
SUPPLEMENTAL TABLES: MEDICAID WORK REQUIREMENT EXEMPTIONS

On January 11, 2018, the Centers for Medicare and Medicaid Services (CMS) provided guidance to states considering a Medicaid work requirement. As of July 17, 2018, 4 states have received approval for a work requirement under the guidance - Kentucky, Indiana, Arkansas, and New Hampshire. These supplemental tables list what is included in the CMS guidance and each of the 4 state waivers regarding populations impacted by a work requirement. These details and [the original accompanying post](#) may provide insights into both restrictions and flexibility for a potential TennCare work requirement.

The matrices that follow provide the following details:

- **Applicability** refers to which group(s) of Medicaid enrollees a work requirement applies to.
- **Exemptions** refer to specific characteristics or circumstances which would explicitly exempt an individual who the work requirement would otherwise apply to because they're in an applicable group.
- **Modifications** refers to other special provisions that might affect how the work requirement could impact an individual who would otherwise be subject to it. Examples include allowing time in drug treatment to count towards the work requirement for individuals with a substance use disorder or deeming individuals meeting another program's work requirement as being in compliance with the Medicaid work requirement.
- **Qualifying Activities** refers to the types of activities that would count towards meeting the work requirement.

These tables do not speak to monitoring and enforcement activities. How individuals would be required to document how they may qualify for an exemption or modification or their participation in qualifying activities and how that would be monitored by the state would also impact how individuals could be affected by a work requirement.

CMS GUIDANCE (1)

<p>REQUIREMENTS <i>includes criteria and guidelines that states must follow in their work requirement waiver applications under January 11, 2018 CMS guidance.</i></p>	<p>CONSIDERATIONS <i>includes examples of the kinds of exemptions, modifications, and qualifying activities that are suggested for states to consider or encouraged for states to submit in the January 11, 2018 CMS guidance. They are not explicitly required nor are they considered exhaustive of the range of criteria that CMS may ultimately approve for states.</i></p>
<p><u>Applicability</u> Non-elderly, non-pregnant adult Medicaid enrollees who are eligible for Medicaid on a basis other than disability</p>	<p><u>Applicability</u> N/A</p>
<p><u>Exemptions and Modifications</u></p> <ul style="list-style-type: none"> • Specific exemptions: <ul style="list-style-type: none"> ○ Individuals determined by the state to be medically frail ○ Individuals with acute medical conditions validated by a medical professional that would prevent them from complying with the requirements • States must consider individuals enrolled in TANF or SNAP and either compliant with or exempt from a TANF/SNAP work requirement to be complying with a Medicaid work requirement. • States must make a “reasonable effort” to incorporate similar exemptions as the ones available in TANF or SNAP. • States must comply with federal disability rights laws to ensure that “reasonable modifications” are made to help enrollees with disabilities who are not otherwise exempt to meet work requirements. • States must make modifications for individuals with substance use disorder to ensure that they have access to Medicaid coverage and treatment. • States must include a plan for assessing and addressing local economic and environmental factors that could impact individuals’ ability to meet the work requirement. 	<p><u>Exemptions and Modifications</u></p> <ul style="list-style-type: none"> • Exemptions under TANF/SNAP, for example: <ul style="list-style-type: none"> ○ Pregnant women ○ Primary caregivers of dependents ○ Individuals with disabilities or health-related barriers to employment ○ Individuals participating in tribal work programs ○ Victims of domestic violence ○ Other populations with extenuating circumstances ○ Full-time students • States are encouraged to include procedures that allow for assessment of individual circumstances (e.g. disabilities, medical conditions, barriers to employment) in order to identify individuals who may need assistance or modifications to meet requirements. • Examples of modifications for individuals with disabilities not otherwise exempt include specific exemptions, modified hour requirements, and support services. • Examples of modifications for individuals with substance use disorder include specific exemptions and allowing time in drug treatment to count towards the work requirement. • Examples of the kinds of factors that states may consider for addressing local factors that could impact compliance include local employment markets, areas of economic stress, and areas without viable transportation. These could be addressed through specific exemptions or modifications.

REQUIREMENTS (cont'd)	CONSIDERATIONS (cont'd)
<p><u>Qualifying Activities</u></p> <ul style="list-style-type: none"> • States should consider a variety of activities to meet work requirements. 	<p><u>Qualifying Activities</u></p> <ul style="list-style-type: none"> • Community service • Caregiving for children or elderly family members • Education • Skills and jobs training • Job search and referral • Career planning • Substance use disorder treatment • Qualifying activities under TANF/SNAP - e.g. subsidized and unsubsidized employment, educational and vocational programs, job search and job readiness, job training, community service, caregiving, and other allowable activities under TANF/SNAP

APPROVED STATE WAIVERS

Kentucky (2)	Indiana (3)	Arkansas (4)	New Hampshire (5)
<p><u>Applicability</u> Non-elderly, non-pregnant adult Medicaid enrollees who are eligible for Medicaid on a basis other than disability</p>	<p><u>Applicability</u> Non-elderly, non-pregnant adult Medicaid enrollees who are eligible for Medicaid on a basis other than disability</p>	<p><u>Applicability</u> Non-elderly, non-pregnant adult Medicaid enrollees who are eligible for Medicaid under the Affordable Care Act’s eligibility expansion for all adults under 138% of poverty.</p>	<p><u>Applicability</u> Non-elderly, non-pregnant adults who receive premium assistance for private coverage from NH’s Medicaid program and who are eligible under the Affordable Care Act’s Medicaid eligibility expansion for all adults under 138% of poverty.</p>

Kentucky (cont'd)	Indiana (cont'd)	Arkansas (cont'd)	New Hampshire (cont'd)
<p><u>Exemptions and Modifications</u> Specific exemptions:</p> <ul style="list-style-type: none"> • Under 19 or over 64 • Pregnant women • Full time students, as determined by the state • medically frail (under 42 CFR 440.315(f) and as defined in the alternative benefit plan (ABP) in the state plan • Primary caregivers of a dependent, including either a dependent minor child or an adult who is disabled (limited to only one exempt beneficiary per household) • Individuals diagnosed with an acute medical condition that would prevent them from complying with the requirements (as validated by a medical professional) • Former Foster Care Youth 	<p><u>Exemptions and Modifications</u> Specific exemptions:</p> <ul style="list-style-type: none"> • Under 19 or over 59 • Pregnant women • Students (full-time and part-time) • Medically frail under 42 CFR 440.315(f) and as defined in the ABP in the state plan (e.g. serious & complex medical conditions, chronic SUD, or disability) • Primary caregiver of a dependent child below the compulsory education age or a disabled dependent, including kinship caregivers of abused or neglected children • Individuals with a temporary illness or incapacity (includes individuals on FMLA) documented by a third party • Individuals experiencing homelessness • Incarcerated in the last 6 months • Individuals meeting/exempt from TANF work requirements • Individuals enrolled in the state's Medicaid employer premium assistance program • Individuals in active SUD treatment • Individuals eligible for good cause exemption, including being unable to meet the requirements due to a disability under the Americans with Disabilities Act (ADA), an immediate family member in the home with a disability, the beneficiary or immediate family member living in the home experiences a hospitalization or serious illness, or being a domestic violence victim. • The state of Indiana can grant other exemptions as well. 	<p><u>Exemptions and Modifications</u> Specific exemptions:</p> <ul style="list-style-type: none"> • Under 19 or over 50 • Pregnant women or 60 days post-partum • Full-time students • Medically frail (under 42 CFR 440.315(f) and as defined in the ABP in the state plan) • Individuals who live in a home with his or her minor dependent children age 17 or younger • Individuals caring for an incapacitated person • Individuals who are incapacitated in the short-term, medically certified as physically or mentally unfit for employment, or have an acute medical condition validated by a medical professional that would prevent him or her from complying with the requirements • Individuals exempt from SNAP or Transitional Employment Assistance (TEA) Cash Assistance community engagement requirements • Individuals receiving TEA Cash Assistance or unemployment benefits 	<p><u>Exemptions and Modifications</u> Specific exemptions:</p> <ul style="list-style-type: none"> • Under 19 or over 64 • Pregnant women or 60 days post-partum • Medically frail as determined by a state-established process • Individuals temporarily unable to participate due to illness or incapacity as documented by a provider • Individuals participating in a state-certified drug court program • Parents or caretakers where care of a dependent is considered necessary by a licensed provider • Custodial parent or caretaker of a dependent child under 6 (limited to only one exempt beneficiary per household) • Parent or caretaker of a child with a disability • Individuals with a disability under the ADA (section 504 or 1557) who are unable to comply because of their disability • Individuals living with an immediate family member with a disability under the ADA (section 504 or 1557) who are unable to comply because of their family member's disability • Individuals who experience a hospitalization or a serious illness • Individuals living with an immediate family member who experiences a hospitalization or serious illness • Individuals exempt from SNAP or TANF employment requirements • Individuals enrolled in NH's voluntary Health Insurance Premium Program (HIPP)

Kentucky (cont'd)	Indiana (cont'd)	Arkansas (cont'd)	New Hampshire (cont'd)
<p><u>Qualifying Activities</u></p> <ul style="list-style-type: none"> • Subsidized or unsubsidized employment • Job skills training • Job search activities • Education related to employment (e.g. management training) • General education (e.g., high school, GED, college or graduate education, English as a second language, etc.) • Vocational education and training • Self-employment • Community work experience • Community service/ public service • Caregiving services for a non-dependent relative or other person with a disabling medical condition • Participation in substance use disorder treatment 	<p><u>Qualifying Activities</u></p> <ul style="list-style-type: none"> • Subsidized or unsubsidized employment • Participation in managed care organizations' employment initiatives • Job skills training • Job search activities • Education related to employment (e.g. classes subsidized by employer) • General education (e.g., high school, GED, community college, college or graduate education, etc.) • Accredited English as a second language education • Vocational education/training • Community work experience • Participation in Gateway to Work • Community service/public service • Caregiving services for a non-dependent relative or other person with a chronic, disabling health condition, including individuals receiving FMLA to provide caregiving • Accredited homeschooling • Meeting the requirements of the SNAP employment initiative, or being exempt from those requirements • Volunteer work (e.g. classroom volunteer, faith-based internship work or mission trips sponsored by a recognized religious institution, etc.) • Members of the Pokagon Band of Potawatomi participating in the Pathways program • Participating in a state approved workforce participation program 	<p><u>Qualifying Activities</u></p> <ul style="list-style-type: none"> • Employment or self-employment, or having an income that is consistent with being employed or self-employed at least 80 hours per month • Education – including high school, higher education, or GED classes • On-the-job training • Vocational training • Community Service • Independent job search (up to 40 hours per month) • Job search training (up to 40 hours per month) • Participation in a class on health insurance, using the health system, or healthy living (up to 20 hours per year) • Participation in activities or programs available through the Arkansas Department of Workforce Services • Participation in and compliance with SNAP/Transitional Employment Assistance (TEA) employment initiative programs 	<p><u>Qualifying Activities</u></p> <ul style="list-style-type: none"> • Subsidized or unsubsidized employment • On the job training • Job skills training related to employment • Enrollment at an accredited community college, college, or university that is counted on a credit hour basis • Job search and readiness assistance, including but not limited to job training or job search activities that are required in order to receive unemployment benefits; and other job training related services, such as job training workshops and time spent with employment counselors, offered by the department of employment security • Vocational education training (up to 12 months) • Education directly related to employment for individuals without a high school diploma or GED • Attendance at a secondary school or in a course of study that leads to a certificate for individuals who have not attended secondary school or received a certificate • Participation in drug treatment • Community and public service • Caregiving services for a non-dependent relative or other person with a disabling health, mental health, or developmental condition • Participation and compliance with SNAP and TANF employment requirements

References

1. **Department of Health and Human Services.** RE: Opportunities to Promote Work and Community Engagement AMong Medicaid Beneficiaries. *Center for Medicare and Medicaid Services*. [Online] January 11, 2018. [Accessed on January 12, 2018.] <https://www.medicaid.gov/federal-policy-guidance/downloads/smd18002.pdf>.
2. -. Approval Package for Commonwealth of Kentucky's Section 1115 Demonstration Project. *Center for Medicare and Medicaid Services*. [Online] 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>.
3. -. Approval Package for Indiana's Section 1115 Demonstration Project. *Center for Medicare and Medicaid Services*. [Online] February 1, 2018. [Accessed on March 22, 2018.] https://www.in.gov/fssa/hip/files/IN-HIP-1115-Approval-Package_2-1-2018.pdf.
4. -. Approval Package for Arkansas' Section 1115 Demonstration Projects. *Centers for Medicare & Medicaid Services*. [Online] 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>.
5. -. Approval Package for New Hampshire's Section 1115 Waiver Demonstration Project. *Centers for Medicare and Medicaid Services*. [Online] May 7, 2018. [Accessed on June 25, 2018.] <https://www.medicaid.gov/Medicaid-CHIP-Program-Information/By-Topics/Waivers/1115/downloads/nh/nh-health-protection-program-premium-assistance-ca.pdf>.