

SA 2 to

SSA 1 For

SENATE AMENDMENT NO. 1

Offered by Finn of Jackson (11)

Amend SSA 1 for SA 1 to SS/SCS/Senate Bill No. 29, Page 1, Section, Line 5,

of said amendment by inserting after all of said line the following:

"208.185. 1. Beginning January 1, 2020, MO HealthNet participants ages nineteen to sixty-four who are eligible for MO HealthNet benefits pursuant to section 208.207 shall comply with the work and community engagement requirements under this section in order to remain eligible for MO HealthNet benefits, unless such participant is otherwise exempt from such requirements. Work and community engagement requirements shall include at least eighty hours each month of the following:

(1) Unsubsidized or subsidized private or public sector employment;

(2) Education, including vocational educational training, job skills training directly related to employment, education directly related to employment for individuals who have not received a high school diploma or certificate of high school equivalency, or satisfactory attendance at a secondary school;

(3) Community service;

(4) Job search and job readiness assistance;

(5) Provision of child care services to an individual who is participating in a community service program;

(6) Satisfaction of work requirements for participants of temporary assistance for needy families or the supplemental

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1 nutrition assistance program who are also MO HealthNet  
2 participants;

3 (7) Participation in a substance abuse treatment program;  
4 or

5 (8) Any combination thereof.

6 2. The work and community engagement requirements under  
7 this section shall not apply to a participant who is:

8 (1) Under the age of nineteen or over the age of sixty-  
9 four;

10 (2) Medically frail, including individuals:

11 (a) With disabling mental disorders;

12 (b) With serious and complex medical conditions;

13 (c) With a physical, intellectual, or developmental  
14 disability that significantly impairs their ability to perform  
15 one or more activities of daily living; or

16 (d) With a disability determination based on criteria under  
17 the Social Security Act, including a current determination by the  
18 department of social services that he or she is permanently or  
19 totally disabled;

20 (3) Pregnant or caring for a child under the age of one or  
21 otherwise a recipient of MO HealthNet services under section  
22 208.662;

23 (4) A primary caregiver of a dependent child under the age  
24 of six or a dependent adult; provided, that not more than one  
25 participant may claim primary caregiver status in a household; or

26 (5) A participant who is also a participant of temporary  
27 assistance for needy families or the supplemental nutrition  
28 assistance program and who is exempt from the work requirements  
29 of either of those programs.

1           3. In order that work and community engagement requirements  
2 shall not be impossible or unduly burdensome for participants,  
3 the department may permit further exemptions from the work and  
4 community engagement requirements under this section in areas of  
5 high unemployment, limited economies or educational  
6 opportunities, or lack of public transportation, or for good  
7 cause. Good cause shall include, but not be limited to, the  
8 following circumstances:

9           (1) The participant has a disability as defined by the  
10 Americans with Disabilities Act, Section 504 of the  
11 Rehabilitation Act of 1973, or Section 1557 of the Patient  
12 Protection and Affordable Care Act and is unable to meet the work  
13 and community engagement requirements for reasons related to that  
14 disability;

15           (2) The participant has an immediate family member in the  
16 home with a disability as defined by the Americans with  
17 Disabilities Act, Section 504 of the Rehabilitation Act of 1973,  
18 or Section 1557 of the Patient Protection and Affordable Care Act  
19 and the participant is unable to meet the work and community  
20 engagement requirements for reasons related to the disability of  
21 such family member;

22           (3) The participant or an immediate family member in the  
23 home experiences a hospitalization or serious illness;

24           (4) The participant experiences the birth or death of a  
25 family member in the home;

26           (5) The participant experiences severe inclement weather,  
27 including a natural disaster, and is unable to meet the work and  
28 community engagement requirements; and

29           (6) The participant experiences a family emergency or other

1 life-changing event, including divorce or domestic violence.

2 4. The department shall provide reasonable accommodations  
3 for participants with disabilities as defined by the Americans  
4 with Disabilities Act, Section 504 of the Rehabilitation Act of  
5 1973, or Section 1557 of the Patient Protection and Affordable  
6 Care Act, as necessary, to enable such participants an equal  
7 opportunity to ~~participate~~ <sup>participate ADC</sup> in and benefit from the work and  
8 community engagement requirements under this section. Reasonable  
9 accommodations shall include, but not be limited to, the  
10 following:

11 (1) Exemption from the work and community engagement  
12 requirements when the participant is unable to comply for reasons  
13 relating to his or her disability;

14 (2) Modification in the number of hours of work and  
15 community engagement required when a participant is unable to  
16 comply with the required number of hours; and

17 (3) Provision of support services necessary for compliance,  
18 when compliance is possible with such supports.

19 5. The department may promulgate rules and regulations to  
20 implement the provisions of this section. Any rule or portion of  
21 a rule, as that term is defined in section 536.010 that is  
22 created under the authority delegated in this section shall  
23 become effective only if it complies with and is subject to all  
24 of the provisions of chapter 536, and, if applicable, section  
25 536.028. This section and chapter 536 are nonseverable and if  
26 any of the powers vested with the general assembly pursuant to  
27 chapter 536, to review, to delay the effective date, or to  
28 disapprove and annul a rule are subsequently held  
29 unconstitutional, then the grant of rulemaking authority and any

1 rule proposed or adopted after August 28, 2019, shall be invalid  
2 and void.

3 6. The department shall seek all appropriate waivers and  
4 state plan amendments from the federal Department of Health and  
5 Human Services necessary to implement the provisions of this  
6 section. The provisions of this section shall not be implemented  
7 unless such waivers and state plan amendments are approved."; and

8 Further amend said amendment, page 3, line 19, by inserting  
9 after all of said line the following:

10 "Further amend said bill, page 14, section 633.401, line 12,  
11 by inserting after all of said line the following:

12 "Section 1. If any provision of this act or the application  
13 thereof to anyone or to any circumstance is held invalid, the  
14 remaining provisions of this act and the application of such  
15 provisions to others or other circumstances shall not be affected  
16 thereby."; and".