

FIRST REGULAR SESSION

SENATE JOINT RESOLUTION NO. 4

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR KOENIG.

0789S.02I

KRISTINA MARTIN, Secretary

JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment repealing section 36(c) of article IV of the Constitution of Missouri, and adopting four new sections in lieu thereof relating to MO HealthNet.

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

That at the next general election to be held in the
2 state of Missouri, on Tuesday next following the first Monday
3 in November, 2024, or at a special election to be called by
4 the governor for that purpose, there is hereby submitted to
5 the qualified voters of this state, for adoption or
6 rejection, the following amendment to article IV of the
7 Constitution of the state of Missouri:

Section A. Section 36(c), article IV, Constitution of
2 Missouri, is repealed and four new sections adopted in lieu
3 thereof, to be known as sections 36(c), 36(d), 36(e), and 36(f),
4 to read as follows:

Section 36(c). 1. **[Notwithstanding any provision of**
2 **law to the contrary, beginning July 1, 2021] (1) Subject to**
3 **the provisions of subdivision (2) of this subsection,**
4 individuals nineteen years of age or older and under sixty-
5 five years of age who qualify for MO HealthNet services
6 under 42 U.S.C. Section 1396a(a)(10)(A)(i)(VIII) and as set
7 forth in 42 C.F.R. 435.119, and who have income at or below
8 one hundred thirty-three percent of the federal poverty
9 level plus five percent of the applicable family size as

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

10 determined under 42 U.S.C. Section 1396a(e)(14) and as set
11 forth in 42 C.F.R. 435.603, shall be eligible for medical
12 assistance under MO HealthNet and shall receive coverage for
13 the health benefits service package.

14 **(2) Eligibility for MO HealthNet services under**
15 **subdivision (1) of this subsection shall be determined each**
16 **fiscal year based on whether the general assembly makes an**
17 **appropriation for MO HealthNet services for that fiscal year**
18 **for the population described in subdivision (1) of this**
19 **subsection by specifically naming such population in the**
20 **appropriation. If an appropriation specifically naming the**
21 **population described in subdivision (1) of this subsection**
22 **is not made for a fiscal year, such population shall not be**
23 **eligible for MO HealthNet services for that fiscal year. An**
24 **appropriation that does not specifically name the population**
25 **described in subdivision (1) of this subsection shall not be**
26 **used to make payments for medical assistance under MO**
27 **HealthNet for such population.**

28 2. For purposes of this section "health benefits
29 service package" shall mean benefits covered by the MO
30 HealthNet program as determined by the department of social
31 services to meet the benchmark or benchmark-equivalent
32 coverage requirement under 42 U.S.C. Section 1396a(k)(1) and
33 any implementing regulations.

34 3. No later than March 1, 2021, the Department of
35 Social Services and the MO HealthNet Division shall submit
36 all state plan amendments necessary to implement this
37 section to the United States Department of Health and Human
38 Services, Centers for Medicare and Medicaid Services.

39 4. The Department of Social Services and the MO
40 HealthNet Division shall take all actions necessary to

41 maximize federal financial participation in funding medical
42 assistance pursuant to this section.

43 5. [No greater or additional burdens or restrictions
44 on eligibility or enrollment standards, methodologies, or
45 practices shall be imposed on persons eligible for MO
46 HealthNet services pursuant to this section than on any
47 other population eligible for medical assistance.

48 6.] All references to federal or state statutes,
49 regulations or rules in this section shall be to the version
50 of those statutes, regulations or rules that existed on
51 January 1, 2019.

52 6. Nothing in this section or any other provision of
53 law shall be construed to mandate the appropriation of funds
54 by the general assembly for MO HealthNet services for the
55 population described in subdivision (1) of subsection 1 of
56 this section.

57 7. Notwithstanding any other provision of law, the
58 general assembly shall have the right to appropriate funds
59 in a specified amount, to be determined at its discretion,
60 or not appropriate funds specifically for MO HealthNet
61 services for individuals described in subdivision (1) of
62 subsection 1 of this section separate and apart from funds
63 appropriated for MO HealthNet services for individuals
64 eligible for MO HealthNet services under any provision of
65 law other than this section.

Section 36(d). 1. In any given fiscal year, any
2 population made eligible for MO HealthNet services under any
3 provision of law shall be eligible only if an appropriation
4 for that population is made in that fiscal year.

5 2. In any given fiscal year, any service or type of
6 provider for which reimbursement is allowed under the MO
7 HealthNet program shall be eligible for reimbursement only

8 if an appropriation for that service or type of provider is
9 made in that fiscal year.

Section 36(e). 1. The state shall not provide
2 payments, add-ons, or reimbursements to health care
3 providers through MO HealthNet for medical assistance
4 services provided to persons who are not residents of the
5 state, as determined under 42 CFR 435.403 or any amendments
6 or successor regulations thereto.

7 2. The department of social services shall submit all
8 state plan amendments necessary to implement this section to
9 the United States Department of Health and Human Services,
10 Centers for Medicare and Medicaid Services. The provisions
11 of this section shall become effective ninety days after the
12 date of approval of all state plan amendments necessary to
13 effectuate the changes contemplated under this section.

Section 36(f). 1. Subject to approval of a work and
2 community engagement demonstration waiver under subsection 6
3 of this section, MO HealthNet participants nineteen years of
4 age or older and under sixty-five years of age shall comply
5 with the work and community engagement requirements under
6 this section in order to remain eligible for MO HealthNet
7 benefits unless otherwise exempt from such requirements.
8 Work and community engagement requirements shall include at
9 least eighty hours each month of:

10 (1) Unsubsidized or subsidized private or public
11 sector employment;

12 (2) Education, including vocational educational
13 training, job skills training directly related to
14 employment, education directly related to employment for
15 individuals who have not received a high school diploma or
16 certificate of high school equivalency, or satisfactory
17 attendance at a secondary school;

- 18 (3) Community service;
- 19 (4) Job search and job readiness assistance;
- 20 (5) Provision of child care services to an individual
- 21 who is participating in a community service program;
- 22 (6) Participation in a substance abuse treatment
- 23 program; or
- 24 (7) Any combination thereof.

25 2. A MO HealthNet participant who is also a

26 participant of the temporary assistance for needy families

27 program or the supplemental nutrition assistance program and

28 who satisfies work requirements related to either of those

29 programs shall be deemed to have satisfied the work and

30 community engagement requirements under this section.

31 3. The work and community engagement requirements

32 under this section shall not apply to a participant who is:

- 33 (1) Under nineteen years of age or sixty-five years of
- 34 age or older;
- 35 (2) Medically frail, including any individual with:
- 36 (a) A disabling mental disorder;
- 37 (b) A serious and complex medical condition;
- 38 (c) A physical, intellectual, or developmental
- 39 disability that significantly impairs the individual's
- 40 ability to perform one or more activities of daily living; or
- 41 (d) A disability determination based on criteria under
- 42 the Social Security Act, including a current determination
- 43 by the department of social services that the individual is
- 44 permanently or totally disabled;
- 45 (3) Pregnant or caring for a child under one year of
- 46 age;
- 47 (4) A primary caregiver of a dependent child under six
- 48 years of age or a dependent adult, provided that not more

49 than one participant shall claim primary caregiver status in
50 a household; or

51 (5) A participant who is also a participant of the
52 temporary assistance for needy families program or the
53 supplemental nutrition assistance program and who is exempt
54 from the work requirements of either of those programs.

55 4. In order to ensure that work and community
56 engagement requirements are not impossible or unduly
57 burdensome for participants, the department of social
58 services may permit further exemptions from the work and
59 community engagement requirements under this section in
60 areas of high unemployment, areas with limited economic or
61 educational opportunities, or areas that lack public
62 transportation, or for good cause. Good cause shall
63 include, but not be limited to, the following circumstances:

64 (1) The participant has a disability as defined by the
65 Americans with Disabilities Act, Section 504 of the
66 Rehabilitation Act of 1973, or Section 1557 of the Patient
67 Protection and Affordable Care Act and is unable to meet the
68 work and community engagement requirements for reasons
69 related to that disability;

70 (2) The participant has an immediate family member in
71 the home with a disability as defined by the Americans with
72 Disabilities Act, Section 504 of the Rehabilitation Act of
73 1973, or Section 1557 of the Patient Protection and
74 Affordable Care Act and the participant is unable to meet
75 the work and community engagement requirements for reasons
76 related to the disability of such family member;

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

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

81 (5) The participant experiences severe inclement
82 weather, including a natural disaster, and is unable to meet
83 the work and community engagement requirements; or

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

87 5. The department of social services shall provide
88 reasonable accommodations for participants with disabilities
89 as defined by the Americans with Disabilities Act, Section
90 504 of the Rehabilitation Act of 1973, or Section 1557 of
91 the Patient Protection and Affordable Care Act, as
92 necessary, to enable such participants an equal opportunity
93 to participate in and benefit from the work and community
94 engagement requirements under this section. Reasonable
95 accommodations shall include, but not be limited to, the
96 following:

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

100 (2) Modification in the number of hours of work and
101 community engagement required when a participant is unable
102 to comply with the required number of hours; or

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

105 6. The department of social services shall annually
106 seek a work and community engagement demonstration waiver
107 under Section 1115 of the Social Security Act until such
108 waiver is granted and any subsequent renewal and extension
109 from the United States Department of Health and Human
110 Services necessary to implement the provisions of this
111 section.

Section B. Pursuant to chapter 116, and other
2 applicable constitutional provisions and laws of this state
3 allowing the general assembly to adopt ballot language for
4 the submission of this joint resolution to the voters of
5 this state, the official summary statement of this
6 resolution shall be as follows:

7 "Shall the Missouri Constitution be amended to:
8 • Limit Medicaid benefits to only Missouri
9 residents and exclude non-Missourians;
10 • Require able-bodied adult Medicaid recipients
11 to participate in work and community engagement;
12 and
13 • Determine Medicaid eligibility and
14 reimbursement for able-bodied adults?".

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