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

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

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

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

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

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

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

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

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

NOW, THEREFORE,

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

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

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