resources of any individual  
17 rendered ineligible for participation in the supplemental  
18 nutrition assistance program under 7 U.S.C. § 2015(f) shall  
19 be considered in determining the eligibility and benefit  
20 allotment of the household of which such individual is a  
21 member.

22

1           **42-12-105. Reasonable opportunity periods for**  
2 **noncitizens applying for medicaid.**

3  
4           (a) The department shall adhere to the following  
5 requirements regarding the reasonable opportunity period  
6 for verification of United States citizenship or eligible  
7 alien status for medicaid:

8  
9           (i) When an applicant's status cannot be  
10 verified through available data sources, the department  
11 shall provide only a single reasonable opportunity period,  
12 consistent with the minimum period required under federal  
13 law, for the applicant to provide verification;

14  
15           (ii) Medicaid coverage may only be provided  
16 provisionally during the reasonable opportunity period;

17  
18           (iii) Failure to submit acceptable documentation  
19 within the reasonable opportunity period required under  
20 federal law shall result in denial or termination of  
21 medicaid eligibility, subject to required notice;

22

1           (iv) No additional reasonable opportunity period  
2 shall be granted to any applicant who has previously been  
3 denied eligibility at any time due to a failure to verify  
4 citizenship or eligible alien status.

5

6           **42-12-106. Citizenship data collection and**  
7 **presumptive eligibility integrity.**

8

9           (a) The department shall require a field for  
10 citizenship or eligible alien status on all presumptive  
11 eligibility applications. The department shall require  
12 hospitals, clinics and other qualified entities authorized  
13 to conduct presumptive eligibility determinations to  
14 collect and transmit attestations of citizenship or  
15 eligible alien status to the department. No presumptive  
16 eligibility application shall be approved unless the  
17 applicant certifies that they are a United States citizen,  
18 United States national, or alien eligible for medicaid  
19 pursuant to 42 U.S.C. § 1398b(v) and W.S. 42-12-101(b).

20

21           (b) The department shall:

22

1           (i) Require each hospital that accepts medicaid  
2 to include a provision on its patient admission or  
3 registration form for the patient or the patient's  
4 representative to state or indicate whether the patient is  
5 a United States citizen or lawfully present in the United  
6 States or is not lawfully present in the United States;

7  
8           (ii) Require each hospital that accepts medicaid  
9 to inform a patient, at the time this information is  
10 collected, that any submission made on an admission or  
11 registration form will not affect patient care, as required  
12 by federal law;

13  
14           (iii) Require that each hospital shall submit a  
15 quarterly report to the agency within thirty (30) days  
16 after the end of each calendar quarter which reports the  
17 number of hospital admissions or emergency department  
18 visits within the previous quarter which were made by a  
19 patient who indicated that he or she was a citizen of the  
20 United States or lawfully present in the United States, was  
21 not lawfully present in the United States, or declined to  
22 answer;

23

1           (iv) By April 1 of each year, submit a report to  
2 the governor, the president of the senate and the speaker  
3 of the house of representatives, which includes the number  
4 of hospital admissions and emergency department visits for  
5 the previous calendar year where the patient or patient's  
6 representative reported that the patient was a citizen of  
7 the United States or declined to answer. The report shall  
8 also describe information relating to the costs of  
9 uncompensated care for aliens who are not lawfully present  
10 in the United States, the impact of uncompensated care on  
11 the cost or ability of hospitals to provide services to the  
12 public, hospital funding needs and other related  
13 information;

14

15           (v) Adopt rules relating to the format and  
16 information to be contained in quarterly reports and the  
17 acceptable formats for hospitals to use in requesting  
18 information regarding a patients immigration status on  
19 hospital admission or registration forms.

20

21           **Section 2.** W.S. 42-2-103(b) (xvi) and  
22 42-10-103(a) (intro), (iii) through (viii), (x) through (xv)  
23 and by creating a new subsection (d) is amended to read:

1

2           **42-2-103. Provision of assistance and services;**  
3 **duties of department; burial assistance; department of**  
4 **health state supplemental security income program.**

5

6           (b) In carrying out subsection (a) of this section  
7 and except as provided under the Wyoming Medical Assistance  
8 and Services Act, the department shall:

9

10                   (xvi) Conduct the eligibility and identity  
11 verification process as provided in W.S. 42-10-101 through  
12 ~~42-10-107~~ 42-10-111.

13

14           **42-10-103. Enhanced eligibility verification process.**

15

16           (a) Prior to awarding any public welfare benefit, and  
17 ~~on a quarterly basis~~ at the intervals specified in this  
18 section after any benefit is awarded, the department shall,  
19 to the extent practicable, determine the following  
20 information as it relates to each applicant for or  
21 recipient of a public welfare benefit:

22

1           (iii) Income information maintained by the  
2 United States social security administration, reviewed by  
3 the department not less than on a monthly basis;  
4

5           (iv) Immigration status information maintained  
6 by the United States citizenship and immigration services  
7 and verified through the SAVE online service or other  
8 acceptable documentation;  
9

10          (v) Death register information maintained by the  
11 United States social security administration, reviewed by  
12 the department not less than on a monthly basis;  
13

14          (vi) Prisoner information maintained by the  
15 United States social security administration, reviewed by  
16 the department not less than on a monthly basis;  
17

18          (vii) Public housing and section 8 housing  
19 assistance payment information, reviewed by the department  
20 not less than on a monthly basis;  
21

1           (viii) Fleeing felon, probation or parole  
2 violation information, reviewed by the department not less  
3 than on a monthly basis;  
4

5           (x) Beneficiary records and earnings information  
6 maintained by the United States social security  
7 administration in the beneficiary and earnings data  
8 exchange system, reviewed by the department not less than  
9 on a monthly basis;  
10

11           (xi) Earnings and pension information maintained  
12 by the United States social security administration in the  
13 beneficiary earnings exchange record system, reviewed by  
14 the department not less than on a monthly basis;  
15

16           (xii) Earnings and pension information  
17 maintained by the Wyoming retirement system, reviewed by  
18 the department not less than on a monthly basis;  
19

20           (xiii) Employment information maintained by the  
21 department of workforce services, reviewed by the  
22 department not less than on a monthly basis;  
23

1           (xiv) Employment information maintained by the  
2 United States department of health and human services in  
3 the national directory of new hires, reviewed by the  
4 department not less than on a monthly basis;

5  
6           (xv) Supplemental security income information  
7 maintained by the United States social security  
8 administration in the social security income state data  
9 exchange system, reviewed by the department not less than  
10 on a monthly basis;

11  
12           (d) On not less than a quarterly basis, the  
13 department shall make available on its public website all  
14 of the following data from findings on noncompliance and  
15 fraud investigations, provided the data is presented in the  
16 aggregate and does not include confidential or personally  
17 identifying information:

18  
19           (i) The total number of public benefit cases  
20 investigated for intentional program violations or fraud;

21  
22           (ii) The total number of public benefit cases  
23 referred to the attorney general's office for prosecution;

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2

(iii) Total improper payments and expenditures;

3

4

(iv) Total monies received;

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(v) Aggregate data concerning improper payments  
and ineligible recipients as a percentage of those  
recipients investigated and reviewed.

8

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**Section 3.** This act is effective immediately upon  
completion of all acts necessary for a bill to become law  
as provided by Article 4, Section 8 of the Wyoming  
Constitution.

14

15

(END)