

Medicaid Work Requirements Under Attack in Michigan

In 2018, the Centers for Medicare & Medicaid Services (CMS), under the Trump administration, approved Michigan's plan to amend The Social Welfare Act (MCL 400.1 to 400.119b).

The update asked certain able-bodied adults between the ages of 19 and 62 to report at least 80 hours per month of "community engagement" in order to maintain coverage under Michigan's Medicaid expansion program.

However, on March 4, 2020, an Obama-appointed D.C.-based federal judge intervened, declaring the "community engagement" requirement invalid. Then, on April 6, 2021, the CMS, now under the Biden administration, suddenly withdrew the authority it had granted to Michigan under the Trump administration.

COMMONSENSE

The 80-hours-per-month requirement was a commonsense measure to encourage able-bodied adults to gradually move out of government dependency. It was satisfied by working, searching for work, or through community service, education, or job training. It could even be met by attending substance abuse treatments.



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FAIR

The “work” requirement only applied to able-bodied, working-age adults.

It did not apply to pregnant women or to those who are primary caregivers for children under age six or dependents with disabilities. Numerous other categories of individuals were exempt, including most of the 1.7 million Michiganders covered by the traditional Medicaid program.

HOW TO FIGHT BACK

To appeal this “arbitrary and capricious” decision, the state of Michigan is left with two options:

1

Michigan Department of Health and Human Services Director Elizabeth Hertel must **file, within 30 days of the April 6 letter, an appeal** with the Departmental Appeals Board, following the procedures set forth in 45 C.F.R. part 16.

2

A party in Michigan with legal standing may **file a lawsuit under the Administrative Procedure Act (5 U.S.C. Section 500 et seq.) or other relevant authority** contesting the legality of this sudden reversal.

The only way to beat a bully is to fight back.

DON'T GET PUSHED AROUND