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# A BILL FOR AN ACT

RELATING TO PUBLIC ASSISTANCE.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Section 346-44, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "**§346-44 Recovery of public assistance overpayments.**

4           (a) All overpayments of public assistance funds, including but  
5 not limited to overissuances of financial assistance, food stamp  
6 bonuses under a food stamp plan, medicaid assistance, and  
7 incorrect vendor payments in behalf of a recipient, shall  
8 constitute a debt due and owing to the department by the  
9 recipient of such overpayments. In addition to the remedies  
10 elsewhere prescribed in this chapter for the recovery of  
11 assistance fraudulently obtained, recovery of all overpayments  
12 will be made to the extent allowable by federal regulations[-];  
13 provided that the department shall waive recovery of  
14 overpayments that were solely the fault of the department, to  
15 the extent that the waiver does not conflict with requirements  
16 for the receipt of financial assistance from the federal  
17 government.



1        (b) The department shall [~~promulgate~~] adopt and enforce  
2 such rules [~~and regulations~~] consistent with subsection (a) as  
3 may be necessary to effect the maximum recovery of public  
4 assistance overpayments, including but not limited to the  
5 reduction of future public assistance grants. Departmental  
6 rules [~~and regulations~~] for the recovery of overpayments shall  
7 prescribe procedures for recourse to the civil courts when  
8 required, the filing of liens against the real property of  
9 overpaid recipients, and the filing of claims against the estate  
10 of a deceased recipient who has received overpayments which have  
11 not been recovered. Nothing in this section shall preclude the  
12 director of human services from promulgating procedures for  
13 waiving the recovery of overpayments in cases of bona fide  
14 hardship or where the costs of recovery would exceed the amount  
15 expected to be recovered."

16        SECTION 2. Statutory material to be repealed is bracketed  
17 and stricken. New statutory material is underscored.

18        SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY: *Franzanne Chun Calilaud*



**Report Title:**

Public Assistance; Overpayment; Recovery

**Description:**

Prohibits recovery of public assistance overpayments resulting from the action or inaction of the department of human services, to the extent that recovery does not conflict with requirements for the receipt of financial assistance from the federal government.

