

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
92nd General Assembly
Regular Session, 2019

A Bill

HOUSE BILL 1923

By: Representative McCollum
By: Senator T. Garner

For An Act To Be Entitled

AN ACT TO CREATE THE ARKANSAS MEDICAID WORKFORCE ACT
OF 2019; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE THE ARKANSAS MEDICAID WORKFORCE
ACT OF 2019.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 20, Chapter 77, is amended to add an additional subchapter to read as follows:

Subchapter 29 – Arkansas Medicaid Workforce Act of 2019

20-77-2901. Title.

This subchapter shall be known and may be cited as the “Arkansas Medicaid Workforce Act of 2019”.

20-77-2902. Legislative intent.

It is the intent of the General Assembly to:

(1) Require the Department of Human Services to amend the existing Section 1115 Medicaid demonstration waiver to the Centers for Medicare and Medicaid Services;

(2) Ensure that the work requirements for the Arkansas Medicaid Program are updated to include parents, parents currently included under the Arkansas Works Program, and all able-bodied adults between fifty (50) and sixty (60) years of age; and



(3) Assist in promoting the objectives of Title XIX of the Social Security Act, 42 U.S.C. § 1900 et seq., namely improving health outcomes and strengthening the financial independence of Medicaid beneficiaries.

20-77-2903. Work requirement.

An individual is not eligible to participate in the Arkansas Medicaid Program unless he or she is:

(1) Working twenty (20) hours or more per week, averaged monthly;

(2) Participating in and complying with the requirements of a work program for twenty (20) hours or more per week, as determined by the Department of Human Services;

(3) Volunteering twenty (20) hours or more per week as determined by the department;

(4) Meeting any combination of working and participating in a work program for a total of twenty (20) hours or more per week, as determined by the department;

(5) Participating and complying with the requirements of a welfare program with work requirements; or

(6) Exempt from the work requirement under § 20-77-2904.

20-77-2904. Exemptions.

The work requirement under this subchapter does not apply to an individual if he or she is:

(1) Under nineteen (19) years of age;

(2) Over sixty (60) years of age;

(3) Medically certified as physically or mentally unfit for employment;

(4) Pregnant;

(5) A parent or caretaker who is:

(A) Responsible for the care of a dependent child who is under one (1) year of age; or

(B) Personally providing the care for a dependent child with serious medical conditions or with a disability, as determined by the Department of Human Services;

(6) A recipient of unemployment compensation who is complying with work requirements that are part of the Federal-State unemployment compensation system; or

(7) A participant in a drug addiction or alcoholic treatment and rehabilitation program.

20-77-2905. State plan amendments and waivers.

The Director of the Department of Human Services shall submit and apply for any federal waivers, waiver amendments, Medicaid state plan amendments, or other authority necessary to implement this subchapter.

20-77-2906. Rules.

(a) The Department of Human Services shall adopt necessary rules for the implementation of this subchapter.

(b)(1) When adopting the initial rules to implement this chapter, the final rule shall be filed with the Secretary of State for adoption under § 25-15-204(f):

(A) On or before January 1, 2020; or

(B) If approval under § 10-3-309 has not occurred by January 1, 2020, as soon as practicable after approval under § 10-3-309.

(2) The department shall file the proposed rule with the Legislative Council under § 10-3-309(c) sufficiently in advance of January 1, 2020, so that the Legislative Council may consider the rule for approval before January 1, 2020.

SECTION 2. DO NOT CODIFY. CONTINGENT EFFECTIVE DATE.

This act shall be effective on and after:

(1) January 1, 2020; or

(2) The date of occurrence of the later of the following if one (1) or both actions have not occurred by January 1, 2020:

(A) Approval of the state plan amendment or waiver, or both required to be submitted by this act; and

(B) The approval and adoption of rules under § 10-3-309 and the Arkansas Administrative Procedure Act, § 25-15-201 et seq., that are necessary to implement the work requirements under this subchapter.