

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019**

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**SENATE BILL 387**

Short Title: Medicaid Work and Community Engagement Opp. (Public)

Sponsors: Senators Hise, Bishop, and Krawiec (Primary Sponsors).

Referred to: Rules and Operations of the Senate

March 28, 2019

1 A BILL TO BE ENTITLED  
2 AN ACT TO IMPLEMENT WORK AND COMMUNITY ENGAGEMENT AS A  
3 CONTINGENCY TO PARTICIPATION IN THE NORTH CAROLINA MEDICAID  
4 PROGRAM.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** It is the intent of the General Assembly to implement work and  
7 community engagement as a contingency to participation in the North Carolina Medicaid  
8 program for non-elderly, nonpregnant, adult Medicaid beneficiaries who are eligible for  
9 Medicaid on a basis other than disability. The Department of Health and Human Services shall  
10 develop work and community engagement as a contingency to participation in the Medicaid  
11 program in a way that adheres to federal guidance and that is aligned with the work requirements  
12 for Able-Bodied Adults Without Dependents (ABAWDs) policy under the Supplemental  
13 Nutrition Assistance Program as much as possible. All recipients shall be subject to the work and  
14 community engagement condition of participation, except that only the following individuals  
15 shall be exempt:

- 16 (1) Individuals under the age of 19.
- 17 (2) Individuals over the age of 64.
- 18 (3) Individuals who are eligible for Medicaid under the Aged, Blind, and Disabled  
19 category.
- 20 (4) Individuals who are eligible for Medicaid under the Breast and Cervical  
21 Cancer category.
- 22 (5) Individuals who have been certified as unfit for employment for physical or  
23 mental health reasons.
- 24 (6) Individuals with a disabling mental disorder.
- 25 (7) Individuals with a physical, intellectual, or developmental disability that  
26 significantly impairs the individual's ability to perform one or more activities  
27 of daily living.
- 28 (8) Individuals actively participating in a substance abuse treatment and  
29 rehabilitation program.
- 30 (9) Medically needy Medicaid recipients.
- 31 (10) Individuals who are eligible for Medicaid under the Pregnant Women  
32 category.
- 33 (11) Individuals who are the parent or caretaker of a dependent child under one  
34 year of age.



- 1 (12) Individuals who are a parent or caretaker that provides care for a dependent  
2 child with a serious medical condition or disability, to be defined by the  
3 Department of Health and Human Services.
- 4 (13) Individuals who are eligible for Medicaid under the Family Planning category  
5 only.
- 6 (14) Individuals who are eligible for Medicaid under the foster care eligibility  
7 category or under the former foster care eligibility category.
- 8 (15) Individuals who receive Title IV-E Adoption Assistance or who are under the  
9 age of 26 and formerly received Title IV-E Adoption Assistance.
- 10 (16) Individuals who are receiving unemployment compensation and complying  
11 with the work requirements that are part of the federal-State unemployment  
12 compensation system.
- 13 (17) Presumptively eligible recipients, during the period of presumptive eligibility.
- 14 (18) Recipients who participate in the North Carolina Health Insurance Premium  
15 Payment (NC HIPP) program.
- 16 (19) Individuals who are inmates of prisons.
- 17 (20) Qualified aliens subject to the five-year bar for means-tested public assistance  
18 under 8 U.S.C. § 1613 who qualify for emergency services under 8 U.S.C. §  
19 1611.
- 20 (21) Undocumented aliens who qualify for emergency services under 8 U.S.C. §  
21 1611.

22 **SECTION 2.** On or before October 1, 2019, the Department of Health and Human  
23 Services shall submit to the Centers for Medicare and Medicaid Services any State Plan  
24 amendments or any waivers necessary to implement work and community engagement as a  
25 contingency to participation in the North Carolina Medicaid program for non-elderly,  
26 nonpregnant adult Medicaid beneficiaries who are eligible for Medicaid on a basis other than  
27 disability. Work and community engagement shall be implemented as a contingency to  
28 participation in the Medicaid program upon approval of the applicable State Plan amendment or  
29 waiver or July 1, 2020, whichever date is later.

30 **SECTION 3.** No later than November 1, 2019, the Department shall submit to the  
31 Joint Legislative Oversight Committee on Medicaid and NC Health Choice and the Fiscal  
32 Research Division a report containing the following information:

- 33 (1) As required by section 2 of this act, a copy of the State Plan amendment or  
34 waiver to implement work and community engagement as a contingency to  
35 participation in the Medicaid program.
- 36 (2) A detailed description of the work and community engagement condition of  
37 participation to be implemented, including exemptions from work and  
38 community engagement, a description of the activities qualifying as work or  
39 community engagement, the calculations that will be used to determine the  
40 time spent in qualifying activities and the minimum amount of time required  
41 for participation, the method by which individuals will be excluded from  
42 participation in the Medicaid program for noncompliance with the work and  
43 community engagement condition, any good-cause exemptions for  
44 noncompliance with the work and community engagement condition, and the  
45 method by which an individual may regain eligibility if that individual was  
46 determined to be ineligible for Medicaid due to noncompliance with the work  
47 and community engagement condition to participation.
- 48 (3) An analysis of the total fiscal impact of adding work and community  
49 engagement as a contingency to participation in the North Carolina Medicaid  
50 program. This analysis shall include an outline of both costs and savings to  
51 the Medicaid programs.

1           **SECTION 4.** Consistent with G.S. 108A-54(e)(4), this act does not authorize the  
2 Department of Health and Human Services to make any changes to eligibility for the Medicaid  
3 program beyond the addition of work and community engagement as a contingency to  
4 participation in the Medicaid program.

5           **SECTION 5.** This act is effective when it becomes law.