

2018 Regular Session

HOUSE BILL NO. 46

BY REPRESENTATIVE LANCE HARRIS

MEDICAID: Provides for work and community engagement requirements in the state Medicaid program

1 AN ACT

2 To enact Part XIV of Chapter 3 of Title 46 of the Louisiana Revised Statutes of 1950, to be
3 comprised of R.S. 46:460.101 through 460.106, relative to the medical assistance
4 program of this state known as Medicaid; to establish a work and community
5 engagement initiative within the state Medicaid program; to establish participation
6 in a work or community engagement activity as a condition of Medicaid eligibility
7 for certain adult enrollees; to provide for applicability of and exemptions from
8 Medicaid work and community engagement requirements; to provide for duties of
9 the secretary of the Louisiana Department of Health in administering the Medicaid
10 work and community engagement initiative; to require submission to the federal
11 Medicaid agency of an application to administer the work and community
12 engagement initiative; to provide for administrative rulemaking; and to provide for
13 related matters.

14 Be it enacted by the Legislature of Louisiana:

15 Section 1. Part XIV of Chapter 3 of Title 46 of the Louisiana Revised Statutes of
16 1950, comprised of R.S. 46:460.101 through 460.106, is hereby enacted to read as follows:

1 PART XIV. MEDICAID INCENTIVES FOR WORK
2 AND COMMUNITY ENGAGEMENT

3 §460.101. Short title

4 This Part shall be known and may be cited as the "Medicaid Incentives for
5 Work and Community Engagement Law".

6 §460.102. Definitions

7 As used in this Part, the following terms have the meaning ascribed in this
8 Section:

9 (1) "Able-bodied adult" means an adult without a disability who is nineteen
10 to sixty-four years of age.

11 (2) "Affordable Care Act" means the following acts of congress, collectively:

12 (a) The Patient Protection and Affordable Care Act (Public Law 111-148).

13 (b) The Health Care and Education Reconciliation Act (Public Law 111-152).

14 (3) "Centers for Medicare and Medicaid Services" and "CMS" mean the
15 division of the United States Department of Health and Human Services which
16 administers and regulates the medical assistance program provided for in Title XIX
17 of the Social Security Act, commonly known as the Medicaid program.

18 (4) "Department" means the Louisiana Department of Health.

19 (5) "Medicaid" and "medical assistance program" mean the medical
20 assistance program provided for in Title XIX of the Social Security Act.

21 (6) "Secretary" means the secretary of the Louisiana Department of Health.

22 (7) "Section 1115 waiver application" means an application to the secretary
23 of the United States Department of Health and Human Services for certain provisions
24 of Title XIX of the Social Security Act to be waived, as authorized in section 1115
25 of the act, in order to provide to a state Medicaid program the necessary flexibility
26 to implement an experimental, pilot, or demonstration project that promotes the
27 objectives of Medicaid.

28 §460.103. Legislative findings; declaration

29 A. The Legislature of Louisiana hereby finds and affirms the following:

1 (1) According to a report issued by the department in December, 2017, in
2 response to Senate Resolution No. 163 of the 2017 Regular Session, over four
3 hundred fifty-three thousand adults are newly enrolled in Louisiana's Medicaid
4 program pursuant to expansion of the program's income eligibility standards, as
5 authorized in the Affordable Care Act, in 2016. However, within this newly enrolled
6 adult population, fewer than two hundred eighty-four thousand persons, or sixty-two
7 and one-half percent, have earned income.

8 (2) A broad range of social, economic, and behavioral factors can have major
9 effects on an individual's health and wellness, and a growing body of evidence
10 suggests that targeting certain health determinants, including productive work and
11 community engagement, may improve health outcomes.

12 (3) Studies have found strong evidence that unemployment can be harmful
13 to health and is associated with higher mortality, poorer general health, poorer
14 mental health, and higher medical consultation and hospital admission rates.

15 (4) Evidence exists that employment can have a protective effect against
16 depression and mental health conditions.

17 (5) Community engagement activities such as volunteering are associated
18 with improved health outcomes and can lead to paid employment.

19 B. The legislature hereby declares that creating incentives for work and
20 community engagement among able-bodied adult Medicaid enrollees is a public
21 health priority of this state.

22 §460.104. Work and other community engagement; requirements for Medicaid
23 eligibility

24 Except as provided in R.S. 46:460.105, no able-bodied adult without a
25 dependent shall be eligible for Medicaid benefits unless he meets one or more of the
26 following criteria:

27 (1) Is working twenty hours or more per week, averaged monthly.

1 (2) Is participating in and complying with the requirements of a work
2 program for twenty hours or more per week, as determined in accordance with rules
3 and regulations of the department.

4 (3) Is volunteering for twenty hours or more per week, as determined in
5 accordance with rules and regulations of the department.

6 (4) Is meeting any combination of working and participating in a work
7 program for a total of twenty hours or more per week, as determined in accordance
8 with rules and regulations of the department.

9 (5) Is participating and complying with the requirements of a workfare
10 program.

11 §460.105. Exemptions

12 The prohibition on Medicaid eligibility provided in R.S. 46:460.104 shall not
13 apply to an individual if he or she meets any of the following criteria:

14 (1) Is medically certified as physically or mentally unfit for employment.

15 (2) Is pregnant.

16 (3) Is a parent or caretaker responsible for the care of a dependent child
17 under the age of one year.

18 (4) Is a parent or caretaker personally providing care for a dependent child
19 with a disability or a serious medical condition, as determined in accordance with
20 rules and regulations of the department.

21 (5) Is receiving unemployment compensation and complying with applicable
22 work requirements of the Louisiana Employment Security Law, R.S. 23:1471 et seq.

23 (6) Is participating in a drug addiction or alcoholic treatment and
24 rehabilitation program.

25 §460.106. Section 1115 waiver application; administrative rulemaking; duties of the
26 secretary

27 A. The secretary shall prepare and submit to CMS a section 1115 waiver
28 application providing for the program of work and other community engagement
29 created by the provisions of this Part.

1 B. The secretary shall promulgate all rules and regulations in accordance
2 with the Administrative Procedure Act as are necessary to institute the program of
3 work and other community engagement created by the provisions of this Part.

4 Section 2. The secretary of the Louisiana Department of Health shall take such
5 actions as are necessary to cause the section 1115 waiver application required by R.S.
6 46:460.106, as enacted by Section 1 of this Act, to be submitted to the Centers for Medicare
7 and Medicaid Services on or before January 1, 2019.

8 Section 3. This Act shall become effective upon signature by the governor or, if not
9 signed by the governor, upon expiration of the time for bills to become law without signature
10 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
11 vetoed by the governor and subsequently approved by the legislature, this Act shall become
12 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 46 Original

2018 Regular Session

Lance Harris

Abstract: Establishes participation in a work or community engagement activity as a condition of Medicaid eligibility for certain able-bodied adult enrollees.

Proposed law provides legislative findings and a declaration concerning health effects associated with productive work and community engagement.

Proposed law defines "able-bodied adult" as an adult without a disability who is 19 to 64 years of age.

Proposed law establishes a work and community engagement initiative within the Medicaid program. Requires participation in a work or community engagement activity specified in proposed law as a condition of Medicaid eligibility for able-bodied adult enrollees without dependents. Provides for duties of the secretary of the La. Department of Health (LDH) in administering the work and community engagement initiative established by proposed law.

Proposed law stipulates that, subject to certain exemptions provided therein, no able-bodied adult without a dependent shall be eligible for Medicaid benefits unless he meets one or more of the following criteria:

- (1) Is working 20 hours or more per week, averaged monthly.
- (2) Is participating in and complying with the requirements of a work program for 20 hours or more per week.
- (3) Is volunteering for 20 hours or more per week.

- (4) Is meeting any combination of working and participating in a work program for a total of 20 hours or more per week.
- (5) Is participating and complying with the requirements of a workfare program.

Proposed law provides that the work and community engagement requirements created by proposed law shall not apply to any individual if he or she meets any of the following criteria:

- (1) Is medically certified as physically or mentally unfit for employment.
- (2) Is pregnant.
- (3) Is a parent or caretaker responsible for the care of a dependent child under the age of one year.
- (4) Is a parent or caretaker personally providing care for a dependent child with a disability or serious medical condition.
- (5) Is receiving unemployment compensation and complying with applicable work requirements of present law relative to employment security (R.S. 23:1471 et seq.).
- (6) Is participating in a drug addiction or alcoholic treatment and rehabilitation program.

Proposed law requires the secretary of LDH to prepare and submit to the federal Medicaid agency on or before Jan. 1, 2019, the application necessary to institute the program provided for in proposed law. Further requires the secretary to promulgate all rules and regulations in accordance with the Administrative Procedure Act as are necessary to institute the program.

Proposed law provides that it shall be known as the "Medicaid Incentives for Work and Community Engagement Law".

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 46:460.101-460.106)