

FIRST REGULAR SESSION

SENATE BILL NO. 76

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SATER.

Pre-filed December 1, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0374S.011

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
2 section, to be known as section 208.185, to read as follows:

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

8 **(1) Unsubsidized or subsidized private or public sector
9 employment;**

10 **(2) Education, including vocational educational training, job
11 skills training directly related to employment, education directly
12 related to employment for individuals who have not received a high
13 school diploma or certificate of high school equivalency, or satisfactory
14 attendance at a secondary school;**

15 **(3) Community service;**

16 **(4) Job search and job readiness assistance;**

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

19 **(6) Satisfaction of work requirements for participants of
20 temporary assistance for needy families or the supplemental nutrition
21 assistance program who are also MO HealthNet participants; or**

22 (7) Any combination thereof.

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

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

26 (2) Medically frail, including individuals:

27 (a) With disabling mental disorders;

28 (b) With chronic substance abuse disorders;

29 (c) With serious and complex medical conditions;

30 (d) 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 (e) 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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