

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

FILED SENATE
Mar 27, 2019
S.B. 387
PRINCIPAL CLERK

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SENATE BILL DRS35143-MR-94

Short Title: Medicaid Work and Community Engagement Opp. (Public)

Sponsors: Senators Hise, Bishop, and Krawiec (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO IMPLEMENT WORK AND COMMUNITY ENGAGEMENT AS A
3 CONTINGENCY TO PARTICIPATION IN THE NORTH CAROLINA MEDICAID
4 PROGRAM.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** It is the intent of the General Assembly to implement work and
7 community engagement as a contingency to participation in the North Carolina Medicaid
8 program for non-elderly, nonpregnant, adult Medicaid beneficiaries who are eligible for
9 Medicaid on a basis other than disability. The Department of Health and Human Services shall
10 develop work and community engagement as a contingency to participation in the Medicaid
11 program in a way that adheres to federal guidance and that is aligned with the work requirements
12 for Able-Bodied Adults Without Dependents (ABAWDs) policy under the Supplemental
13 Nutrition Assistance Program as much as possible. All recipients shall be subject to the work and
14 community engagement condition of participation, except that only the following individuals
15 shall be exempt:

- 16 (1) Individuals under the age of 19.
- 17 (2) Individuals over the age of 64.
- 18 (3) Individuals who are eligible for Medicaid under the Aged, Blind, and Disabled
19 category.
- 20 (4) Individuals who are eligible for Medicaid under the Breast and Cervical
21 Cancer category.
- 22 (5) Individuals who have been certified as unfit for employment for physical or
23 mental health reasons.
- 24 (6) Individuals with a disabling mental disorder.
- 25 (7) Individuals with a physical, intellectual, or developmental disability that
26 significantly impairs the individual's ability to perform one or more activities
27 of daily living.
- 28 (8) Individuals actively participating in a substance abuse treatment and
29 rehabilitation program.
- 30 (9) Medically needy Medicaid recipients.
- 31 (10) Individuals who are eligible for Medicaid under the Pregnant Women
32 category.
- 33 (11) Individuals who are the parent or caretaker of a dependent child under one
34 year of age.



- 1 (12) Individuals who are a parent or caretaker that provides care for a dependent
2 child with a serious medical condition or disability, to be defined by the
3 Department of Health and Human Services.
- 4 (13) Individuals who are eligible for Medicaid under the Family Planning category
5 only.
- 6 (14) Individuals who are eligible for Medicaid under the foster care eligibility
7 category or under the former foster care eligibility category.
- 8 (15) Individuals who receive Title IV-E Adoption Assistance or who are under the
9 age of 26 and formerly received Title IV-E Adoption Assistance.
- 10 (16) Individuals who are receiving unemployment compensation and complying
11 with the work requirements that are part of the federal-State unemployment
12 compensation system.
- 13 (17) Presumptively eligible recipients, during the period of presumptive eligibility.
- 14 (18) Recipients who participate in the North Carolina Health Insurance Premium
15 Payment (NC HIPP) program.
- 16 (19) Individuals who are inmates of prisons.
- 17 (20) Qualified aliens subject to the five-year bar for means-tested public assistance
18 under 8 U.S.C. § 1613 who qualify for emergency services under 8 U.S.C. §
19 1611.
- 20 (21) Undocumented aliens who qualify for emergency services under 8 U.S.C. §
21 1611.

22 **SECTION 2.** On or before October 1, 2019, the Department of Health and Human
23 Services shall submit to the Centers for Medicare and Medicaid Services any State Plan
24 amendments or any waivers necessary to implement work and community engagement as a
25 contingency to participation in the North Carolina Medicaid program for non-elderly,
26 nonpregnant adult Medicaid beneficiaries who are eligible for Medicaid on a basis other than
27 disability. Work and community engagement shall be implemented as a contingency to
28 participation in the Medicaid program upon approval of the applicable State Plan amendment or
29 waiver or July 1, 2020, whichever date is later.

30 **SECTION 3.** No later than November 1, 2019, the Department shall submit to the
31 Joint Legislative Oversight Committee on Medicaid and NC Health Choice and the Fiscal
32 Research Division a report containing the following information:

- 33 (1) As required by section 2 of this act, a copy of the State Plan amendment or
34 waiver to implement work and community engagement as a contingency to
35 participation in the Medicaid program.
- 36 (2) A detailed description of the work and community engagement condition of
37 participation to be implemented, including exemptions from work and
38 community engagement, a description of the activities qualifying as work or
39 community engagement, the calculations that will be used to determine the
40 time spent in qualifying activities and the minimum amount of time required
41 for participation, the method by which individuals will be excluded from
42 participation in the Medicaid program for noncompliance with the work and
43 community engagement condition, any good-cause exemptions for
44 noncompliance with the work and community engagement condition, and the
45 method by which an individual may regain eligibility if that individual was
46 determined to be ineligible for Medicaid due to noncompliance with the work
47 and community engagement condition to participation.
- 48 (3) An analysis of the total fiscal impact of adding work and community
49 engagement as a contingency to participation in the North Carolina Medicaid
50 program. This analysis shall include an outline of both costs and savings to
51 the Medicaid programs.

1 **SECTION 4.** Consistent with G.S. 108A-54(e)(4), this act does not authorize the
2 Department of Health and Human Services to make any changes to eligibility for the Medicaid
3 program beyond the addition of work and community engagement as a contingency to
4 participation in the Medicaid program.

5 **SECTION 5.** This act is effective when it becomes law.