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HOUSE BILL NO. 338**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the House Committee on Rules

on January 30, 2018)

(Patron Prior to Substitute—Delegate Miyares)

A BILL to require the Department of Medical Assistance Services to apply for a waiver to implement a work requirement for able-bodied adult recipients of existing medical assistance services.

Be it enacted by the General Assembly of Virginia:

1. § 1. That the Department of Medical Assistance Services shall prepare and submit to the Centers for Medicare and Medicaid Services an application for a waiver, pursuant to § 1115 of the Social Security Act, 42 U.S.C. § 1315, to allow the Commonwealth to implement a program to improve the health and well-being of existing Medicaid program participants by 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: children under the age of 18 or individuals under the age of 19 who are participating in secondary education; 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 § 1915 waiver; individuals residing in institutions; individuals determined to be medically frail; pregnant and postpartum women; former foster children under the age of 26; and individuals who are the primary caregiver for a dependent, including a dependent child or adult dependent with a disability;

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

- a. Beginning three months after enrollment, at least 5 hours per week;
- b. Beginning six months after enrollment, at least 10 hours per week;
- c. Beginning nine months after enrollment, at least 15 hours per week; and
- d. Beginning 12 months after enrollment, at least 20 hours per week;

3. Provisions for satisfaction of the requirement for participation in community engagement and employment activities through participation in job skills training; job search activities; education related to employment; general education, including participation in a program of preparation for the General Education Development (GED) certification examination or community college courses; vocational education and training; subsidized or unsubsidized employment; community work experience; community service or public service; or caregiving services for a nondependent relative or other person with a chronic, disabling health condition; and

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. That the Director of the Department of Medical Assistance Services shall report to the Governor and the General Assembly on the status of the waiver application required pursuant to the first enactment of this act by December 1, 2018.

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