

MEDICAID WORK REQUIREMENT EXEMPTIONS IN TENNESSEE & OTHER STATES

The table below compares select exemptions to Medicaid work requirements as required by federal guidance, proposed in Tennessee, and approved in 3 states as of March 27, 2018. Pending legislation says Tennessee's plan "shall be consistent with the most recent guidance" from the federal Centers for Medicare & Medicaid Services (CMS). Keep in mind that the guidance could change at CMS' discretion (it is neither law nor regulation). Any exemptions not specifically required by the guidance or legislation would presumably be determined during TennCare's waiver negotiations with CMS.

Exemption Categories	CMS Guidance	Tennessee (Proposed)	Kentucky (Approved)	Indiana (Approved)	Arkansas (Approved)
Non-expansion populations ¹	does not specify	N/A Tennessee has not expanded Medicaid	not exempt	not exempt	EXEMPT applies only to expansion pop.
Seniors	EXEMPT but age range not defined	EXEMPT only applies to "working age adults"	EXEMPT age 65+	EXEMPT age 60+	EXEMPT age 50+
Eligible for Medicaid due to disability	EXEMPT	EXEMPT "shall be consistent" with CMS guidance	EXEMPT	EXEMPT	EXEMPT
Pregnant women	EXEMPT	EXEMPT "shall be consistent" with CMS guidance	EXEMPT	EXEMPT	EXEMPT pregnant and 60 days post-partum
Parents or caregivers of dependent children	noted for consideration but not required	EXEMPT individuals with dependents under 6	EXEMPT primary caregivers (1 per household) of a dependent minor	EXEMPT primary caregivers of dependent children below compulsory education age	EXEMPT individuals who live in a home with dependent children under 18
Other caregivers	noted for consideration but not required	TBD	EXEMPT primary caregivers (1 per household) of adults with disability	EXEMPT primary caregivers of dependents with disability	EXEMPT individuals caring for an incapacitated person
Other individuals with a disability	requires a plan to comply with federal disability rights laws	TBD "shall be consistent" with CMS guidance	? may qualify under other exemptions	EXEMPT those unable to meet reqs. due to disability under the ADA	? may qualify under other exemptions
Meets or exempt from TANF & SNAP work reqs.	EXEMPT	EXEMPT "shall be consistent" with CMS guidance	EXEMPT	EXEMPT	EXEMPT
Acute condition prevents compliance (per a doctor)	EXEMPT	EXEMPT "shall be consistent" with CMS guidance	EXEMPT	EXEMPT	EXEMPT
Medically frail	EXEMPT	EXEMPT "shall be consistent" with CMS guidance	EXEMPT	EXEMPT	EXEMPT
Individuals with a substance use disorder (SUD)	requires a plan to exempt or modify reqs. for those with SUD to ensure access to treatment	TBD "shall be consistent" with CMS guidance	participation in drug treatment counts as a qualifying work activity	EXEMPT individuals in active treatment, others may qualify under other exemptions	? may qualify under other exemptions
Victims of domestic violence	noted for consideration but not required	TBD	not exempt	EXEMPT	not exempt
Students	full-time noted for consideration but not required	TBD	EXEMPT full-time	EXEMPT full- and part-time	EXEMPT full-time

¹ The Affordable Care Act (ACA) allows states to expand Medicaid eligibility to all adults under 138% of poverty. Newly eligible enrollees are known as the "expansion population." Traditional (or non-expansion) enrollees generally must fall into a covered category (e.g. parent or caretaker relative).

SOURCES

1. **U.S. Department of Health and Human Services.** RE: Opportunities to Promote Work and Community Engagement among Medicaid Beneficiaries. Center for Medicare and Medicaid Services. January 11, 2018. [Accessed on January 12, 2018.] <https://www.medicaid.gov/federal-policy-guidance/downloads/smd18002.pdf>.
2. **Tennessee General Assembly.** Amendment #014418 to HB 1551 and SB 1728. 2018. [Accessed on March 26, 2018.] Accessed via <http://wapp.capitol.tn.gov/apps/BillInfo/Default.aspx?BillNumber=HB1551>.
3. **U.S. Department of Health and Human Services.** Approval Package for Commonwealth of Kentucky's Section 1115 Demonstration Project. Center for Medicare and Medicaid Services. January 12, 2018. [Accessed on January 12, 2018.] <https://www.medicaid.gov/Medicaid-CHIP-Program-Information/By-Topics/Waivers/1115/downloads/ky/ky-health-ca.pdf>.
4. **U.S. Department of Health and Human Services.** Approval Package for Indiana's Section 1115 Demonstration Project. Center for Medicare and Medicaid Services. February 1, 2018. [Accessed on March 22, 2018.] https://www.in.gov/fssa/hip/files/IN-HIP-1115-Approval-Package_2-1-2018.pdf.
5. **U.S. Department of Health and Human Services.** Approval Package for Arkansas' Section 1115 Demonstration Projects. Centers for Medicare & Medicaid Services. March 5, 2018. [Accessed on March 22, 2018.] <https://www.medicaid.gov/Medicaid-CHIP-Program-Information/By-Topics/Waivers/1115/downloads/ar/ar-works-ca.pdf>.