

Medicaid Work Requirements for Hospital-Based Presumptive Eligibility (PE)*

Nebraska Department of Health and Human Services
Division of Medicaid and Long-Term Care

**This is a supplemental training to The Medicaid Hospital Based and Pregnancy Presumptive Eligibility (PE) Program Training. Taking this training on its own does not fulfill the obligation for providers to be accepted as a PE provider.*

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Contents

- This training provides an overview of Medicaid Work Requirements (MWR) under the One Big Beautiful Bill Act (OBBBA), effective May 1, 2026, in Nebraska.
- Topics Covered:
 - Overview of Medicaid Work Requirements
 - Identifying Specified Excluded Individuals
 - Determining Exemptions and Temporary Hardships
 - Understanding Qualifying Activities
 - Reviewing Compliance and Non-Compliance Examples
 - Key Considerations for MWR Compliance

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Medicaid Work Requirements (MWR)

On May 1, 2026, Nebraska Medicaid began enforcing work requirements for new applicants and existing Medicaid members who are eligible under Medicaid Expansion (also known as Heritage Health Adult).

As a provider who makes presumptive eligibility (PE) determinations, Medicaid Work Requirements (MWR) applicability and/or compliance must be reviewed before determining an individual presumptively eligible for Medicaid.

The DHHS PE Form has been updated with an addendum to assist in screening the individual for applicability and/or compliance with MWR. All forms and PE resources can be found on the [DHHS Presumptive Eligibility Website](#).

As a review, those who may be eligible for Medicaid Expansion:

- Are ages 19-64
- Are not eligible for Medicare
- Are not pregnant
- Are not eligible for Medicaid on the basis of disability
- Meet income limits (138% of the federal poverty level or about \$22,025/year for one person)
- Are US Citizens or eligible non-citizens

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Medicaid Work Requirements (MWR) - Continued

An individual can be either excluded/exempt from participating in MWR or compliant by completing a qualifying activity. Each exclusion, exemption, temporary hardship, and qualifying activity will be reviewed in later slides.

➤ Specified Excluded Individual (SEI)

- Not subject to MWR
- Must be found to be an SEI either in the month of application or the month prior to application

➤ Exemption or Temporary Hardship

- Do not need to complete a qualifying activity
- Must be found to be exempt or have an applicable temporary hardship the month prior to application

➤ Qualifying Activity

- Must be completed if no exclusion, exemption, or temporary hardship is found
- The qualifying activity/activities must be completed in the month prior to application

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Specified Excluded Individuals - Not Subject to MWR

Identify a Specified Excluded Individual using the below criteria while considering the individual's circumstances in the current month, **OR** the previous calendar month.

- **Specified Excluded Individuals are NOT subject to Medicaid Work Requirements and do not have to meet an exemption, temporary hardship, or complete a qualifying activity.**
- Under 26 years of age and in foster care or eligible for former foster care Medicaid
- American Indian, Alaska Native, Urban Indian, California Indian, or otherwise eligible receive services through Indian Health Services (IHS)
- The parent, guardian, caretaker relative of a dependent child 13 years of age or under
- The caregiver of a disabled individual
- A veteran with a disability rated as total
- Deemed Medically Frail or otherwise has special medical needs defined by the federal Secretary of HHS or federal law, including those:
 - Who are blind or disabled
 - With a substance use disorder
 - With a disabling mental disorder
 - With a physical, intellectual or developmental disability that significantly impairs their ability to perform one or more activities of daily living
 - With a serious or complex medical condition
- Participating in a drug addiction or alcohol treatment and rehabilitation program as defined by federal law
- An inmate of a public institution such as a prison, jail, or detention center
- A member of a household receiving SNAP and is not exempt from SNAP work requirements
- Compliant with TANF/ADC requirements

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Exemptions

To identify if an individual meets an exemption, use the below criteria while considering the individual's circumstances at any point in the previous calendar month. *(Ex. Today is July 15th, look at June.)*

➤ **Individuals meeting an exemption do not have to complete a qualifying activity.**

- The individual was an inmate of a public institution*
- Under the age of 19
 - In other words, if the individual turned 19 this month, they would meet an exemption
- Was entitled to or enrolled in Medicare Part A or B
- They were receiving Medicaid benefits under any eligibility category besides CHIP, SAGA, Women's Cancer Program, Medically Needy, Medicaid Expansion
- Receiving SSI and Working Disabled under 1619(b)

**If the individual was an inmate of a public institution (jail, prison, detention center) at any point during the 3-month period preceding the application.*

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Temporary Hardships

To identify if a temporary hardship exists, use the below criteria while considering the individual's circumstances at any point in the previous calendar month. (Ex. Today is July 15th, look at June.)

➤ **Individuals who have a temporary hardship do not have to complete a qualifying activity.**

- Receiving inpatient hospital services, nursing facility services, services in an intermediate care facility for individuals with developmental disabilities (ICF/DD), inpatient psychiatric hospital services, or such other services of similar acuity
- The individual (or their dependent) must travel outside of their community for an extended period of time to receive medical services necessary to treat a serious or complex medical condition that are not available within their community of residence
- Resides in a county with a federally declared emergency or disaster*
- Resides in a county with a high unemployment rate*
 - at least 8% or 1.5 x the national unemployment rate – whichever is lower

** These temporary hardship reasons should only be considered if no other exemption, temporary hardship, or qualifying activity applies. If one of these two temporary hardships appears applicable, do not make a determination independently. Please contact the PE Mailbox for guidance to ensure compliance with current federal requirements.*

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Qualifying Activities

To determine if an individual completed a qualifying activity, consider the following criteria based on the individual's circumstances in the previous calendar month. (Ex. Today is July 15th, look at June.)

➤ **Individuals must be participating in one or more qualifying activities equal to or greater than 80 hours in a single month either through employment, community service, education, or work program.**

- Earned at least \$580 in MAGI countable income
 - For seasonal workers, this is typically averaged over a 12-month period (i.e. earning \$12,000 during the winter season would average to \$1000/month)
 - *This income threshold overrides the 80-hour requirement. If the individual works fewer hours in a month, but earns at least \$580, they are compliant with MWR.*
- Worked at least 80 hours
 - (i.e. self-employment where the individual does not reach the \$580 income threshold)
- At least 80 hours in community service/volunteering
 - This includes unpaid work with one or more public or non-profit organizations
- At least 80 hours in work program participation
 - SNAP Next Step E&T Components of Basic Education; Technical/Vocational/Career Education, On the Job Training, SE Training, Apprenticeship, internship, or English Language Acquisition at least 50% of the time
 - Dept. of Labor programs such as Workforce Innovation and Opportunity Act (WIOA), Section 236 of the Trade Act of 1974, DOL or Veteran's Affairs
- Programs or Remedial courses, basic adult education, literacy and English as a Second Language (ESL)
- Participating in an Educational Program
 - Must be enrolled at least half-time or more according to the institution's definition of half-time and full-time
 - Educational Programs include institutions of higher education, GED program, attending high school, and/or a program of career and technical education

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Examples of MWR Compliance and Non-Compliance

- ▶ **Example 1:** Mary is working 20 hours per month at Scooter's, and her income is less than \$580 monthly. However, Mary also volunteers at a local shelter for 60 hours per month. All activities took place in the applicable month. **Mary meets 80 hours through a combination of qualifying activities and is in compliance with MWR.**
- ▶ **Example 2:** John is working at Walmart 10 hours per week and is paid \$15.00/hour. John has 43 monthly earned income hours and does not have any other qualifying activities. However, his monthly income (\$645/mo) meets the minimum monthly income threshold. **John is MWR compliant due to his income.**
- ▶ **Example 3:** Cooper is self-employed. His monthly hours are 51.6 hours/month which is not in compliance. In addition, Cooper does not earn an average of \$580.00 per month or more and does not have any other qualifying activity, exemption or temporary hardship. **Cooper is NOT in compliance with MWR and is not eligible for Medicaid Expansion/Heritage Health Adult PE.**
- ▶ **Example 4:** Salvatore is attending community college and is taking one (1) course per semester. His total educational hours are three (3) credit hours. Salvatore does not meet the definition of a half-time or full-time student per his college and does not have other qualifying activities or exemptions. **Salvatore is NOT in compliance with MWR and is not eligible for Medicaid Expansion/Heritage Health Adult PE.**
- ▶ **Example 5:** Rae is working at Runza one day a week. Her verified income is below the \$580 federal minimum monthly income threshold. However, Rae became a caretaker of a child under the age of 14 in the current month. **Rae is considered a Specified Excluded Individual and is compliant with MWR. No qualifying activity, exemption or temporary hardship needs to be reviewed.**

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When to Complete the MS-91 Form

1. An individual appears to be eligible for presumptive eligibility.
2. The provider verifies the individual is not currently active in Nebraska Medicaid.
3. The hospital-based presumptive provider completes sections 1-3 on the MS-91 with the individual.
4. The hospital-based presumptive provider completes the income calculation box and compares to the program chart.
5. If determined presumptively eligible and the individual is eligible in the Medicaid Expansion/Heritage Health Adult group, complete page 4 of the PE Eligibility Determination Form (Screener Addendum).
6. Provider and PE patient sign the MS-91.
7. The provider submits the PE form and the Screener Addendum to the DHHS.MedicaidPE@Nebraska.gov mailbox following normal processes.

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Key Considerations

- ▶ The \$580 income threshold is based on *MAGI countable household income*. For example, if the individual is not working, but their spouse is, as long as the \$580 threshold is met by the spouse, the individual is MWR compliant.
- ▶ Individuals may complete one or a combination of qualifying activities, but all 80 hours must occur within the same month.
- ▶ An individual is considered MWR compliant if they meet any one exclusion, exemption, temporary hardship, or qualifying activity mentioned. The month to evaluate matters.
 - Use the previous month for exemptions, hardships, and qualifying activities.
 - Use the current OR previous month to identify Specified Excluded Individuals.
- ▶ Resources can be found on the [DHHS Work Requirements Website](#), and the [DHHS Presumptive Eligibility Website](#).

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For assistance contact

DHHS Presumptive Eligibility Mailbox

DHHS.MedicaidPE@Nebraska.gov



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