

SECOND REGULAR SESSION

SENATE JOINT RESOLUTION NO. 32

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SATER.

Pre-filed December 1, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

3939S.011

JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment to the Constitution of Missouri, by adding thereto one new article and section relating to work and community engagement requirements for certain Medicaid participants.

Be it resolved by the Senate, the House of Representatives concurring therein:

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2020, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to the Constitution of the state of Missouri:

Section A. To amend the Constitution of Missouri, by adding thereto one new article and section, to be known as article XV, section 1, to read as follows:

Section 1. Medicaid participants ages nineteen to sixty-four shall comply with the work and community engagement requirements under this section in order to remain eligible for Medicaid 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;

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

18 **(6) Satisfaction of work requirements for participants of**
19 **temporary assistance for needy families or the supplemental nutrition**
20 **assistance program who are also Medicaid participants;**

21 **(7) Participation in a substance abuse treatment program; or**

22 **(8) Any combination thereof.**

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

25 **(1) Under the age of nineteen or over the age of sixty-four;**

26 **(2) Medically frail, including individuals:**

27 **(a) With disabling mental disorders;**

28 **(b) With serious and complex medical conditions;**

29 **(c) With a physical, intellectual, or developmental disability that**
30 **significantly impairs their ability to perform one or more activities of**
31 **daily living; or**

32 **(d) With a disability determination based on criteria under the**
33 **Social Security Act, including a current determination by the**
34 **department of social services that he or she is permanently or totally**
35 **disabled;**

36 **(3) Pregnant or caring for a child under the age of one or**
37 **otherwise a recipient of Medicaid services under the "Show-Me Healthy**
38 **Babies Program";**

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

42 **(5) A participant who is also a participant of temporary**
43 **assistance for needy families or the supplemental nutrition assistance**
44 **program and who is exempt from the work requirements of either of**
45 **those programs.**

46 **3. In order that work and community engagement requirements**
47 **shall not be impossible or unduly burdensome for participants, the**
48 **department may permit further exemptions from the work and**
49 **community engagement requirements under this section in areas of**
50 **high unemployment, limited economies or educational opportunities,**
51 **or lack of public transportation, or for good cause. Good cause shall**
52 **include, but not be limited to, the following circumstances:**

53 (1) The participant has a disability as defined by the Americans
54 with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, or
55 Section 1557 of the Patient Protection and Affordable Care Act and is
56 unable to meet the work and community engagement requirements for
57 reasons related to that disability;

58 (2) The participant has an immediate family member in the home
59 with a disability as defined by the Americans with Disabilities Act,
60 Section 504 of the Rehabilitation Act of 1973, or Section 1557 of the
61 Patient Protection and Affordable Care Act and the participant is
62 unable to meet the work and community engagement requirements for
63 reasons related to the disability of such family member;

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

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

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

71 (6) The participant experiences a family emergency or other life-
72 changing event, including divorce or domestic violence.

73 4. The department shall provide reasonable accommodations for
74 participants with disabilities as defined by the Americans with
75 Disabilities Act, Section 504 of the Rehabilitation Act of 1973, or
76 Section 1557 of the Patient Protection and Affordable Care Act, as
77 necessary, to enable such participants an equal opportunity to
78 participate in and benefit from the work and community engagement
79 requirements under this section. Reasonable accommodations shall
80 include, but not be limited to, the following:

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

84 (2) Modification in the number of hours of work and community
85 engagement required when a participant is unable to comply with the
86 required number of hours; and

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

89 5. The department may promulgate rules and regulations to

90 **implement the provisions of this section in accordance with state law.**
91 **6. The department shall seek all appropriate waivers and state**
92 **plan amendments from the federal Department of Health and Human**
93 **Services necessary to implement the provisions of this section. The**
94 **provisions of this section shall not be implemented unless such waivers**
95 **and state plan amendments are approved.**

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Unofficial

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