

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 76
100TH GENERAL ASSEMBLY

Reported from the Committee on Seniors, Families and Children, February 21, 2019, with recommendation that the Senate Committee Substitute do pass.

0374S.02C

ADRIANE D. CROUSE, Secretary.

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

21 assistance program who are also MO HealthNet participants;

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

23 (8) Any combination thereof.

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

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

27 (2) Medically frail, including individuals:

28 (a) With disabling mental disorders;

29 (b) With serious and complex medical conditions;

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

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

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

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

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

46 3. In order that work and community engagement requirements
47 shall not be impossible or unduly burdensome for participants, the
48 department may permit further exemptions from the work and
49 community engagement requirements under this section in areas of
50 high unemployment, limited economies or educational opportunities,
51 or lack of public transportation, or for good cause. Good cause shall
52 include, but not be limited to, the following circumstances:

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

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

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

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

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

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

73 **4. The department shall provide reasonable accommodations for**
74 **participants with disabilities as defined by the Americans with**
75 **Disabilities Act, Section 504 of the Rehabilitation Act of 1973, or**
76 **Section 1557 of the Patient Protection and Affordable Care Act, as**
77 **necessary, to enable such participants an equal opportunity to**
78 **participant in and benefit from the work and community engagement**
79 **requirements under this section. Reasonable accommodations shall**
80 **include, but not be limited to, the following:**

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

84 **(2) Modification in the number of hours of work and community**
85 **engagement required when a participant is unable to comply with the**
86 **required number of hours; and**

87 **(3) Provision of support services necessary for compliance, when**
88 **compliance is possible with such supports.**

89 **5. The department may promulgate rules and regulations to**
90 **implement the provisions of this section. Any rule or portion of a rule,**
91 **as that term is defined in section 536.010 that is created under the**
92 **authority delegated in this section shall become effective only if it**
93 **complies with and is subject to all of the provisions of chapter 536, and,**
94 **if applicable, section 536.028. This section and chapter 536 are**

95 nonseverable and if any of the powers vested with the general assembly
96 pursuant to chapter 536, to review, to delay the effective date, or to
97 disapprove and annul a rule are subsequently held unconstitutional,
98 then the grant of rulemaking authority and any rule proposed or
99 adopted after August 28, 2019, shall be invalid and void.

100 6. The department shall seek all appropriate waivers and state
101 plan amendments from the federal Department of Health and Human
102 Services necessary to implement the provisions of this section. The
103 provisions of this section shall not be implemented unless such waivers
104 and state plan amendments are approved.

Unofficial ✓

Bill

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