

2018 First Extraordinary Session

HOUSE BILL NO. 3

BY REPRESENTATIVE HOFFMANN

MEDICAID: Provides for a work and community engagement initiative within the Medicaid program (Item #13)

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 460.107, 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 provide for applicability
6 of and exemptions from Medicaid work and community engagement requirements;
7 to provide for duties of the secretary of the Louisiana Department of Health in
8 administering the Medicaid work and community engagement initiative; to require
9 submission to the federal Medicaid agency of an application to administer the
10 initiative; to provide for administrative rulemaking; and to provide for related
11 matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. Part XIV of Chapter 3 of Title 46 of the Louisiana Revised Statutes of
14 1950, comprised of R.S. 46:460.101 through 460.107, is hereby enacted to read as follows:

15 PART XIV. LOUISIANA MEDICAID - PROMOTION OF WORK

16 AND COMMUNITY ENGAGEMENT

17 §460.101. Short title

18 This Part shall be known and may be cited as the "Promotion of Work and
19 Community Engagement in Medicaid Law".

1 §460.102. Definitions2 As used in this Part, the following terms have the meaning ascribed in this3 Section:4 (1) "Department" means the Louisiana Department of Health.5 (2) "Medicaid" and "medical assistance program" mean the medical
6 assistance program provided for in Title XIX of the Social Security Act.7 (3) "Secretary" means the secretary of the Louisiana Department of Health.8 (4) "Section 1115 waiver application" means an application to the secretary
9 of the United States Department of Health and Human Services for certain provisions
10 of Title XIX of the Social Security Act to be waived, as authorized in section 1115
11 of the act, in order to provide a state Medicaid program with the flexibility to
12 implement an experimental, pilot, or demonstration project that promotes the
13 objectives of the Medicaid program.14 §460.103. Legislative findings; declaration15 A. The Legislature of Louisiana hereby finds and affirms the following:16 (1) As reported by the department in December, 2017, over four hundred
17 fifty-three thousand adults are newly enrolled in Louisiana's Medicaid program
18 pursuant to expansion of the program's income eligibility standards, as authorized
19 in the Affordable Care Act, in 2016. Within this Medicaid expansion population,
20 fewer than two hundred eighty-four thousand persons, or sixty-two and one-half
21 percent of new adult enrollees, have earned income.22 (2) A broad range of social, economic, and behavioral factors can have major
23 effects on an individual's health and wellness, and a growing body of evidence
24 suggests that targeting certain health determinants, including productive work and
25 community engagement, may improve health outcomes.26 (3) Studies have found strong evidence that unemployment can be harmful
27 to health and is associated with higher mortality, poorer general health, poorer
28 mental health, and higher medical consultation and hospital admission rates.

1 (4) It is widely recognized that education can lead to improved health by
2 facilitating gains in health knowledge and raising awareness of healthy behaviors.

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

5 B. The legislature hereby declares that it is the policy of this state to
6 encourage self-sufficiency so that Louisianians may reduce dependence on public
7 benefits to meet basic needs and become economically self-reliant. Therefore,
8 promoting work and community engagement among able-bodied adult Medicaid
9 enrollees is a public policy priority of this state.

10 §460.104. Work and community engagement initiative plan; purpose; requirements;
11 exemptions

12 A.(1) The secretary shall submit to the House and Senate committees on
13 health and welfare a plan for a work and community engagement initiative in the
14 Medicaid program that conforms with the provisions of this Section, and shall
15 commence to implement the plan upon approval by the committees.

16 (2) The plan may include submission of a section 1115 waiver application
17 to the Centers for Medicare and Medicaid Services for a program in which certain
18 working-age, non-pregnant adults who qualify for Medicaid on a basis other than a
19 disability will be required to participate in certain work or community engagement
20 activities unless they qualify for an exemption as provided in Subsection C of this
21 Section.

22 (3) The plan may incorporate a workforce development component.

23 (4) The plan may identify alignment opportunities with current work
24 promotion programs in place for the Supplemental Nutrition Assistance Program, if
25 practicable.

26 (5)(a) The secretary shall ensure that the work and community engagement
27 initiative proposed in the plan can be implemented in a cost-effective manner and
28 with maximum administrative efficiency.

1 (b) The secretary may model the work and community engagement initiative
2 proposed in the plan, in whole or in part, on a similar initiative of any other state.

3 B.(1) Work activities required by the work and community engagement
4 initiative may include any of the following:

5 (a) Full-time or part-time employment.

6 (b) Career planning, job training, or referral and job support services.

7 (2) Community engagement activities required by the work and community
8 engagement initiative may include any of the following:

9 (a) Volunteer work.

10 (b) Community service.

11 (c) Education.

12 (3) The secretary shall establish minimum participation standards, in terms
13 of average number of hours per week or per month, for participants in the initiative.

14 C. Beneficiaries to be exempt from work and community engagement
15 requirements may include any of the following:

16 (1) Any individual who is a primary caregiver of a dependent.

17 (2) Any parent or caretaker of a dependent child who is under the age of
18 public school eligibility.

19 (3) Individuals with health-related barriers to employment.

20 (4) Other persons or populations with extenuating circumstances as
21 determined by the secretary.

22 D. The work and community engagement initiative shall include procedures
23 that allow for an assessment of beneficiaries' abilities and barriers to employment in
24 order to identify appropriate services, supports, and any modifications necessary for
25 those individuals to participate in work and community engagement activities and
26 attain long-term employment and self-sufficiency.

27 E. The work and community engagement initiative shall ensure all of the
28 following:

1 (1) That individuals with substance use disorders, who may not be defined
2 as disabled for Medicaid purposes but may be protected by certain disability laws,
3 have access to appropriate Medicaid coverage and treatment services.

4 (2) That individuals with a serious medical condition or terminal illness have
5 access to appropriate Medicaid coverage and treatment services.

6 (3) That beneficiaries have support in meeting work and community
7 engagement requirements through linkages to resources for job training or other
8 employment services, child care assistance, transportation, or other work supports
9 necessary to help beneficiaries prepare for work or increase their earnings.

10 (4) That the project adheres to all requirements set forth by the Centers for
11 Medicare and Medicaid Services, including but not limited to due process for
12 recipients, transparency, budget neutrality, monitoring, and evaluation.

13 F. The work and community engagement initiative shall establish supports
14 for beneficiaries in regions with limited employment opportunities or localities
15 facing particular economic stress or lack of viable transportation.

16 G. The work and community engagement initiative shall include measures
17 to address social determinants of health, including but not limited to the conditions
18 in which people are born, grow, live, and age, including neighborhood and physical
19 environment, early child development and education, nutrition, community and
20 social context, and availability of health services.

21 H. Prior to submitting the plan for the work and community engagement
22 initiative for legislative approval as required by Subsection A of this Section, the
23 department shall administer a public input process that provides an opportunity for
24 consideration of the views of Medicaid beneficiaries, applicants, and other
25 stakeholders, and for gathering input that may support continuous improvement of
26 the program.

27 §460.105. Implementation subject to appropriation

28 Implementation of the provisions of this Part shall be subject to the
29 appropriation of funds for this purpose.

1 §460.106. Administrative rulemaking

2 The secretary shall promulgate all rules and regulations in accordance with
3 the Administrative Procedure Act as are necessary to implement the provisions of
4 this Part.

5 §460.107. Access to health care; limitation prohibited

6 Nothing in this Part shall cause access to health care to become temporarily
7 or permanently prohibitive or excluded to the citizenry of Louisiana.

8 Section 2. 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 3 Engrossed

2018 First Extraordinary Session

Hoffmann

Abstract: Establishes a planning process for a work and community engagement initiative within the Medicaid program.

Proposed law provides that it shall be known as the "Promotion of Work and Community Engagement in Medicaid Law".

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

Proposed law requires the secretary of the La. Department of Health (LDH) to submit to the legislative committees on health and welfare a plan for a work and community engagement initiative in the Medicaid program, and to commence to implement the plan upon approval by the committees. Provides that the plan may include submission of an application to the federal Medicaid agency for a program in which certain working-age, non-pregnant, non-exempt adults who qualify for Medicaid on a basis other than a disability will be required to participate in certain work or community engagement activities.

Proposed law provides that the plan may incorporate a workforce development component and identify alignment opportunities with current work promotion programs of the Supplemental Nutrition Assistance Program, if practicable.

Proposed law requires the secretary of LDH to ensure that the work and community engagement initiative proposed in the plan can be implemented in a cost effective manner and with maximum administrative efficiency, and authorizes the secretary to model the initiative proposed in the plan on a similar initiative of any other state.

Proposed law provides that work activities required by the initiative may include any of the following:

- (1) Full-time or part-time employment.
- (2) Career planning, job training, or referral and job support services.

Proposed law provides that community engagement activities required by the initiative may include any of the following:

- (1) Volunteer work.
- (2) Community service.
- (3) Education.

Proposed law requires the secretary of LDH to establish minimum participation standards, in terms of average number of hours per week or per month, for participants in the initiative.

Proposed law specifies that Medicaid beneficiaries to be exempt from work and community engagement requirements may include any of the following:

- (1) Any individual who is a primary caregiver of a dependent.
- (2) Any parent or caretaker of a dependent child who is under the age of public school eligibility.
- (3) Individuals with health-related barriers to employment.
- (4) Other persons or populations with extenuating circumstances as determined by the secretary.

Proposed law stipulates that the work and community engagement initiative shall include procedures that allow for an assessment of beneficiaries' abilities and barriers to employment in order to identify appropriate services, supports, and any modifications necessary for them to meet requirements of the initiative and attain long-term employment and self-sufficiency; and that the initiative shall ensure all of the following:

- (1) That individuals with substance use disorders, who may not be defined as disabled for Medicaid purposes but may be protected by certain disability laws, have access to appropriate Medicaid coverage and treatment services.
- (2) That individuals with a serious medical condition or terminal illness have access to appropriate Medicaid coverage and treatment services.
- (3) That beneficiaries have support in meeting work and community engagement requirements through linkages to resources for job training or other employment services, child care assistance, transportation, or other work supports necessary to help them prepare for work or increase earnings.
- (4) That the project adheres to all requirements set forth by the federal Medicaid agency, including but not limited to due process for recipients, transparency, budget neutrality, monitoring, and evaluation.

Proposed law requires that the work and community engagement initiative include all of the following:

- (1) Supports for beneficiaries in regions with limited employment opportunities or localities facing particular economic stress or lack of viable transportation.
- (2) Measures to address social determinants of health.

Proposed law provides that prior to submitting the plan for the work and community engagement initiative for legislative approval as required by proposed law, LDH shall conduct a public input process that provides an opportunity for consideration of the views of Medicaid beneficiaries, applicants, and other stakeholders, and for gathering input that may support continuous improvement of the initiative.

Proposed law stipulates that its implementation is subject to the appropriation of funds for this purpose, and that nothing in proposed law shall cause access to health care to become temporarily or permanently prohibitive or excluded to the citizenry of La.

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

(Adds R.S. 46:460.101-460.107)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Delete proposed law stipulating that no able-bodied adult without a dependent shall be eligible for Medicaid benefits unless he meets certain work or community engagement requirements.
2. Delete proposed law associated with a program of mandatory work or community engagement for certain able-bodied Medicaid enrollees.
3. Require the secretary of the La. Department of Health (LDH) to submit to the legislative committees on health and welfare a plan for a work and community engagement initiative in the Medicaid program, and to commence to implement the plan upon approval by the committees. Provide that the plan may include submission of an application to the federal Medicaid agency for a program in which certain working-age, non-pregnant, non-exempt adults who qualify for Medicaid on a basis other than a disability will be required to participate in certain work or community engagement activities.
4. Provide that the plan may incorporate a workforce development component and identify alignment opportunities with current work promotion programs of the Supplemental Nutrition Assistance Program, if practicable.
5. Require the secretary of LDH to ensure that the work and community engagement initiative proposed in the plan can be implemented in a cost effective manner and with maximum administrative efficiency, and authorize the secretary to model the initiative proposed in the plan on a similar initiative of any other state.
6. Provide that work activities required by the initiative may include any of the following:
 - (a) Full-time or part-time employment.
 - (b) Career planning, job training, or referral and job support services.

7. Provide that community engagement activities required by the initiative may include any of the following:
 - (a) Volunteer work.
 - (b) Community service.
 - (c) Education.
8. Require the secretary of LDH to establish minimum participation standards, in terms of average number of hours per week or per month, for participants in the initiative.
9. Specify that Medicaid beneficiaries to be exempt from work and community engagement requirements may include any of the following:
 - (a) Any individual who is a primary caregiver of a dependent.
 - (b) Any parent or caretaker of a dependent child who is under the age of public school eligibility.
 - (c) Individuals with health-related barriers to employment.
 - (d) Other persons or populations with extenuating circumstances as determined by the secretary.
10. Stipulate that the work and community engagement initiative shall include procedures that allow for an assessment of beneficiaries' abilities and barriers to employment in order to identify appropriate services, supports, and any modifications necessary for them to meet requirements of the initiative and attain long-term employment and self-sufficiency; and that the initiative shall ensure all of the following:
 - (a) That individuals with substance use disorders, who may not be defined as disabled for Medicaid purposes but may be protected by certain disability laws, have access to appropriate Medicaid coverage and treatment services.
 - (b) That individuals with a serious medical condition or terminal illness have access to appropriate Medicaid coverage and treatment services.
 - (c) That beneficiaries have support in meeting work and community engagement requirements through linkages to resources for job training or other employment services, child care assistance, transportation, or other work supports necessary to help them prepare for work or increase earnings.
 - (d) That the project adheres to all requirements set forth by the federal Medicaid agency, including but not limited to due process for recipients, transparency, budget neutrality, monitoring, and evaluation.
11. Require that the work and community engagement initiative include all of the following:
 - (a) Supports for beneficiaries in regions with limited employment opportunities or localities facing particular economic stress or lack of viable transportation.

- (b) Measures to address social determinants of health.
12. Require LDH to conduct a public input process that provides an opportunity for consideration of the views of Medicaid beneficiaries, applicants, and other stakeholders, and for gathering input that may support continuous improvement of the work and community engagement initiative.
 13. Stipulate that implementation of proposed law is subject to the appropriation of funds for this purpose.
 14. Stipulate that nothing in proposed law shall cause access to health care to become temporarily or permanently prohibitive or excluded to the citizenry of La.
 15. Change effective date of proposed law from effective upon signature of the governor to effective upon the default effective date for Acts of the 2018 1st Extraordinary Session (60th day after final adjournment of the session).