# STATE OF NEW YORK

5446

2021-2022 Regular Sessions

# IN SENATE

March 5, 2021

Introduced by Sen. O'MARA -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT directing the commissioner of health to apply for a waiver to implement a work requirement for able-bodied adult recipients of Medicaid

**The People of the State of New York, represented in Senate and Assembly, do enact as follows:**

Section 1. The commissioner of health shall prepare and submit to the Centers for Medicare and Medicaid Services an application for a waiver, pursuant to section 1115 of the Social Security Act, 42 USC 1315, to allow the state to implement a program incentivizing community engagement and employment among able-bodied, working-age adults with the goal of empowering program participants and providing them with the necessary tools to seek and obtain employment and transition to self-sufficiency. Such waiver shall include the following:

1. A requirement that every able-bodied, working-age adult enrolled in the Medicaid program participate in community engagement or employment activities. The following Medicaid program participants shall not be subject to the requirement for participation in community engagement or employment activities:

a. children under the age of 18 or individuals under the age of 19 who are participating in secondary education;

b. individuals age 65 years and older; individuals who qualify for medical assistance services due to blindness or disability, including individuals who receive services pursuant to a waiver under federal law;

c. individuals residing in institutions; individuals determined to be medically frail;

d. pregnant and postpartum women;

e. former foster children under the age of 26; and

f. individuals who are the primary caregiver for a dependent, including a dependent child or adult dependent with a disability.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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2. Requirements for gradually escalating participation in community engagement and employment activities, as follows:

a. three months after enrollment, at least five hours per week;

b. six months after enrollment, at least ten hours per week;

c. nine months after enrollment, at least fifteen hours per week; and

d. twelve months after enrollment, at least twenty hours per week.

3. Provisions for satisfaction of the requirement for participation in community engagement and employment activities through:

a. participation in job skills training;

b. job search activities; education related to employment;

c. general education, including participation in a program of preparation for the General Education Development (GED) certification examination, Test Assessing Secondary Completion (TASC) or community college courses;

d. vocational education and training;

e. subsidized or unsubsidized employment;

f. community work experience; community service or public service; or

g. caregiving services for a nondependent relative or other person with a chronic, disabling health condition.

4. Provisions for monitoring, evaluating, and assessing the effectiveness of the demonstration program in improving the health and wellness of program participants and furthering the objectives of the Medicaid program.

§ 2. The commissioner of health shall report to the governor, the speaker of the assembly and the temporary president of the senate on the status of the waiver application required pursuant to this act by January 1, 2022.

§ 3. This act shall take effect immediately.