HOUSE SUBSTITUTE FOR

SENATE BILL NO. 897

A bill to amend 1939 PA 280, entitled

"The social welfare act,"

by amending section 105d (MCL 400.105d), as added by 2013 PA 107, and by adding sections 107a and 107b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 105d. (1) The department ~~of community health~~ shall seek a waiver from the United States ~~department of health and human services~~ **DEPARTMENT OF HEALTH AND HUMAN SERVICES** to do, without jeopardizing federal match dollars or otherwise incurring federal financial penalties, and upon approval of the waiver shall do, all of the following:

(a) Enroll individuals eligible under section

1396a(a)(10)(A)(i)(VIII) of title XIX who meet the citizenship provisions of 42 CFR 435.406 and who are otherwise eligible for the medical assistance program under this act into a contracted health plan that provides for an account into which money from any source, including, but not limited to, the enrollee, the enrollee's employer, and private or public entities on the enrollee's behalf, can be deposited to pay for incurred health expenses, including, but not limited to, co-pays. The account shall be administered by the department ~~of community health~~ and can be delegated to a contracted health plan or a third party administrator, as considered necessary. ~~The department of community health shall not begin enrollment of individuals eligible under this subdivision until January 1, 2014 or until the waiver requested in this subsection is approved by the United States department of health and human services, whichever is later.~~

(b) Ensure that contracted health plans track all enrollee co-pays incurred for the first 6 months that an individual is enrolled in the program described in subdivision (a) and calculate the average monthly co-pay experience for the enrollee. The average co-pay amount shall be adjusted at least annually to reflect changes in the enrollee's co-pay experience. The department ~~of community health~~ shall ensure that each enrollee receives quarterly statements for his or her account that include expenditures from the account, account balance, and the cost-sharing amount due for the following 3 months. The enrollee shall be required to remit each month the average co-pay amount calculated by the contracted health plan into the enrollee's account. The department ~~of~~

~~community health~~ shall pursue a range of consequences for enrollees who consistently fail to meet their cost-sharing requirements, including, but not limited to, using the MIChild program as a template and closer oversight by health plans in access to providers. ~~The department of community health shall report its plan of action for enrollees who consistently fail to meet their cost-sharing requirements to the legislature by June 1, 2014.~~

(c) Give enrollees described in subdivision (a) a choice in choosing among contracted health plans.

(d) Ensure that all enrollees described in subdivision (a) have access to a primary care practitioner who is licensed, registered, or otherwise authorized to engage in his or her health care profession in this state and to preventive services. The department ~~of community health~~ shall require that all new enrollees be assigned and have scheduled an initial appointment with their primary care practitioner within 60 days of initial enrollment. The department ~~of community health~~ shall monitor and track contracted health plans for compliance in this area and consider that compliance in any health plan incentive programs. The department ~~of community health~~ shall ensure that the contracted health plans have procedures to ensure that the privacy of the enrollees' personal information is protected in accordance with the health insurance portability and accountability act of 1996, Public Law 104-191.

(e) Require enrollees described in subdivision (a) with annual incomes between 100% and 133% of the federal poverty guidelines to contribute not more than 5% of income annually for cost-sharing requirements. Cost-sharing includes co-pays and required

contributions made into the accounts authorized under subdivision (a). Contributions required in this subdivision do not apply for the first 6 months an individual described in subdivision (a) is enrolled. Required contributions to an account used to pay for incurred health expenses shall be 2% of income annually. ~~Notwithstanding~~ **EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (20), NOTWITHSTANDING** this minimum, required contributions may be reduced by the contracting health plan. The reductions may occur only if healthy behaviors are being addressed as attested to by the contracted health plan based on uniform standards developed by the department ~~of community health~~ in consultation with the contracted health plans. The uniform standards shall include healthy behaviors ~~that must include, but are not limited to,~~ **SUCH AS** completing a department ~~of community health~~ approved annual health risk assessment to identify unhealthy characteristics, including alcohol use, substance use disorders, tobacco use, obesity, and immunization status. ~~Co-pays~~ **EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (20), CO-PAYS** can be reduced if healthy behaviors are met, but not until annual accumulated co-pays reach 2% of income except co-pays for specific services may be waived by the contracted health plan if the desired outcome is to promote greater access to services that prevent the progression of and complications related to chronic diseases. If the enrollee described in subdivision (a) becomes ineligible for medical assistance under the program described in this section, the remaining balance in the account described in subdivision (a) shall be returned to that enrollee in the form of a voucher for the sole

purpose of purchasing and paying for private insurance.

(f) ~~By July 1, 2014, design and implement~~ **IMPLEMENT** a co-pay structure that encourages use of high-value services, while discouraging low-value services such as nonurgent emergency department use.

(g) During the enrollment process, inform enrollees described in subdivision (a) about advance directives and require the enrollees to complete a ~~department of community health-approved~~ **DEPARTMENT-APPROVED** advance directive on a form that includes an option to decline. The advance directives received from enrollees as provided in this subdivision shall be transmitted to the peace of mind registry organization to be placed on the peace of mind registry.

(h) ~~By April 1, 2015, develop~~ **DEVELOP** incentives for enrollees and providers who assist the department ~~of community health~~ in detecting fraud and abuse in the medical assistance program. The department ~~of community health~~ shall provide an annual report that includes the type of fraud detected, the amount saved, and the outcome of the investigation to the legislature.

(i) Allow for services provided by telemedicine from a practitioner who is licensed, registered, or otherwise authorized under section 16171 of the public health code, 1978 PA 368, MCL 333.16171, to engage in his or her health care profession in the state where the patient is located.

(2) For services rendered to an uninsured individual, a hospital that participates in the medical assistance program under this act shall accept 115% of ~~medicare~~ **MEDICARE** rates as payments

in full from an uninsured individual with an annual income level up to 250% of the federal poverty guidelines. This subsection applies whether or not either or both of the waivers requested under this section are approved, the patient protection and affordable care act is repealed, or the state terminates or opts out of the program established under this section.

(3) Not more than 7 calendar days after receiving each of the official waiver-related written correspondence from the United States ~~department of health and human services~~ **DEPARTMENT OF HEALTH AND HUMAN SERVICES** to implement the provisions of this section, the department ~~of community health~~ shall submit a written copy of the approved waiver provisions to the legislature for review.

(4) ~~By September 30, 2015, the~~ **THE** department ~~of community health~~ shall develop and implement a plan to enroll all existing fee-for-service enrollees into contracted health plans if allowable by law, if the medical assistance program is the primary payer and if that enrollment is cost-effective. This includes all newly eligible enrollees as described in subsection (1)(a). The department ~~of community health~~ shall include contracted health plans as the mandatory delivery system in its waiver request. The department ~~of community health~~ also shall pursue any and all necessary waivers to enroll persons eligible for both ~~medicaid~~ **MEDICAID** and ~~medicare~~ **MEDICARE** into the 4 integrated care demonstration regions. ~~beginning July 1, 2014. By September 30, 2015, the~~ **THE** department ~~of community health~~ shall identify all remaining populations eligible for managed care, develop plans for their integration into managed care, and provide recommendations

for a performance bonus incentive plan mechanism for long-term care managed care providers that are consistent with other managed care performance bonus incentive plans. ~~By September 30, 2015, the~~ **THE** department ~~of community health~~ shall make recommendations for a performance bonus incentive plan for long-term care managed care providers of up to 3% of their ~~medicaid~~ **MEDICAID** capitation payments, consistent with other managed care performance bonus incentive plans. These payments shall comply with federal requirements and shall be based on measures that identify the appropriate use of long-term care services and that focus on consumer satisfaction, consumer choice, and other appropriate quality measures applicable to community-based and nursing home services. Where appropriate, these quality measures shall be consistent with quality measures used for similar services implemented by the integrated care for duals demonstration project. This subsection applies whether or not either or both of the waivers requested under this section are approved, the patient protection and affordable care act is repealed, or the state terminates or opts out of the program established under this section.

(5) ~~By September 30, 2016, the~~ **THE** department ~~of community health~~ shall implement a pharmaceutical benefit that utilizes co-pays at appropriate levels allowable by the ~~centers~~ **CENTERS** for ~~medicare and medicaid services~~ **MEDICARE AND MEDICAID SERVICES** to encourage the use of high-value, low-cost prescriptions, such as generic prescriptions when such an alternative exists for a branded product and 90-day prescription supplies, as recommended by the

enrollee's prescribing provider and as is consistent with section 109h and sections 9701 to 9709 of the public health code, 1978 PA 368, MCL 333.9701 to 333.9709. This subsection applies whether or not either or both of the waivers requested under this section are approved, the patient protection and affordable care act is repealed, or the state terminates or opts out of the program established under this section.

(6) The department ~~of community health~~ shall work with providers, contracted health plans, and other departments as necessary to create processes that reduce the amount of uncollected cost-sharing and reduce the administrative cost of collecting cost-sharing. To this end, a minimum 0.25% of payments to contracted health plans shall be withheld for the purpose of establishing a cost-sharing compliance bonus pool beginning October 1, 2015. The distribution of funds from the cost-sharing compliance pool shall be based on the contracted health plans' success in collecting cost-sharing payments. The department ~~of community health~~ shall develop the methodology for distribution of these funds. This subsection applies whether or not either or both of the waivers requested under this section are approved, the patient protection and affordable care act is repealed, or the state terminates or opts out of the program established under this section.

(7) ~~By June 1, 2014, the~~ **THE** department ~~of community health~~ shall develop a methodology that decreases the amount an enrollee's required contribution may be reduced as described in subsection (1)(e) based on, but not limited to, factors such as an enrollee's failure to pay cost-sharing requirements and the enrollee's

inappropriate utilization of emergency departments.

(8) The program described in this section is created in part to extend health coverage to the state's low-income citizens and to provide health insurance cost relief to individuals and to the business community by reducing the cost shift attendant to uncompensated care. Uncompensated care does not include courtesy allowances or discounts given to patients. The ~~medicaid~~ **MEDICAID** hospital cost report shall be part of the uncompensated care definition and calculation. In addition to the ~~medicaid~~ **MEDICAID** hospital cost report, the department ~~of community health~~ shall collect and examine other relevant financial data for all hospitals and evaluate the impact that providing medical coverage to the expanded population of enrollees described in subsection (1)(a) has had on the actual cost of uncompensated care. This shall be reported for all hospitals in the state. By December 31, 2014, the department ~~of community health~~ shall make an initial baseline uncompensated care report containing at least the data described in this subsection to the legislature and each December 31 after that shall make a report regarding the preceding fiscal year's evidence of the reduction in the amount of the actual cost of uncompensated care compared to the initial baseline report. The baseline report shall use fiscal year 2012-2013 data. Based on the evidence of the reduction in the amount of the actual cost of uncompensated care borne by the hospitals in this state, ~~beginning April 1, 2015,~~ the department ~~of community health~~ shall proportionally reduce the disproportionate share payments to all hospitals and hospital systems for the purpose of producing general fund savings. The

department ~~of community health~~ shall recognize any savings from this reduction by September 30, 2016. All the reports required under this subsection shall be made available to the legislature and shall be easily accessible on the ~~department of community health's~~ **DEPARTMENT'S** website.

(9) The department of insurance and financial services shall examine the financial reports of health insurers and evaluate the impact that providing medical coverage to the expanded population of enrollees described in subsection (1)(a) has had on the cost of uncompensated care as it relates to insurance rates and insurance rate change filings, as well as its resulting net effect on rates overall. The department of insurance and financial services shall consider the evaluation described in this subsection in the annual approval of rates. By December 31, 2014, the department of insurance and financial services shall make an initial baseline report to the legislature regarding rates and each December 31 after that shall make a report regarding the evidence of the change in rates compared to the initial baseline report. All the reports required under this subsection shall be made available to the legislature and shall be made available and easily accessible on the ~~department of community health's~~ **DEPARTMENT'S** website.

(10) The department ~~of community health~~ shall explore and develop a range of innovations and initiatives to improve the effectiveness and performance of the medical assistance program and to lower overall health care costs in this state. The department ~~of community health~~ shall report the results of the efforts described in this subsection to the legislature and to the house and senate

fiscal agencies by September 30, 2015. The report required under this subsection shall also be made available and easily accessible on the ~~department of community health's~~ **DEPARTMENT'S** website. The department ~~of community health~~ shall pursue a broad range of innovations and initiatives as time and resources allow that shall include, at a minimum, all of the following:

(a) The value and cost-effectiveness of optional ~~medicaid~~ **MEDICAID** benefits as described in federal statute.

(b) The identification of private sector, primarily small business, health coverage benefit differences compared to the medical assistance program services and justification for the differences.

(c) The minimum measures and data sets required to effectively measure the medical assistance program's return on investment for taxpayers.

(d) Review and evaluation of the effectiveness of current incentives for contracted health plans, providers, and beneficiaries with recommendations for expanding and refining incentives to accelerate improvement in health outcomes, healthy behaviors, and cost-effectiveness and review of the compliance of required contributions and co-pays.

(e) Review and evaluation of the current design principles that serve as the foundation for the state's medical assistance program to ensure the program is cost-effective and that appropriate incentive measures are utilized. The review shall include, at a minimum, the auto-assignment algorithm and performance bonus incentive pool. This subsection applies whether

or not either or both of the waivers requested under this section are approved, the patient protection and affordable care act is repealed, or the state terminates or opts out of the program established under this section.

(f) The identification of private sector initiatives used to incent individuals to comply with medical advice.

(11) By December 31, 2015, the department ~~of community health~~ shall review and report to the legislature the feasibility of programs recommended by multiple national organizations that include, but are not limited to, the council of state governments, the national conference of state legislatures, and the American legislative exchange council, on improving the cost-effectiveness of the medical assistance program.

(12) ~~By January 1, 2014, the~~ **THE** department ~~of community health~~ in collaboration with the contracted health plans and providers shall create financial incentives for all of the following:

(a) Contracted health plans that meet specified population improvement goals.

(b) Providers who meet specified quality, cost, and utilization targets.

(c) Enrollees who demonstrate improved health outcomes or maintain healthy behaviors as identified in a health risk assessment as identified by their primary care practitioner who is licensed, registered, or otherwise authorized to engage in his or her health care profession in this state. This subsection applies whether or not either or both of the waivers requested under this

section are approved, the patient protection and affordable care act is repealed, or the state terminates or opts out of the program established under this section.

(13) ~~By October 1, 2015, the~~ **THE** performance bonus incentive pool for contracted health plans that are not specialty prepaid health plans shall include inappropriate utilization of emergency departments, ambulatory care, contracted health plan all-cause acute 30-day readmission rates, and generic drug utilization when such an alternative exists for a branded product and consistent with section 109h and sections 9701 to 9709 of the public health code, 1978 PA 368, MCL 333.9701 to 333.9709, as a percentage of total. These measurement tools shall be considered and weighed within the 6 highest factors used in the formula. This subsection applies whether or not either or both of the waivers requested under this section are approved, the patient protection and affordable care act is repealed, or the state terminates or opts out of the program established under this section.

(14) The department ~~of community health~~ shall ensure that all capitated payments made to contracted health plans are actuarially sound. This subsection applies whether or not either or both of the waivers requested under this section are approved, the patient protection and affordable care act is repealed, or the state terminates or opts out of the program established under this section.

(15) The department ~~of community health~~ shall maintain administrative costs at a level of not more than 1% of the ~~department of community health's~~ **DEPARTMENT'S** appropriation of the

state medical assistance program. These administrative costs shall be capped at the total administrative costs for the fiscal year ending September 30, 2016, except for inflation and project-related costs required to achieve medical assistance net general fund savings. This subsection applies whether or not either or both of the waivers requested under this section are approved, the patient protection and affordable care act is repealed, or the state terminates or opts out of the program established under this section.

(16) ~~By October 1, 2015, the~~ **THE** department ~~of community health~~ shall establish uniform procedures and compliance metrics for utilization by the contracted health plans to ensure that cost-sharing requirements are being met. This shall include ramifications for the contracted health plans' failure to comply with performance or compliance metrics. This subsection applies whether or not either or both of the waivers requested under this section are approved, the patient protection and affordable care act is repealed, or the state terminates or opts out of the program established under this section.

(17) ~~Beginning October 1, 2015, the~~ **THE** department ~~of community health~~ shall withhold, at a minimum, 0.75% of payments to contracted health plans, except for specialty prepaid health plans, for the purpose of expanding the existing performance bonus incentive pool. Distribution of funds from the performance bonus incentive pool is contingent on the contracted health plan's completion of the required performance or compliance metrics. This subsection applies whether or not either or both of the waivers

requested under this section are approved, the patient protection and affordable care act is repealed, or the state terminates or opts out of the program established under this section.

(18) ~~By October 1, 2015, the~~ **THE** department ~~of community health~~ shall withhold, at a minimum, 0.75% of payments to specialty prepaid health plans for the purpose of establishing a performance bonus incentive pool. Distribution of funds from the performance bonus incentive pool is contingent on the specialty prepaid health plan's completion of the required performance of compliance metrics ~~, which~~ **THAT** shall include, at a minimum, partnering with other contracted health plans to reduce nonemergent emergency department utilization, increased participation in patient-centered medical homes, increased use of electronic health records and data sharing with other providers, and identification of enrollees who may be eligible for services through the ~~veterans administration.~~ **UNITED STATES DEPARTMENT OF VETERANS AFFAIRS.** This subsection applies whether or not either or both of the waivers requested under this section are approved, the patient protection and affordable care act is repealed, or the state terminates or opts out of the program established under this section.

(19) The department ~~of community health~~ shall measure contracted health plan or specialty prepaid health plan performance metrics, as applicable, on application of standards of care as that relates to appropriate treatment of substance use disorders and efforts to reduce substance use disorders. This subsection applies whether or not either or both of the waivers requested under this section are approved, the patient protection and affordable care

act is repealed, or the state terminates or opts out of the program established under this section.

(20) By ~~September 1, 2015,~~ **OCTOBER 1, 2018,** in addition to the waiver requested in subsection (1), the department ~~of community health~~ shall seek an additional waiver from the United States ~~department of health and human services~~ **DEPARTMENT OF HEALTH AND HUMAN SERVICES** that requires individuals who are between 100% and 133% of the federal poverty guidelines and who have had medical assistance coverage for 48 cumulative months beginning on the date of their enrollment into the program described in subsection (1) **BY THE DATE OF THE WAIVER IMPLEMENTATION** to choose 1 of the following options:

~~(a) Change their medical assistance program eligibility status, in accordance with federal law, to be considered eligible for federal advance premium tax credit and cost-sharing subsidies from the federal government to purchase private insurance coverage through an American health benefit exchange without financial penalty to the state.~~

~~(b) Remain in the medical assistance program but increase cost-sharing requirements up to 7% of income. Required contributions shall be deposited into an account used to pay for incurred health expenses for covered benefits and shall be 3.5% of income but may be reduced as provided in subsection (1)(e). The department of community health may reduce co-pays as provided in subsection (1)(e), but not until annual accumulated co-pays reach 3% of income.~~

(A) COMPLETE A HEALTHY BEHAVIOR AS PROVIDED IN SUBSECTION

(1)(E) WITH INTENTIONAL EFFORT GIVEN TO MAKING SUBSEQUENT YEAR HEALTHY BEHAVIORS INCREMENTALLY MORE CHALLENGING IN ORDER TO CONTINUE TO FOCUS ON ELIMINATING HEALTH-RELATED OBSTACLES INHIBITING ENROLLEES FROM ACHIEVING THEIR HIGHEST LEVELS OF PERSONAL PRODUCTIVITY AND PAY A PREMIUM OF 5% OF INCOME. A REQUIRED CONTRIBUTION FOR A PREMIUM IS NOT ELIGIBLE FOR REDUCTION OR REFUND.

(B) SUSPEND ELIGIBILITY FOR THE PROGRAM DESCRIBED IN SUBSECTION (1)(A) UNTIL THE INDIVIDUAL COMPLIES WITH SUBDIVISION (A).

(21) The department ~~of community health~~ shall notify enrollees 60 days before the ~~end of the enrollee's forty-eighth month that~~ **ENROLLEE WOULD LOSE** coverage under the current program **THAT THIS COVERAGE** is no longer available to them and that, in order to continue coverage, the enrollee must ~~choose between the options~~ **COMPLY WITH THE OPTION** described in subsection (20)(a). ~~or (b).~~

~~(22) The department of community health shall implement a system for individuals who fail to choose an option described under subsection (20)(a) or (b) within a specified time determined by the department of community health that enrolls those individuals into the option described in subsection (20)(b).~~

(22) THE MEDICAL COVERAGE FOR INDIVIDUALS DESCRIBED IN SUBSECTION (1)(A) SHALL REMAIN IN EFFECT FOR NOT LONGER THAN A 16-MONTH PERIOD AFTER SUBMISSION OF A NEW OR AMENDED WAIVER REQUEST UNDER SUBSECTION (20) IF A NEW OR AMENDED WAIVER REQUEST IS NOT APPROVED WITHIN 12 MONTHS AFTER SUBMISSION. THE DEPARTMENT MUST NOTIFY INDIVIDUALS DESCRIBED IN SUBSECTION (1)(A) THAT THEIR COVERAGE WILL BE TERMINATED BY FEBRUARY 1, 2020 IF A NEW OR AMENDED

WAIVER REQUEST IS NOT APPROVED WITHIN 12 MONTHS AFTER SUBMISSION.

~~(23) If the waiver requested under subsection (20) is not approved by the United States department of health and human services by December 31, 2015, medical coverage for individuals described in subsection (1)(a) shall no longer be provided. If the waiver is not approved by December 31, 2015, then by January 31, 2016, the department of community health shall notify enrollees that the program described in subsection (1) shall be terminated on April 30, 2016. If a waiver requested under subsection (1) or (20) is approved and is required to be renewed at any time after approval, medical coverage for individuals described in subsection (1)(a) shall no longer be provided if either renewal request is not approved by the United States department of health and human services or if a waiver is canceled after approval. The department of community health shall give enrollees 4 months' advance notice before termination of coverage based on a renewal request not being approved as described in this subsection. A notification described in this subsection shall state that the enrollment was terminated due to the failure of the United States department of health and human services to approve the waiver requested under subsection (20) or renewal of a waiver described in this subsection.~~

(23) IF A NEW OR AMENDED WAIVER REQUESTED UNDER SUBSECTION (20) IS DENIED BY THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, MEDICAL COVERAGE FOR INDIVIDUALS DESCRIBED IN SUBSECTION (1)(A) SHALL REMAIN IN EFFECT FOR A 16-MONTH PERIOD AFTER THE DATE OF SUBMISSION OF THE NEW OR AMENDED WAIVER REQUEST UNLESS THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES APPROVES A

NEW OR AMENDED WAIVER DESCRIBED IN THIS SUBSECTION WITHIN THE 12 MONTHS AFTER THE DATE OF SUBMISSION OF THE NEW OR AMENDED WAIVER REQUEST. A REQUEST FOR A NEW OR AMENDED WAIVER UNDER THIS SUBSECTION MUST COMPLY WITH THE OTHER REQUIREMENTS OF THIS SECTION AND MUST BE PROVIDED TO THE CHAIRS OF THE SENATE AND HOUSE OF REPRESENTATIVES APPROPRIATIONS COMMITTEES AND THE CHAIRS OF THE SENATE AND HOUSE OF REPRESENTATIVES APPROPRIATIONS SUBCOMMITTEES ON THE DEPARTMENT BUDGET, AT LEAST 30 DAYS BEFORE SUBMISSION TO THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES. IF A NEW OR AMENDED WAIVER REQUEST UNDER THIS SUBSECTION IS NOT APPROVED WITHIN THE 12-MONTH PERIOD DESCRIBED IN THIS SUBSECTION, THE DEPARTMENT MUST GIVE 4 MONTHS' NOTICE THAT MEDICAL COVERAGE FOR INDIVIDUALS DESCRIBED IN SUBSECTION (1)(A) SHALL BE TERMINATED.

(24) IF A NEW OR AMENDED WAIVER REQUESTED UNDER SUBSECTION (20) IS CANCELED BY THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES OR IS INVALIDATED, MEDICAL COVERAGE FOR INDIVIDUALS DESCRIBED IN SUBSECTION (1)(A) SHALL REMAIN IN EFFECT FOR 16 MONTHS AFTER THE DATE OF SUBMISSION OF A NEW OR AMENDED WAIVER UNLESS THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES APPROVES A NEW OR AMENDED WAIVER DESCRIBED IN THIS SUBSECTION WITHIN THE 12 MONTHS AFTER THE DATE OF SUBMISSION OF THE NEW OR AMENDED WAIVER. A REQUEST FOR A NEW OR AMENDED WAIVER UNDER THIS SUBSECTION MUST COMPLY WITH THE OTHER REQUIREMENTS OF THIS SECTION AND MUST BE PROVIDED TO THE CHAIRS OF THE SENATE AND HOUSE OF REPRESENTATIVES APPROPRIATIONS COMMITTEES AND THE SENATE AND HOUSE OF REPRESENTATIVES APPROPRIATIONS SUBCOMMITTEES ON THE DEPARTMENT BUDGET AT LEAST 30 DAYS BEFORE SUBMISSION TO THE UNITED STATES

DEPARTMENT OF HEALTH AND HUMAN SERVICES. IF A NEW OR AMENDED WAIVER UNDER THIS SUBSECTION IS NOT APPROVED WITHIN THE 12-MONTH PERIOD DESCRIBED IN THIS SUBSECTION, THE DEPARTMENT MUST GIVE 4 MONTHS' NOTICE THAT MEDICAL COVERAGE FOR INDIVIDUALS DESCRIBED IN SUBSECTION (1)(A) SHALL BE TERMINATED.

(25) IF A NEW OR AMENDED WAIVER REQUEST UNDER SUBSECTION (23) OR (24) IS APPROVED BY THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES BUT DOES NOT COMPLY WITH THE OTHER REQUIREMENTS OF THIS SECTION, MEDICAL COVERAGE FOR INDIVIDUALS DESCRIBED IN SUBSECTION (1)(A) SHALL BE TERMINATED 4 MONTHS AFTER THE NEW OR AMENDED WAIVER HAS BEEN DETERMINED TO BE IN NONCOMPLIANCE. THE DEPARTMENT MUST NOTIFY INDIVIDUALS DESCRIBED IN SUBSECTION (1)(A) AT LEAST 4 MONTHS BEFORE THE TERMINATION DATE THAT ENROLLMENT SHALL BE TERMINATED AND THE REASON FOR TERMINATION.

(26) ~~(24)~~ Individuals described in 42 CFR 440.315 are not subject to the provisions of the waiver described in subsection (20).

(27) ~~(25)~~ The department ~~of community health~~ shall make available at least 3 years of state medical assistance program data, without charge, to any vendor considered qualified by the department ~~of community health~~ who indicates interest in submitting proposals to contracted health plans in order to implement cost savings and population health improvement opportunities through the use of innovative information and data management technologies. Any program or proposal to the contracted health plans must be consistent with the state's goals of improving health, increasing the quality, reliability, availability, and continuity of care, and

reducing the cost of care of the eligible population of enrollees described in subsection (1)(a). The use of the data described in this subsection for the purpose of assessing the potential opportunity and subsequent development and submission of formal proposals to contracted health plans is not a cost or contractual obligation to the department ~~of community health~~ or the state.

~~(26) If the department of community health does not receive approval for both of the waivers required under this section before December 31, 2015, the program described in this section is terminated. The department of community health shall request written documentation from the United States department of health and human services that if the waivers described in this section are rejected causing the medical assistance program to revert back to the eligibility requirements in effect on the effective date of the amendatory act that added this section, excluding any waivers that have not been renewed, there shall be no financial federal funding penalty to the state associated with the implementation and subsequent cancellation of the program created in this section. If the department of community health does not receive this documentation by December 31, 2013, the department of community health shall not implement the program described in this section.~~

(28) ~~(27)~~ This section does not apply if either of the following occurs:

(a) If the department ~~of community health~~ is unable to obtain either of the federal waivers requested in subsection (1) or (20).

(b) If federal government matching funds for the program described in this section are reduced below 100% and annual state

savings and other nonfederal net savings associated with the implementation of that program are not sufficient to cover the reduced federal match. The department ~~of community health~~ shall determine and the state budget office shall approve how annual state savings and other nonfederal net savings shall be calculated by June 1, 2014. By September 1, 2014, the calculations and methodology used to determine the state and other nonfederal net savings shall be submitted to the legislature.[**THE CALCULATION OF ANNUAL STATE AND OTHER NONFEDERAL NET SAVINGS SHALL BE PUBLISHED ANNUALLY ON JANUARY 15 BY THE STATE BUDGET OFFICE. IF THE ANNUAL STATE SAVINGS AND OTHER NONFEDERAL NET SAVINGS ARE NOT SUFFICIENT TO COVER THE REDUCED FEDERAL MATCH, MEDICAL COVERAGE FOR INDIVIDUALS DESCRIBED IN SUBSECTION (1)(A) SHALL REMAIN IN EFFECT UNTIL THE END OF THE FISCAL YEAR IN WHICH THE CALCULATION DESCRIBED IN THIS SUBDIVISION IS PUBLISHED BY THE STATE BUDGET OFFICE.**]

(29) ~~(28)~~ The department ~~of community health~~ shall develop, administer, and coordinate with the department of treasury a procedure for offsetting the state tax refunds of an enrollee who owes a liability to the state of past due uncollected cost-sharing, as allowable by the federal government. The procedure shall include a guideline that the department ~~of community health~~ submit to the department of treasury, not later than November 1 of each year, all requests for the offset of state tax refunds claimed on returns filed or to be filed for that tax year. For the purpose of this subsection, any nonpayment of the cost-sharing required under this section owed by the enrollee is considered a liability to the state under section 30a(2)(b) of 1941 PA 122, MCL 205.30a.

(30) ~~(29)~~ For the purpose of this subsection, any nonpayment of the cost-sharing required under this section owed by the enrollee is considered a current liability to the state under section 32 of the McCauley-Traxler-Law-Bowman-McNeely lottery act, 1972 PA 239, MCL 432.32, and shall be handled in accordance with the procedures for handling a liability to the state under that section, as allowed by the federal government.

(31) ~~(30)~~ By November 30, 2013, the department ~~of community health~~ shall convene a symposium to examine the issues of emergency department overutilization and improper usage. ~~By December 31, 2014, the~~ **THE** department ~~of community health~~ shall submit a report to the legislature that identifies the causes of overutilization and improper emergency service usage that includes specific best practice recommendations for decreasing overutilization of emergency departments and improper emergency service usage, as well as how those best practices are being implemented. Both broad recommendations and specific recommendations related to the ~~medicaid~~ **MEDICAID** program, enrollee behavior, and health plan access issues shall be included.

(32) ~~(31)~~ The department ~~of community health~~ shall contract with an independent third party vendor to review the reports required in subsections (8) and (9) and other data as necessary, in order to develop a methodology for measuring, tracking, and reporting medical cost and uncompensated care cost reduction or rate of increase reduction and their effect on health insurance rates along with recommendations for ongoing annual review. The final report and recommendations shall be submitted to the legislature by September 30, 2015.

(33) ~~(32)~~ For the purposes of submitting reports and other information or data required under this section only, "legislature" means the senate majority leader, the speaker of the house of representatives, the chairs of the senate and house of representatives appropriations committees, the chairs of the senate and house of representatives appropriations subcommittees on the

department ~~of community health~~ budget, and the chairs of the senate and house of representatives standing committees on health policy.

(34) ~~(33)~~ As used in this section:

(a) "Patient protection and affordable care act" means the patient protection and affordable care act, Public Law 111-148, as amended by the federal health care and education reconciliation act of 2010, Public Law 111-152.

(b) "Peace of mind registry" and "peace of mind registry organization" mean those terms as defined in section 10301 of the public health code, 1978 PA 368, MCL 333.10301.

(c) "State savings" means any state fund net savings, calculated as of the closing of the financial books for the department ~~of community health~~ at the end of each fiscal year, that result from the program described in this section. The savings shall result in a reduction in spending from the following state fund accounts: adult benefit waiver, ~~non-medicaid~~ **NON-MEDICAID** community mental health, and prisoner health care. Any identified savings from other state fund accounts shall be proposed to the house of representatives and senate appropriations committees for approval to include in that year's state savings calculation. It is the intent of the legislature that for fiscal year ending September 30, 2014 only, $193,000,000.00 of the state savings shall be deposited in the roads and risks reserve fund created in section 211b of article VIII of 2013 PA 59.

(d) "Telemedicine" means that term as defined in section 3476 of the insurance code of 1956, 1956 PA 218, MCL 500.3476.

SEC. 107A. (1) THE PURPOSE OF ADDING WORKFORCE ENGAGEMENT

REQUIREMENTS TO THE MEDICAL ASSISTANCE PROGRAM AS PROVIDED IN SECTION 107B IS TO ASSIST, ENCOURAGE, AND PREPARE AN ABLE-BODIED ADULT FOR A LIFE OF SELF-SUFFICIENCY AND INDEPENDENCE FROM GOVERNMENT INTERFERENCE.

(2) AS USED IN THIS SECTION AND SECTION 107B:

(A) "ABLE-BODIED ADULT" MEANS AN INDIVIDUAL AT LEAST 19 TO 62 YEARS OF AGE WHO IS NOT PREGNANT AND WHO DOES NOT HAVE A DISABILITY THAT MAKES HIM OR HER ELIGIBLE FOR MEDICAL ASSISTANCE UNDER SECTION 105D.

(B) "CARETAKER" MEANS A PARENT OR AN INDIVIDUAL WHO IS TAKING CARE OF A CHILD IN THE ABSENCE OF A PARENT OR AN INDIVIDUAL CARING FOR A DISABLED INDIVIDUAL AS DESCRIBED IN SECTION 107B(1)(F)(*v*). A CARETAKER IS NOT SUBJECT TO THE WORKFORCE ENGAGEMENT REQUIREMENTS ESTABLISHED UNDER SECTION 107B IF HE OR SHE IS NOT A MEDICAL ASSISTANCE RECIPIENT UNDER SECTION 105D.

(C) "CHILD" MEANS AN INDIVIDUAL WHO IS NOT EMANCIPATED UNDER 1968 PA 293, MCL 722.1 TO 722.6, WHO LIVES WITH A PARENT OR CARETAKER, AND WHO IS EITHER OF THE FOLLOWING:

(*i*) UNDER THE AGE OF 18.

(*ii*) AGE 18 AND A FULL-TIME HIGH SCHOOL STUDENT.

(D) "GOOD CAUSE TEMPORARY EXEMPTION" MEANS:

(*i*) THE RECIPIENT IS AN INDIVIDUAL WITH A DISABILITY AS DESCRIBED IN SUBTITLE A OF TITLE II OF THE AMERICANS WITH DISABILITIES ACT OF 1990, 42 USC 12131 TO 12134, SECTION 504 OF TITLE V OF THE REHABILITATION ACT OF 1973, 29 USC 794, OR SECTION 1557 OF THE PATIENT PROTECTION AND AFFORDABLE CARE ACT, PUBLIC LAW 111-148, WHO IS UNABLE TO MEET THE WORKFORCE ENGAGEMENT

REQUIREMENTS FOR REASONS RELATED TO THAT DISABILITY.

(*ii*) THE RECIPIENT HAS AN IMMEDIATE FAMILY MEMBER IN THE HOME WITH A DISABILITY UNDER FEDERAL DISABILITY RIGHTS LAWS AND IS UNABLE TO MEET THE WORKFORCE ENGAGEMENT REQUIREMENTS FOR REASONS RELATED TO THE DISABILITY OF THAT FAMILY MEMBER.

(*iii*) THE RECIPIENT OR AN IMMEDIATE FAMILY MEMBER, WHO IS LIVING IN THE HOME WITH THE RECIPIENT, EXPERIENCES HOSPITALIZATION OR SERIOUS ILLNESS.

(E) "INCAPACITATED INDIVIDUAL" MEANS THAT TERM AS DEFINED IN SECTION 1105 OF THE ESTATES AND PROTECTED INDIVIDUALS CODE, 1998 PA 386, MCL 700.1105.

(F) "MEDICALLY FRAIL" MEANS THAT TERM AS DESCRIBED IN 42 CFR 440.315(F).

(G) "QUALIFYING ACTIVITY" MEANS ANY OF THE FOLLOWING:

(*i*) EMPLOYMENT OR SELF-EMPLOYMENT, OR HAVING INCOME CONSISTENT WITH BEING EMPLOYED OR SELF-EMPLOYED. AS USED IN THIS SUBPARAGRAPH, "HAVING INCOME CONSISTENT WITH BEING EMPLOYED OR SELF-EMPLOYED" MEANS AN INDIVIDUAL MAKES AT LEAST MINIMUM WAGE FOR AN AVERAGE OF 80 HOURS PER MONTH.

(*ii*) EDUCATION DIRECTLY RELATED TO EMPLOYMENT, INCLUDING, BUT NOT LIMITED TO, HIGH SCHOOL EQUIVALENCY TEST PREPARATION PROGRAM AND POSTSECONDARY EDUCATION.

(*iii*) JOB TRAINING DIRECTLY RELATED TO EMPLOYMENT.

(*iv*) VOCATIONAL TRAINING DIRECTLY RELATED TO EMPLOYMENT.

(*v*) UNPAID WORKFORCE ENGAGEMENT DIRECTLY RELATED TO EMPLOYMENT, INCLUDING, BUT NOT LIMITED TO, AN INTERNSHIP.

(*vi*) TRIBAL EMPLOYMENT PROGRAMS.

(*vii*) PARTICIPATION IN SUBSTANCE USE DISORDER TREATMENT.

(*viii*) COMMUNITY SERVICE.

(*ix*) JOB SEARCH DIRECTLY RELATED TO JOB TRAINING.

(H) "RECIPIENT" MEANS AN INDIVIDUAL RECEIVING MEDICAL ASSISTANCE UNDER THIS ACT.

(I) "SUBSTANCE USE DISORDER" MEANS THAT TERM AS DEFINED IN SECTION 100D OF THE MENTAL HEALTH CODE, 1974 PA 258, MCL 330.1100D.

(J) "UNEMPLOYMENT BENEFITS" MEANS BENEFITS RECEIVED UNDER THE MICHIGAN EMPLOYMENT SECURITY ACT, 1936 (EX SESS) PA 1, MCL 421.1 TO 421.75.

SEC. 107B. (1) NO LATER THAN OCTOBER 1, 2018, THE DEPARTMENT MUST APPLY FOR OR APPLY TO AMEND A WAIVER UNDER SECTION 1115 OF THE SOCIAL SECURITY ACT, 42 USC 1315, AND SUBMIT SUBSEQUENT WAIVERS TO PROHIBIT AND PREVENT A LAPSE IN THE WORKFORCE ENGAGEMENT REQUIREMENTS AS A CONDITION OF RECEIVING MEDICAL ASSISTANCE UNDER SECTION 105D. THE WAIVER MUST BE A REQUEST TO ALLOW FOR ALL OF THE FOLLOWING:

(A) A REQUIREMENT OF 80 HOURS AVERAGE PER MONTH OF QUALIFYING ACTIVITIES OR A COMBINATION OF ANY QUALIFYING ACTIVITIES, TO COUNT TOWARD THE WORKFORCE ENGAGEMENT REQUIREMENT UNDER THIS SECTION.

(B) A REQUIREMENT THAT ABLE-BODIED RECIPIENTS VERIFY THAT THEY ARE MEETING THE WORKFORCE ENGAGEMENT REQUIREMENTS BY THE TENTH OF EACH MONTH FOR THE PREVIOUS MONTH'S QUALIFYING ACTIVITIES THROUGH MIBRIDGES OR ANY OTHER SUBSEQUENT SYSTEM. A RECIPIENT IS ALLOWED 3 MONTHS OF NONCOMPLIANCE WITHIN A 12-MONTH PERIOD. THE RECIPIENT MAY USE A NONCOMPLIANCE MONTH EITHER BY SELF-REPORTING THAT HE OR SHE IS NOT IN COMPLIANCE THAT MONTH OR BY THE DEFAULT METHOD OF NOT

REPORTING COMPLIANCE FOR THAT MONTH. THE DEPARTMENT SHALL NOTIFY THE RECIPIENT AFTER EACH TIME A NONCOMPLIANCE MONTH IS USED. AFTER A RECIPIENT USES 3 NONCOMPLIANCE MONTHS IN A 12-MONTH PERIOD, THE RECIPIENT LOSES COVERAGE FOR AT LEAST 1 MONTH UNTIL HE OR SHE BECOMES COMPLIANT UNDER THIS SECTION.

(C) ALLOW SUBSTANCE USE DISORDER TREATMENT THAT IS COURT-ORDERED, PRESCRIBED BY A LICENSED MEDICAL PROFESSIONAL, OR IS A MEDICAID-FUNDED SUBSTANCE USE DISORDER TREATMENT, TO COUNT TOWARD THE WORKFORCE ENGAGEMENT REQUIREMENTS IF THE TREATMENT IMPEDES THE ABILITY TO MEET THE WORKFORCE ENGAGEMENT REQUIREMENTS.

(D) A REQUIREMENT THAT COMMUNITY SERVICE MUST BE COMPLETED WITH A NONPROFIT ORGANIZATION THAT IS EXEMPT FROM TAXATION UNDER SECTION 501(C)(3) OR 501(C)(4) OF THE INTERNAL REVENUE CODE OF 1986, 26 USC 501. COMMUNITY SERVICE CAN ONLY BE USED AS A QUALIFYING ACTIVITY FOR UP TO 3 MONTHS IN A 12-MONTH PERIOD.

(E) A REQUIREMENT THAT A RECIPIENT WHO IS ALSO A RECIPIENT OF THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM OR THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM WHO IS IN COMPLIANCE WITH OR EXEMPT FROM THE WORK REQUIREMENTS OF THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM OR THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM IS CONSIDERED TO BE IN COMPLIANCE WITH OR EXEMPT FROM THE WORKFORCE ENGAGEMENT REQUIREMENTS IN THIS SECTION.

(F) AN EXEMPTION FOR A RECIPIENT WHO MEETS 1 OR MORE OF THE FOLLOWING CONDITIONS:

(*i*) A RECIPIENT WHO IS THE CARETAKER OF A FAMILY MEMBER WHO IS UNDER THE AGE OF 6 YEARS. THIS EXEMPTION ALLOWS ONLY 1 PARENT AT A TIME TO BE A CARETAKER, NO MATTER HOW MANY CHILDREN ARE BEING CARED

FOR.

(*ii*) A RECIPIENT WHO IS CURRENTLY RECEIVING TEMPORARY OR PERMANENT LONG-TERM DISABILITY BENEFITS FROM A PRIVATE INSURER OR FROM THE GOVERNMENT.

(*iii*) A RECIPIENT WHO IS A FULL-TIME STUDENT WHO IS NOT A DEPENDENT OF A PARENT OR GUARDIAN OR WHOSE PARENT OR GUARDIAN QUALIFIES FOR MEDICAID. THIS SUBPARAGRAPH INCLUDES A STUDENT IN A POSTSECONDARY INSTITUTION OR CERTIFICATE PROGRAM.

(*iv*) A RECIPIENT WHO IS PREGNANT.

(*v*) A RECIPIENT WHO IS THE CARETAKER OF A DEPENDENT WITH A DISABILITY WHICH DEPENDENT NEEDS FULL-TIME CARE BASED ON A LICENSED MEDICAL PROFESSIONAL'S ORDER. THIS EXEMPTION IS ALLOWED 1 TIME PER HOUSEHOLD.

(*vi*) A RECIPIENT WHO IS THE CARETAKER OF AN INCAPACITATED INDIVIDUAL EVEN IF THE INCAPACITATED INDIVIDUAL IS NOT A DEPENDENT OF THE CARETAKER.

(*vii*) A RECIPIENT WHO HAS PROVEN THAT HE OR SHE HAS MET THE GOOD CAUSE TEMPORARY EXEMPTION.

(*viii*) A RECIPIENT WHO HAS BEEN DESIGNATED AS MEDICALLY FRAIL.

(*ix*) A RECIPIENT WHO HAS A MEDICAL CONDITION THAT RESULTS IN A WORK LIMITATION ACCORDING TO A LICENSED MEDICAL PROFESSIONAL'S ORDER.

(*x*) A RECIPIENT WHO HAS BEEN INCARCERATED WITHIN THE LAST 6 MONTHS.

(*xi*) A RECIPIENT WHO IS RECEIVING UNEMPLOYMENT BENEFITS FROM THIS STATE. THIS EXEMPTION APPLIES DURING THE PERIOD THE RECIPIENT RECEIVED UNEMPLOYMENT BENEFITS AND ENDS WHEN THE RECIPIENT IS NO

LONGER RECEIVING UNEMPLOYMENT BENEFITS.

(*xii*) A RECIPIENT WHO IS UNDER 21 YEARS OF AGE WHO HAD PREVIOUSLY BEEN IN A FOSTER CARE PLACEMENT IN THIS STATE.

(2) AFTER THE WAIVER REQUESTED UNDER THIS SECTION IS APPROVED, THE DEPARTMENT MUST INCLUDE, BUT IS NOT LIMITED TO, ALL OF THE FOLLOWING, AS APPROVED IN THE WAIVER, IN ITS IMPLEMENTATION OF THE WORKFORCE ENGAGEMENT REQUIREMENTS UNDER THIS SECTION:

(A) A REQUIREMENT OF 80 HOURS AVERAGE PER MONTH OF QUALIFYING ACTIVITIES OR A COMBINATION OF ANY QUALIFYING ACTIVITIES COUNTS TOWARD THE WORKFORCE ENGAGEMENT REQUIREMENT UNDER THIS SECTION.

(B) A REQUIREMENT THAT ABLE-BODIED RECIPIENTS MUST VERIFY THAT THEY ARE MEETING THE WORKFORCE ENGAGEMENT REQUIREMENTS BY THE TENTH OF EACH MONTH FOR THE PREVIOUS MONTH'S QUALIFYING ACTIVITIES THROUGH MIBRIDGES OR ANY OTHER SUBSEQUENT SYSTEM. A RECIPIENT IS ALLOWED 3 MONTHS OF NONCOMPLIANCE WITHIN A 12-MONTH PERIOD. THE RECIPIENT MAY USE A NONCOMPLIANCE MONTH EITHER BY SELF-REPORTING THAT HE OR SHE IS NOT IN COMPLIANCE THAT MONTH OR BY THE DEFAULT METHOD OF NOT REPORTING COMPLIANCE FOR THAT MONTH. THE DEPARTMENT SHALL NOTIFY THE RECIPIENT AFTER EACH TIME A NONCOMPLIANCE MONTH IS USED. AFTER A RECIPIENT USES 3 NONCOMPLIANCE MONTHS IN A 12-MONTH PERIOD, THE RECIPIENT LOSES COVERAGE FOR AT LEAST 1 MONTH UNTIL HE OR SHE BECOMES COMPLIANT UNDER THIS SECTION.

(C) ALLOWING SUBSTANCE USE DISORDER TREATMENT THAT IS COURT-ORDERED, IS PRESCRIBED BY A LICENSED MEDICAL PROFESSIONAL, OR IS A MEDICAID-FUNDED SUBSTANCE USE DISORDER TREATMENT, TO COUNT TOWARD THE WORKFORCE ENGAGEMENT REQUIREMENTS IF THE TREATMENT IMPEDES THE ABILITY TO MEET THE WORKFORCE ENGAGEMENT REQUIREMENTS.

(D) A REQUIREMENT THAT COMMUNITY SERVICE MUST BE COMPLETED WITH A NONPROFIT ORGANIZATION THAT IS EXEMPT FROM TAXATION UNDER SECTION 501(C)(3) OR 501(C)(4) OF THE INTERNAL REVENUE CODE OF 1986, 26 USC 501. COMMUNITY SERVICE CAN ONLY BE USED AS A QUALIFYING ACTIVITY FOR UP TO 3 MONTHS IN A 12-MONTH PERIOD.

(E) A REQUIREMENT THAT A RECIPIENT WHO IS ALSO A RECIPIENT OF THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM OR THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM WHO IS IN COMPLIANCE WITH OR EXEMPT FROM THE WORK REQUIREMENTS OF THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM OR THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM IS CONSIDERED TO BE IN COMPLIANCE WITH OR EXEMPT FROM THE WORKFORCE ENGAGEMENT REQUIREMENTS IN THIS SECTION.

(F) AN EXEMPTION FOR A RECIPIENT WHO MEETS 1 OR MORE OF THE FOLLOWING CONDITIONS:

(*i*) A RECIPIENT WHO IS THE CARETAKER OF A FAMILY MEMBER WHO IS UNDER THE AGE OF 6 YEARS. THIS EXEMPTION ALLOWS ONLY 1 PARENT AT A TIME TO BE A CARETAKER, NO MATTER HOW MANY CHILDREN ARE BEING CARED FOR.

(*ii*) A RECIPIENT WHO IS CURRENTLY RECEIVING TEMPORARY OR PERMANENT LONG-TERM DISABILITY BENEFITS FROM A PRIVATE INSURER OR FROM THE GOVERNMENT.

(*iii*) A RECIPIENT WHO IS A FULL-TIME STUDENT WHO IS NOT A DEPENDENT OF A PARENT OR GUARDIAN OR WHOSE PARENT OR GUARDIAN QUALIFIES FOR MEDICAID. THIS SUBPARAGRAPH INCLUDES A STUDENT IN A POSTSECONDARY INSTITUTION OR A CERTIFICATE PROGRAM.

(*iv*) A RECIPIENT WHO IS PREGNANT.

(*v*) A RECIPIENT WHO IS THE CARETAKER OF A DEPENDENT WITH A

DISABILITY WHICH DEPENDENT NEEDS FULL-TIME CARE BASED ON A LICENSED MEDICAL PROFESSIONAL'S ORDER. THIS EXEMPTION IS ALLOWED 1 TIME PER HOUSEHOLD.

(*vi*) A RECIPIENT WHO IS THE CARETAKER OF AN INCAPACITATED INDIVIDUAL EVEN IF THE INCAPACITATED INDIVIDUAL IS NOT A DEPENDENT OF THE CARETAKER.

(*vii*) A RECIPIENT WHO HAS PROVEN THAT HE OR SHE HAS MET THE GOOD CAUSE TEMPORARY EXEMPTION.

(*viii*) A RECIPIENT WHO HAS BEEN DESIGNATED AS MEDICALLY FRAIL.

(*ix*) A RECIPIENT WHO HAS A MEDICAL CONDITION THAT RESULTS IN A WORK LIMITATION ACCORDING TO A LICENSED MEDICAL PROFESSIONAL'S ORDER.

(*x*) A RECIPIENT WHO HAS BEEN INCARCERATED WITHIN THE LAST 6 MONTHS.

(*xi*) A RECIPIENT WHO IS RECEIVING UNEMPLOYMENT BENEFITS FROM THIS STATE. THIS EXEMPTION APPLIES DURING THE PERIOD THE RECIPIENT RECEIVED UNEMPLOYMENT BENEFITS AND ENDS WHEN THE RECIPIENT IS NO LONGER RECEIVING UNEMPLOYMENT BENEFITS.

(*xii*) A RECIPIENT WHO IS UNDER 21 YEARS OF AGE WHO HAD PREVIOUSLY BEEN IN A FOSTER CARE PLACEMENT IN THIS STATE.

(3) THE DEPARTMENT MAY FIRST DIRECT RECIPIENTS TO EXISTING RESOURCES FOR JOB TRAINING OR OTHER EMPLOYMENT SERVICES, CHILD CARE ASSISTANCE, TRANSPORTATION, OR OTHER SUPPORTS. THE DEPARTMENT MAY DEVELOP STRATEGIES FOR ASSISTING RECIPIENTS TO MEET WORKFORCE ENGAGEMENT REQUIREMENTS UNDER THIS SECTION.

(4) BEGINNING OCTOBER 1, 2018 AND EACH YEAR THE DEPARTMENT SUBMITS A WAIVER TO PROHIBIT AND PREVENT A LAPSE IN THE WORKFORCE

ENGAGEMENT REQUIREMENTS AFTER THAT, THE MEDICAID DIRECTOR MUST SUBMIT TO THE GOVERNOR, THE SENATE MAJORITY LEADER, AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES A LETTER CONFIRMING THE SUBMISSION OF THE WAIVER REQUEST REQUIRED UNDER SUBSECTION (1).

(5) BEGINNING JANUARY 1, 2020, THE DEPARTMENT MUST EXECUTE A SURVEY TO OBTAIN THE INFORMATION NEEDED TO COMPLETE AN EVALUATION OF THE MEDICAL ASSISTANCE PROGRAM UNDER SECTION 105D TO DETERMINE HOW MANY RECIPIENTS HAVE LEFT THE HEALTHY MICHIGAN PROGRAM AS A RESULT OF OBTAINING EMPLOYMENT AND MEDICAL BENEFITS.

(6) THE DEPARTMENT MUST EXECUTE A SURVEY TO OBTAIN THE INFORMATION NEEDED TO SUBMIT A REPORT TO THE LEGISLATURE BEGINNING JANUARY 1, 2021, AND EVERY JANUARY 1 AFTER THAT, THAT SHOWS, FOR MEDICAL ASSISTANCE UNDER SECTION 105D KNOWN AS HEALTHY MICHIGAN, THE NUMBER OF EXEMPTIONS FROM WORKFORCE ENGAGEMENT REQUIREMENTS GRANTED TO INDIVIDUALS IN THAT YEAR AND THE REASON THE EXEMPTIONS WERE GRANTED.

(7) THE DEPARTMENT SHALL ENFORCE THE PROVISIONS OF THIS SECTION BY CONDUCTING THE COMPLIANCE REVIEW PROCESS ON MEDICAL ASSISTANCE RECIPIENTS UNDER SECTION 105D WHO ARE REQUIRED TO MEET THE WORKFORCE ENGAGEMENT REQUIREMENTS OF THIS SECTION. IF A RECIPIENT IS FOUND, THROUGH THE COMPLIANCE REVIEW PROCESS, TO HAVE MISREPRESENTED HIS OR HER COMPLIANCE WITH THE WORKFORCE ENGAGEMENT REQUIREMENTS IN THIS SECTION, HE OR SHE SHALL NOT BE ALLOWED TO PARTICIPATE IN THE HEALTHY MICHIGAN PROGRAM UNDER SECTION 105D FOR A 1-YEAR PERIOD.

(8) THE DEPARTMENT SHALL IMPLEMENT THE REQUIREMENTS OF THIS SECTION NO LATER THAN JANUARY 1, 2020, AND SHALL NOTIFY RECIPIENTS

TO WHOM THE WORKFORCE ENGAGEMENT REQUIREMENTS DESCRIBED IN THIS SECTION ARE LIKELY TO APPLY OF THE WORKFORCE ENGAGEMENT REQUIREMENTS 90 DAYS IN ADVANCE.

(9) THE COST OF INITIAL IMPLEMENTATION OF THE WORKFORCE ENGAGEMENT REQUIREMENTS REQUIRED UNDER THIS SECTION SHALL NOT BE CONSIDERED WHEN DETERMINING THE COST-BENEFIT ANALYSIS REQUIRED UNDER SECTION 105D(28)(B). THE COST OF INITIAL IMPLEMENTATION DOES NOT INCLUDE THE COST OF ONGOING ADMINISTRATION OF THE WORKFORCE ENGAGEMENT REQUIREMENTS. THE ONGOING COSTS OF ADMINISTERING THE WORKFORCE ENGAGEMENT REQUIREMENTS REQUIRED UNDER THIS SECTION MAY HAVE UP TO A $5,000,000.00 GENERAL FUND/GENERAL PURPOSE REVENUE LIMIT THAT SHALL NOT BE COUNTED WHEN DETERMINING THE COST-BENEFIT ANALYSIS REQUIRED UNDER SECTION 105D(28)(B). ANY ONGOING COSTS ABOVE $5,000,000.00 OF GENERAL FUND/GENERAL PURPOSE REVENUE TO ADMINISTER THE WORKFORCE ENGAGEMENT REQUIREMENTS UNDER THIS SECTION SHALL BE CONSIDERED IN THE COST-BENEFIT ANALYSIS REQUIRED UNDER SECTION 105D(28)(B).

(10) BEGINNING JANUARY 1, 2020, MEDICAL ASSISTANCE RECIPIENTS WHO ARE NOT EXEMPT FROM THE WORKFORCE ENGAGEMENT REQUIREMENTS UNDER THIS SECTION MUST BE IN COMPLIANCE WITH THIS SECTION. BEGINNING JANUARY 1, 2020, A MEDICAL ASSISTANCE APPLICANT WHO IS NOT EXEMPT FROM THE WORK ENGAGEMENT REQUIREMENTS UNDER THIS SECTION MUST BE IN COMPLIANCE WITH THIS SECTION NOT MORE THAN 30 DAYS AFTER AN ELIGIBILITY DETERMINATION IS MADE.

(11) THE DEPARTMENT SHALL NOT WITHDRAW, TERMINATE, OR AMEND ANY WAIVER SUBMITTED UNDER THIS SECTION WITHOUT THE EXPRESS APPROVAL OF THE LEGISLATURE IN THE FORM OF A BILL ENACTED BY LAW.

Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted into law.