

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 1966

By: Representatives A. Collins, Murdock

For An Act To Be Entitled

AN ACT TO REINSTATE COVERAGE IN THE ARKANSAS WORKS PROGRAM FOR INDIVIDUALS WHO LOST COVERAGE DUE TO FAILURE TO MEET THE WORK REQUIREMENTS; TO NOTIFY INDIVIDUALS WHO LOST COVERAGE DUE TO FAILURE TO MEET THE WORK REQUIREMENTS OF THE FEDERAL COURT DECISION; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO REINSTATE COVERAGE IN THE ARKANSAS WORKS PROGRAM FOR INDIVIDUALS WHO LOST COVERAGE DUE TO FAILURE TO MEET THE WORK REQUIREMENTS; TO NOTIFY INDIVIDUALS OF THE FEDERAL COURT DECISION; AND TO DECLARE AN EMERGENCY.

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

SECTION 1. DO NOT CODIFY. TEMPORARY LANGUAGE. Reinstatement of participants of the Arkansas Works Program.

(a) The General Assembly finds that:

(1) Identical Acts 2017 (1st Ex. Sess.), Nos. 3 and 6, § 2, required the Department of Human Services to submit a state plan amendment or waiver, or both, to the Centers for Medicare and Medicaid Services that established a work requirement for eligible individuals with exemptions for certain activities and conditions;

(2) The Centers for Medicare and Medicaid Services approved the waiver amendment for work requirement in the Arkansas Works Program on March



5, 2018;

(3) The works requirements became effective on:

(A) June 1, 2018, for individuals who are thirty (30) to forty-nine (49) years of age; and

(B) January 1, 2019, for individuals who were twenty (20) to twenty-nine (29) years of age;

(4) Since the work requirement was implemented, approximately eighteen thousand (18,000) individuals have lost coverage in the Arkansas Works Program for some period of time for failure to meet the work requirement;

(5) In August 2018, several residents of Arkansas filed a lawsuit in the United States District Court for the District of Columbia, asserting that the work requirement in the Arkansas Works Program was "arbitrary and capricious, in excess of statutory authority, and in violation of the Take Care Clause of the United States Constitution";

(6) On March 27, 2019, the federal court issued an opinion, Gresham v. Azar, 2019 U.S. Dist. LEXIS 51496, holding that the approval from the United States Government for the work requirement in the Arkansas Works Program was "arbitrary and capricious" and requiring that the work requirement be stopped immediately;

(7) The federal court decision ruled that the loss of coverage in the Arkansas Works Program to the approximately eighteen thousand (18,000) individuals who lost coverage before March 27, 2019, was unlawful;

(8) Governor Asa Hutchinson has stated that, to comply with the court decision, the state will not remove anyone else from the Arkansas Works Program for failure to meet the work requirement; and

(9) It is uncertain whether individuals who lost coverage due to failure to meet the work requirement before March 27, 2019, will be notified of the federal court decision or their eligibility to apply for coverage in the Arkansas Works Program due to the federal court decision, Gresham v. Azar, 2019 U.S. Dist. LEXIS 51496.

(b) It is the intent of the General Assembly to reinstate coverage in the Arkansas Works Program for the individuals who lost coverage due to failure to meet the work requirement before March 27, 2019, and to notify each individual who lost coverage due to failure to meet the work requirement before March 27, 2019, regarding the federal court decision.

(c) The Department of Human Services shall:

(1)(A) Reinstate coverage in the Arkansas Works Program for individuals who lost coverage due to failure to meet the work requirement before March 27, 2019.

(B) The reinstatement of coverage as described in subdivision (c)(1)(A) of this section is not an additional requirement of the individuals to reapply for coverage in the Arkansas Works Program;

(2) Notify through mail, telephone, and email, if known, for each individual who lost coverage due to failure to meet the work requirement before March 27, 2019, that:

(A) A federal court held that the work requirement in the Arkansas Works Program were unlawful; and

(B) The individual is now reinstated in the Arkansas Works Program;

(3) Publish a notice in a newspaper having general circulation in the state and on the website of the department regarding the federal court decision, the nullification of the work requirement of the Arkansas Works Program, and the subsequent reinstatement of individuals who lost coverage due to failure to meet the work requirement before March 27, 2019; and

(4) Submit a state plan amendment, waiver, or wavier amendment as necessary to implement this section.

SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that a federal court decision, Gresham v. Azar, 2019 U.S. Dist. LEXIS 51496, issued on March 27, 2019, has caused disruptive challenges to the State of Arkansas by holding invalid the work requirement in the Arkansas Works Program; that approximately eighteen thousand (18,000) individuals have lost coverage in the Arkansas Works Program due to the work requirement since June 1, 2018; that these approximately eighteen thousand (18,000) individuals are part of the low-income and vulnerable populations in Arkansas that the state has an interest in providing healthcare coverage; that based on the federal court decision, these individuals were unjustly removed from coverage in Arkansas despite being part of the low-income and vulnerable populations in Arkansas; that this act would reinstate the coverage in the Arkansas Works Program for these individuals; and that this act is immediately necessary to ensure that these

approximately eighteen thousand (18,000) individuals who are part of the low-income and vulnerable populations are timely reinstated with coverage in the Arkansas Works Program without additional steps being taken by the individuals based on the federal court decision. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.