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H.823

Introduced by Representatives Turner of Milton, Gamache of Swanton, and  
Savage of Swanton

Referred to Committee on

Date:

Subject: Health; medical assistance; Medicaid; work requirements

Statement of purpose of bill as introduced: This bill proposes to require able-bodied adults enrolled in Vermont's Medicaid program to comply with work or other community engagement requirements as a condition for remaining eligible for Medicaid benefits.

An act relating to establishing Medicaid work requirements

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 33 V.S.A. § 1902b is added to read:

§ 1902b. MEDICAID WORK REQUIREMENTS

(a) Applicable populations. Except as otherwise provided in this section, all able-bodied adults 19 to 64 years of age who are enrolled in Medicaid shall comply with the work requirements established in this section in order to maintain eligibility for the Medicaid program.

1           (b) Excepted populations. The following categories of Medicaid  
2           beneficiaries shall be exempt from the work requirements set forth in this  
3           section:

4           (1) pregnant women;

5           (2) primary caregivers of one or more dependent children 12 years of  
6           age or younger or of one or more adults with disabilities, up to a maximum of  
7           one caregiver exemption per household;

8           (3) individuals with disabilities or health-related barriers to  
9           employment;

10          (4) full-time students;

11          (5) individuals who are medically frail;

12          (6) other individuals for good cause shown for a given month, as  
13          determined by the Commissioner of Vermont Health Access, which may  
14          include the disability, hospitalization, or serious illness of the beneficiary or an  
15          immediate family member living in the home; the birth or death of a family  
16          member living with the beneficiary; severe inclement weather, including a  
17          natural disaster; or a family emergency or other life-changing event such as  
18          divorce or domestic violence.

19          (c) Work requirements.

20          (1) Able-bodied adults 19 to 64 years of age shall work or engage in  
21          other qualifying activities for a minimum of 80 hours per month.

1           (2) Qualifying activities in satisfaction of the work requirements under  
2 this section shall include:

3           (A) subsidized and unsubsidized employment;

4           (B) educational programs, including high school, General  
5 Educational Development (GED), college, and graduate education;

6           (C) vocational education and training;

7           (D) job search activities;

8           (E) job skills training;

9           (F) community service;

10          (G) treatment for substance use disorders; and

11          (H) other community engagement activities as determined by the  
12 Commissioner of Vermont Health Access by rule.

13          (3) Individuals meeting or exempt from the work requirements of the  
14 Supplemental Nutrition Assistance Program or the Reach Up program, or both,  
15 shall be deemed to be in compliance with the work requirements set forth in  
16 this section.

17          (d) Reporting. Medicaid beneficiaries subject to the work requirements  
18 established in this section shall document at least monthly their participation  
19 for at least 80 hours in one or more qualifying activities in accordance with  
20 reporting requirements established by the Commissioner of Vermont Health  
21 Access by rule.

1       (e) Penalties for failure to comply with work requirements.

2           (1) An individual who fails to comply with the work requirements  
3       established in this section in any month shall have an additional 30-day period  
4       within which to come back into compliance. An individual who fails to meet  
5       the work requirements for a second month shall have his or her Medicaid  
6       benefits suspended, unless the Commissioner of Vermont Health Access  
7       allows an exemption for good cause shown.

8           (2) An individual whose Medicaid eligibility has been suspended may  
9       reactivate his or her eligibility on the first day of the next month following a  
10       30-day period in which the individual completes the required 80 hours of work  
11       or other qualifying activities. The Commissioner of Vermont Health Access  
12       may adopt rules establishing additional avenues for individuals to reactivate  
13       their eligibility for Medicaid benefits.

14       (f) Rulemaking. The Commissioner of Vermont Health Access may adopt  
15       rules pursuant to 3 V.S.A. chapter 25 as needed to carry out the purposes of  
16       this section.

17       Sec. 2. MEDICAID WORK REQUIREMENTS; WAIVER

18       On or before January 1, 2019, the Secretary of Human Services shall apply  
19       to the Centers for Medicare and Medicaid Services for a Medicaid Section  
20       1115 waiver to implement the work requirements established in this act.

1       Sec. 3. EFFECTIVE DATES

2           (a) Sec. 1 (Medicaid work requirements) shall take effect on approval by  
3           the Centers for Medicare and Medicaid Services of the Medicaid Section 1115  
4           waiver required pursuant to Sec. 2 of this act.

5           (b) Sec. 2 (waiver) and this section shall take effect on passage.