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Protect Medicaid Access by Exempting People Living with HIV from Work Requirements

New Medicaid work reporting requirements will force enrollees eligible through Medicaid Expansion to document 80 hours/month of work or qualifying activities.

- 42% of Medicaid enrollees living with HIV receive coverage through Medicaid expansion and will be subject to these requirements unless exempt³

Federal law provides an exemption for individuals who have a “serious or complex medical condition.” If North Carolina does not clearly define HIV within this category, people living with HIV risk losing coverage due to administrative barriers.

- **38,614 people are living with diagnosed HIV in North Carolina**
 - **An estimated 85% of people living with HIV are diagnosed**
 - **Medicaid is the largest source of health coverage for people with HIV, covering 40% of nonelderly adults with HIV nationwide¹**
- Stable access to care is essential. Even short interruptions in treatment can reduce medication effectiveness and worsen health outcomes.²**

- Including HIV in North Carolina’s work requirement exemption is:**
- **Supported by federal policy**
 - **Medically necessary**
 - **Essential to preventing avoidable coverage loss.**

North Carolina’s recent Medicaid expansion has already helped 700,000+ people gain access to healthcare, including thousands of people living with HIV. Without clear protections, those same individuals are now at risk of losing coverage due to administrative barriers.

Failing to act would reverse this progress we have made, undermining both individual and public health.

Employment Considerations

People living with HIV can and do work, but face systemic challenges such as

- Health-related interruptions that disrupt employment
- Workplace stigma and discrimination
- Structural barriers which make it harder to secure and maintain stable employment

These realities mean work reporting requirements can disproportionately harm people living with HIV even when they are actively engaged in care and living full lives.²

Why HIV Qualifies

HIV clearly qualifies as a “serious or complex medical condition” because

- It is life-threatening if untreated
- It is potentially disabling
- It requires lifelong, specialized medical care

Federal guidance and CMS regulations recognize HIV as a serious chronic condition, supporting its inclusion in the exemption.²

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Implications

If North Carolina does not clearly include People Living with HIV under the medically complex exemption then

- Eligible individuals will lose coverage due to paperwork and reporting burdens
- Interruptions in care can lead to
 - Loss of viral suppression
 - Increased transmission risk
 - Higher long-term healthcare costs for individuals and the healthcare system
 - Potential risk of developing drug-resistance

Evidence shows work requirements often result in coverage loss due to red tape—not lack of eligibility. Based on national estimates, more than 6,000 North Carolinians living with HIV rely on Medicaid through the expansion, meaning roughly 1,500 could be at risk of losing coverage due to administrative barriers alone.²

Policy Recommendations

- 1. Explicitly include HIV diagnosis in work reporting requirement exemptions**
 - a. Add HIV to the definition of “serious or complex medical condition” in medical frailty criteria.**
- 2. Use existing NCDHHS data to identify people automatically**
 - a. Leverage claims, prescriptions (e.g., antiretroviral therapy), and diagnosis data to grant exemptions.⁴**
- 3. Keep the process simple**
 - a. Allow self-attestation, minimize documentation burdens, and ensure adequate ex parte enrollment for beneficiaries.**
- 4. Do not require repeated verification**
 - a. HIV is a lifelong condition and should not require ongoing re-verification.**
- 5. Protect privacy**
 - a. Ensure HIV-related data is used securely and confidentially.**

Further Reading

1. Kaiser Family Foundation (KFF). Medicaid and People with HIV. <https://www.kff.org/hiv-aids/medicaid-and-people-with-hiv/>
2. Legal Action Center. Protecting Individuals with HIV/AIDS from Losing Medicaid Coverage: Recommendations on Implementing the H.R. 1 Work Reporting Requirements. September 2025.
3. Kaiser Family Foundation (KFF). 5 Key Facts About Medicaid Coverage for People with HIV. <https://www.kff.org/medicaid/5-key-facts-about-medicaid-coverage-for-people-with-hiv/>
4. Brooks, T., et al. State Choices in Medical Frailty Work Requirement Exemption Can Keep Eligible People Covered. Georgetown University Center for Children and Families.
5. Boozang, P., & Serafi, K. The Medical Frailty Exemption: The Implementation Cornerstone of Medicaid Work Requirements. Manatt Health / The 80 Million, October 29, 2025.

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