Medicaid and SNAP-eligibility requirements-2.

Sponsored by: Senator(s) Hicks, Driskill, Peterson and Scott and Representative(s) Burkhart, Clem, Gray, Laursen and Lindholm

A BILL

for

AN ACT relating to welfare; requiring Medicaid recipients to comply with specified work or volunteer requirements as a condition of continuing eligibility; providing exceptions; requiring the department of health to apply for a federal waiver relating to these requirements; prohibiting specified actions relating to the supplemental nutrition assistance program; specifying federal waiver requirements relating to child care and Medicaid; requiring rulemaking; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 42-2-406 is created to read:
42-2-406. Medical assistance - continuing eligibility requirements.

(a) The department shall apply to the secretary of the United States department of health and human services for a waiver under 42 U.S.C. 1315 to implement the continuing eligibility requirements for medical assistance set forth in this section. Upon final approval of the terms and conditions of the waiver, the department shall implement this section.

(b) Except as otherwise provided in subsection (c) of this section, beginning three (3) months after the department determines a person is eligible for medical assistance, the medical assistance recipient shall:

(i) Work or attend school for twenty (20) or more hours per week;

(ii) Participate in an employment and training program created under W.S. 42-2-203 or a work program, as defined in 7 U.S.C. 2015(o)(1), for twenty (20) or more hours per week;
(iii) Volunteer with an established community service organization for twenty (20) or more hours per week; or

(iv) Comply with any combination of the requirements of paragraphs (i) through (iii) of this subsection for a total of twenty (20) or more hours per week.

(c) Subsection (b) of this section shall not apply to a medical assistance recipient who is:

(i) Eighteen (18) years of age or younger;

(ii) Sixty-five (65) years of age or older;

(iii) Certified by a health care provider as medically unable to meet the requirements of subsection (b) of this section;

(iv) Pregnant;
A parent, legal guardian or other primary caregiver of a dependent who:

(A) Is under six (6) years of age; or

(B) Has a serious medical condition or disability as determined by rule of the department.

(vi) A regular participant in a drug addiction or alcoholic treatment and rehabilitation program;

(vii) Receiving unemployment compensation pursuant to W.S. 27-3-101 through 27-3-706;

(viii) Exempt from work requirements under the temporary assistance to needy families or supplemental nutrition assistance programs;

(ix) An enrolled member of the Eastern Shoshone or Northern Arapaho Indian tribe or any other member of a federally recognized Indian tribe for whom the federal government is obligated to provide health care; or
(x) Exempt based on good cause, as determined by rule of the department.

(d) The hour requirements specified in subsection (b) of this section shall be averaged on a monthly basis and shall run concurrently with any hour requirements under the temporary assistance to needy families and supplemental nutrition assistance programs.

(e) The department shall verify compliance with the requirements of subsection (b) of this section every six (6) months, with the first verification conducted nine (9) months after the medical assistance recipient is initially determined to be eligible for medical assistance. The department shall obtain proof of compliance with the provisions of subsection (b) of this section in a manner required by rule.

(f) After the department has determined under subsection (e) of this section that a medical assistance recipient has failed to comply with the requirements of subsection (b) of this section, the recipient's eligibility
for medical assistance shall be extinguished for twelve (12) months following the date of the determination.

(g) Notwithstanding any other provision of law, the department of workforce services shall provide all necessary data requested by the department regarding a medical assistance recipient's employment status or participation in an employment and training program or work program.

(h) The department's rules governing administrative hearings relating to medical assistance shall apply to any action of the department under this section.

(j) The department shall promulgate rules to implement this section.

(k) As used in this section, "school" includes any institution or program that provides education under title 21 of the Wyoming statutes, or any institution or program that is substantially similar to such an institution or program.
Section 2. W.S. 42-2-401(a) by creating a new paragraph (vii) is amended to read:


(a) For purposes of this article:

(vii) "Medical assistance" means as defined in W.S. 42-4-102(a)(ii).

Section 3. If authorized by federal law, any federal savings made available from the implementation of a waiver approved under W.S. 42-2-406(a) shall be used to support child care programs for medical assistance recipients who are employed, attending school or participating in an employment and training program or work program.

Section 4. Notwithstanding any other provision of law, the department of family services, or any successor agency, shall not apply for a waiver or carry out any state plan amendments regarding work requirements and the supplemental nutrition assistance program which relate to 7 U.S.C. 2015(o).
Section 5. This act is effective January 1, 2019.