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Department of Health Services
Division of Medicaid Services

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DMS Operations Memo 26-21

To: Income Maintenance Supervisors
Income Maintenance Lead Workers
Income Maintenance Staff
FSET Agencies

Affected Programs:

- ☒ BadgerCare Plus
- ☒ FoodShare
- ☒ Medicaid
- ☒ SeniorCare
- ☒ Caretaker Supplement
- ☒ FoodShare Employment and Training

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Division of Medicaid Services

Implementation of Informed Consent for Email and Text Communications

CROSS REFERENCE

- State of Wisconsin Department of Health Services (DHS) E-communications Information Page
- FCC Declaratory Ruling DA 23-62 (Jan. 23, 2023), published at 38 FCC Rcd 404, in CG Docket No. 02-278.

EFFECTIVE DATE

June 20, 2026

PURPOSE

This operations memo announces the implementation of a process for obtaining informed consent from members for communications sent by text and email. This change is being made to comply with Federal Communications Commission (FCC) requirements.

BACKGROUND

DHS communicates with members about their health care and FoodShare benefits in a number of ways, including letters sent by mail, letters available through the secure ACCESS website, email, and text messaging.

In 2023, the FCC issued a declaratory ruling under the Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991. The ruling established guidelines for states operating certain programs under the U.S. Department of Health and Human Services. At that time, Wisconsin established a policy of sending communications by text or email to members unless they opted out of receiving such messages.

In November 2024, DHS enhanced ACCESS and CWW to allow members and workers to update contact information and preferences regarding paper mail, text, and email. Beginning in June 2026, ACCESS and CWW will be updated to support the informed consent requirements described in this memo.

POLICY

Effective June 20, 2026:

- Members must provide their consent through an opt-in process before most program communications can be sent to them by email or text message.
- The state of Wisconsin's Short Message Service (SMS) Terms and Conditions and Privacy Policy must be shown to the member before consent can be given.
- If a member has reviewed the SMS Terms and Conditions and Privacy Policy and then has opted in to receive text and/or email messages, they will be considered to have provided informed consent.
- If a member has not provided informed consent for email and/or text messages, they will not receive such messages, even if they have given an email address or mobile phone number.
- Informed consent does not expire and will remain in place until updated by the member.

OBTAINING AND DOCUMENTING INFORMED CONSENT

CASE RECORD DOCUMENTATION

A member may provide informed consent verbally, either in person or by phone. If consent is provided in person, the member must be provided with the terms and conditions and verbally confirm their consent at that time. If consent is provided by phone, the member must choose whether to receive the terms and conditions by text message or email, and informed consent takes effect once the member replies with written confirmation. The status of informed consent and communication preferences are documented in the case.

ACCESS AND MYACCESS

Members can provide or manage their informed consent through the Update contact information and preferences page in ACCESS and MyACCESS. Members can also update their preferences through the Apply for Benefits (AFB), Renew My Benefits (RMB), and Six-Month Report Form (SMRF) modules in ACCESS.

GUIDELINES FOR MEMBERS WITH CLOSED CASES

Members who do not have an active or pending case may provide or update consent for emails or text messages and can manage preferences within ACCESS or MyACCESS.

ONE-TIME MESSAGE TO MEMBERS

Effective June 20, 2026, existing members will receive a one-time text message and email notifying them that they must provide informed consent in order to continue receiving text and/or email messages.

MESSAGES SENT PRIOR TO AN ELIGIBILITY DETERMINATION

Individuals may receive texts or emails while they are in the process of applying for benefits. These messages do not require informed consent. Examples of these types of communication include reminders about incomplete applications or how to manage their benefits in ACCESS.

Messages sent in these scenarios will follow strict privacy guidelines. They will not identify which program has an incomplete application or include links to log into ACCESS.

EXAMPLES

Example 1: Francisco applies for benefits and provides a mobile phone number and email address. Francisco opts to receive texts and emails about his benefit program status through the Update contact information and preferences page in his ACCESS account. As a result, Francisco will receive both text messages and emails about his benefit status.

Example 2: Avery provides a mobile number during a worker interaction but does not provide informed consent to receive text messages related to her benefit status. As a result, Avery will not receive text messages about her benefit status.

CONTACTS

DHS CARES Problem Resolution Team

DHS/DMS/BEEP/MF
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