

HCS HJR 117 -- MEDICAID ELIGIBILITY AND REQUIREMENT

SPONSOR: Smith (163)

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Budget by a vote of 22 to 9. Voted "Do Pass" by the Standing Committee on Rules- Legislative Oversight by a vote of 5 to 3.

The following is a summary of the House Committee Substitute for HJR 117.

Upon voter approval, this proposed Constitutional amendment changes provisions relating to eligibility and requirements for MO HealthNet.

ELIGIBILITY DETERMINATION

The General Assembly has the right to and shall determine eligibility for HealthNet services pursuant to Section 36(c) of the Missouri Constitution, eligibility for individuals 19 years old or older and under 65 who qualify for HealthNet services under federal law and who have income at or below 138% of the federal poverty level, referred to as the "Medicaid expansion population", by appropriation. If an appropriation specifically naming this population is not made for a fiscal year, the population shall not be eligible for HealthNet services for that fiscal year. This amendment repeals the provision of the Constitution prohibiting any greater or additional burdens or restrictions on eligibility or enrollment standards, methodologies, or practices be placed on the Medicaid expansion population.

In any given fiscal year, any eligible population for HealthNet services shall be eligible only if an appropriation for that population is made in that fiscal year. Further, in any given fiscal year, any service or type of provider for which reimbursement is allowed shall be eligible for reimbursement only if an appropriation for that service or type of provider is made for that fiscal year.

RESIDENCY REQUIREMENT

Subject to approval of state plan amendments to be submitted by the Department of Social Services to the Department of Health and Human Services, Centers for Medicare and Medicaid Services, the state shall not provide payments, add-ons, or reimbursements to health care providers through MO HealthNet for medical assistance services provided to persons who are not state residents, as determined

pursuant to 42 C.F.R. 435.403. These provisions will become effective 90 days after approval of all necessary state plan amendments.

WORK AND COMMUNITY ENGAGEMENT REQUIREMENT

Subject to approval of a work and community engagement demonstration waiver under Section 1115 of the Social Security Act, MO HealthNet participants 19 years old or older and under 65 must comply with work and community engagement requirements, unless otherwise exempt as provided for in the amendment. These requirements include any combination of at least 80 hours each month of:

- (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; or
- (6) Participation in a substance abuse treatment program.

A participant who is also a participant of the Temporary Assistance for Needy Families Program (TANF) or the Supplemental Nutrition Assistance Program (SNAP) that satisfies work requirements related to those programs shall be deemed to have satisfied the work and community engagement requirements of this amendment.

The Department of Social Services may permit further exemptions from these requirements in areas of high unemployment, areas with limited economic or educational opportunities, areas that lack public transportation, or otherwise for good cause. The Department shall provide reasonable accommodations, as described in the amendment, for participants with disabilities as defined by the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, or Section 1557 of the Patient Protection and Affordable Care Act.

The Department of Social Services shall seek the work and community

engagement demonstration waiver and any subsequent renewal and extensions from the United States Department of Health and Human Services necessary to implement these work and community engagement provisions.

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

PROPONENTS: Supporters say that this HJR would ensure that Medicaid funds are spent helping residents of Missouri. Other states have limited payments for services provided to state residents only and Missouri should do the same. This HJR would also clarify that the General Assembly has the authority to make distinct appropriations for the different MO HealthNet populations.

Testifying for the bill were Representative Smith; Marvin E. Sands, Jr., AARP; Michelle Garcia; Kevin Humphries; Angela M. Hawkins; and the Opportunity Solutions Project.

OPPONENTS: Those who oppose the bill say that this HJR ignores the will of the people and undermines the Medicaid expansion recently voted upon by the voters of the state. Further, this HJR would subject the people of Missouri to additional bureaucratic issues and roadblocks with additional requirements. This HJR adds barriers for the state's most vulnerable populations to access health care.

Subjecting Medicaid services to appropriations of the General Assembly jeopardizes state citizen's access to health care. This HJR risks eliminating stability and peace of mind for beneficiaries whose coverage would be at risk of appropriation cuts year to year. Further, subjecting Medicaid services to annual appropriations will disadvantage preventative and family planning services currently covered under Medicaid. The coverage of these services ultimately save taxpayers money and saves health care institutions valuable resources.

Work requirements are intended to encourage people on Medicaid to find employment and save the state money over time. However, the exemptions to the work and community engagement requirements under the HJR may not capture all patients and recipients who are unable to meet such requirements due to illness or disability, disqualifying Medicaid recipients who were not intended to lose their coverage. Further, studies have shown that work requirements can cost states and taxpayers more money. Work requirements are often costly administrative burdens, making life more difficult for hard-working recipients. Work requirements lead to people losing health care they otherwise qualify for because of excessive

paperwork and reporting requirements and do not lead to increases in employment rates.

Testifying against the bill were Abigail Pankau; Allyn Harris Dault, Metropolitan Congregations United; Ann Shabazz; National Multiple Sclerosis Society; Annie Walsh; Ashley Drury; Autumn Stultz; Billie Westervelt; Brigitte Sheridan; Charles A Crowder; Cheryl S Unterschutz; Chloe Owens, Missouri Health Care for All; Clarisse Teepe-Fryrear; Corinne Alberts, National Organization For Rare Disorders; Cynthia Holmes; Dale Herrick; Dana Evans; Darlene Steele; David L Butel; Deborah T Gregg; Dede Coughlin; Denis Edward Rigdon; Dennis McDonald; Dennis Rilinger; Donna Kay Adam; Douglas Kinney; Elizabeth A Frick; Ellen Bern; Ellen Broglio; Emily Bowen-Marler; Emily Olschki; Francine Glass; Garrett Griffin, Communities Creating Opportunity; Greg Campbell; Harriet Hall; Hayden Rand, Jewish Family Services of Greater Kansas City; Heather Lisa Hageman; Helen Lucinda Baker; Jacqueline O'Brien; James Janes; Jamie Taylor; Jane S. Reed; Janice K Niehaus; Jeannette Holland; Jenise Woolf; Jenna Roberson; Jenna Roberson; Jennifer Bernstein, National Council of Jewish Women St. Louis; Jennifer Main; Jennifer Moorehouse; Jessica Shepherd; Joann Stephan; Judith Clifford; Judith Purcell; Juith Connolly; Julie Allen; Kaena Keao; Karen Cloyd; Karen Rogers; Katherine Brown; Kelly O'Brien Loretta; Kemp Strickler; Kenneth M Orenick; Kristen Lyle; American Lung Association; Linda Hoechst; Lisa Jahn; Lisa M. Hummel; Lori Staub; Luke Barber; Pro Choice Missouri; Missouri Family Health Council, Inc.; Marcelo Sanjuan; Marcia Weimer; Margaret Repking-Asbury; Marissa Polzin; Marjorie Ivey; Mary (Kate) Duffy; Mary Ellen Fendler; Mary Gross; Mary Jo Williams; Mary O'reilly; Mary Quandt; Maura Gray, American Heart Association; Maureen Jordan; Michelle Bach; Michelle Fassler; Michelle Witthaus; Nadine B Ball; Nancy Hishaw; Natha Porter; Patricia A. Hubbs; Patricia Bartell; Patricia Clinton; Patricia Tracy; Patty Fisher; Rachael G. Cailliach; Rebecca Watson; Rev Wendy Bruner, Peace United Church of Christ; Robert Bliss; Robert Long; Robin Suzanne Peinado; Sally Brooks; Sara Santhuff; Sarah Starnes; Sarah Willey; Scott A. Britton-Mehlis; Sheryl Foster; Shirley Seabaugh; Shirley Wolverson; Stephanie; Stephen J Sesti; Sue Kaiser; Susan Darcy; Susan Gibson; Susan M Strozewski; Susan Ulmer; Suzanne Risher; Taneska Daumas; Thalia Stein; Thomas Ferri; Timothy Mobley; Victoria Barshis; William Fogarty, MD; Ysabel Vandenberg; Missouri State Medical Association; Arnie C. Ac Dienoff; Benita Words; Caela Camazine; Carrie Becker; David Denoon; Emma Childress; James Lovell; Kathleen O'Renick; Margie Richcreek; Marilyn McLeod, League of Women Voters of Missouri; Sidney D. Watson; Susan C Koen; Abby Gayle Deshane; Patricia Short; Angela Allen; Mary Waggener; Missouri Catholic Conference; Missouri Budget Project; Jim Wallis, Chestnut Health Systems; AARP; American Cancer Society Cancer Action Network; and Allyn Harris Dault.

OTHERS: Others testifying on the bill submitted written testimony, which can be found online.

Testifying on the bill were Joel Ferber, Legal Services of Eastern Missouri; and the Missouri Hospital Association.

Written testimony has been submitted for this bill. The full written testimony can be found under Testimony on the bill page on the House website.