

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 76

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:

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

4 208.185. 1. Beginning January 1, 2020, MO HealthNet
5 participants ages nineteen to sixty-four shall comply with the
6 work and community engagement requirements under this section in
7 order to remain eligible for MO HealthNet benefits, unless such
8 participant is otherwise exempt from such requirements. Work and
9 community engagement requirements shall include at least eighty
10 hours each month of the following:

11 (1) Unsubsidized or subsidized private or public sector
12 employment;

13 (2) Education, including vocational educational training,
14 job skills training directly related to employment, education
15 directly related to employment for individuals who have not
16 received a high school diploma or certificate of high school

1 equivalency, or satisfactory attendance at a secondary school;

2 (3) Community service;

3 (4) Job search and job readiness assistance;

4 (5) Provision of child care services to an individual who
5 is participating in a community service program;

6 (6) Satisfaction of work requirements for participants of
7 temporary assistance for needy families or the supplemental
8 nutrition assistance program who are also MO HealthNet
9 participants;

10 (7) Participation in a substance abuse treatment program;

11 or

12 (8) Any combination thereof.

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

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

17 (2) Medically frail, including individuals:

18 (a) With disabling mental disorders;

19 (b) With serious and complex medical conditions;

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

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

27 (3) Pregnant or caring for a child under the age of one or
28 otherwise a recipient of MO HealthNet services under section

1 208.662;

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

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

9 3. In order that work and community engagement requirements
10 shall not be impossible or unduly burdensome for participants,
11 the department may permit further exemptions from the work and
12 community engagement requirements under this section in areas of
13 high unemployment, limited economies or educational
14 opportunities, or lack of public transportation, or for good
15 cause. Good cause shall include, but not be limited to, the
16 following circumstances:

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

23 (2) The participant has an immediate family member in the
24 home with a disability as defined by the Americans with
25 Disabilities Act, Section 504 of the Rehabilitation Act of 1973,
26 or Section 1557 of the Patient Protection and Affordable Care Act
27 and the participant is unable to meet the work and community
28 engagement requirements for reasons related to the disability of

1 such family member;

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

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

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

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

11 4. The department shall provide reasonable accommodations
12 for participants with disabilities as defined by the Americans
13 with Disabilities Act, Section 504 of the Rehabilitation Act of
14 1973, or Section 1557 of the Patient Protection and Affordable
15 Care Act, as necessary, to enable such participants an equal
16 opportunity to participant in and benefit from the work and
17 community engagement requirements under this section. Reasonable
18 accommodations shall include, but not be limited to, the
19 following:

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

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

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

28 5. The department shall promulgate rules and regulations to

1 implement the provisions of this section. Any rule or portion of
2 a rule, as that term is defined in section 536.010 that is
3 created under the authority delegated in this section shall
4 become effective only if it complies with and is subject to all
5 of the provisions of chapter 536, and, if applicable, section
6 536.028. This section and chapter 536 are nonseverable and if
7 any of the powers vested with the general assembly pursuant to
8 chapter 536, to review, to delay the effective date, or to
9 disapprove and annul a rule are subsequently held
10 unconstitutional, then the grant of rulemaking authority and any
11 rule proposed or adopted after August 28, 2019, shall be invalid
12 and void.

13 6. The department shall seek all appropriate waivers and
14 state plan amendments from the federal Department of Health and
15 Human Services necessary to implement the provisions of this
16 section. The provisions of this section shall not be implemented
17 unless such waivers and state plan amendments are approved.