

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

# A Bill

HOUSE BILL 1966

5 By: Representatives A. Collins, Murdock  
6

## For An Act To Be Entitled

8 AN ACT TO REINSTATE COVERAGE IN THE ARKANSAS WORKS  
9 PROGRAM FOR INDIVIDUALS WHO LOST COVERAGE DUE TO  
10 FAILURE TO MEET THE WORK REQUIREMENTS; TO NOTIFY  
11 INDIVIDUALS WHO LOST COVERAGE DUE TO FAILURE TO MEET  
12 THE WORK REQUIREMENTS OF THE FEDERAL COURT DECISION;  
13 TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.  
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## Subtitle

16 TO REINSTATE COVERAGE IN THE ARKANSAS  
17 WORKS PROGRAM FOR INDIVIDUALS WHO LOST  
18 COVERAGE DUE TO FAILURE TO MEET THE WORK  
19 REQUIREMENTS; TO NOTIFY INDIVIDUALS OF  
20 THE FEDERAL COURT DECISION; AND TO  
21 DECLARE AN EMERGENCY.  
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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27 SECTION 1. DO NOT CODIFY. TEMPORARY LANGUAGE. Reinstatement of  
28 participants of the Arkansas Works Program.

29 (a) The General Assembly finds that:

30 (1) Identical Acts 2017 (1st Ex. Sess.), Nos. 3 and 6, § 2,  
31 required the Department of Human Services to submit a state plan amendment or  
32 waiver, or both, to the Centers for Medicare and Medicaid Services that  
33 established a work requirement for eligible individuals with exemptions for  
34 certain activities and conditions;

35 (2) The Centers for Medicare and Medicaid Services approved the  
36 waiver amendment for work requirement in the Arkansas Works Program on March



1 5, 2018;

2 (3) The works requirements became effective on:

3 (A) June 1, 2018, for individuals who are thirty (30) to  
4 forty-nine (49) years of age; and

5 (B) January 1, 2019, for individuals who were twenty (20)  
6 to twenty-nine (29) years of age;

7 (4) Since the work requirement was implemented, approximately  
8 eighteen thousand (18,000) individuals have lost coverage in the Arkansas  
9 Works Program for some period of time for failure to meet the work  
10 requirement;

11 (5) In August 2018, several residents of Arkansas filed a  
12 lawsuit in the United States District Court for the District of Columbia,  
13 asserting that the work requirement in the Arkansas Works Program was  
14 "arbitrary and capricious, in excess of statutory authority, and in violation  
15 of the Take Care Clause of the United States Constitution";

16 (6) On March 27, 2019, the federal court issued an opinion,  
17 Gresham v. Azar, 2019 U.S. Dist. LEXIS 51496, holding that the approval from  
18 the United States Government for the work requirement in the Arkansas Works  
19 Program was "arbitrary and capricious" and requiring that the work  
20 requirement be stopped immediately;

21 (7) The federal court decision ruled that the loss of coverage  
22 in the Arkansas Works Program to the approximately eighteen thousand (18,000)  
23 individuals who lost coverage before March 27, 2019, was unlawful;

24 (8) Governor Asa Hutchinson has stated that, to comply with the  
25 court decision, the state will not remove anyone else from the Arkansas Works  
26 Program for failure to meet the work requirement; and

27 (9) It is uncertain whether individuals who lost coverage due to  
28 failure to meet the work requirement before March 27, 2019, will be notified  
29 of the federal court decision or their eligibility to apply for coverage in  
30 the Arkansas Works Program due to the federal court decision, Gresham v.  
31 Azar, 2019 U.S. Dist. LEXIS 51496.

32 (b) It is the intent of the General Assembly to reinstate coverage in  
33 the Arkansas Works Program for the individuals who lost coverage due to  
34 failure to meet the work requirement before March 27, 2019, and to notify  
35 each individual who lost coverage due to failure to meet the work requirement  
36 before March 27, 2019, regarding the federal court decision.

1           (c) The Department of Human Services shall:

2                   (1)(A) Reinstate coverage in the Arkansas Works Program for  
 3 individuals who lost coverage due to failure to meet the work requirement  
 4 before March 27, 2019.

5                   (B) The reinstatement of coverage as described in  
 6 subdivision (c)(1)(A) of this section is not an additional requirement of the  
 7 individuals to reapply for coverage in the Arkansas Works Program;

8                   (2) Notify through mail, telephone, and email, if known, for  
 9 each individual who lost coverage due to failure to meet the work requirement  
 10 before March 27, 2019, that:

11                   (A) A federal court held that the work requirement in the  
 12 Arkansas Works Program were unlawful; and

13                   (B) The individual is now reinstated in the Arkansas Works  
 14 Program;

15                   (3) Publish a notice in a newspaper having general circulation  
 16 in the state and on the website of the department regarding the federal court  
 17 decision, the nullification of the work requirement of the Arkansas Works  
 18 Program, and the subsequent reinstatement of individuals who lost coverage  
 19 due to failure to meet the work requirement before March 27, 2019; and

20                   (4) Submit a state plan amendment, waiver, or wavier amendment  
 21 as necessary to implement this section.

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23           SECTION 2. EMERGENCY CLAUSE. It is found and determined by the  
 24 General Assembly of the State of Arkansas that a federal court decision,  
 25 Gresham v. Azar, 2019 U.S. Dist. LEXIS 51496, issued on March 27, 2019, has  
 26 caused disruptive challenges to the State of Arkansas by holding invalid the  
 27 work requirement in the Arkansas Works Program; that approximately eighteen  
 28 thousand (18,000) individuals have lost coverage in the Arkansas Works  
 29 Program due to the work requirement since June 1, 2018; that these  
 30 approximately eighteen thousand (18,000) individuals are part of the low-  
 31 income and vulnerable populations in Arkansas that the state has an interest  
 32 in providing healthcare coverage; that based on the federal court decision,  
 33 these individuals were unjustly removed from coverage in Arkansas despite  
 34 being part of the low-income and vulnerable populations in Arkansas; that  
 35 this act would reinstate the coverage in the Arkansas Works Program for these  
 36 individuals; and that this act is immediately necessary to ensure that these

1 approximately eighteen thousand (18,000) individuals who are part of the low-  
2 income and vulnerable populations are timely reinstated with coverage in the  
3 Arkansas Works Program without additional steps being taken by the  
4 individuals based on the federal court decision. Therefore, an emergency is  
5 declared to exist, and this act being immediately necessary for the  
6 preservation of the public peace, health, and safety shall become effective  
7 on:

8 (1) The date of its approval by the Governor;

9 (2) If the bill is neither approved nor vetoed by the Governor,  
10 the expiration of the period of time during which the Governor may veto the  
11 bill; or

12 (3) If the bill is vetoed by the Governor and the veto is  
13 overridden, the date the last house overrides the veto.

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