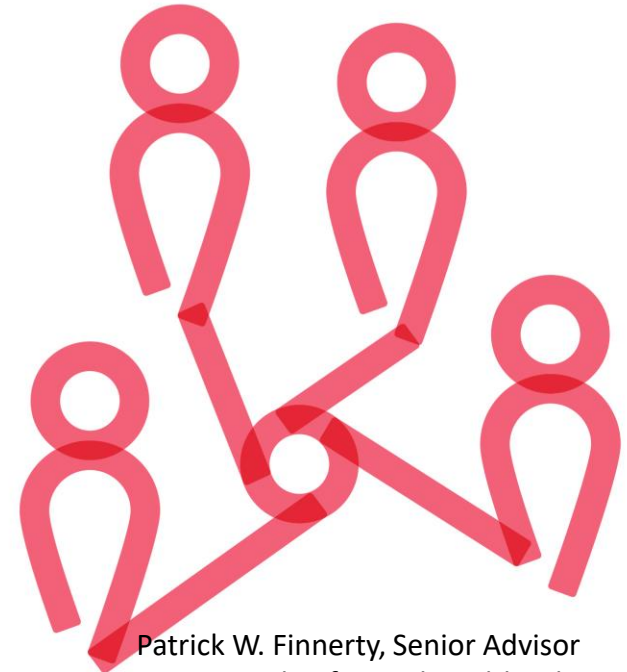




Current National Landscape of Medicaid Work Requirements

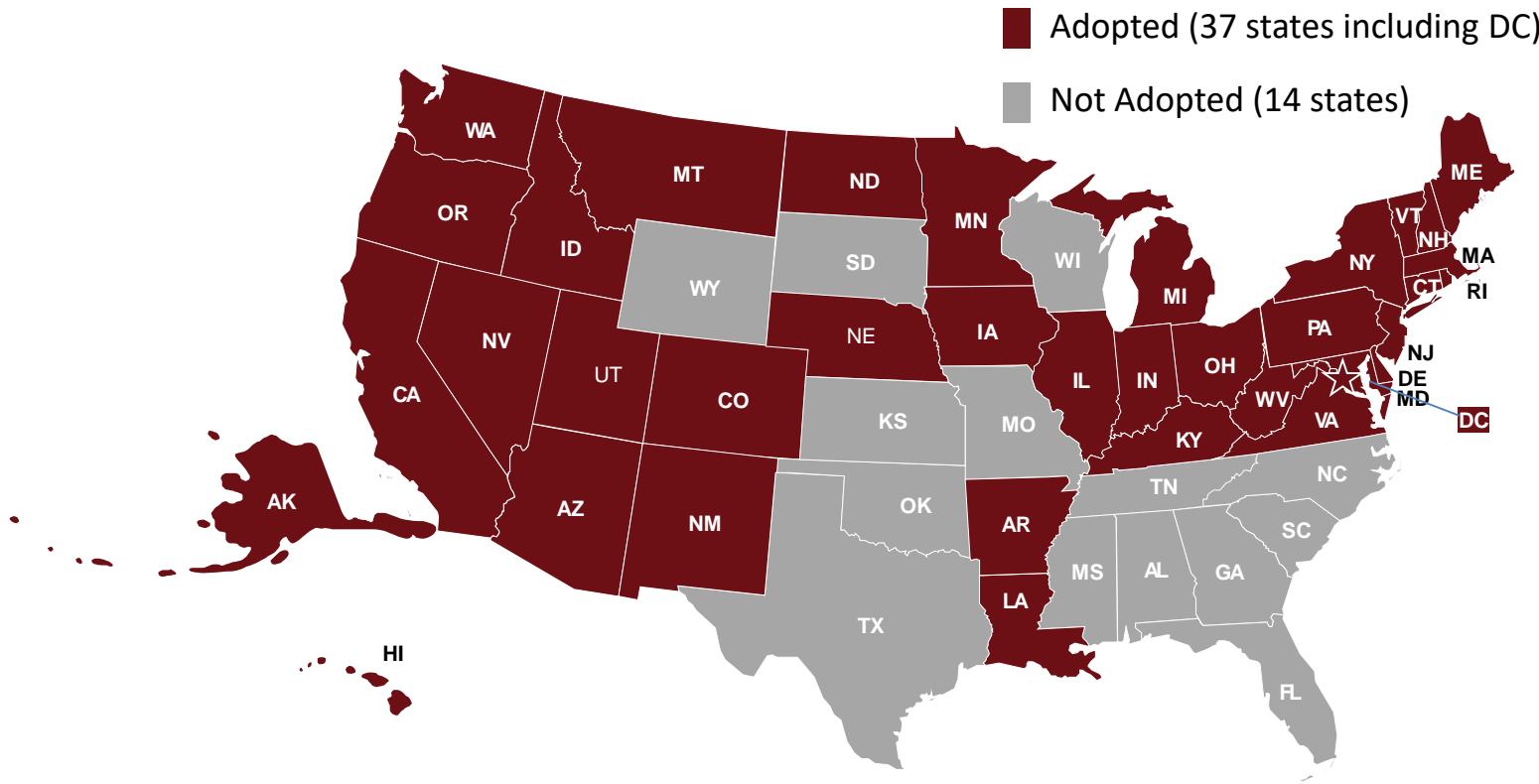
NH Policy Conversation: #Why Oral Health
Matters: It's All Connected

April 4, 2019



Patrick W. Finnerty, Senior Advisor
DentaQuest Partnership for Oral Health Advancement

37 States, Including DC, Have Adopted Medicaid Expansion

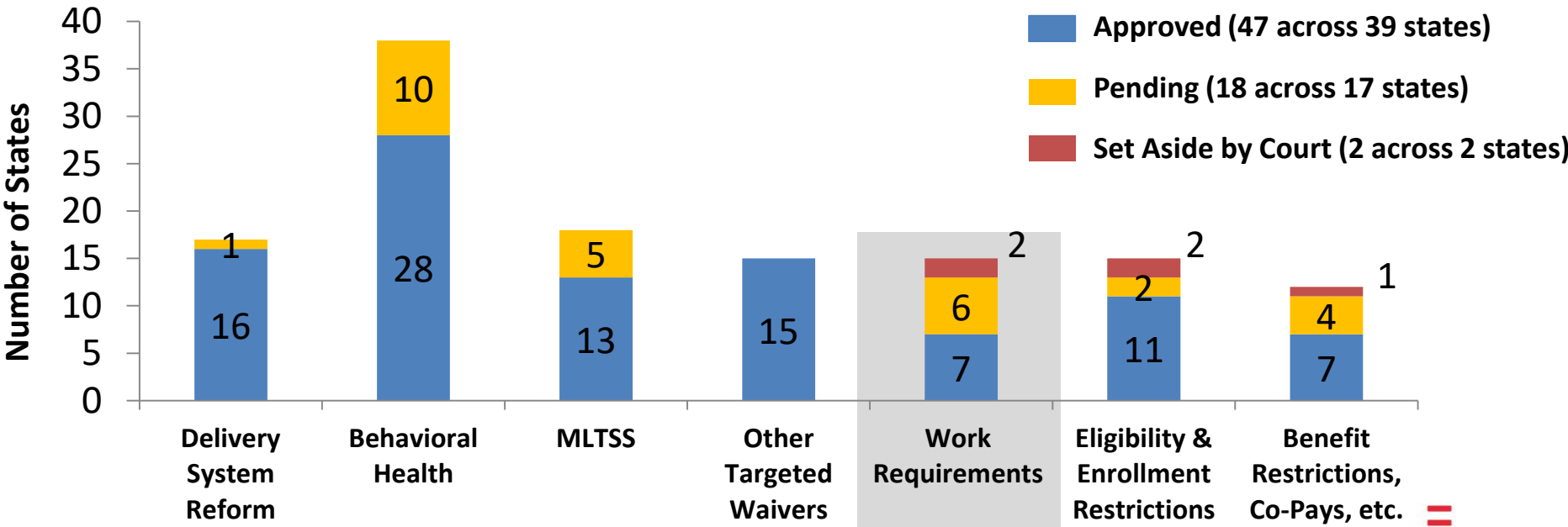


Source Kaiser Family Foundation <https://www.kff.org/medicaid/issue-brief/status-of-state-medicaid-expansion-decisions-interactive-map/>



States Using 1115 Demonstration Waiver Authority to Modify Medicaid

Landscape of Approved vs. Pending Section 1115 Medicaid Demonstration Waivers, April 1, 2019



Note: Some states have multiple approved and/or pending waivers. Some states have comprehensive waivers that include multiple topics



Work Requirement Waivers: Approved and Pending as of April 1, 2019¹

Location	Waiver Status	Expansion Adults	Traditional Adults ²	Age Exemptions	Hours Required
Alabama	Pending		X (parents 0-18% FPL)	60+	35/week (or 20/week for parents or caretakers with a child under age 6)
Arizona ³	Approved/Not Implemented	X		50+	80/month
Arkansas ⁴	Set Aside by Court	X		50+	80/month
Indiana ⁵	Approved/Implemented	X	X	60+	Ramps up to 20/week
Kentucky ⁶	Set Aside by Court	X	X	65+	80/month



Work Requirement Waivers: Approved and Pending as of April 1, 2019¹ (cont.)

Location	Waiver Status	Expansion Adults	Traditional Adults ²	Age Exemptions	Hours Required
Michigan	Approved/Not Implemented	X		63+	80/month
Mississippi ⁷	Pending		X (parents 0-27% FPL)	65+	20/week
New Hampshire ⁸	Approved/Implemented	X		65+	100/month
Ohio	Approved/Not Implemented	X		50+	80/month
Oklahoma	Pending		X (parents 0-45% FPL)	>50	Ramps up to 20/week



Work Requirement Waivers: Approved and Pending as of April 1, 2019¹ (cont.)

Location	Waiver Status	Expansion Adults	Traditional Adults ²	Age Exemptions	Hours Required
South Dakota ⁹	Pending		X (parents 0-50% FPL, in Minnehaha or Pennington County)	60+	80/month or achieve monthly milestones in individualized plan
Tennessee	Pending		X (parents 0-98% FPL)	65+	20/week average
Utah ¹⁰	Pending	X		60+	No ""hour"" requirement; specified job search/training activities required unless working 30/week
Virginia	Pending	X	X	65+	Ramps up to 80/month
Wisconsin	Approved/Not Implemented		X (childless adults 0-100% FPL)	50+	80/month

Work Requirement Waivers: Approved and Pending as of April 1, 2019¹

Footnotes:

1. *Populations, exemptions, penalties or consequences, and other details vary significantly by waiver.*
ME: On December 21, 2018, CMS approved a Section 1115 waiver for Maine that included a work requirement and other eligibility restrictions. On January 22, 2019, the new Governor Janet Mills informed CMS that the state is not accepting the terms of the approved waiver.
2. Other groups such as Transitional Medical Assistance, family planning only, or former foster care youth, may be included in some states.
3. Arizona requested an exemption from the work requirement for all American Indian/Alaska Native beneficiaries. CMS approved a narrower exemption for only beneficiaries who are members of federally recognized tribes.
4. On March 27, 2019, the [court set aside](#) the Arkansas Works waiver amendment, [approved by CMS March 5, 2018](#). Implementation of the work requirement and the reduction of retroactive eligibility from 3 months to 30 days prior to the date of application coverage is stopped unless and until HHS issues a new approval that passes legal muster or prevails on appeal.

Work Requirement Waivers: Approved and Pending as of April 1, 2019¹ (cont.)

5. While Indiana began implementation of the work requirement in 2019, no hours are required in the first 6 months. The phase-in of required hours begins in months 7-9 with a requirement of 5 hours per week.

6. On March 27, 2019, the [court set aside](#) the [reapproved Kentucky HEALTH waiver](#). In its previous [decision](#), the court had set aside the original waiver approval, and on November 20, 2018, CMS [reapproved the Kentucky HEALTH waiver](#) with minor technical changes. Unless and until HHS issues another approval that passes legal muster or prevails on appeal, the work requirement, monthly premiums up to 4% of income, coverage lockouts for failure to timely renew eligibility or timely report a change in circumstances, heightened cost-sharing for non-emergency ER use, and elimination of retroactive eligibility and non-emergency medical transportation will not be implemented. The separate “institution for mental disease” substance use disorder payment waiver was not set aside and was allowed to go into effect.

Work Requirement Waivers: Approved and Pending as of April 1, 2019¹ (cont.)

7. For non-exempt parents or caretakers whose incomes exceed the eligibility threshold as a result of meeting the work requirement, but who continue to fulfill the requirement, Mississippi would extend Medicaid coverage for a 12-month transitional medical assistance period. These beneficiaries would then qualify for an additional 12 months of coverage contingent upon continued work/community engagement participation.
8. While New Hampshire began implementation of the work requirement on March 1, 2019, beneficiaries who were determined eligible for Medicaid as of March 1 are not required to report work hours or qualify for an exemption until June 2019.

Work Requirement Waivers: Approved and Pending as of April 1, 2019¹ (cont.)

9. For non-exempt parents or caretakers whose incomes exceed the eligibility threshold as a result of meeting the work requirement, but who continue to fulfill the requirement, South Dakota would extend Medicaid coverage for a 12-month transitional medical benefits (TMB) period. These beneficiaries would then qualify for an additional 12 months of premium assistance (limited to no more than the previous year's TMB per member per month amount) to pay for employer-sponsored insurance or qualified health plan premiums. Beneficiaries would be responsible for cost sharing and any premium costs exceeding the TMB amount during the premium assistance period.

10. If approved by CMS, Utah's Medicaid expansion will consist of an enhanced federal match for childless adults up to 100% FPL and adults with dependents between 60-100% FPL. Individuals subject to the work requirement provision would be required to complete participation requirements within three months of the demonstration's approval in order to maintain eligibility for the remainder of their 12-month eligibility period. They must continue to meet such requirements every 12 months to continue to receive Medicaid benefits.

Federal Judge Again Blocks Medicaid Work Requirements

- Court decision blocks Kentucky from implementing its work requirements and Arkansas from continuing its program.
- U.S. District Judge James Boasberg noted approval of work requirements by the Department of Health & Human Services is “arbitrary and capricious because it did not address...how the project would implicate the “core” objective of Medicaid: the provision of coverage to the needy.”

Further Discussion...

Questions?

THANK YOU!

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