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Subject: Medical Assistance Work and Community Engagement Requirement

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Overview

This bill requires the commissioner of human services, by October 1, 2018, to apply to the federal government for a waiver that would allow the state to implement an MA work and community engagement requirement for able bodied adults who are qualified individuals. The bill defines qualified individuals, provides exemptions from the work and community engagement requirement for certain groups, and lists work and community engagement activities. The bill requires the commissioner, prior to waiver submittal, to report to the legislature on the criteria that the commissioner will use in defining work and community engagement, implementing strategies to assist individuals in meeting the work and community engagement requirement, and providing various safeguards.

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1 Medical assistance work and community engagement requirement for able-bodied individuals.

Subd. 1. Waiver request. (a) Requires the commissioner of human services, by October 1, 2018, to apply to the Centers for Medicare and Medicaid Services (CMS) for a section 1115 waiver that would allow the state to implement a medical assistance work and community engagement requirement for able bodied adults who are “qualified individuals,” in order to improve enrollee health and well-being. Requires the proposal to meet the requirements in this section, and be consistent with the work requirements of the Supplemental Nutritional Assistance Program (SNAP) and the guidance on work and community engagement requirements issued by CMS.

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(b) Requires the commissioner, at least 60 days prior to submittal of the waiver application, to report to the legislative chairs with jurisdiction over health and human services policy and finance on the criteria that will be used to define work and community engagement activities and how the commissioner will comply with the requirements of subdivision 4. The commissioner is directed to post the report on the agency Web site and to consider input from the legislature and the public when developing the final waiver application.

(c) Requires the commissioner to make the waiver application available on the agency Web site, and to notify legislative chairs of any federal action related to the waiver request.

(d) Requires the commissioner, following waiver approval, to submit to the legislature any draft legislation necessary to implement the approved waiver.

Subd. 2. Qualified individual. Defines persons subject to the work and community engagement requirement (referred to as “qualified individuals”) as MA enrollees who are parents and caretakers, adults without children, and children ages 19 and 20, unless exempted in paragraph (b).

(b) Exempts from the work and community engagement requirement a person who is:

- (1) pregnant;
- (2) age 18 or younger or age 60 or older;
- (3) working at least 30 hours per week, or earning a weekly wage at least equal to the federal minimum wage multiplied by 30 hours;
- (4) a student enrolled at least half-time;
- (5) the sole or primary caregiver of a family member who is under age 18 or incapacitated;
- (6) receiving temporary or permanent disability benefits from a private insurer or state or federal program;
- (7) medically frail, based on criteria established by the commissioner;
- (8) determined to be physically or mentally unfit for employment by a health care professional, based on criteria established by the commissioner;
- (9) subject to and complying with the work requirements of the Minnesota Family Investment Program; and
- (10) enrolled in a drug or substance abuse treatment and rehabilitation program.

Subd. 3. Work and community engagement activities. (a) Directs the commissioner to require qualified individuals to meet work and community engagement requirements, beginning after the first three months of program eligibility. States that a qualified individual meets the work and community engagement requirement if the individual meets the requirement in paragraph (b) and:

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- (1) is employed or engaged in community or public service (or a combination of these activities) for at least 80 hours per month;
 - (2) is actively seeking employment or engaged in career planning, job training, referral, or job support services (or a combination of these activities) for at least 80 hours per month; or
 - (3) participates in a workfare program if assigned by a state agency.
- (b) Requires qualified individuals, in order to satisfy the work and community engagement requirement, to also accept any bona fide offer of suitable employment.
- (c) Requires the commissioner to establish criteria to determine compliance with paragraphs (a) and (b), and requires qualified individuals to verify to the commissioner on a monthly basis that they meet the requirements of these paragraphs.

Subd. 4. Additional requirements for the commissioner. (a) Requires the commissioner, through county human services agencies, to implement strategies to assist individuals in meeting work and community engagement requirements, and link individuals to additional resources.

- (b) Requires the commissioner to ensure that due process rights are protected. Requires the commissioner to assess barriers to employment and self-sufficiency for each individual, and based on assessment results, identify appropriate work and community engagement activities and services, determine the need for any exemptions, and identical reasonable modifications and supports.
- (c) Requires the commissioner to modify, and allows the commissioner to temporarily suspend, the work and community engagement requirement, to respond to the local employment market and other circumstances.
- (d) Requires the commissioner to administer the work and community engagement requirement in a manner that complies with state and federal civil rights laws, and to exempt from the requirement persons considered to have disabilities under specified federal laws, or provide these persons with reasonable modifications.
- (e) Requires the commissioner to develop a good cause exemption process.

Subd. 5. Failure to satisfy the work and community engagement requirement. Requires the commissioner to suspend MA benefits for qualified individuals who do not satisfy the work and community engagement requirement. Requires the commissioner to reinstate MA benefits once the qualified individual satisfies the requirement for a 30-day period.

Provides that subdivision 1 is effective the day following final enactment, and that subdivisions 2 to 5 are effective only upon federal approval of the waiver.

- 2** **Determination of compliance; contingent transfer.** Requires the commissioner of management and budget to determine if the commissioner of human services submits the work and community engagement waiver by October 1, 2018, and to reduce the DHS central office operations account by \$5,000 for each business day of noncompliance, with this money being transferred to the general fund.