

1 A JOINT RESOLUTION directing the Cabinet for Health and Family Services to
2 immediately withdraw the 1115(a) waiver application that was submitted on June 25,
3 2025, to the Centers for Medicare and Medicaid Services to implement a mandatory
4 community engagement program, and declaring an emergency.

5 WHEREAS, 2025 Ky. Acts ch. 110 sec. 4 required the Cabinet for Health and
6 Family Services to implement a mandatory community engagement program; and

7 WHEREAS, in order to implement a mandatory community engagement program
8 the Cabinet for Health and Family Services determined that it was necessary to prepare
9 and submit an 1115(a) demonstration waiver application to the federal Centers for
10 Medicare and Medicaid Services; and

11 WHEREAS, on June 25, 2025, the Cabinet for Health and Family Services
12 submitted an 1115(a) demonstration waiver application to the federal Centers for
13 Medicare and Medicaid Services to establish a mandatory community engagement
14 program; and

15 WHEREAS, on July 4, 2025, Congress passed and the President signed into law
16 House Resolution 1 (H.R. 1), which included various changes to the Medicaid program;
17 and

18 WHEREAS, one of the changes to the Medicaid program contained in H.R. 1 was
19 the requirement that states implement a community engagement program for certain
20 Medicaid beneficiaries by January 1, 2027; and

21 WHEREAS, the mandatory community engagement program that the Cabinet for
22 Health and Family Services sought to implement through the waiver application
23 submitted on June 25, 2025, does not comply with the requirements for a community
24 engagement program as established in H.R. 1; and

25 WHEREAS, any continuing or ongoing effort to seek approval of the waiver
26 application may delay implementation of a community engagement program that fully
27 complies with the requirements established in H.R. 1; and

1 WHEREAS, the timely implementation of a community engagement program that
2 fully complies with the community engagement requirements established in H.R. 1
3 should take precedence over any attempt by the Cabinet for Health and Family Services
4 to seek approval of the waiver application submitted June 25, 2025;

5 NOW, THEREFORE,

6 ***Be it resolved by the General Assembly of the Commonwealth of Kentucky:***

7 ➔Section 1. Notwithstanding KRS 205.5371, 2025 Ky. Acts ch. 110, or any other
8 provision of law to contrary, the Cabinet for Health and Family Services shall, within five
9 days after the effective date of this Resolution, withdraw the 1115(a) demonstration
10 waiver application submitted by the cabinet to the federal Centers for Medicare and
11 Medicaid Services on June 25, 2025, pursuant to 2025 Ky. Acts ch. 110, sec. 4, and any
12 other waiver applications that may have been previously submitted to the federal Centers
13 for Medicare and Medicaid Services to establish a community engagement program.

14 ➔Section 2. Whereas the 1115(a) demonstration waiver submitted by the Cabinet
15 for Health and Family Services on June 25, 2025, to implement a mandatory community
16 engagement program fails to comply with newly established federal requirements for
17 states to condition Medicaid eligibility on demonstrated community engagement, and
18 continued pursuit of the 1115(a) demonstration waiver may put the Commonwealth's
19 timely compliance with federal law at risk, an emergency is declared to exist, and this
20 Resolution takes effect upon its passage and approval by the Governor or upon its
21 otherwise becoming a law.