A BILL TO BE ENTITLED
AN ACT TO IMPLEMENT WORK AND COMMUNITY ENGAGEMENT AS A CONTINGENCY TO PARTICIPATION IN THE NORTH CAROLINA MEDICAID PROGRAM.

The General Assembly of North Carolina enacts:

SECTION 1. It is the intent of the General Assembly to implement work and community engagement as a contingency to participation in the North Carolina Medicaid program for non-elderly, nonpregnant, adult Medicaid beneficiaries who are eligible for Medicaid on a basis other than disability. The Department of Health and Human Services shall develop work and community engagement as a contingency to participation in the Medicaid program in a way that adheres to federal guidance and that is aligned with the work requirements for Able-Bodied Adults Without Dependents (ABAWDs) policy under the Supplemental Nutrition Assistance Program as much as possible. All recipients shall be subject to the work and community engagement condition of participation, except that only the following individuals shall be exempt:

1. Individuals under the age of 19.
2. Individuals over the age of 64.
3. Individuals who are eligible for Medicaid under the Aged, Blind, and Disabled category.
4. Individuals who are eligible for Medicaid under the Breast and Cervical Cancer category.
5. Individuals who have been certified as unfit for employment for physical or mental health reasons.
6. Individuals with a disabling mental disorder.
7. Individuals with a physical, intellectual, or developmental disability that significantly impairs the individual's ability to perform one or more activities of daily living.
8. Individuals actively participating in a substance abuse treatment and rehabilitation program.
10. Individuals who are eligible for Medicaid under the Pregnant Women category.
11. Individuals who are the parent or caretaker of a dependent child under one year of age.
(12) Individuals who are a parent or caretaker that provides care for a dependent child with a serious medical condition or disability, to be defined by the Department of Health and Human Services.

(13) Individuals who are eligible for Medicaid under the Family Planning category only.

(14) Individuals who are eligible for Medicaid under the foster care eligibility category or under the former foster care eligibility category.

(15) Individuals who receive Title IV-E Adoption Assistance or who are under the age of 26 and formerly received Title IV-E Adoption Assistance.

(16) Individuals who are receiving unemployment compensation and complying with the work requirements that are part of the federal-State unemployment compensation system.

(17) Presumptively eligible recipients, during the period of presumptive eligibility.

(18) Recipients who participate in the North Carolina Health Insurance Premium Payment (NC HIP) program.

(19) Individuals who are inmates of prisons.

(20) Qualified aliens subject to the five-year bar for means-tested public assistance under 8 U.S.C. § 1613 who qualify for emergency services under 8 U.S.C. § 1611.

(21) Undocumented aliens who qualify for emergency services under 8 U.S.C. § 1611.

SECTION 2. On or before October 1, 2019, the Department of Health and Human Services shall submit to the Centers for Medicare and Medicaid Services any State Plan amendments or any waivers necessary to implement work and community engagement as a contingency to participation in the North Carolina Medicaid program for non-elderly, nonpregnant adult Medicaid beneficiaries who are eligible for Medicaid on a basis other than disability. Work and community engagement shall be implemented as a contingency to participation in the Medicaid program upon approval of the applicable State Plan amendment or waiver or July 1, 2020, whichever date is later.

SECTION 3. No later than November 1, 2019, the Department shall submit to the Joint Legislative Oversight Committee on Medicaid and NC Health Choice and the Fiscal Research Division a report containing the following information:

(1) As required by section 2 of this act, a copy of the State Plan amendment or waiver to implement work and community engagement as a contingency to participation in the Medicaid program.

(2) A detailed description of the work and community engagement condition of participation to be implemented, including exemptions from work and community engagement, a description of the activities qualifying as work or community engagement, the calculations that will be used to determine the time spent in qualifying activities and the minimum amount of time required for participation, the method by which individuals will be excluded from participation in the Medicaid program for noncompliance with the work and community engagement condition, any good-cause exemptions for noncompliance with the work and community engagement condition, and the method by which an individual may regain eligibility if that individual was determined to be ineligible for Medicaid due to noncompliance with the work and community engagement condition to participation.

(3) An analysis of the total fiscal impact of adding work and community engagement as a contingency to participation in the North Carolina Medicaid program. This analysis shall include an outline of both costs and savings to the Medicaid programs.
SECTION 4. Consistent with G.S. 108A-54(e)(4), this act does not authorize the Department of Health and Human Services to make any changes to eligibility for the Medicaid program beyond the addition of work and community engagement as a contingency to participation in the Medicaid program.

SECTION 5. This act is effective when it becomes law.