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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. **3722**

03/12/2018 Authored by Fenton, Daudt, Peppin, Pugh, Heintzeman and others
The bill was read for the first time and referred to the Committee on Health and Human Services Reform
03/22/2018 Adoption of Report: Re-referred to the Committee on Health and Human Services Finance
04/09/2018 Adoption of Report: Amended and re-referred to the Committee on Ways and Means

1.1 A bill for an act
1.2 relating to human services; requiring commissioner of human services to seek a
1.3 federal waiver to establish a work and community engagement requirement for
1.4 certain medical assistance enrollees.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. **MEDICAL ASSISTANCE WORK AND COMMUNITY ENGAGEMENT**
1.7 **REQUIREMENT FOR ABLE-BODIED INDIVIDUALS.**

1.8 Subdivision 1. **Waiver request.** (a) By October 1, 2018, the commissioner of human
1.9 services shall apply to the Centers for Medicare and Medicaid Services for a section 1115
1.10 waiver to allow the state to implement a medical assistance work and community engagement
1.11 requirement for able-bodied adults who meet the definition of "qualified individual," in
1.12 order to improve enrollee health and well-being. The waiver proposal must meet the criteria
1.13 specified in this section, be consistent with the work requirements of the Supplemental
1.14 Nutrition Assistance Program (SNAP) as specified in Code of Federal Regulations, title 7,
1.15 parts 273.24 and 273.7, and be consistent with the guidance issued by the Centers for
1.16 Medicare and Medicaid Services on January 11, 2018, Opportunities to Promote Work and
1.17 Community Engagement Among Medicaid Beneficiaries.

1.18 (b) The commissioner, at least 60 days prior to submittal of the waiver application to
1.19 the federal government, shall report to the chairs and ranking minority members of the
1.20 legislative committees with jurisdiction over health and human services policy and finance,
1.21 on the specific strategies, criteria, requirements, and procedures the commissioner proposes
1.22 to use to implement subdivision 3, paragraphs (a) and (b), and to comply with subdivision
1.23 4. The commissioner shall make the report available to the public on the agency's Web site.

2.1 The commissioner shall consider input from the legislature and the public on these strategies,
2.2 criteria, requirements, and procedures when developing the final waiver application.

2.3 (c) The commissioner shall make the waiver application available on the agency's Web
2.4 site. The commissioner shall notify the chairs and ranking minority members of the legislative
2.5 committees with jurisdiction over health and human services policy and finance of any
2.6 federal action related to the waiver request.

2.7 (d) Following federal waiver approval, the commissioner shall submit to the legislature
2.8 draft legislation proposing any statutory changes necessary to implement the approved
2.9 waiver.

2.10 Subd. 2. **Qualified individuals.** (a) The following persons shall be considered qualified
2.11 individuals and shall be subject to the work and community engagement requirement, except
2.12 as provided under paragraph (c):

2.13 (1) parents and caretakers eligible under Minnesota Statutes, section 256B.055,
2.14 subdivision 3a;

2.15 (2) adults without children eligible under Minnesota Statutes, section 256B.055,
2.16 subdivision 15; and

2.17 (3) children ages 19 and 20, eligible under Minnesota Statutes, section 256B.055,
2.18 subdivision 16.

2.19 (b) Persons eligible for medical assistance under provisions of Minnesota Statutes,
2.20 chapter 256B, who are not listed in paragraph (a), clauses (1) to (3), are not qualified
2.21 individuals, and are not subject to the work and community engagement requirement.

2.22 (c) A person is exempt from the work and community engagement requirement if a
2.23 county human services agency, in accordance with criteria established by the commissioner,
2.24 determines that the person is:

2.25 (1) pregnant;

2.26 (2) age 18 or younger or age 60 or older;

2.27 (3) working a minimum of 30 hours per week or earning weekly wages at least equal to
2.28 the federal minimum wage multiplied by 30 hours;

2.29 (4) a student enrolled at least half time in any recognized school, training program, or
2.30 institution of higher education;

2.31 (5) the sole or primary caregiver of a family member who is younger than 18 years of
2.32 age or a family member who is incapacitated;

3.1 (6) receiving temporary or permanent disability benefits from a private insurer or under
3.2 a state or federal program;

3.3 (7) medically frail based on criteria established by the commissioner;

3.4 (8) physically or mentally unfit for employment, as determined by a health care
3.5 professional based on criteria established by the commissioner;

3.6 (9) subject to and complying with the work requirements of the Minnesota Family
3.7 Investment Program or the Supplemental Nutrition Assistance Program; or

3.8 (10) receiving treatment for a substance abuse disorder in a residential or inpatient setting,
3.9 or receiving treatment for a substance use disorder for at least ten hours per week in an
3.10 outpatient setting.

3.11 (d) The commissioner shall develop standard exemption forms that health care
3.12 professionals must complete, in order for a person to apply for an exemption from the work
3.13 and community engagement requirement on the basis of being medically frail or physically
3.14 or mentally unfit for employment. A person seeking these exemptions must submit a
3.15 completed form to the county human services agency.

3.16 (e) Enrollees who are exempt from the work and community engagement requirement
3.17 due to receiving an exemption under this subdivision shall report any changes related to
3.18 their exemption status within ten days of the change to the county human services agency.
3.19 The agency must redetermine eligibility for the exemption when a change in exemption
3.20 status is reported, and at the time of the enrollee's annual renewal.

3.21 Subd. 3. **Work and community engagement activities.** (a) The commissioner shall
3.22 require qualified individuals to meet the work and community engagement requirement,
3.23 beginning three months after medical assistance eligibility is approved. The commissioner
3.24 may provide one or more 30-day extensions from the requirement that an individual must
3.25 meet the work and community engagement requirement beginning three months after medical
3.26 assistance eligibility is approved, if the commissioner determines that the individual is
3.27 making a good faith effort to establish an exemption. The commissioner shall consider a
3.28 qualified individual as having satisfied the work and community engagement requirement
3.29 if the qualified individual meets the requirement in paragraph (b) and engages in any one,
3.30 or a combination of, the following activities for at least 80 hours per month:

3.31 (1) is employed, engaged in community or public service, or a combination of these
3.32 activities;

4.1 (2) is actively seeking employment; engaged in career planning, job training, referral,
4.2 or job support services; or a combination of these activities; or

4.3 (3) participates in a workfare program if assigned by a state agency.

4.4 (b) To satisfy the work and community engagement requirement, a qualified individual
4.5 must also accept any bona fide offer of suitable employment.

4.6 (c) The commissioner shall establish criteria to determine whether a qualified individual
4.7 is in compliance with the requirements of paragraphs (a) and (b), and shall require qualified
4.8 individuals to verify to the commissioner, on a monthly basis, compliance with the
4.9 requirements of paragraphs (a) and (b).

4.10 Subd. 4. **Additional requirements for commissioner.** (a) The commissioner, through
4.11 county human services agencies, shall implement strategies to assist persons in meeting the
4.12 work and community engagement requirement and link persons to additional resources for
4.13 job training or other employment services, child care assistance, transportation, or other
4.14 work supports to help persons prepare for work, maintain employment, or increase their
4.15 earnings.

4.16 (b) The commissioner shall ensure that each enrollee's due process rights are protected.
4.17 The commissioner must assess each person's disabilities, medical diagnoses, the presence
4.18 of opioid addiction and other substance use disorders, and other barriers to employment
4.19 and self-sufficiency. The commissioner, based on the results of the assessment, shall identify
4.20 appropriate work and community engagement activities and services, determine the need
4.21 for any exemptions from the work and community engagement requirement, and identify
4.22 any reasonable modifications and supports necessary for persons to participate in work and
4.23 community engagement activities and attain long-term employment and self-sufficiency.

4.24 (c) The commissioner shall modify and may temporarily suspend the work and
4.25 community engagement requirement in order to respond to the local employment market
4.26 and other circumstances that may prevent persons from complying with the work and
4.27 community engagement requirement.

4.28 (d) The commissioner shall administer the work and community engagement requirement
4.29 in a manner that complies with state and federal civil rights laws, and shall exempt from
4.30 the work and community engagement requirement persons considered to have disabilities
4.31 under the definitions of the Americans with Disabilities Act, section 504 of the Rehabilitation
4.32 Act of 1973, or section 1557 of the Affordable Care Act, or shall provide these persons with
4.33 reasonable modifications to the work and community engagement requirement.

5.1 (e) The commissioner shall develop a good cause exemption process for qualified
5.2 individuals who do not satisfy the work and community engagement requirement.

5.3 Subd. 5. **Failure to satisfy work and community engagement requirement.** The
5.4 commissioner shall suspend medical assistance benefits for qualified individuals who do
5.5 not satisfy the work and community engagement requirement. The commissioner shall
5.6 reinstate medical assistance benefits once the qualified individual satisfies the work and
5.7 community engagement requirement for a calendar month. Medical assistance benefits shall
5.8 be reinstated the first day of the month following the month for which the individual has
5.9 satisfied the work and community engagement requirement.

5.10 **EFFECTIVE DATE.** Subdivision 1 is effective the day following final enactment.
5.11 Subdivisions 2 to 5 are effective January 1, 2020, or upon federal approval of the waiver
5.12 requested under subdivision 1, whichever is later. The commissioner of human services
5.13 shall notify the revisor of statutes when federal approval is obtained.

5.14 Sec. 2. **DETERMINATION OF COMPLIANCE; CONTINGENT TRANSFER.**

5.15 The commissioner of management and budget shall determine whether the commissioner
5.16 of human services has submitted a medical assistance work and community engagement
5.17 waiver by October 1, 2018, as required by section 1, subdivision 1. If the commissioner of
5.18 management and budget determines that the commissioner of human services fails to meet
5.19 this deadline for waiver submittal, the commissioner of management and budget for each
5.20 business day of noncompliance shall transfer \$5,000 from the central office operations
5.21 account of the Department of Human Services to the general fund.