

FIRST REGULAR SESSION

HOUSE BILL NO. 1172

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE TRENT.

2388H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 208, RSMo, by adding thereto one new section relating to work and community engagement requirements for certain MO HealthNet participants.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 208, RSMo, is amended by adding thereto one new section, to be known as section 208.185, to read as follows:

- 208.185. 1. Beginning January 1, 2020, MO HealthNet participants ages nineteen to sixty-four shall comply with the work and community engagement requirements under this section in order to remain eligible for MO HealthNet benefits, unless such participant is otherwise exempt from such requirements. Work and community engagement requirements shall include at least eighty hours each month of the following:**
- (1) Unsubsidized or subsidized private or public sector employment;**
 - (2) Education, including vocational educational training, job skills training directly related to employment, education directly related to employment for individuals who have not received a high school diploma or certificate of high school equivalency, or satisfactory attendance at a secondary school;**
 - (3) Community service;**
 - (4) Job search and job readiness assistance;**
 - (5) Provision of child care services to an individual who is participating in a community service program;**
 - (6) Satisfaction of work requirements for participants of temporary assistance for needy families or the supplemental nutrition assistance program who are also MO HealthNet participants;**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 (7) Participation in a substance abuse treatment program; or

19 (8) Any combination thereof.

20 2. The work and community engagement requirements under this section shall not
21 apply to a participant who is:

22 (1) Under the age of nineteen or over the age of sixty-four;

23 (2) Medically frail, including individuals:

24 (a) With disabling mental disorders;

25 (b) With serious and complex medical conditions;

26 (c) With a physical, intellectual, or developmental disability that significantly
27 impairs their ability to perform one or more activities of daily living; or

28 (d) With a disability determination based on criteria under the Social Security Act,
29 including a current determination by the department of social services that he or she is
30 permanently or totally disabled;

31 (3) Pregnant or caring for a child under the age of one or otherwise a recipient of
32 MO HealthNet services under section 208.662;

33 (4) A primary caregiver of a dependent child under the age of six or a dependent
34 adult; provided, that not more than one participant may claim primary caregiver status
35 in a household; or

36 (5) A participant who is also a participant of temporary assistance for needy
37 families or the supplemental nutrition assistance program and who is exempt from the
38 work requirements of either of those programs.

39 3. In order that work and community engagement requirements shall not be
40 impossible or unduly burdensome for participants, the department may permit further
41 exemptions from the work and community engagement requirements under this section
42 in areas of high unemployment, limited economies or educational opportunities, lack of
43 public transportation, or for good cause. Good cause shall include, but not be limited to,
44 the following circumstances:

45 (1) The participant has a disability as defined by the Americans with Disabilities
46 Act, Section 504 of the Rehabilitation Act of 1973, or Section 1557 of the Patient Protection
47 and Affordable Care Act and is unable to meet the work and community engagement
48 requirements for reasons related to that disability;

49 (2) The participant has an immediate family member in the home with a disability
50 as defined by the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of
51 1973, or Section 1557 of the Patient Protection and Affordable Care Act and the
52 participant is unable to meet the work and community engagement requirements for
53 reasons related to the disability of such family member;

54 (3) The participant or an immediate family member in the home experiences a
55 hospitalization or serious illness;

56 (4) The participant experiences the birth or death of a family member in the home;

57 (5) The participant experiences severe inclement weather, including a natural
58 disaster, and is unable to meet the work and community engagement requirements; and

59 (6) The participant experiences a family emergency or other life-changing event,
60 including divorce or domestic violence.

61 4. The department shall provide reasonable accommodations for participants with
62 disabilities as defined by the Americans with Disabilities Act, Section 504 of the
63 Rehabilitation Act of 1973, or Section 1557 of the Patient Protection and Affordable Care
64 Act, as necessary, to enable such participants an equal opportunity to participate in and
65 benefit from the work and community engagement requirements under this section.
66 Reasonable accommodations shall include, but not be limited to, the following:

67 (1) Exemption from the work and community engagement requirements when the
68 participant is unable to comply for reasons relating to his or her disability;

69 (2) Modification in the number of hours of work and community engagement
70 required when a participant is unable to comply with the required number of hours; and

71 (3) Provision of support services necessary for compliance, when compliance is
72 possible with such supports.

73 5. The department may promulgate rules and regulations to implement the
74 provisions of this section. Any rule or portion of a rule, as that term is defined in section
75 536.010, that is created under the authority delegated in this section shall become effective
76 only if it complies with and is subject to all of the provisions of chapter 536 and, if
77 applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of
78 the powers vested with the general assembly pursuant to chapter 536 to review, to delay
79 the effective date, or to disapprove and annul a rule are subsequently held
80 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted
81 after August 28, 2019, shall be invalid and void.

82 6. The department shall seek all appropriate waivers and state plan amendments
83 from the federal Department of Health and Human Services necessary to implement the
84 provisions of this section. The provisions of this section shall not be implemented unless
85 such waivers and state plan amendments are approved.

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