



COMBINED MEDICAID 310-1

Community Engagement and Exclusion Policy

Supersedes: New

Reference: P.L. 119-21

Overview: All individuals aged 19-64 applying for or receiving ACA Medicaid Expansion (known as HELP Act) must meet community engagement requirements or have a temporary exception into the lookback period; or qualify for an exclusion. If they qualify for an exclusion, then they are not required to complete community engagement qualifying activities.

Once enrolled in Medicaid, these individuals will be evaluated every (6) months to determine if they continue to meet community engagement requirements, still have an exception, or qualify for an exclusion.

NOTE: American Indian/Alaska Natives are not subject to the 6-month redetermination requirement and only need to be redetermined annually or when changes are reported.

Available information (i.e., Perceptive documents, electronic interfaces, meeting program requirements in SNAP/TANF program, etc.) will be used to validate qualifying community engagement activities and exclusions. Information that is not available will need to be verified by the client.

Qualifying Activities:

All members are required to participate at least 80 hours per month in qualifying community engagement activities or earn the equivalent of 80 hours at the federal minimum wage per month, unless excluded or eligible for an exception. A combination of activities can also meet this requirement.

Note: The household income should be used when determining community engagement compliance.

Activities that meet the community engagement requirement include:

- Working 80 hours x federal minimum wage; or the equivalent
- Community service: (volunteering for a not-for-profit organization or facility)
- Workforce training or job readiness programs through the State of Montana, Internships, or registered apprenticeships
- Attending school at least half-time (secondary, college or vocational school)

Work: Unpaid work can count towards community engagement hours if it is part of a trial period when applying for a job, or unpaid work, such as an internship, to gain experience for a job or industry. The unpaid work of a family caregiver who is not a relative and does not reside with the child or disabled individual, would count towards demonstrating community engagement.

In-Kind Work: Compensation in non-monetary form (housing, meals, utilities) would count towards community engagement. Verification of hours and value of the in-kind work is required.

Community service: means unpaid work, completed voluntarily or because of a mandate by court order, with a structured program that is completed for the direct benefit of the community under the auspices of public or nonprofit organizations (including embedded activities of the program that allow an individual to develop skills necessary to complete community service). The individual can participate in programs or activities without compensation which may include volunteer work or work mandated by legal authority and must be completed with a not-for-profit facility or organization where the public can participate.

Education: If an individual is not enrolled in an educational program at least half-time, they may use credit hours enrolled towards community engagement hours. The state will calculate the allowable hours based on the verified enrolled hours.

Independent study and self-paced online preparation do not qualify as an activity for the purposes of community engagement. In addition, if the program is not in-person, the program must be able to monitor and document the program hours. Ex. High school virtual classes.

Exclusions:

Specified Excluded Individuals

The following specified excluded individuals are not subject to community engagement requirements. If individuals have an exclusion in the month of application or redetermination, they are not evaluated for community engagement criteria.

- American Indian or Alaska Native or determined eligible for Indian Health Services
- Veteran with a total disability rating

- Parent, guardian, caretaker relative, or family caregiver of dependent children under 14 years of age, or of a disabled person. (see Family Caregiver information below)
- Pregnant or entitled to postpartum (up to 12 months after delivery)
- Currently incarcerated
- Enrolled in substance use disorder treatment program
- Medically Frail: (see Medically frail section below)
- Meeting program requirements required by the TANF program
- Meeting program requirements for the SNAP program
- Former foster youth: an individual under age 26 who was in foster care and Medicaid at the time of turning 18.

Mandatory Exceptions

Individuals normally subject to the community engagement requirement can be excepted for months in which they demonstrate a mandatory exception. Mandatory exceptions are subject to community engagement requirements and are evaluated in the lookback month(s) at application and redetermination.

- Under age 19
- Entitled to or enrolled in Medicare Part A or Part B
- Eligible under another eligibility group (PCR, SSI, etc.)
- Incarcerated at some in the last three months
- Specified excluded individuals during the lookback month are evaluated as mandatory excepted individuals for the number of months the exclusion was applicable.

Short-term Hardship Exceptions:

Applicable individuals normally subject to the community engagement requirement can be excepted for months in which they demonstrate the exception. Short-term hardship exceptions are evaluated in the lookback month(s) at application and redetermination. Verification of the hardship and the expected duration is required.

- Receiving service in inpatient hospital, nursing facility, or intermediate care facility for individuals with intellectual disabilities, inpatient psychiatric or similar services.
- Individual or dependent has necessary travel for an extended period of time for medical services not available in the community for a serious medical condition.
 - The duration of these exceptions will be dependent on the individual's circumstances.
- Reside in a county where there is a federal emergency or disaster declaration.

- Reside in a county with an unemployment rate greater than the lesser of 8% or 1.5 times the national unemployment rate.
 - Subject to Federal approval

Program Participation

Individuals eligible for expansion adult Medicaid coverage will be required to meet community engagement requirements, have a short-term exception, or qualify for an exclusion.

For applications, the lookback period is (1) month prior to application. For redetermination, the lookback period is (3) months since the last redetermination.

Community engagement requirements, exceptions, and exclusions must be verified. If the state verifies with data matching sources, no further verification is required of the member. If the state is unable to verify, the member is required to verify that they have met the requirements or verify the exclusion.

ACA Medicaid Expansion members/clients have multiple ways to self-report compliance with community engagement requirements, exception, or qualify for an exclusion, including online at apply.mt.gov, through the Public Assistance Helpline, by mail, Fax, and in person. There are multiple ways to verify an participation in community engagement, such as a statement from a physician or facility, written statements, enrollment in qualified programs, court documents. Etc. Ongoing exceptions or exclusions may need to be reverified with additional verification at redetermination.

Penalties for non-compliance

Individuals who have not met the community engagement requirements or qualify for an exemption or exclusion at their redetermination, or when changes are reported, will be notified they have 30 days demonstrate compliance with community engagement. Failure to verify community engagement during the 30-day period will result in denial or closure of Medicaid coverage.

Once the individual is closed, they will need to reapply and demonstrate they are in compliance with community engagement requirements, have an exception, or qualify for an exclusion.

Family Caregiver:

An individual may be a caregiver of a dependent child or a disabled individual if they are an adult family member or other individual with a significant relationship. The community engagement exclusion may apply to individuals who provide care and:

1. They are a relative and provide primary care and may or may not live with the dependent child or disabled individual,
2. They are a parent, guardian, caretaker relative residing with the dependent child or disabled individual, or

3. They do not reside with and are not a relative of the child or disabled individual. They must provide assistance 80 hours per month and not on an incidental basis (babysitting).

An individual who is not related to, or living with, the dependent child or disabled individual and has documented caregiving hours for a disabled person of less than 80 hours per month, may apply those hours to unpaid work to meet the community engagement requirement.

All caregivers must verify hours and that the person receiving care is a dependent child or a disabled individual.

Medically Frail:

Medically frail includes an individual:

- Who is blind or disabled per SSA (as defined in section 1614 of the act)
- With a substance use disorder (but not in treatment program or stable recovery for 5 years or more);
- With a disabling mental disorder;
- With a physical, intellectual, or developmental disability that significantly impairs their ability to perform one or more activities of daily living; or
- With a serious or complex medical condition

Note: Substance use disorder (SUD): Individuals who are in a treatment program for an SUD are excluded from community engagement requirements.

Those who are not in stable recovery fall under medically frail. Stable recovery refers to those in recovery for 5+ consecutive years.

Serious or complex medical condition is an acute illness or condition or a Chronic illness or condition.

- Acute Illness or Condition: A condition that is serious enough to require specialized medical treatment to avoid the reasonable possibility of:
 - Death
 - Permanent harm
- Chronic Illness or Condition: A condition that is:
 - Life-threatening, degenerative, potentially disabling, or congenital
 - Requires specialized medical care over a prolonged period of time

A medically frail individual is excluded from meeting the community engagement requirements if the condition impacts the ability to work or to meet community engagement requirements of 80 hours/month.

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