



1115 Waiver Tracking Chart (as of January 9, 2019)

Provisions in State Waiver Applications Submitted to CMS

Proposal	Explanation of Proposal	Current Law	State Applications
Limits on Eligibility			
Work Requirements	Condition eligibility of “able-bodied adults” on completing 20-40 hours of weekly work activities, such as paid employment, volunteering, or approved job training and search activities.	Previous administration rejected similar proposals as inconsistent with objectives of Medicaid Act	Pending: AL, AZ, MS, NC, OH, OK, SD, TN, UT, VA
	Number of hours required, categories of approved work activities, and exempt populations vary by state ¹	Current administration issued guidance on January 11, 2018 supporting work requirements	Approved: KY ² , IN, AR, NH, WI, MI, ME
Lock Out Penalties	Impose a lockout penalty that bars an individual from receiving Medicaid coverage during the lockout period for non-compliance with one or more eligibility conditions (e.g., work requirements, payment of premiums, reporting requirements). Length of lockout periods varies by state.	At least one state (Indiana) has implemented a waiver authorizing a 6-month lockout for failure to pay premiums	Withdrawn: KS
			Pending: SD, UT Approved: KY, IN, AR, WI, NM, MI, ME Withdrawn: KS

¹ The applications also vary in terms of which populations would be subject to the work requirements. Some states would limit work requirements to the Medicaid expansion population: AR, AZ, MI, NC, NH, OH, and VA. Wisconsin has not expanded Medicaid under the Affordable Care Act but has submitted waivers that cover certain adults that would be within the expansion population. Utah has two waiver requests pending, one which would cover narrow populations that would be within the expansion population, and one which proposes a partial expansion up to 95 percent FPL. Other states seek to apply the work requirements to *both* expansion and non-expansion populations, such as parents and caretakers: KY and IN. Finally, several states proposing work requirements have not expanded Medicaid, meaning the work requirements would apply only to non-expansion populations: AL, KS, ME, MS, OK, SD, and TN. Maine submitted its waiver application on August 1, 2017 before the ballot measure to expand Medicaid passed in November 2017. To date, Maine has not amended its waiver application to include the new expansion population.

² On June 29, 2018 a federal judge [ruled](#) that CMS’s approval of Kentucky’s waiver was arbitrary and capricious. The Court vacated the approval and remanded the decision back to the agency. After holding an additional comment period, CMS re-approved Kentucky’s project on November 20, 2018.

Presumptive Eligibility	Eliminate ability of hospitals to determine an individual presumptively eligible for Medicaid in order to provide coverage for unforeseen medical expenses	Not currently authorized	Pending: UT
Retroactive Coverage	Remove obligation of states to retroactively cover medical expenses incurred in the three months prior to date of application for individuals who would have been eligible	Some waivers have been approved as part of a broader package to expand coverage and with additional protections to encourage enrollment	Pending: <i>None</i> Approved: IA, KY, IN, AR, MA, FL, NH, NM, ME
Partial Medicaid Expansion	Limit the Medicaid Expansion under the Affordable Care Act to income cut offs less than 133% FPL	Not currently authorized	Pending: MA, UT Denied: ³ AR, MA, MI
Transitional Medical Assistance (TMA)	Eliminate or modify TMA, which provides six to twelve months of coverage to families who become ineligible for Medicaid because of increased income from employment	Not currently authorized	Pending: <i>None</i> Denied: KS (modify by creating optional savings account)
Enrollment Limits			
Lifetime Limits	Limit total number of months an individual can receive Medicaid over the course of his or her lifetime. Lifetime limits vary by state, from 36 months to 60 months	Not currently authorized	Pending: AZ, UT Denied: KS
Enrollment Cap	Limit the total number of individuals enrolled in the Medicaid expansion	Not currently authorized	Pending: UT
Benefit Reductions			
Non-Emergency Medical Transportation	Eliminate coverage of non-emergency medical transportation	Some states have received waivers of this provision in the past.	Pending: AZ, MA Approved: KY, IN

³ CMS did not approve Arkansas’s or Michigan’s partial expansion requests when it approved other portions of the waiver requests. While CMS did not expressly deny the request, the approved waivers contemplate coverage for individuals with incomes up to 133% FPL.

<p>Early and Periodic, Screening, Diagnostic and Treatment (EPSDT)</p>	<p>Eliminate requirements to cover comprehensive preventive and treatment services for children under age 21</p>	<p>At least one state (Oregon) has received a waiver of EPSDT requirements as part of a comprehensive waiver package, and another state (Utah) recently received a waiver of EPSDT for 19 and 20 year olds as part of a limited substance use/mental health waiver.</p>	<p>Pending: UT (for 19 and 20 year-olds)</p>
<p>Restricted Formulary</p>	<p>Limit covered pharmaceuticals to a closed formulary covering only one drug per therapeutic class</p>	<p>Not currently authorized</p>	<p>Pending: AZ Denied: MA</p>
<p><i>Increased Costs for Beneficiaries</i></p>			
<p>Premiums for Individuals < 150% FPL</p>	<p>Charge monthly premiums for Medicaid coverage for individuals with incomes from 0% to 150% FPL. Amounts charged vary by state.</p>	<p>Medicaid statute prohibits premiums on this low income population, but allows some premiums for populations with incomes above 150% FPL In the past, some states have obtained waivers to impose certain premiums on these low-income populations. (e.g., Indiana and Michigan)</p>	<p>Pending: NC, VA Approved: KY, IN, WI, NM, MI, ME</p>
<p>Emergency Department Co-Payments</p>	<p>Charge beneficiaries for use of the emergency room. Some states limit the copayment to nonemergency use only, while others apply the copayment to any visit. Charges range from \$5 to \$75</p>	<p>Federal statute authorizes copayments on non-emergency use of the emergency department, under highly circumscribed conditions, and certain states have implemented these copayments Copayments for emergency use of the emergency department not authorized</p>	<p>Pending: UT Approved: KY, WI Withdrawn: NM</p>

<i>Other</i>			
Behavior Incentives	Require beneficiaries to complete a risk assessment and/or adjust premiums or cost-sharing based on answers	Some states have obtained waivers to implement healthy behavior incentives (e.g., Michigan)	Pending: <i>None</i> Approved: IN, WI ⁴ , MI
Unilaterally Change Eligibility Requirements	Allow state to change eligibility requirements without seeking CMS approval	Not currently authorized	Pending: UT
Exclude Abortion Providers	Allow state to prohibit abortion providers from participating in Medicaid program	Not currently authorized	Pending: TX, TN, SC

⁴ Wisconsin originally requested authority to require applicants and beneficiaries to complete a drug screening assessment, and if indicated from the assessment, a drug test. Instead, CMS will permit Wisconsin to require applicants to fully complete a “Health Risk Assessment,” which may include questions about drug use.