

SENATE FILE NO. SF0144

Medicaid and SNAP eligibility requirements.

Sponsored by: Senator(s) Hicks, Agar, Bebout, Biteman,
Bouchard, Dockstader, Driskill, Hutchings,
Kinskey, Perkins, Schuler, Scott and Steinmetz
and Representative(s) Clem, Hallinan,
Laursen, Miller and Styvar

A BILL

for

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

10

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

12

13 **Section 1.** W.S. 42-2-406 is created to read:

14

1 **42-2-406. Medical assistance; continuing eligibility**
2 **requirements.**

3
4 (a) The department shall apply to the secretary of the
5 United States department of health and human services for a
6 waiver under 42 U.S.C. § 1315 to implement the continuing
7 eligibility requirements for medical assistance set forth in
8 this section. Upon final approval of the terms and conditions
9 of the waiver, the department shall implement this section.

10
11 (b) Except as otherwise provided in subsection (c) of
12 this section, beginning three (3) months after the department
13 determines a person is eligible for medical assistance, the
14 medical assistance recipient shall:

15
16 (i) Work or attend school for twenty (20) or more
17 hours per week;

18
19 (ii) Participate in an employment and training
20 program created under W.S. 42-2-203 or a work program, as
21 defined in 7 U.S.C. § 2015(o)(1), for twenty (20) or more
22 hours per week;

23

1 (iii) Volunteer with an established community
2 service organization for twenty (20) or more hours per week;
3 or

4
5 (iv) Participate in any combination of the
6 eligibility requirements of paragraphs (i) through (iii) of
7 this subsection for a total of twenty (20) or more hours per
8 week.

9
10 (c) Subsection (b) of this section shall not apply to
11 a medical assistance recipient who is:

12
13 (i) Eighteen (18) years of age or younger;

14
15 (ii) Sixty-five (65) years of age or older;

16
17 (iii) Certified by a health care provider as
18 medically unable to meet the requirements of subsection (b)
19 of this section;

20
21 (iv) Pregnant;

22

1 (v) A parent, legal guardian or other primary
2 caregiver of a dependent who:

3
4 (A) Is under six (6) years of age; or

5
6 (B) Has a serious medical condition or
7 disability as determined by rule of the department.

8
9 (vi) A regular participant in a drug addiction or
10 alcoholic treatment and rehabilitation program which prevents
11 the recipient from complying with the requirements of
12 subsection (b) of this section;

13
14 (vii) Receiving unemployment compensation
15 pursuant to W.S. 27-3-101 through 27-3-706;

16
17 (viii) Exempt from work requirements under the
18 temporary assistance to needy families or supplemental
19 nutrition assistance programs;

20
21 (ix) An enrolled member of the Eastern Shoshone or
22 Northern Arapaho Indian tribe or any other member of a

1 federally recognized Indian tribe for whom the federal
2 government is obligated to provide health care; or

3

4 (x) Exempt based on good cause, as determined by
5 rule of the department.

6

7 (d) For the purposes of determining a medical
8 assistance recipient's compliance with subsection (b) of this
9 section, the hour requirements shall be averaged on a monthly
10 basis and shall run concurrently with any hour requirements
11 under the temporary assistance to needy families or
12 supplemental nutrition assistance programs.

13

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

22

1 (f) Should the department determine under subsection
2 (e) of this section that a medical assistance recipient has
3 failed to comply with the requirements of subsection (b) of
4 this section, the recipient's eligibility for medical
5 assistance shall be extinguished for twelve (12) months
6 following the date of the determination.

7

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

13

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

17

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

20

21 (k) As used in this section:

22

1 (i) "Health care provider" means as defined in
2 W.S. 27-14-102(a)(x);

3

4 (ii) "School" includes any institution or program
5 that provides education under title 21 of the Wyoming
6 statutes, or any institution or program that is substantially
7 similar.

8

9 **Section 2.** W.S. 42-2-401(a) by creating a new paragraph
10 (vii) is amended to read:

11

12 **42-2-401. Definitions.**

13

14 (a) For purposes of this article:

15

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

18

19 **Section 3.** If authorized by federal law, any federal
20 savings made available to the state of Wyoming through the
21 implementation of a waiver as specified by W.S. 42-2-406(a)
22 shall be used to support child care programs for medical
23 assistance recipients who are employed, attending school or

1 participating in an employment and training program or work
2 program.

3

4 **Section 4.** Notwithstanding any other provision of law,
5 the department of family services, or any successor agency,
6 shall not apply for a waiver or carry out any state plan
7 amendments relating to 7 U.S.C. § 2015(o) which govern work
8 requirements and the supplemental nutrition assistance
9 program.

10

11 **Section 5.** This act is effective immediately upon
12 completion of all acts necessary for a bill to become law as
13 provided by Article 4, Section 8 of the Wyoming Constitution.

14

15

(END)