

# **Who is Deserving of Aid?: The Ethical Implications of Work Requirements**

Raksha Dondapati

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Thesis Advisor: Dr. Harald Schmidt

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REQUIREMENTS

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## ABSTRACT

*This thesis looks at work requirements in social programs in the United States and how they relate to notions of deservingness. It begins with an introduction about work requirements, a policy tool that stipulates that individuals must spend a specified amount of time working or engaging in work-related activities in order to be eligible for certain benefits, and discusses the parallels to Victorian-era poor laws. It then provides a very high-level description of the four social programs that will be assessed in this thesis: Medicaid, Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance for Needy Families (TANF), and housing assistance. Next, it provides an overview of government documents, polls, and public comments in order to characterize different stakeholders' justifications for supporting and opposing work requirements. This thesis then analyzes these results to determine that government and public sentiments about work requirements vary greatly, and that a significant proportion of the public opposes work requirements and the concept of deservingness, using Kentucky as a state-level example. Finally, this thesis discusses the ethical implications surrounding deservingness and work requirements, and what the results mean for future policy decisions.*

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## HISTORY AND INTRODUCTION

Work requirements are a policy tool that stipulates that individuals must spend a specified amount of time working or engaging in work-related activities (such as paid work, volunteering, or schooling) in order to be eligible for certain benefits. While work requirements are being implemented for a range of reasons, proponents largely state that this is done with the intent of aiding and incentivizing recipients to take an active role in improving their situations and in engaging with their communities, while opponents claim that work requirements are a tool to limit health care access of otherwise covered populations and/or to reduce government health care expenditures, among other things. The presence of work requirements is growing in the United States, and work requirements are currently a huge topic of debate.

### **The New Poor Law**

Work requirements are not a new concept by any means. In the Victorian era, England's Poor Law Amendment Act of 1834, or New Poor Law, was passed to alter the existing English Poor Laws to “encourage work and deter vagrancy.”<sup>1</sup> The old laws for poor relief, which gave parishes the power to collect funds for relief primarily for the most vulnerable and impoverished (“impotent”), and sometimes for those temporarily out-of-work, fell prey to various social complications and rising costs—which is reminiscent of common complaints about the United States' current government assistance system. For instance, industrialization and population growth led to an increased rate of unemployment, and which contributed to rising levels of poverty.<sup>2,3</sup> Additionally, a Royal Commission tasked with reviewing the old laws, created after

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<sup>1</sup> Clark, A. (1999). *Social History*, 24(3), 315-318. Retrieved from <http://www.jstor.org/stable/4286583>.

<sup>2</sup> Clark, A. (1999). *Social History*, 24(3), 315-318. Retrieved from <http://www.jstor.org/stable/4286583>.

<sup>3</sup> Spicker, P. (n.d.). British Social Policy 1601-1948. Retrieved from <http://www.spicker.uk/social-policy/history.htm>.

concerns about agricultural rioting and other issues, found that poverty was caused by individuals themselves (rather than economic and societal issues) and perpetuated by the current system of relief, for instance through the belief that it promoted immorality and idleness.<sup>4, 5</sup> The perception that unconditional aid enabled situations that were seen as immoral and costly, such as “bastardy,” was an added concern of the Commission.<sup>6</sup> This idea that government assistance itself worsens poverty, and that people must be encouraged to reach a position where they no longer need benefits, parallels a prominent sentiment behind the support for work requirements today.

Under the new law, another Commission was put in charge of addressing poverty, which took into account the above assumptions of the report. Parishes were then grouped together into Poor Law Unions, with many new stipulations.<sup>7</sup> First, pure financial relief without any requirement ceased for “able-bodied”—a term that will reappear—individuals.<sup>8</sup> Additionally, these people could only receive aid and accommodation by residing in workhouses (which was not mandatory under the old laws).<sup>9</sup> The text of the new amendment states the following:

“And whereas a Practice has obtained of giving Relief to Persons or their Families who, at the Time of applying for or receiving such Relief were wholly or partially in the Employment of

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<sup>4</sup> Poverty and the Poor Laws. (n.d.). Retrieved from <http://www.nationalarchives.gov.uk/help-with-your-research/research-guides/poverty-poor-laws>.

<sup>5</sup> Great Britain. Poor Law Commissioners. (1905). *Poor law commissioners' report of 1834 : Copy of the report made in 1834 by the commissioners for inquiring into the administration and practical operation of the poor laws*. London: Printed for H. M. Stationery off., by Darling & son, ltd. Retrieved from <http://hdl.handle.net/2027/umn.319510022989380>.

<sup>6</sup> Great Britain. Poor Law Commissioners. (1905). *Poor law commissioners' report of 1834 : Copy of the report made in 1834 by the commissioners for inquiring into the administration and practical operation of the poor laws*. London: Printed for H. M. Stationery off., by Darling & son, ltd. Retrieved from <http://hdl.handle.net/2027/umn.319510022989380>.

<sup>7</sup> Newman, C. (2014). To Punish or Protect: The New Poor Law and the English Workhouse. *International Journal of Historical Archaeology*, 18(1), 122-145. Retrieved from <http://www.jstor.org/stable/24572708>.

<sup>8</sup> Poor Law reform. (n.d.). Retrieved 2019, from <https://www.parliament.uk/about/living-heritage/transformingsociety/livinglearning/19thcentury/overview/poorlaw>.

<sup>9</sup> Newman, C. (2014). To Punish or Protect: The New Poor Law and the English Workhouse. *International Journal of Historical Archaeology*, 18(1), 122-145. Retrieved from <http://www.jstor.org/stable/24572708>.



Individuals, and the Relief of the able-bodied and their Families is in many Places administered in Modes productive of Evil in other respects: And whereas Difficulty may arise in case any immediate and universal Remedy is attempted to be applied in the Matters aforesaid; be it further enacted, That from and after the passing of this Act it shall be lawful for the said Commissioners, by such Rules, Orders, or Regulations as they may think fit, to declare to what Extent and for what Period the Relief to be given to able-bodied Persons or to their Families in any particular Parish or Union may be administered out of the Workhouse of such Parish or Union...”<sup>10</sup>

In this amendment, one can see an instance of a certain perception of those in poverty—namely, that unconditional aid led exacerbated qualities in individuals that kept them in their poor financial condition. Additionally, many believed that a program like this would shelter the poor from hardships while motivating them to support themselves. There was a genuine belief that it would benefit the lives of those in poverty and put them on the right path. In response, the government instituted a policy and system through which, in order to receive clothes, food, housing, and financial support, this population had to live and work in government housing that required hours of manual labor, were often of squalid conditions, and imposed strict rules their lives (regarding aspects such as attire and socialization).<sup>11</sup>

Of course, support was not universal—there was a high level of controversy surrounding this policy. Some Victorians referred to workhouses as “prisons for the poor” and were horrified by the harsh conditions that left workhouse residents starving and overworked. The poor themselves often dreaded workhouses and riots took place at several locations in protest of

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<sup>10</sup> Great Britain. (1899). *An Act for the Amendment and better Administration of the Laws relating to the Poor in England and Wales, 14th August, 1834*. London: Printed by Eyre and Spottiswoode, printers. Retrieved from <http://hdl.handle.net/2027/nnc1.cu55530966>.

<sup>11</sup> People and poverty 1815-185. (n.d.). Retrieved from <https://www.bbc.com/bitesize/guides/zxj2dmn/revision/2>.

them.<sup>12</sup> The ultimate effects of the New Poor Law varied regionally based on local conditions, and were also not fully or evenly implemented across different localities.<sup>13, 14</sup>

This perception of those in poverty, that aid can actually encourage behavior that leaves people stagnating in the same situation, goes back to the core concept being explored in this thesis: *deservingness*. Under the New Poor Law, “deserving individuals,” the ones who qualified for public support, were the ones who exhibited acceptable levels of productivity under government standards. Acceptability was dictated by the labor requirements of the workhouses, unless people were physically unable to meet these requirements.

### **Social Programs and Work Requirements in America Today**

The United States has many social programs designed to offer aid to low-income and otherwise disadvantaged individuals and vulnerable populations. While there are numerous social programs supported by the government (and about 80 government assistance programs<sup>15</sup>), the main programs are listed below:

<b>PROGRAM</b>	<b>RECIPIENTS</b>	<b>WORK REQUIREMENTS?</b>
<b>Medicaid</b>	Low-income, disabled, pregnant women and children, long-term care	Sometimes
<b>Children's Health Insurance Program</b>	Uninsured teens and children	No
<b>Earned Income Tax Credit</b>	Low- to moderate- income	N/A (must have an income from working)

<sup>12</sup> People and poverty 1815-185. (n.d.). Retrieved from <https://www.bbc.com/bitesize/guides/zxj2dmn/revision/2>.

<sup>13</sup> Mccord, N. (1969). The Implementation of the 1834 Poor Law Amendment Act on Tyneside. *International Review of Social History*, 14(01). doi:10.1017/s002085900003527.

<sup>14</sup> Shave, S. (2017). *Pauper Policies: Poor Law Practice in England 1780-1850*. Manchester: Manchester University Press.

<sup>15</sup> Falk, G., Lynch, K.E., & Tollestrup, J. (2018). *Federal Spending on Benefits and Services for People with Low Income: In Brief* (CRS Report No. R45097). Retrieved from <https://fas.org/sgp/crs/misc/R45097.pdf>.

<b>Temporary Assistance for Needy Families</b>	Pregnant women, families	Yes
<b>Supplemental Security Income</b>	65 and older, blind, disabled	No
<b>Housing Assistance (i.e. public housing, housing vouchers, rental assistance)</b>	Low-income	Sometimes
<b>Supplemental Nutrition Assistance Program</b>	Low-income	Yes

There are four main programs in the United States that will be explored in this thesis.

Medicaid is public health insurance for low-income individuals and families. Supplemental Nutrition Assistance Program (SNAP), often referred to as food stamps, allows low-income individuals and families to purchase food for free or at a lower cost. Temporary Assistance for Needy Families (TANF), provides mostly monetary assistance to low-income families. Finally, housing assistance enables low-income families (and sometimes individuals at the state level), people with disabilities, and seniors to afford private or public housing.

Overall, as will become clear, there are many different justifications given for work requirements. Some of the most cited include: to reserve aid without conditions for the most vulnerable individuals, to help the recipient population engage more in the workforce and actively try to improve their circumstances, and to improve the health and well-being of low-income individuals and families. It is important to keep in mind that there are varying ideas on who these programs are targeted towards and what reform should look like. This may change across different groups, for instance over partisan lines. The discussion on Medicaid reform, including work requirements, is an especially active and polarizing hotbed right now, with ideas

to both increase and decrease eligibility and coverage coming from all parts of the political spectrum.<sup>16</sup>

Work requirements are a stipulation that recipients of social programs must engage in a specified amount of work-related activities in order to qualify for the programs. Many proponents of work requirements believe that they will build skills and a level of self-reliance, empowering and enabling individuals to improve their lives.<sup>17</sup> In fact, for current and future work requirements programs, this group often supports setting up systems that help recipients locate and obtain employment. They believe that this is the path for low-income individuals to increase their earnings and living standards.<sup>18</sup> In addition to this rationale, support for work requirements partially stems from a belief that not enough individuals receiving public aid are working (or working full-time). Therefore, many of these individuals may not be making their best efforts to alleviate their poverty and may not be satisfactorily contributing to society, perhaps making it hard to justify the high cost the government and taxpayers face for these programs.<sup>19</sup> The fundamental underlying belief is that individuals may become too dependent on aid, stop actively trying to improve their situation, and then take money away from the “truly needy”—a term used by many proponents, especially regarding SNAP and Medicaid.<sup>20</sup> This conceptualization invokes parallels to the “workhouse test” used by the New Poor Laws—the idea that since workhouses were so harsh and held such a negative reputation, only those who

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<sup>16</sup> Zhu, J. M., Chhabra, M., & Grande, D. (2018). Concise research report: The future of Medicaid: State legislator views on policy waivers. *Journal of General Internal Medicine*, 33(7), 999-1001. doi:10.1007/s11606-018-4432-8.

<sup>17</sup> Gitis, B., & Hayes, T. O. (2017, May 2). The Value of Introducing Work Requirements to Medicaid. Retrieved from <https://www.americanactionforum.org/research/value-introducing-work-requirements-medicaid>.

<sup>18</sup> Badger, D. (2019, January 9). Medicaid Work Requirements Could Help the Poor. Retrieved from <https://www.heritage.org/medicaid/commentary/medicaid-work-requirements-could-help-the-poor>.

<sup>19</sup> Foundation for Government Accountability. (2017, November 16). *Expand Work Requirements to Medicaid*. Retrieved from <https://thefga.org/research/expand-work-requirements-medicaid>.

<sup>20</sup> Foundation for Government Accountability. (2017, November 13). *Expand Food Stamp Work Requirements to Parents*. Retrieved from <https://thefga.org/research/expand-food-stamp-work-requirements-parents>.

truly needed to relief would choose to enter into them.<sup>21</sup> Of course, this way of thinking also leads to severe opposition to work requirements. Work requirements by nature can cause people to lose their benefits, from food stamps the health insurance. This can place disadvantaged individuals in an even worse position and make it more difficult for them to rise out of poverty.

This thesis attempts to survey the current status of work requirement proposals in the United States federal government's health and social programs (seen in the table above). It will discuss and compare the governmental justifications for each program, then look at supporting and opposing arguments from other stakeholders, namely professional groups and the public. Finally, it attempts to examine the different perspectives and rationales held by these different entities across each program. The main focus of this analysis is on what arguments for and against work requirements dictate who different societal actors believe is deserving of social aid. It also delves into which goods and services they think are most valuable and necessary to these populations. Ultimately, I determine that while the current administration and a significant proportion of the public support work requirements and the resulting underlying beliefs about deserving, a large subset of the U.S. population deem work requirements (at least as they currently stand) and the deservingness concept to be unethical—future policy action must work to take the concerns of the critics of work requirements more seriously in order to be successful.

It should be noted that there are other factors relevant to this discussion about personal responsibility and deservingness, such as cost-sharing requirements and Kentucky's My Rewards Accounts (financial benefits gained from engaging in certain activities) in Medicaid. While

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<sup>21</sup> Besley, Timothy. & Coate, Stephen. & Guinnane, Timothy W. & Yale University. Economic Growth Center. (1993), *Understanding the Workhouse Test : Information and Poor Relief in Nineteenth-Century England*. New Haven, Conn: Economic Growth Center, Yale University. Retrieved from <http://hdl.handle.net/10419/160622>.

related, there are distinct issues associated with work requirements, and they will be the sole focus of this thesis.

## **METHODOLOGY**

This is a largely conceptual thesis. I will first look through the executive order issued by the Trump administration encouraging work requirements. I will then look through official documents establishing and describing the four social programs in question (Medicaid, SNAP, TANF, and housing assistance) to determine each program's structure, target populations, and costs.

For the government perspective, I will search through foundational documents relating to work requirements in each program, available on the websites of the agencies that oversee each program. These are evident to an extent for all four programs—though housing assistance is currently limited to the Moving to Work (MTW) programs implemented in only some states, and Medicaid work requirements are also implemented only in some states. It is important to note that I will be looking broadly at the national level before focusing on the state of Kentucky in my cross-analysis—bear in mind that there is great variety at the state level.

For the public perspective, I will search through public opinion polls and summaries of public comments in order to grasp the prevailing thoughts and sentiments around work requirements. While opinions polls will be on the national and state levels, public comment periods will largely be at the state level in states that have or are considering work requirements. In order to find these, I first searched the Kaiser Family Foundation's (KFF) websites for polls pertaining to work requirements. In addition, I searched key terms on search engines such as "public polls" and "work requirements," doing this both generally and with specific states and/or programs. Finally, I searched for news articles summarizing public comments in states with

particularly public and contentious debates about work requirements, mainly Kentucky. I will focus on Medicaid in this section, as this is where the bulk of public attention currently lies, and only make a few brief comments about other programs.

### **THE EXECUTIVE ORDER**

On April 10<sup>th</sup>, 2018, the White House released the “Executive Order Reducing Poverty in America by Promoting Opportunity and Economic Mobility.” In it, President Trump criticized social programs for causing “delayed economic independence, perpetuated poverty, and weakened family bonds” and states that their purpose is to “clear paths to self-sufficiency, reserving public assistance programs for those who are truly in need.”<sup>22</sup> He called for reforms to these social programs, which include introducing new and strengthening current work requirements. To this end, he requested action from the “Secretaries of the Treasury, Agriculture, Commerce, Labor, Health and Human Services, Housing and Urban Development, Transportation, and Education.”<sup>23</sup> This implies an extensive set of departments and programs where work requirements could potentially be implemented under President Trump’s executive order. Below are just some examples of programs that are implemented under each department, chosen partially by relevancy to the populations targeted by work requirements and partially by representativeness of all programs at large:

<b>DEPARTMENT</b>	<b>EXAMPLES OF PROGRAMS</b>
<b>Treasury</b>	Earned Income Tax Credit, Community Development Financial Institutions Fund
<b>Agriculture</b>	Supplemental Nutrition Assistance Program, Emergency Food Assistance Program, housing and loan assistance
<b>Commerce</b>	grant programs

<sup>22</sup> Exec. Order No. 13828, 3 C.F.R. (2018).

<sup>23</sup> Exec. Order No. 13828, 3 C.F.R. (2018).

<b>Labor</b>	job training, unemployment insurance benefits
<b>Health and Human Services</b>	Medicaid, Medicare, Temporary Assistance for Needy Families, Supplemental Security Income, Head Start, Low Income Home Energy Assistance Program, child support, energy and utility assistance
<b>Housing and Urban Development</b>	Housing Choice Voucher Program (Section 8), Public Housing, Rental Assistance, other housing programs
<b>Transportation</b>	transportation aid to place of employment
<b>Education</b>	Pell Grants, training programs, job search assistance

While thus far, the four programs that are the focus of this thesis have also been the focus of the discussion and implementation of work requirements, all of these programs and sources of housing assistance could be subject to work requirements under the executive order if the Secretaries so choose. This means that individuals could be required work or engage in other specified activities (or to have done so in the recent past) in order to keep, attain, or be eligible for many different types of aid. Ultimately, work requirements have the ability to change the entire distribution and structure of social programs in the United States.

As part of the executive order, the Secretaries were asked to submit a report of recommended policy changes within 90 days of the executive order; it seems as though no such reports have been released. However, the then Treasury Secretary, Steven Mnuchin, did release a statement stating that:

“This is an important step in reforming government programs to ensure they are effective and being utilized as intended. Work and education are the building blocks for economic mobility and this executive order ensures that government programs help individuals obtain the skills they need to be successful. The Administration’s policies continue to



create economic opportunity for all Americans, and this executive order will create the workforce we need to fill these jobs.”<sup>24</sup>

The then Labor Secretary, Alexander Acosta, released a statement as well:

“President Trump is working to create jobs and opportunity for the American people, with nearly 3 million jobs created since Election Day 2016. A good job provides a pathway to economic independence. The President's Executive Order takes an important step to help all Americans achieve self-sufficiency through quality, family-sustaining employment.”<sup>25</sup>

Housing and Urban Development Secretary Ben Carson remarked:

“The Trump Administration is committed to empowering all Americans to achieve self-sufficiency. At HUD, we’re working hand in glove with public and private-sector partners to provide job opportunities through our Section 3 and Moving to Work programs. Housing assistance can mean more than simply putting a roof over someone’s head. We can create avenues to employment and economic mobility, which is good for those HUD serves and taxpayers.”<sup>26</sup>

The Department of Agriculture has called for stricter restrictions for SNAP waivers as “a response to President Trump's Executive Order 13828.”<sup>27</sup> Secretary Sonny Perdue also released the following statement:

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<sup>24</sup> U.S. Department of the Treasury. (2018, April 10). *Secretary Mnuchin Statement on Economic Mobility Executive Order* [Press release]. Retrieved from <https://home.treasury.gov/news/press-releases/sm0343>

<sup>25</sup> “Statement by U.S. Secretary of Labor Acosta Regarding President Trump’s Executive Order on Reducing Poverty in America by Promoting Opportunity and Economic Mobility.” (2018). U.S. Department of Labor. Retrieved from <https://www.dol.gov/newsroom/releases/osec/osec20180410>.

<sup>26</sup> “Carson Statement: President Trump Signs Executive Order to Reduce Poverty and Promote Economic Mobility.” (2018). U.S. Department of Housing and Urban Development. Retrieved from [https://www.hud.gov/press/speeches\\_remarks\\_statements/Statement\\_041018](https://www.hud.gov/press/speeches_remarks_statements/Statement_041018).

<sup>27</sup> Lington, Jace. 2018. “USDA Proposes New Rule for SNAP Program Work Requirements.” *Ballotpedia News*. December 21. <https://news.ballotpedia.org/2018/12/21/usda-proposes-new-rule-for-snap-program-work-requirements>.

“I commend President Trump today for his leadership on moving Americans back to work. At the Department of Agriculture, we are responsible for administering programs which help people access nutritious food for themselves and their families, but we also know that long-term government dependency has never been a part of the American dream. Providing people with the training and skills they need to find gainful employment will help place them on the path to self-sufficiency and restore the dignity of work. It's the right thing to do for our people, just as it's the right thing to do for American taxpayers.”<sup>28</sup>

## **PROGRAM STRUCTURES**

The work requirements landscape is constantly changing, and new updates are being released regularly. The structure and scope of work requirement programs and proposals will continue to change as they remain a contentious political topic.

### **Medicaid**

Medicaid, as mentioned, is public insurance for low-income and disabled individuals created in order to remove financial obstacles to accessing health care. It is largely implemented at the state level, and so there is a lot of variance in Medicaid programs. Every state must cover low-income families, pregnant women, people with disabilities, and people who need long-term care.<sup>29</sup> The state can decide if they want to cover more populations—for instance, they decide whether not they take part in Medicaid expansion, which often means they cover all people under

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<sup>28</sup> “Perdue Statement: President Trump’s Executive Order on Reducing Poverty Promotes Economic Independence.” (2018). U.S. Department of Agriculture. Retrieved from <https://www.usda.gov/media/press-releases/2018/04/10/perdue-statement-president-trumps-executive-order-reducing-poverty>.

<sup>29</sup> Centers for Medicare & Medicaid Services. (2018, June 20). History. Retrieved from <https://www.cms.gov/About-CMS/Agency-information/History>.

a certain income amount (generally 133% of the federal poverty level).<sup>30</sup> Importantly, each state’s Medicaid agency must issue a State Plan, which includes details that may vary between states, such as “groups of individuals to be covered, health care services to be provided, methods for paying providers, provider qualifications, and the administrative activities necessary to carry out the program.”<sup>31</sup> Below are some examples of individual Medicaid programs with approved work requirement waivers to showcase the variance that exists even in this single aspect of Medicaid.<sup>32, 33, 34, 35, 36, 37, 38, 39, 40, 41</sup>

<b>State</b>	<b>Expansion State?</b>	<b>Work Requirements Status</b>	<b>How to Lose Coverage</b>	<b>How to Regain Coverage</b>
<b>Arizona</b>	Yes	Not Implemented	Fail to report 80 hours/month by	Regain coverage after two months

<sup>30</sup> Centers for Medicare & Medicaid Services. (2018, June 20). History. Retrieved from <https://www.cms.gov/About-CMS/Agency-information/History>.

<sup>31</sup> Medicaid (Title XIX of the Social Security Act). (n.d.). Retrieved from <https://www.biausa.org/public-affairs/public-policy/medicaid-title-xix-of-the-social-security-act>.

<sup>32</sup> Kaiser Family Foundation. (2019, April 18). Medicaid Waiver Tracker: Approved and Pending Section 1115 Waivers by State. Retrieved from <https://www.kff.org/medicaid/issue-brief/medicaid-waiver-tracker-approved-and-pending-section-1115-waivers-by-state>.

<sup>33</sup> Meyer, H. (2019, January 18). CMS approves Arizona's tough Medicaid work requirement. Retrieved from <https://www.modernhealthcare.com/article/20190118/NEWS/190119901/cms-approves-arizona-s-tough-medicaid-work-requirement>.

<sup>34</sup> Greene, J. (2019, March 7). Early Lessons From Arkansas And Indiana's Very Different Medicaid Work Requirement Policies And Implementations. Retrieved from <https://www.healthaffairs.org/doi/10.1377/hblog20190305.504128/full>.

<sup>35</sup> Bruce, G. (2019, January 14). Medicaid work requirements start in Indiana - sort of. Retrieved from [https://www.nwintimes.com/business/healthcare/medicaid-work-requirements-start-in-indiana-sort-of/article\\_bbf7855b-5f78-5557-9749-f1c4a092ef28.html](https://www.nwintimes.com/business/healthcare/medicaid-work-requirements-start-in-indiana-sort-of/article_bbf7855b-5f78-5557-9749-f1c4a092ef28.html).

<sup>36</sup> Soloman, J. (2019, January 10). Medicaid Work Requirements Can't Be Fixed. Retrieved from <https://www.cbpp.org/research/health/medicaid-work-requirements-cant-be-fixed>.

<sup>37</sup> Spangler, T. (2018, December 26). Feds approve Michigan's Medicaid work requirement, beginning in 2020. Retrieved from <https://www.freep.com/story/news/local/michigan/2018/12/21/work-requirements-approved-michigan-medicaid/2388961002>.

<sup>38</sup> DeWitt, E. (2018, December 01). Trump administration approves N.H. Medicaid expansion work requirement. Retrieved from <https://www.concordmonitor.com/Trump-administration-approves-New-Hampshire-Medicaid-expansion-work-requirement-with-new-restrictions-21883227>.

<sup>39</sup> Weixel, N. (2019, March 15). Trump officials approve Ohio Medicaid work requirements. Retrieved from <https://thehill.com/policy/healthcare/434306-trump-administration-approves-ohio-medicaid-work-requirements>.

<sup>40</sup> Pear, R. (2019, March 29). Trump Administration Approves Medicaid Work Requirements in Utah. Retrieved from <https://www.nytimes.com/2019/03/29/us/politics/medicaid-trump-utah.html>.

<sup>41</sup> Luhby, T. (2018, November 01). Trump admin OKs Medicaid work requirements. Retrieved from <https://www.cnn.com/2018/10/31/politics/wisconsin-medicaid-work-requirements/index.html>.

			10 <sup>th</sup> day of the following month	
<b>Arkansas</b>	Yes	Implemented, Blocked by Court	Fail to report 80 hours/month for three months	Regain coverage the following calendar year
<b>Indiana</b>	Yes	Implemented	Fail to report 20 hours/month starting 7/1/19, 40 hours/month starting 10/1/19, 60 hours/month starting 1/1/20, 80 hours/month starting 6/30/20 for at least 8 out of 12 months of a calendar year	Regain coverage a minimum of a month after January 1 <sup>st</sup> , given they start meeting requirements
<b>Kentucky</b>	Yes	Not Implemented, Blocked by Court, To Be Rescinded by New Governor	Fail to report 80 hours/month for one month	Regain coverage after satisfying the requirement for one month
<b>Michigan</b>	Yes	Not Implemented	Fail to report 80 hours/month for three months in a 12-month period	Regain coverage after satisfying the requirement for one month
<b>New Hampshire</b>	Yes	Implemented, Blocked by Court	Fail to report 100 hours/month for one month	Regain coverage after satisfying the requirement (and making up for hours missed the previous month) for one month
<b>Ohio</b>	Yes	Not Implemented	Fail to report 80 hours/month for one month	Regain coverage (can reapply) immediately
<b>Utah</b>	No	Not Implemented	Fail to engage in approved community engagement activities (or to alternatively work 30 hours/week) for the first three months of the twelve-month	N/A (demonstration period)

			demonstration period	
<b>Wisconsin</b>	No	Not Implemented	Fail to report 80 hours/month by the end of 48 months	Regain coverage (can reapply) after 6 months

In 2017, Medicaid spending was \$592.2 billion and is expected to continue growing.<sup>42</sup>

Notably, this was 17 percent of all national health expenditures for that year.<sup>43</sup> Medicaid is largely financed by the Federal Medical Assistance Percentage (FMAP). For each dollar the state spends on Medicaid, the federal government provides at least an additional dollar (they may provide more based on a state's per capita income). Furthermore, with Medicaid expansion, the federal government initially covers 100 percent of costs for the expanded population, eventually phasing it down to 90 percent.<sup>44</sup>

Some anticipate that work requirements would lead to significant cost savings in Medicaid. For instance, people who supported work requirements in Kentucky HEALTH stated that the program could “save an initial estimated \$2 billion in state and federal funds over the course of the demonstration.”<sup>45</sup> Others believe the financial impact of work requirements is negative; for instance, there have been estimates that the loss of federal funds would far outweigh the decrease in medical spending in Arkansas (8.6 to 1) by 2020.<sup>46</sup> The Government Accountability Office (GAO) released an October 2019 report stating that the implementation of

<sup>42</sup> Dickson, V. (2018, September 21). Medicaid spending hits \$592.2 billion in 2017, 73 million in enrollment. Retrieved from <https://www.modernhealthcare.com/article/20180920/NEWS/180929974>.

<sup>43</sup> Centers for Medicare & Medicaid Services. (2019, February 20). NHE Fact Sheet. Retrieved from <https://www.cms.gov/research-statistics-data-and-systems/statistics-trends-and-reports/nationalhealthexpenddata/nhe-fact-sheet.html>.

<sup>44</sup> Snyder, L., & Rudowitz, R. (2015, December 20). Medicaid Financing: How Does it Work and What are the Implications? Retrieved from <https://www.kff.org/medicaid/issue-brief/medicaid-financing-how-does-it-work-and-what-are-the-implications>.

<sup>45</sup> Commonwealth of Kentucky, Governor's Office. (2018, January 12). *Gov. Matt Bevin Announces Approval of Kentucky HEALTH* [Press release]. Retrieved from [https://kentuckyhealth.ky.gov/SiteCollectionDocuments/Kentucky HEALTH Press Release.pdf](https://kentuckyhealth.ky.gov/SiteCollectionDocuments/Kentucky%20HEALTH%20Press%20Release.pdf).

<sup>46</sup> Glied, Sherry A. "How a Medicaid Work Requirement Could Affect Arkansas's Economy." Commonwealth Fund. October 31, 2018. <https://www.commonwealthfund.org/blog/2018/medicaid-work-requirement-arkansas-economy>.

Medicaid work requirements has costs in the hundreds of millions of dollars, ranging from \$6 million in New Hampshire to \$271 million in Kentucky, with the federal government covering most costs. This is in part due to administrative costs, which have not been included in the government's cost calculations.<sup>47</sup>

Ultimately, the Council of Economic Advisers found that “applying work requirements to all non-disabled working-age adults would subject 17.2 million of 28.0 million adult Medicaid recipients to that coverage. The majority of those would be nondisabled adults with children.”<sup>48</sup> In June 2019, the New England Journal of Medicine conducted a study on Arkansas, the first state to implement work requirements, and found that while 97 percent of low-income residents were already working enough hours or should have been exempt from work requirements, both the uninsured rate and the unemployment rate had decreased since implementation.<sup>49</sup>

## SNAP

The Supplemental Nutrition Assistance Program, previously called food stamps, offers benefits people can apply for that can be used at grocery stores and some other locations for purchasing food. It is largely federally funded and administered at the state level. The main purpose of SNAP is to give low-income populations a pathway to attaining affordable and

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<sup>47</sup> Armour, S. (2019, October 11). Government Watchdog Faults Trump Administration's Approval of Medicaid Work Requirements. Retrieved from [https://www.wsj.com/articles/government-watchdog-faults-trump-administrations-approval-of-medicaid-work-requirements-11570757426?utm\\_campaign=KHN:FirstEdition&utm\\_source=hs\\_email&utm\\_medium=email&utm\\_content=77954158&\\_hsenc=p2ANqtz--qSah0BNJam2g\\_q82Gv8gQC68LImAGK1cgcjNVt8mUkHCENAMIFGPACFyC-Rf1PIHHAvBBW9imzCoBPJSjpSleCBMGjpV4CdWLV\\_3JKtHNWJauq4&\\_hsmi=77954158](https://www.wsj.com/articles/government-watchdog-faults-trump-administrations-approval-of-medicaid-work-requirements-11570757426?utm_campaign=KHN:FirstEdition&utm_source=hs_email&utm_medium=email&utm_content=77954158&_hsenc=p2ANqtz--qSah0BNJam2g_q82Gv8gQC68LImAGK1cgcjNVt8mUkHCENAMIFGPACFyC-Rf1PIHHAvBBW9imzCoBPJSjpSleCBMGjpV4CdWLV_3JKtHNWJauq4&_hsmi=77954158).

<sup>48</sup> Council of Economic Advisors. (2018, July). *Expanding Work Requirements in Non-Cash Welfare Programs*. Retrieved from <https://www.whitehouse.gov/wp-content/uploads/2018/07/Expanding-Work-Requirements-in-Non-Cash-Welfare-Programs.pdf>.

<sup>49</sup> Sommers, B. D., Goldman, A. L., Blendon, R. J., Orav, E. J., & Epstein, A. M. (2019). Medicaid Work Requirements - Results from the First Year in Arkansas. *The New England Journal of Medicine*, doi:10.1056/NEJMSr1901772.

healthy food options.<sup>50</sup> It is aimed at temporarily providing a safety net as these groups climb out of poverty. Eligibility for SNAP depends primarily on an income limit based on household size (generally 130 percent of the poverty line for gross income and 100 percent of the poverty line for net income).<sup>51</sup> There are also asset limits that can be and are often loosened. Able-bodied adults without dependents (ABAWDs) are subject to work requirements—they are limited to three months of support in three years unless they work or engage in another approved activity for at least 80 hours per month.<sup>52</sup> Note how the term “able-bodied,” present in the New Poor Law, reappears here. There are exemptions for health reasons, caretaker status, and pregnancy, and states can request to waive work requirements in places with a recent unemployment rate over ten percent, a recent 24-month average employment rate above the national rate, or a job shortage (Labor Surplus Area status).<sup>53</sup>

In 2018, SNAP federal spending was approximately \$65.1 billion, a number that has been declining since 2013 (this does not take into account any additional state spending).<sup>54</sup> The Trump administration has proposed making SNAP requirements stricter (for instance increasing the threshold for a state waiver), which would decrease government spending. The Council of Economic Advisers reported that, currently, “each one-dollar increase in labor earnings reduces

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<sup>50</sup> Haskins, R. (2013, May 8). Reflecting on SNAP: Purposes, Spending, and Potential Savings. Retrieved from <https://www.brookings.edu/testimonies/reflecting-on-snap-purposes-spending-and-potential-savings>.

<sup>51</sup> Center on Budget and Policy Priorities. (2018, October 16). A Quick Guide to SNAP Eligibility and Benefits. (Retrieved from <https://www.cbpp.org/research/food-assistance/a-quick-guide-to-snap-eligibility-and-benefits>).

<sup>52</sup> U.S. Food and Nutrition Service. (2018, July 17). Able-Bodied Adults Without Dependents (ABAWDs). Retrieved from <https://www.fns.usda.gov/snap/able-bodied-adults-without-dependents-abawds>.

<sup>53</sup> Able-Bodied Adults Without Dependents (ABAWDs). (2018, July 17). Retrieved from <https://www.fns.usda.gov/snap/able-bodied-adults-without-dependents-abawds>.

<sup>54</sup> U.S. Food and Nutrition Service. (2019, March 8). Supplemental Nutrition Assistance Program (SNAP). Retrieved from <https://www.fns.usda.gov/pd/supplemental-nutrition-assistance-program-snap>.

SNAP benefits by \$0.24 to \$0.36, creating a disincentive to work,” therefore perpetuating the use of government benefits.<sup>55</sup>

The Council also estimated that “extending work rules only to those without children would affect 14 percent (6.8 million) of total SNAP recipients; extending them to those with children would affect another 60 percent (28.8 million).”<sup>56</sup>

## TANF

The Temporary Assistance for Needy Families program is a cash-based government assistance program. It is meant to encourage the stability of families and the well-being of children, along with other goals, such as promoting marriage and two-parent households.<sup>57</sup> Similar to SNAP, TANF is seen as a short-term stepping stool to improved conditions.<sup>58</sup> States receive block grants to administer their own programs, so they individually determine eligibility standards and rules—this includes benefits, income levels, time limits, and work requirements, among other things. Broadly at the federal level, recipients must be working within 24 months of receiving TANF benefits.<sup>59</sup> All states must have some work requirements for adult recipients that are penalized through loss or reduction of benefits (and states themselves are penalized if they do

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<sup>55</sup> Council of Economic Advisors. (2018, July). *Expanding Work Requirements in Non-Cash Welfare Programs*. Retrieved from <https://www.whitehouse.gov/wp-content/uploads/2018/07/Expanding-Work-Requirements-in-Non-Cash-Welfare-Programs.pdf>.

<sup>56</sup> The Council of Economic Advisors. (2018, July). *Expanding Work Requirements in Non-Cash Welfare Programs*. Retrieved from <https://www.whitehouse.gov/wp-content/uploads/2018/07/Expanding-Work-Requirements-in-Non-Cash-Welfare-Programs.pdf>.

<sup>57</sup> U.S. Office of Family Assistance. (2017, June 28). About TANF. Retrieved from <https://www.acf.hhs.gov/ofa/programs/tanf/about>.

<sup>58</sup> Republican Views on Welfare. (2013, March 27). Retrieved from <https://www.republicanviews.org/republican-views-on-welfare>.

<sup>59</sup> Urban Institute. (April 2018). *Work Requirements in Safety Net Programs*. Retrieved from [https://www.urban.org/sites/default/files/publication/98086/work\\_requirements\\_in\\_safety\\_net\\_programs\\_0.pdf](https://www.urban.org/sites/default/files/publication/98086/work_requirements_in_safety_net_programs_0.pdf).



not meet federal work participation rates).<sup>60</sup> Eligibility is decided in a similar manner as SNAP—based on household size, income, and assets.

In 2015, the TANF block grant to states totaled \$16.5 billion, and combined state and federal expenditures totaled \$31.7 billion.<sup>61</sup> It is believed that work requirements do lead to government savings.<sup>62</sup>

## **Housing Assistance**

Housing assistance is implemented through various programs. Examples of federal rental assistance (which specifically is for low-income individuals) are public housing, housing choice vouchers (HCVs), rental assistance and supportive housing grants for privately-owned housing. This is another measure by the government to promote stability, through affordable and available housing, so that people can work on lifting themselves out of poverty. Federal, state, and local governments work together to provide housing assistance. Eligibilities for different levels of benefits but are broadly based on income level (based on an area's median income) and family status: low income is 80 percent of an area's median income, very low income is 50 percent, and extremely low income is 30 percent.<sup>63</sup> To put this into perspective, zip code 98039 (Medina, Washington) has a median income of \$186,484, while zip code 48089 (Warren, Michigan) has a median income of \$35,926.<sup>64</sup> Some recipients engage in a Moving to Work (MTW)

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<sup>60</sup> Center on Budget and Policy Priorities. (2018, August 15). Policy Basics: An Introduction to TANF. Retrieved from <https://www.cbpp.org/research/policy-basics-an-introduction-to-tanf>.

<sup>61</sup> U.S. Office of Family Assistance. (2016, August 15). State TANF Spending in FY 2015. Retrieved from <https://www.acf.hhs.gov/ofa/resource/state-tanf-spending-2015-factsheet>.

<sup>62</sup> *Research Evidence on the Impact of Work Requirements in Need-Tested Programs* (CRS Report No. R45317). (2018). Retrieved from [https://www.everycrsreport.com/files/20180920\\_R45317\\_e75944d31a91294399bf2ea9ec7d58e1c3ed29a2.pdf](https://www.everycrsreport.com/files/20180920_R45317_e75944d31a91294399bf2ea9ec7d58e1c3ed29a2.pdf).

<sup>63</sup> *Income Eligibility and Rent in HUD Rental Assistance Programs: Frequently Asked Questions* (CRS Report No. R42734). (2017). Retrieved from [https://www.everycrsreport.com/files/20170328\\_R42734\\_1d4d31a9037d73c9de9c225c43572e8054127d01.pdf](https://www.everycrsreport.com/files/20170328_R42734_1d4d31a9037d73c9de9c225c43572e8054127d01.pdf).

<sup>64</sup> U.S. Census Bureau (2019). *Community Facts*. Retrieved from [https://factfinder.census.gov/faces/nav/jsf/pages/community\\_facts.xhtml](https://factfinder.census.gov/faces/nav/jsf/pages/community_facts.xhtml).

demonstration program, which requires them to work or engage in a work-related activity. There are exemptions for the elderly, disabled, and those who are otherwise physically or mentally unable to meet the requirements.<sup>65</sup> In 2018, the Trump administration proposed further implementing work requirements for nondisabled, non-elderly households.<sup>66</sup>

In 2016, rental assistance programs received about \$41 billion in funding from the federal government.<sup>67</sup> Interestingly, while the federal government spends a very large amount of money (\$190 billion in 2014) on housing as a whole, the majority goes to households with incomes above \$100,000—most of this is in the form of tax expenditures (i.e. property tax deductions)—and favors homeowners over renters.<sup>68</sup> Meanwhile, only a quarter of low-income families eligible for rental assistance actually receive any.<sup>69</sup> One of the goals of the MTW demonstrations is to reduce costs.

The Council of Economic Advisers estimates that “expanding work requirements in [Section 8 housing vouchers, Section 8 project-based assistance, and public housing] would affect... expanding work requirements to childless non-disabled working-age adults would affect just 17 percent of [10.5 million] housing assistance recipients, but further expanding work

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<sup>65</sup> Urban Institute. (2017, December). Summary of Work Requirements in TANF, SNAP, and Housing Assistance Programs as of December 2017. Retrieved from

<sup>66</sup> <http://www.ideas42.org/wp-content/uploads/2019/04/ideas42-Work-Requirements-Paper.pdf>.

<sup>67</sup> Center on Budget and Policy Priorities. (2017, March 30). United States Fact Sheet: Federal Rental Assistance. Retrieved from <https://www.cbpp.org/sites/default/files/atoms/files/4-13-17hous-US.pdf>.

<sup>68</sup> Fischer, W., & Sard, B. (2017, March 8). Chart Book: Federal Housing Spending Is Poorly Matched to Need. Retrieved from <https://www.cbpp.org/research/housing/chart-book-federal-housing-spending-is-poorly-matched-to-need>.

<sup>69</sup> Fischer, W., & Sard, B. (2017, March 8). Chart Book: Federal Housing Spending Is Poorly Matched to Need. Retrieved from <https://www.cbpp.org/research/housing/chart-book-federal-housing-spending-is-poorly-matched-to-need>.

requirements to nondisabled working-age adults with children would affect an additional 52 percent.”<sup>70</sup>

## GOVERNMENTAL JUSTIFICATION

The scope of this analysis is limited, and I focus on one key foundational document for each program at the federal level—consideration of further documents, letters, press releases and other sources at both the federal and state levels likely generate a more nuanced picture, but are also unlikely to substantially change the overall perspective.

### Medicaid

In January 2018, the Centers for Medicare and Medicaid Services (CMS) released a letter detailing policy guidance for work requirements in Medicaid.<sup>71</sup> In the first sentence, the document highlights the goal to “improve Medicaid enrollee health and well-being through incentivizing work and community engagement.” The letter states that work requirement programs should be designed for this and to potentially encourage economic independence to help recipients improve their socioeconomic status—and that this aligns with the original goals of Medicaid. CMS uses studies and statistics to demonstrate that work- and community-related activities lead to “better mental, physical and emotional health... [and] help individuals and families rise out of poverty and attain independence.” The letter also seems to treat work requirements as an extension of other aspects of Medicaid, connecting it to preexisting Medicaid programs related to employment.

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<sup>70</sup> Council of Economic Advisers. (2018, July). *Expanding Work Requirements in Non-Cash Welfare Program*. Retrieved from <https://www.whitehouse.gov/wp-content/uploads/2018/07/Expanding-Work-Requirements-in-Non-Cash-Welfare-Programs.pdf>.

<sup>71</sup> Centers for Medicaid and Medicare Services. (2018, January 11). *RE: Opportunities to Promote Work and Community Engagement Among Medicaid Beneficiaries*. Retrieved from <https://www.medicare.gov/federal-policy-guidance/downloads/smd18002.pdf>.

There is a very specific narrative being told here—one that focuses on recipients and how they stand to benefit from work requirements. The cost savings argument is not even hinted at. Based on this letter, the reason for promoting work requirements is primarily to improve the well-being of recipients, and to optionally also enable them to leave a state of poverty. It is not so much of a sense that hard-working individuals deserve aid, it is that pushing individuals to become hard-working is almost doing them another level of service. This is very reminiscent of one of the justifications surrounding the New Poor Law, the idea that a work-related program would serve as motivation for individuals to take action to improve their circumstances. Just as proponents during the Victorian era believed that workhouses were a key tool for diminishing poverty and bettering people, supporters of work requirements express beliefs that carry echoes of this sentiment. As is evident below, this connection is clear for all of the social programs discussed.

## **SNAP**

In February 2019, Food and Nutrition Service of the Department of Agriculture released a proposed rule titled “Supplemental Nutrition Assistance Program: Requirements for Able-Bodied Adults without Dependents.”<sup>72</sup> It cites that the aim of the program is “to provide temporary relief to the time limit in an economic downturn” and makes note of “the Administration’s focus on fostering self-sufficiency.” In response to the President’s executive order that called for improving “employment outcomes and economic independence by strengthening existing work requirements,” the Department is aiming to broaden the population of ABAWDs that are subject to work requirements (particularly by creating stricter requirements

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<sup>72</sup> Supplemental Nutrition Assistance Program: Requirements for Able-Bodied Adults without Dependents, 7 CFR § 273 (2019).

for waivers). The proposed rule document goes on to say that following the Great Recession, many states qualified for waivers, but now that the economy is improved, individuals should be encouraged to seek long-term employment, which “would not only benefit ABAWDs, but would also save taxpayers’ money.” Furthermore, in a letter Secretary of Agriculture Perdue wrote to state governors, he spoke of the “dignity of work” and stated that “the American dream has never been to live on Government benefits: those who can work should work.”<sup>73</sup>

The justification for SNAP seems to be rooted in encouraging productivity and independence. There is an emphasis on the perception that people need to work for their food and that government aid is only a stopgap. In claiming that work is a “dignity,” there is an implication that those who receive benefits and are unemployed long-term are “undignified” and perhaps not as deserving of aid—it is the government’s job to instead help these people become dignified, deserving members of society. It is almost as if the government is saying that, given the current economy, individuals in a sense have no excuse not to find sustainable employment and support themselves.

This is also a very economic standpoint—the intent to limit the covered population to save taxpayer money is interesting. The justification derived from this statement is clearly cost savings, but it is framed as savings for the public, rather than the government. This could be seen as a genuine attempt to reduce taxes, or as a way to frame the financial benefits in a way that does not cast the government in a negative light. Either way, the monetary benefits are definitely highlighted when explaining work requirements, and the intent to reduce the number of people who receive SNAP benefits is explicitly stated.

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<sup>73</sup> U.S. Department of Agriculture. (2018, November 2). Letter from Secretary Perdue. Retrieved from <https://fns-prod.azureedge.net/sites/default/files/snap/PerdueGovLetter.pdf>.

## **TANF**

While there do not seem to be recent relevant federal documents relating to TANF, the 1999 final rule points to the rationale behind work requirements.<sup>74</sup> The document notes that the final rule is a response to “a new focus on moving recipients into work,” a reference to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Given that TANF is family-centered, it cites the intent of the program as one to provide temporary assistance to support aims like “encourage[ing] parental responsibility.”

Work requirements in TANF are a special case because they are more so an embedded part of the program from the beginning—therefore, the reasons for work requirements align with the reasons for TANF in general. The justification is essentially wanting to provide-short term aid to encourage parents to become economically independent and able to take care of their children. Rather than sustaining families through aid, the hope is to make these families stable and self-sufficient through a parent or parents seeking and obtaining long-term employment—therefore the parents who are doing this are the ones deserving of government help. The desire to help and protect children is inherent in this, to improve their lives and standard of living. No other justifications, such as cost-savings, are given.

## **Housing Assistance**

In October 2018, The Department of Housing and Urban Development released a notice on the expansion of the Moving to Work (MTW) Demonstration Program.<sup>75</sup> The notice explicitly states the goals of this work-based program to be:

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<sup>74</sup> Temporary Assistance for Needy Families Program (TANF), 45 CFR § 260, 261, 262, 263, 264, 265 (1999).

<sup>75</sup> Operations Notice for the Expansion of the Moving to Work Demonstration Program, 83 FR § 51474 (2018).

“To reduce cost and achieve greater cost effectiveness in Federal expenditures; to give incentives to families with children whose heads of household are either working, seeking work, or are participating in job training, educational or other programs that assist in obtaining employment and becoming economically self-sufficient; and to increase housing choices for low-income families.”

The notice references the sentiments of self-sufficiency when describing the importance of this type of program.

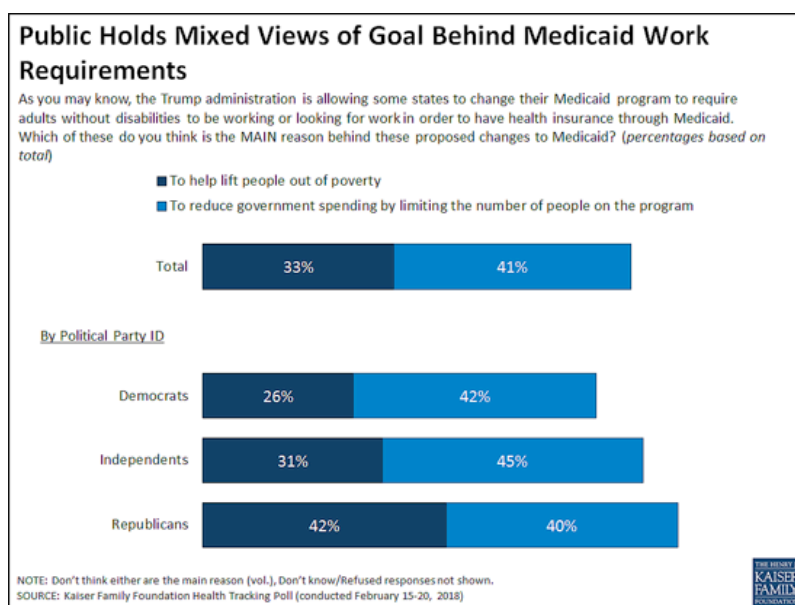
The justifications for work requirements in housing assistance seem to touch upon both sides of the coin. First, it is stated that the government will save money (although this is not explicitly tied to the work requirement stipulation of this program). Second, the claim is that the MTW program will help families in particular. By encouraging parents towards work, a stable family environment is created in which children can be taken care of without the need for long-term government intervention. The “deserving” recipients, on one sense, are parents that are making a determined effort and seeing some success in figuring out how to support their families on their own.

### **PUBLIC SUPPORT**

There are thousands of public comments on work requirements proposals. I focus here on a select number of polls known to be robust, as well as summaries of comments. Additionally, note that, regarding surveys, wording, distributors, and context will typically influence the responses received. The analysis is therefore not claiming to be exhaustive and fully representative, but illustrative of key features of debate.

## Medicaid

A 2018 Kaiser Family Foundation (KFF) found that 33% of people believe the goal of work requirements is to “lift people out of poverty” and 41% believe it is to “reduce government spending” by restricting how many people are in the program. The proportion believing the former increases when polling Republicans, and the latter when polling Democrats.<sup>76</sup>



Yet, a 2017 poll also found that 70% of the public supported giving states the ability to have work requirements.<sup>77</sup> A Rasmussen Reports poll in 2018 found that the majority, 64% were in support.<sup>78</sup>

<sup>76</sup> Palosky, C. (2018, May 25). Poll: Public Mixed on Whether Medicaid Work Requirements Are More to Cut Spending or to Lift People Up; Most Do Not Support Lifetime Limits on Benefits. Retrieved from <https://www.kff.org/health-costs/press-release/poll-public-mixed-medicare-work-requirements-more-to-cut-spending-lift-people-up-most-do-not-support-lifetime-limits>.

<sup>77</sup> Kaiser Family Foundation. (2017, June 27). Data Note: 10 Charts About Public Opinion on Medicaid. Retrieved from <https://www.kff.org/medicaid/poll-finding/data-note-10-charts-about-public-opinion-on-medicare>.

<sup>78</sup> 64% Say 'Yes' To Work Requirements For Medicaid Recipients. (2018, January 17). Retrieved from [http://www.rasmussenreports.com/public\\_content/lifestyle/general\\_lifestyle/january\\_2018/64\\_say\\_yes\\_to\\_work\\_requirements\\_for\\_medicaid\\_recipients](http://www.rasmussenreports.com/public_content/lifestyle/general_lifestyle/january_2018/64_say_yes_to_work_requirements_for_medicaid_recipients).



In June 2018, Alabama's Medicaid work requirements proposal allowed for a period of public comments, as whenever a state wants a waiver, there must be public comments at the state level. More than 90% of the comments received were in opposition, citing fears such as individuals losing coverage and their health deteriorating.<sup>79</sup> Several organizations, such as the Alabama Hospital Association, were part of this group, in addition to many individuals. Arguments in favor, for instance by the Alabama Policy Institute, included the belief that work requirements will keep Medicaid sustainable and save benefits for those truly in need.<sup>80</sup> In Alabama, as well as other states (for instance, in Idaho in March 2019), public testimony is largely against work requirements as proposed in their state.<sup>81</sup> Of course, there is always the question of how representative this sample is, given that groups and individuals staunchly against work requirements may be more prone to issuing a public comment.

A summary of public comments in August 2018 about work requirements in Kentucky HEALTH found that over 80% of commentators were against the proposal. Some issues with work requirements included a high burden and level of paperwork, fear of losing coverage, and concern that they may in fact worsen employment outcomes. Some beliefs stated by supporters included that the program could stop people from abusing the system and could lower costs.<sup>82</sup> Another August 2018 summary of the comments found that of 11,561 comments, 8,472 were unsupportive, from individuals and organizations, such as the American Medical Association.

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<sup>79</sup> Cason, M. (2018, June 12). 90 percent of commenters oppose Alabama Medicaid work plan. Retrieved from [https://www.al.com/news/2018/06/90\\_percent\\_of\\_commenters\\_oppos.html](https://www.al.com/news/2018/06/90_percent_of_commenters_oppos.html).

<sup>80</sup> Cason, M. (2018, June 12). 90 percent of commenters oppose Alabama Medicaid work plan. Retrieved from [https://www.al.com/news/2018/06/90\\_percent\\_of\\_commenters\\_oppos.html](https://www.al.com/news/2018/06/90_percent_of_commenters_oppos.html).

<sup>81</sup> Parris, J. (2019, March 08). Public testimony overwhelmingly opposed to Medicaid work requirement. Retrieved from <https://www.ktvb.com/article/news/local/capitol-watch/public-testimony-overwhelmingly-opposed-to-medicaid-work-requirement/277-49a3ee42-b21c-4ceb-928d-fd63b78b73e4>.

<sup>82</sup> Cross, A. (2018, August 20). By 7-1, public comments in 3rd round on Kentucky Medicaid plan oppose it; suit filed to stop similar work requirements in Arkansas. Retrieved from <http://ci.uky.edu/kentuckyhealthnews/2018/08/20/by-7-1-public-comments-in-3rd-round-on-kentucky-medicaid-plan-oppose-it-suit-filed-to-stop-similar-work-requirements-in-arkansas>.

Only 374 comments were classified as supportive, a ratio of 20 to 1, including one from the Foundation for Government Accountability (FGA).<sup>83, 84</sup> Yet, a 2019 FGA poll found that 74% of Kentucky voters support Medicaid work requirements.<sup>85</sup> It should be noted that several comments can come from the same group/individual, so the actual number of commenters is actually less than half the number of comments. Therefore, these results are not clear, and should be taken with a grain of salt.

Looking at the provider side, the American Medical Association released a statement in March 2019 stating that work requirements in Kentucky HEALTH would cause many people to be uninsured in the short-term and long-term:

“Estimates show nearly 165,000 Kentucky Medicaid enrollees are not working and would not be exempt from Kentucky HEALTH’s new work requirements. Many of these enrollees have health conditions limiting their work, others are in economically depressed areas or lack the skill and education to find a job. Another 55,000 enrollees work too inconsistently to be covered the entire year... Patients unenrolled from Medicaid will lose preventive care services that are particularly important for Medicaid-eligible adults who have higher rates of chronic conditions... On top of all of that, the program will cost Kentucky more money in the long run and safety-net providers—hospitals, community

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<sup>83</sup> Pugel, D. (2018, August 27). Methodology and Detail on Categorizing Kentucky’s Proposed 1115 Waiver Comments. Retrieved from <https://kypolicy.org/dash/wp-content/uploads/2018/08/Methodology-and-Detail-on-Categorizing-Kentucky-Comments.pdf>.

<sup>84</sup> Pugel, D. (2018, August 28). Commenters on Kentucky’s Proposed Barriers to Medicaid Coverage Are Over 20 to 1 Against Re-approval. Retrieved from <https://kypolicy.org/commenters-on-kentuckys-proposed-barriers-to-medicaid-coverage-are-over-20-to-1-against-re-approval>.

<sup>85</sup> Munro, W. (2019, February 21). New Poll Shows Continued Support for Medicaid Work Requirements in Kentucky. Retrieved from <https://thefga.org/news/poll-kentucky-medicaid-work-requirements>.

health centers, local health departments and others—may be forced to shut down or limit services.”<sup>86</sup>

Ultimately, many organizations (including most provider-based ones) voice the same concerns about work requirements. FamiliesUSA, for one, has stated that there is no evidence of the stated benefits to individuals, and that work requirements will cause people to lose coverage and increase program costs.<sup>87</sup>

The organizations that support work requirements are much fewer. One example is the FGA; the vice president of federal affairs, Kristina Rasmussen, previously released the following statement:

“One of the objectives of the Medicaid program is to help individuals attain capability for independence, which is exactly what work requirements do. Work requirements have had demonstrable success in other welfare programs, with those leaving welfare finding work in diverse industries and tripling their incomes within two years, on average. Right now, the majority of able-bodied adults on Medicaid aren’t working at all. Work requirements would help move these individuals back to work, empowering them to take part in our booming economy that is desperate for workers.”<sup>88</sup>

These results are quite conflicting; public comments are overwhelmingly negative, yet public polls indicate strong support. After the Center for American Progress (CAP) released a poll in February 2018 stating that 57% of voters oppose Medicaid work requirements, one cross-

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<sup>86</sup> Henry, T. A. (2019, March 13). Docs tell court Medicaid work requirement would harm patient care. Retrieved from <https://www.ama-assn.org/delivering-care/patient-support-advocacy/docs-tell-court-medicaid-work-requirement-would-harm>.

<sup>87</sup> FamiliesUSA. (2018, April 12). Work Requirements in Medicaid Waivers: These Aren't About Work. Retrieved from <https://familiesusa.org/product/work-requirements-medicaid-waivers-these-arent-about-work>.

<sup>88</sup> Munro, W. (2019, March 14). FGA Statement on Future of Medicaid Work Requirements. Retrieved from <https://thefga.org/news/fga-statement-on-future-of-medicaid-work-requirements>.

analysis of polls found that this might be due to the way the survey question is asked.<sup>89</sup> For example, CAP referred to work requirements as part of “Republican efforts to restrict eligibility and reduce overall spending on government assistance programs for low-income people” and focused on the denial of coverage, while KFF referred to them as part of “specific changes to Medicaid currently being considered by Congress and the Administration.”<sup>90</sup> When work requirements are politicized and/or the targeted group is emphasized as vulnerable, the effect seems to be turning the public against the proposal. When more general or vague, this is not the case—likely either because they are not aware of the details or the program or because the potentially harmful outcomes do not immediately come to mind.

The opponents of the work requirements displayed a primary concern for the individuals that could lose coverage and therefore have poorer health outcomes. The proponents seemed more focus on economic outcomes and the concept of deservingness, meaning that they wanted to ensure that government dollars are not overused, and that people are not taking advantage of the benefit system.

## **Other Programs**

A 2018 poll from the FGA found that 83% of voters support work requirements for food stamps and 81% of voters support work requirements in housing assistance. The poll also found that 75% of voters support work requirements in Medicaid. However, it should be remembered that the FGA, as previously stated, has publicly supported work requirement proposals.

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<sup>89</sup> Americans Oppose Proposals to Restrict Eligibility and Cut Funding for Government Assistance Programs. (2018, February 1). Retrieved from <https://cdn.americanprogress.org/content/uploads/2018/02/05120208/CAP-Benefit-Cuts-Poll-Memo-c3.pdf>.

<sup>90</sup> Wogan, J. B. (2018, February 9). Do Americans Support Work Requirements? Depends on How You Ask. Retrieved from <https://www.governing.com/topics/health-human-services/gov-work-requirements-cap-toll-medicaid.html>.

Essentially, while work requirements in general do have public support (“90 percent of all voters support requiring able-bodied adults to work, train, or volunteer at least part-time in order to receive welfare”), it seems that people are more in favor of them when they are related to a good like housing or food versus health care.<sup>91</sup> It may be the case that the high costs of health care are widely acknowledged, or is seen as more of a life-or-death commodity. Health care is widely viewed as a right, but then again, many would also say that about food and shelter.

### **CROSS-ANALYSIS AND DISCUSSION**

Work requirements are a highly partisan issue, and its intense politicization may have had an impact on reactions. However, based on the data analyzed, governmental justification and public opinion differ on key points, leading to some important insights.

First and foremost, the public is not as enthusiastic about work requirements as the government. While some public polls do show majority support, public comments express a strong distaste for current and proposed work requirement programs, at least in Medicaid. This reveals a distinct difference in the way that the administration versus America as a whole views these types of programs. The way work requirements currently stand, the public is not on board with the government—they seem to believe it causes more good than bad.

Second, the focus of each group differs. The government emphasizes benefit to the American public, using words like “self-sufficiency.” For Medicaid, it specifically states that the program will promote better health; if money is mentioned, it is framed in the form of savings for taxpayers. Meanwhile, the portion of the public that also supports work requirements seems to have a different perspective. Namely, their rationale is less beneficent; they want to

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<sup>91</sup> Munro, W. (2018, February 1). New Poll Finds Voters Want Welfare Reform. Retrieved from <https://thefga.org/news/new-poll-finds-voters-want-welfare-reform>.

avoid a situation where people endlessly receive benefits without working or contributing something to society. When they discuss money, they specifically cite lessening government spending. Opponents of work requirements, like the government, focus on helping individuals—except they argue that these programs will cause harm and worsen health. Some even claim that a burdensome work requirement program will even be costlier. Of course, when the government is presenting their rationale, they specifically strive to make their proposals sound appealing and beneficial to the public. Therefore, there will have solely positive things to say about how work requirements will better vulnerable populations and Americans as a whole. Meanwhile, the public is blunter about their reasons for supporting the work requirements.

The analysis also provides hints as to what society values and who they deem as deserving of aid. The government's efforts make clear that they expect people to want to encourage and help vulnerable populations, which is why they emphasize the helpfulness of work requirements. The abundance of individuals and organizations that fear that work requirements will worsen employment and health outcomes for the targeted populations reinforces that. As a society, we place a high value on the well-being of others and believe that people should have access to certain resources, such as health care. But, the caveat is that the administration and a portion of the public are promoting and supporting a program that places requirements on receiving aid—this changes the narrative. While American society wants to help people, its definition of help varies. There is a belief that the American way is to work hard to lift oneself up to live a good life. Many aid programs are aimed at providing temporary relief so that families and individuals can do just that. Therefore, when it is believed that people are not trying to improve their circumstances, some do not think they deserve to continue receiving aid, or that aid is hurting them by keeping them in a place of complacency. It is those who are still seen as

striving for certain values that many believe benefits are or should be meant for—and work requirements are a way of making this division.

Again, it is also important to keep in mind that since work requirements are a highly partisan issue, the fact that it is so politicized may influence individuals' stances on the topic, rather than direct beliefs about the work requirements themselves.

### **Case Study: Kentucky**

Kentucky's Medicaid program, Kentucky HEALTH (Helping to Engage and Achieve Long-Term Health), was particularly contentious with respect to work requirements. However, with the election of Andy Beshear, someone who staunchly opposes work requirements, as the next Governor of Kentucky, the state's work requirements program is expected to be rescinded.

As initially designed, the groups eligible for Kentucky HEALTH included income eligible adults, income eligible parents and guardians, medically frail individuals, pregnant women, children, and former foster youth up to age 26. Income eligible adults could have a household income of up to 138% of the Federal Poverty Line, and income eligible parents and guardians had income limits that varied based on household size.<sup>92</sup>

There were several different components of the Kentucky HEALTH, including PATH Community Engagement, its work requirements program. The state government's website cited this program as an effort to “offer a customized a path for each person on the program that will lead to a better quality of life.” Kentucky HEALTH beneficiaries that were subject to PATH had to engage in 80 hours of approved activities per month. These activities included job skills training, searching for a job and education for a job, GED classes or community college,

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<sup>92</sup> Commonwealth of Kentucky. (2018). Overview. Retrieved from <https://kentuckyhealth.ky.gov/parts/Pages/default.aspx>.

employment, community work experience, volunteering, and serving as a caretaker to someone with a disabling health condition. People could report their hours online, in person, over the phone, or in paper form.

Only income eligible adults and income eligible parents and guardians had a PATH Community Engagement requirement, unless exempt. Individuals were exempt if they were the primary caregiver of a child or disabled tax-dependent, a full-time student, survivors of domestic violence, or refugees. Additionally, individuals who met work requirements for SNAP or TANF were exempt—this is known as double counting.<sup>93</sup>

An October 2019 report by the U.S. Government Accountability Office (GAO) estimated a cost of \$271.6 million in Kentucky for fiscal years 2019 and 2020 for the information technology and administrative costs involved in implementing Medicaid work requirements (which excluded all planned costs, for instance due to the use of managed care organizations to administer work requirements). Expenditures paid by the federal government were estimated to amount to 90 percent. The report noted that CMS “does not take into account the extent to which demonstrations, including those establishing work requirements, will increase a state’s administrative costs,” which goes against the agency’s principles of transparency and budget neutrality.<sup>94</sup>

In CMS’s January 2018 approval document for Kentucky’s 1115 waiver, it determined that Kentucky HEALTH promoted Medicaid’s objectives, specifically mentioning social determinants of health:

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<sup>93</sup> Commonwealth of Kentucky. (2018). PATH Community Engagement. Retrieved from <https://kentuckyhealth.ky.gov/parts/Pages/path.aspx>.

<sup>94</sup> Government Accountability Office. (2019, October). *Medicaid Demonstrations: Actions Needed to Address Weaknesses in Oversight of Costs to Administer Work Requirements*. Retrieved from <https://www.gao.gov/assets/710/701885.pdf>.



“Beyond promoting access to high-value health care services, the demonstration also supports coordinated strategies to address certain health determinants, as well as promote increased upward mobility, greater independence, and improved quality of life.

Specifically, Kentucky HEALTH's community engagement requirement is designed to encourage beneficiaries to obtain employment and/or undertake other community engagement activities that research has shown to be correlated with improved health and wellness.”<sup>95</sup>

In its November 2018 approval document, CMS stated that “Kentucky HEALTH's community engagement requirement is designed to encourage beneficiaries to obtain employment and/or undertake other community engagement activities that may lead to improved health and wellness” and that they would assess “whether the community engagement requirement helps adults in Kentucky HEALTH transition from Medicaid to financial independence, thus reducing dependency on public assistance.”<sup>96</sup> The justification here is a combination of uplifting individuals and improving their health, as well as some reference to cost savings. As mentioned in the public opinion section above, in August 2019, a public comment period resulted in a majority of commenters against the work requirements proposal. In addition, there are many more organizations strongly and publicly in opposition to work requirements versus in support of them. However, polling seems to indicate that a majority of Kentucky voters support work requirements in Medicaid. CMS stated that “these comments reflect a misunderstanding of the nature of a demonstration project” and that

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<sup>95</sup> Centers for Medicaid and Medicare Services. (2018, January 12). Retrieved from <https://www.medicaid.gov/Medicaid-CHIP-Program-Information/By-Topics/Waivers/1115/downloads/ky/health/ky-health-cms-appvl-011218.pdf>.

<sup>96</sup> Centers for Medicaid and Medicare Services. (2018, November 20). Retrieved from <https://www.medicaid.gov/Medicaid-CHIP-Program-Information/By-Topics/Waivers/1115/downloads/ky/ky-health-ca.pdf>.

“any loss of coverage as the result of noncompliance must be weighed against the benefits Kentucky hopes to achieve through the demonstration project, including both the improved health and independence of the beneficiaries who comply and the Commonwealth's enhanced ability to stretch its Medicaid resources and maintain the fiscal sustainability of the program.”<sup>97</sup>

Kentucky’s work requirements were particularly contentious in court. In March 2019, Judge James E. Boasberg of the U.S. District Court for the District of Columbia blocked the implementation of work requirements, saying that the plan did not properly consider “the coverage-loss consequences” and is contrary to the principle of Medicaid.<sup>98</sup> This was the second time Judge Boasberg struck down work requirements in Kentucky (the first occurring in June 2018, when the Judge stated that CMS “never adequately considered whether Kentucky HEALTH would in fact help the state furnish medical assistance to its citizens, a central objective of Medicaid.”)<sup>99</sup> In response, Kentucky’s Secretary of the Cabinet for Health and Family Services Adam Meier released the following statement:

“In Kentucky, we want more than to simply give someone a Medicaid card they can put in their wallet—we want a program that focuses on actually improving health outcomes. And that is what Kentucky HEALTH was designed to do. Kentucky HEALTH is

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<sup>97</sup> Centers for Medicaid and Medicare Services. (2018, November 20). Retrieved from <https://www.medicaid.gov/Medicaid-CHIP-Program-Information/By-Topics/Waivers/1115/downloads/ky/ky-health-ca.pdf>.

<sup>98</sup> Goodnough, A. (2019, March 27). Judge Blocks Medicaid Work Requirements in Arkansas and Kentucky. Retrieved from <https://www.nytimes.com/2019/03/27/health/medicaid-work-requirement.html>.

<sup>99</sup> Thomhave, K. (2019, April 3). Another GOP Brainstorm-"You'll Be Healthier If We Take Away Your Health Care"-Struck Down in Court. Retrieved from <https://prospect.org/economy/another-gop-brainstorm-you-ll-healthier-take-away-health-care-struck-court>.

precisely in line with the objectives of the Medicaid program and squarely within the authority of the HHS Secretary to approve.”<sup>100</sup>

More recently, in October 2019, a three-judge panel of the U.S. Court of Appeals for the D.C. Circuit expressed discontent with the work requirements programs in Kentucky and Arkansas, commenting that the Trump administration and state officials have not considered that people will lose health insurance, that they are “‘failing to address the critical statutory objective’ of providing vulnerable residents with health coverage.”<sup>101</sup>

Former Kentucky Governor Matt Bevin, a Republican, stated that a lack of work requirements “sets a bad precedent” and “a sense of entitlement and expectation, and it sets a bad example for next generations of children who see their parents not going to work, and working the system.” After elections in November 2019, he lost his position to Democrat Andy Beshear, who has stated that the 1115 waiver is “cruel,” and that “[i]t’s shown in Arkansas that the people it’s going to kick off their coverage are people who are already working. It just creates bureaucratic red tape and ultimately tears health care away from people.”<sup>102</sup> During his campaign, he pledged to rescind work requirements, and the program is expected to become defunct.

This is a specific state example that highlights the conflicting narratives and justifications of the government and public. However, the case of Kentucky in particular also sheds light on the perspective of the courts. As the deciding stakeholder on what is legal and ethical, it is

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<sup>100</sup> Latest Updates. (2019). Retrieved from <https://kentuckyhealth.ky.gov/updates/Pages/default.aspx>.

<sup>101</sup> Goldstein, A. (2019, October 11). Appeals Panel Expresses Skepticism About Medicaid Work Requirements. Retrieved from [https://www.washingtonpost.com/health/appeals-panel-expresses-skepticism-about-medicaid-work-requirements/2019/10/11/a8357c4e-eb8a-11e9-9c6d-436a0df4f31d\\_story.html](https://www.washingtonpost.com/health/appeals-panel-expresses-skepticism-about-medicaid-work-requirements/2019/10/11/a8357c4e-eb8a-11e9-9c6d-436a0df4f31d_story.html).

<sup>102</sup> Japsen, B. (2019, November 5). Trump's Medicaid Work Rules Could Lose Big In Tuesday's Kentucky Governor Race. Retrieved from <https://www.forbes.com/sites/brucejapsen/2019/11/03/trumps-medicaid-work-rules-could-lose-big-in-tuesdays-kentucky-governor-race/#2bf7887a19b4>.

important to note that the judicial system seems to be opposed to Medicaid work requirements, believing they go against the goals of Medicaid and unjustly result in a loss of coverage in vulnerable populations.

## CONCLUSION

### **Ethical and Policy Implications**

The results of the above analysis of governmental and public responses to work requirements are very telling about the potential success of work requirements. While it may be true that a significant fraction of the public does believe in some level of work requirements, the current proposals, particularly in Medicaid, are not widely accepted—this may mean that they are too harsh and not seen as ethical, or are framed as targeting the wrong principle or problem.

This also brings about a larger question about the ethical considerations surrounding the concept of deservingness. As I see it, the mere existence of work requirements, the idea of someone needing to qualify for aid and/or coverage through their work, implies a certain belief that this coverage is something to be earned, that a person needs to deserve it. Just like with the New Poor Law, the “deserving population” is one that meets a certain standard, be it living and working in a workhouse back then or engaging in a required amount of work-related activities, today. If “underserving” individuals are eligible for aid, it could have negative ramifications, for society or otherwise, creating a net negative effect. The question is: is that understanding itself ethical or unethical? The government clearly believe work requirements to be an ethical endeavor, and strongly affirm that these requirements are a benefit to individuals. By promoting deservingness, individuals end up bettering themselves to become deserving, so work requirements are in a sense a kindness bestowed upon them. The public, however, is more

complicated in their views. Even though the evidence, particularly the public comments, indicate that there are some strongly negative sentiments surrounding work requirements (though polls would indicate this does represent the majority), this does not necessarily mean they view the deservingness concept as unethical, just that they disagree with the current structure of the programs. However, there does seem to be a heavy level of concern for individuals who may use aid, suggesting that many opponents do not align with a “deservingness” perspective. The proponents, however, clearly have firm convictions about deservingness and want the government to spend money on the “right people.” Finally, as evidenced in the Kentucky case, the courts seem to hold the idea that vulnerable populations are in general deserving and should not be forced to comply with requirements or suffer a loss of aid.

When considering adding work requirements to benefit programs, there must be careful considerations; the fierce opposition to these requirements and the reasons behind it must be accounted for. First and foremost—what is the intent of the program and does it align with the ethics and values of this society? It must truly aim to be beneficent to pass muster and receive broad approval. Then of course, one must carefully look at the structure of a program to build it in a way that will achieve support, rather than something like the overwhelming criticism seen in the case of Medicaid work requirements. The specific programs that are targeted must also be carefully vetted—the public may feel very differently about inhibiting a people from attaining medical care versus renting an apartment, for example.

There are several routes that could potentially be taken to achieve some middle ground. If an administration is adamant about implementing work requirements, less strict requirements (for instance, by broadening exemptions or fewer hours) are a direct way of making programs more manageable and decreasing the number of individuals who are unable to meet them. In this

same vein, quicker or easier stipulations for regaining coverage (for instance, by reducing waiting time) may achieve similar ends. Ways to move away from the concept of deservingness, or at least to make the programs less restrictive, include incorporating other methods of reporting (beyond online), as well as expanding exemptions. Additionally, taking funds saved from work requirements and investing them in aid or employment projects would bolster the government's claim that they are trying to help individuals in the long run. While problematic if one of an administration's primary goals is to cut costs, this would likely be seen as a positive endeavor by the population that opposes work requirements, especially on the basis of harming and depriving individuals of aid. To do this, it must also be clearly proven that a work requirements program would result in savings. The recent GAO report, among others, found that CMS does not currently consider administrative costs, and that federal funds have been approved for administrative costs that "did not appear allowable or at higher matching rates than appeared appropriate per CMS guidance"—this must be remedied.<sup>103</sup> Finally, it may be the case, as occurred in Virginia currently, that a state will agree to expand Medicaid only if work requirements are implemented. This created to counteracting forces—while under this concept, some individuals would lose coverage, others would gain it. This is also directly tied into deservingness: a state will only expand coverage if it can ensure that the "right" individuals are benefitting from it.

Personally, however, I feel all of the options above, or any versions of a "middle ground," are still problematic, and do not meet the standards of beneficence. Any level of work requirements is a level of malfeasance because there is a risk that people will lose coverage—I

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<sup>103</sup> Government Accountability Office. (2019, October). *Medicaid Demonstrations: Actions Needed to Address Weaknesses in Oversight of Costs to Administer Work Requirements*. Retrieved from <https://www.gao.gov/assets/710/701885.pdf>.

think about the thousands who have already been harmed in Arkansas.<sup>104</sup> Therefore, almost any version of a work requirements program, from less strict requirements to repurposing any savings, still may do a significant amount of harm. When it comes to aid, especially when looking at Medicaid, deservingness should not be qualified. The use of work requirements to expand Medicaid adds an additional layer in that a serious benefit would be provided to some members of the population. Yet, as several studies show, the individuals in the most danger of losing aid under work requirements are generally those who need it most—the ones in lower socioeconomic classes with worse health statuses.<sup>105</sup> Even if the magnitude of people gaining coverage is greater, health coverage is arguable more valuable to the most vulnerable populations. Therefore, even in this situation I oppose work requirements, as while everyone is deserving, there are some populations who face a greater need. Additionally, the fact that the justification for work requirements so eerily resembles that of the New Poor Law is alarming. Workhouses placed an immoral and upsetting hardships on individuals in poverty, subjecting them to terrible conditions. Although work requirements are not as immediately brutal, history makes it clear that this type of thinking and this type of program can have very negative and damaging consequences.

As mentioned above, a beneficial first step may be to reconsider where work requirements are implemented. The public seems least supportive of their inclusion in Medicaid, for instance—the idea of health care as a right, rather than something to be “deserved” is prevalent to a greater degree to other resources like housing. Therefore, perhaps being more

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<sup>104</sup> Sommers, B. D., Goldman, A. L., Blendon, R. J., Orav, E. J., & Epstein, A. M. (2019). Medicaid Work Requirements - Results from the First Year in Arkansas. *The New England Journal of Medicine*, doi:10.1056/NEJMs1901772.

<sup>105</sup> Venkataramani, A. S., Bair, E. F., Dixon, E., Linn, K. A., Ferrell, W., Montgomery, M., ... Underhill, K. (2019). Assessment of Medicaid Beneficiaries Included in Community Engagement Requirements in Kentucky. *JAMA Network Open*, 2(7). doi: 10.1001/jamanetworkopen.2019.7209.

restrictive with which programs work requirements are utilized would be an ethical move from a societal standpoint and therefore a step towards broader support, or at least less criticism. It is my hope that restrictions like this would ultimately lead to a total removal of work requirements from all programs.

Ultimately however, work requirements will most likely remain a partisan and highly divisive issue. There will be both strong support and strong pushback towards any efforts made in this area, as there will always be a portion of the population who believe work requirements and the concept of “deservingness” to be unethical. There is also an ever-present tradeoff: while it is true that work requirements may in fact help some achieve long term economic and health benefits, it results in others losing aid, a truth that directly leads into the deservingness debate. In reality, different stakeholders are simply not aligned—not with each other, and sometimes, not within themselves. Therefore, the ultimate outcome of current efforts to grow work requirement programs remains uncertain. It is clear that people are losing coverage due to work requirements, but it remains to be seen how this will affect public and governmental actions and, ultimately, the status of these programs. It is my opinion that the negative effects of work requirement programs have already had have already been detrimental to vulnerable populations, and the recent court cases and public statements of disapproval are promising. Although the administration will likely continue to encourage work requirement programs, I can only hope that other actors will continue to block and delay implementation as much as possible, in order to not have several reprisals of what has occurred in states like Arkansas, with thousands of people losing Medicaid



coverage.<sup>106</sup> Everyone is deserving of aid, of basic needs like food and health care—that, in my view, is the ethical take on deservingness.

### **Future Research/Studies**

As stated before, this is a broad survey that does not delve deep into the subject matter available. Further research concerning work requirements should look deeper into all the information released by the government and submitted by individuals and organizations in order to gain a deeper grasp of where the country is at.

Additionally, the comparison between Victorian poor laws and work requirements today is incredibly intriguing—looking more into the historical parallels, as well as how that legislation played out compared to what is happening in America currently.

Finally, in terms of policy, there should be analysis into what type of community engagement policies, if any, would be successful. This refers to two different aspects of the policy—whether it would have governmental and public support, and whether it would truly create claimed benefits for disadvantaged groups and the nation as a whole.

Future research on this topic should continue to analyze and survey the work requirements landscape as it grows and changes.

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<sup>106</sup> Sommers, B. D., Goldman, A. L., Blendon, R. J., Orav, E. J., & Epstein, A. M. (2019). Medicaid Work Requirements - Results from the First Year in Arkansas. *The New England Journal of Medicine*, doi:10.1056/NEJMs1901772.

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