

Follow-Up Notes from NYS Council Webinar re: Work Requirements

Definition of Who Is (and Who Is Not) Subject to CE

Applies to:

- non-pregnant adults between the ages of 19 and 64 who are not entitled to or enrolled in Medicare and are eligible for or enrolled in the Medicaid adult group or in certain section 1115 demonstrations that provide minimum essential coverage to adult beneficiaries

Mandatory Exemptions:

- Under 19
- Medically frail (defined as an individual whose physical, mental, or other behavioral health condition significantly impairs the individual's ability to comply with CE, requiring a determination previously based on health status to include an additional dimension for functional status)
- American Indian or Alaska Natives
- Parents, guardians, caretaker relatives, or family caregivers of a dependent child 13 years of age and under, or a disabled individual
- Former foster care youth
- Veteran with total disability rating
- Pregnant or entitled to postpartum services
- Parent or caregiver of dependent child under 14 or a disabled individual
- Entitled to or enrolled in Medicare
- People who receive Supplemental Security Income (SSI)
- Meet the TANF work requirements or are a member of a household receiving SNAP benefits and are not exempt from the SNAP work requirements

Time-limited hardship exceptions:

- Inmate in public institutions
- Participating in drug addiction or alcoholic treatment program

States may also elect to offer short-term hardship exceptions for:

- individuals receiving inpatient or certain other medical services
- individuals who need (or whose dependent needs) to travel outside their community for certain medical care not available in their home community
- those in a county with an unemployment rate at or above 8% or 1.5 times the national average
- and those who reside in a county where certain national emergencies or disasters exist

Functional Assessment Tools

The federal government does not mandate one single assessment tool. However, the Centers for Medicare & Medicaid Services (CMS) actively promotes a few standardized item sets that states can integrate:

- FASI (Functional Assessment Standardized Items): A CMS-supported tool used to measure needs for assistance with daily activities.
- InterRAI: Clinical assessment instruments frequently used to measure medical complexity and eligibility for long-term services and psychosocial support.

NY currently utilizes a functional assessment tool on the LTSS-side, the UAS-NY (Uniform Assessment System for NY) – unclear how the state will utilize or apply this.