

MEDICAID WORK REQUIREMENTS WILL NOT WORK IN INDIAN COUNTRY

The IHS System Relies on Medicaid

- Medicaid is a critically important resource for the Indian health system.
- IHS is currently funded at around 50% of need, and average per capita spending for IHS patients is only \$3,688 compared with \$9,523 nationally.
- Medicaid reimbursements help make up the difference.

Mandatory Medicaid Work Requirements Will Not Work in Indian Country

- Tribal governments support full employment for their citizens, but mandating work requirements through the Medicaid program will not increase employment in Indian country.
- Mandatory Medicaid work requirements will not incentivize American Indians and Alaska Natives (AI/ANs) to find work.
 - Unlike other Medicaid enrollees, AI/ANs have a right to access IHS services.
 - AI/ANs would not need to meet mandatory work requirements to obtain coverage and may instead simply elect not to enroll in Medicaid.
 - This will deprive IHS and tribal facilities of a critically important source of funding.
- Allowing AI/ANs to meet work requirements by demonstrating they are seeking employment through State employment programs will not work.
 - Tribes have their own employment programs and tribal citizens should not be required to participate in duplicative state programs in order to access a federal program.
 - Many tribal citizens provide for their families and communities through traditional work outside the formal economy, such as through subsistence fishing or small-scale ranching. These citizens would have difficulty demonstrating work requirement compliance.
- Many work requirement proposals would exempt certain unique categories. AI/ANs are a unique category of Medicaid beneficiary that should also be exempt.

TANF-Type Exemptions for Low Employment Areas Are Insufficient for AI/ANs

- Although lack of jobs is a serious barrier to complying with work requirements, exemptions only for low-employment areas are insufficient.
- Because the incentive structure is different in Indian Country, any mandatory work requirements will merely discourage Medicaid enrollment for AI/ANs.

Mandatory Work Requirements are Inconsistent with Federal Treaty and Trust Obligations

- Mandatory work requirements for AI/ANs are inconsistent with Federal treaty and trust responsibilities.
- Mandatory work requirements will pose an artificial barrier to access to the Medicaid program that is unique to AI/ANs. The United States has a duty to implement programs like the Medicaid program in a way that does not inadvertently raise barriers to participation by AI/ANs.
- The fulfillment of this obligation is a federal responsibility and cannot be delegated to states.