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Arkansans Challenge the State's Medicaid Work Requirements

Waiver Would Cut Thousands of Low-Income Individuals from Medicaid

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Washington – In a federal lawsuit lodged today in the District of Columbia, Arkansans are challenging approval of Arkansas's request to condition the receipt of health coverage on an onerous work requirement. The approval will lead to thousands of low-income individuals and families losing access to vital health care. According to the lawsuit, the U.S. Department of Health and Human Services acted in an arbitrary and capricious manner when it approved the work requirement in violation of federal laws and the U.S. Constitution.

"The Arkansas waiver plan has it all backwards. Cutting people's health care and making them jump through administrative hoops will make it harder for our clients to work and make a better life, not easier," said Legal Aid of Arkansas Attorney [Kevin De Liban](#). "Almost 60 percent of people covered by Medicaid expansion in the state already work, and nearly all the rest either have a disability or look after family. These work requirements and the online-only reporting system threaten everyone's care"

Plaintiff Charles Gresham, who has had trouble finding and keeping a job, has a seizure disorder and is one of the people whose insurance is jeopardized.

"Arkansas Works gives a person in my situation the ability to continue with my care to resolve whatever health issues I have," Gresham said. "Without the program, my health can only get worse."

Like the many Arkansans who lack online access or computer literacy, Gresham could not navigate the mandatory online reporting system alone. The state does not accept in-person or telephone reports. Any three months of non-compliance results in termination from the program for the rest of the year. In the first month of work requirements, 72 percent of the people required to go online to report failed to do so.

De Liban added, "Medicaid is not a work program; it is a program to provide health coverage. Medicaid coverage enables people with limited incomes and no health insurance to become healthy. Without access to health services, it is nearly impossible to be healthy enough to find and keep a job."



[Legal Aid of Arkansas](#), [National Health Law Program](#), and [Southern Poverty Law Center](#) are representing the plaintiffs. This is the second federal lawsuit challenging a Medicaid waiver plan with a work a requirement component approved by the U.S. Department of Health and Human Services.

In June, a federal judge vacated the administration's approval of a similar work requirement in Kentucky and sent the project back to HHS. The groups challenging the Kentucky waiver approval are National Health Law Program, Kentucky Equal Justice Center, and the Southern Poverty Law Center. The law firm, Jenner & Block, is working with National Health Law Program in the Kentucky case.

For more information about the Arkansas litigation, please contact: Kevin De Liban, Legal Aid of Arkansas, 870.732.6370 (x. 2206), kdeliban@arlegalaid.org, Jeremy Leaming, National Health Law Program, 301.233.0867, leaming@healthlaw.org, or Jen Fuson, SPLC, 202.834.6209, jen.fuson@splcenter.org.