

JUSTICE IN AGING

FIGHTING SENIOR POVERTY THROUGH LAW

Implementation of HR and New Medicaid Work Requirements: Strategies for Advocates

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Justice in Aging is a national organization that uses the power of law to fight senior poverty by securing access to affordable health care, economic security, and the courts for older adults with limited resources.

Since 1972 we've focused our efforts primarily on fighting for people who have been marginalized and excluded from justice, such as women, people of color, LGBTQ+ individuals, and people with limited English proficiency.



New H.R. 1 Requirements

H.R. 1 Overview

- H.R. 1 (also known as "One Big Beautiful Bill" or "Working Families Tax Cuts Act") cut almost \$1 trillion dollars from the Medicaid
 - Some changes are state or provider focused (state-directed payments, provider tax cuts) others directly impact beneficiaries:
 - Changes to lawful immigrant eligibility
 - Cap on most home equity limits
 - Reduced retroactive period
 - Co-pays for certain services
 - Work requirements
 - More frequent renewals

More Frequent Redeterminations

- Beginning in 2027, states must initiate renewals for Medicaid expansion enrollees every six months
 - Only applies to expansion population – all other Medicaid enrollee renew annually
- States have options for transitioning to 6 month renewals for existing enrollees:
 - Option 1: Change 2027 redetermination dates to match as close to 6 months as possible
 - Option 2: Allow beneficiaries to continue their existing period and begin 6 month renewals on regularly scheduled date

Medicaid Work Requirements Under H.R. 1

- H.R. 1 also includes new Medicaid work requirements
 - Separate from SNAP or TANF work requirements
 - Although some states have implemented work requirements (GA, AR) this is the first time it's being implemented at this scale in the Medicaid program
 - Prior implementation of Medicaid work requirements resulted in mass coverage losses and huge administrative burden
- States must implement work requirements by January 1, 2027, but states may implement sooner

Work Requirements Overview

- All states must implement work requirements for most adults ages 19 to 64 enrolled in Medicaid expansion
 - 80 hours of qualifying activities per month (work, education (less than half time), volunteer, or job training)
 - New Interim Final Rule (IFR) lays out process for how to count hours across different activities
 - Can also meet the requirement by earning at least 80x federal minimum wage (\$580/month in 2026)
- HR 1 requires enrollees to comply with work requirements *at least one month prior* to enrollment or redeterminations
 - States have option to require compliance *up to three months prior* to enrollment



Work Requirement Exclusions

Not All Medicaid Enrollees Are Subject to Work Requirements

- Only "applicable individuals" as defined in the statute must comply
 - Medicaid expansion population (41 states) or
 - Individuals in expansion-like programs (Georgia Pathways, Wisconsin)
- Applicable individuals do not include:
 - Under age 19 or age 65+
 - Enrolled in or entitled to Medicare, i.e., dually-eligible (including Medicare Savings Programs)
 - Receiving Medicaid under Aged, Blind, Disabled program (including SSI recipients, medically needy/share of cost enrollees)
 - Receiving Medicaid for pregnancy or postpartum coverage

Mandatory Exceptions

- "Medically frail" individuals
- Parents, guardians, caretaker relative, or family caregiver of a dependent child age 13 or under or a disabled individual
- Foster care/former foster care youth under 26
- American Indians/Alaska Natives; California Indian; eligible for Indian Health Service
- Disabled veterans with total disability rating
- Individuals already meeting work requirements under SNAP or TAN
- Participants in qualifying Substance Use Disorder (SUD) treatment program
- Incarcerated or recently incarcerated individuals
- Short-term hardship exceptions (at state option)

"Specified Excluded Individuals" vs "Mandatory Exceptions"

- Individuals receiving Medicaid under one of the excluded groups should not have to apply for or verify their exclusion from work requirements
- Compare:
 - 61 year old on SSI receiving Medicaid should never be evaluated for work requirements
 - 61 year old has pending application for SSI due to disability but has not yet been approved. They are receiving Medicaid through Medicaid expansion. Must show they meet "medically frail" exception to be exempted from requirements.

Exemptions for Disability and Serious or Complex Conditions

- "Medically frail" exemption
 - Blind or disabled under SSA
 - Substance use disorder
 - Disabling mental disorder
 - A physical, intellectual, or developmental disability impacting an activity of daily living
 - Serious or complex medical condition
- IFR added an "inability to work" criteria which was **not** part of the statute

Exception for Caregivers

- Parent/guardian/caretaker relative/family caregiver of
 - dependent child age 13 or under OR
 - providing care "within a broad range of assistance" to a disabled individual
 - IFR uses ADA definition of disability
- IFR restricts family caregiver exception to people related to or living with the disabled individual
 - Caregivers who do not meet the exception can report their caregiving hours to count towards their 80 hours as unpaid work or volunteer

Reporting Requirements

- States must first verify individual's compliance with the work requirements or an exception *ex parte*
 - State must use reliable data available to them before requiring the individual to provide verification or documentation
- States can accept self-attestations for medically frail individuals until January 2028
 - After January 2028, states can only accept the self-attestation one time per enrollment (not per benefit period)



Implementation Challenges and Advocacy Strategies

Advocacy Spotlight

- Nebraska Appleseed worked with partners to introduce 3 state bills aimed at mitigating coverage loss:
 - [LB723](#)
 - Prohibits state from implementing work requirements early or expanding work requirements beyond what federal law requires
 - Requires state to adopt all possible exemptions and define “medically frail” as comprehensively as possible; accept individual’s statement to verify compliance and exemption status to maximum extent possible; ensure ex parte processes are effective; use an income proxy to verify work
 - [LB777](#)
 - Requires the state to report on the status of work requirements implementation and data on applications/renewals, including how many are denied for procedural reasons
 - [LB812](#)
 - Prohibits state from implementing work requirements early or verifying Medicaid expansion eligibility or work requirement compliance more frequently than required

Justice in Aging Toolkit

- Regularly updated [resource](#) provides an overview of Medicaid work requirements and principles to advocate for during implementation
- Includes **template letter** with recommendations to minimize coverage loss that advocates can customize
- Please use and share!

Engage with Partners and Use Examples

- Several non-profit organizations and governments can provide data, individuals are most effective at sharing their experiences
 - Partner with legal, disability, and aging groups to share experiences and crucial communication (updating addresses, checking mail)
- Paint a picture about who exemptions should cover
 - Who might the state not be thinking about as “medically frail”?
 - Who might have barriers to working 80 hours+ every month?
 - Who are the older adults who retire early?
 - Who is caregiving but not might identify themselves as a caregiver?
- Share your stories!

Submit Comments on IFR

- CMS is accepting comments until July 31, 2026
 - Submit electronically at <https://www.regulations.gov/docket/CMS-2026-2047>
- IFRs are different from normal rulemaking – the rule will go into effect on July 31st
 - However comments can still help with future guidance and establishes an official record

Resources

- [Mitigating the Harms of Medicaid Work Requirements for Older Adults: Tools for State Advocates](#), Justice in Aging
- [What's in the Budget Reconciliation Act of 2025 and What Does it Mean for Low-Income Older Adults' Access to Health and Long-Term Care?](#), Justice in Aging
- [Tracking Implementation of the 2025 Reconciliation Law: Medicaid Work Requirements](#), KFF
- [Medicaid Work Requirements: Mitigating Harm through Implementation](#), NHeLP
- [Implementing Medicaid Work Reporting Requirements: Defining A 'Serious Or Complex Medical Condition'](#), Milken Institute School of Public Health, George Washington University and Leading Age LTSS Center @ UMASS Boston

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