
A BILL FOR AN ACT

RELATING TO HUMAN SERVICES.

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

1 PART I

2 SECTION 1. Section 346-14, Hawaii Revised Statutes, is
3 amended to read as follows:

4 "**§346-14 Duties generally.** Except as otherwise provided
5 by law, the department of human services shall:

6 (1) Establish and administer programs and standards, and
7 adopt rules as deemed necessary for all public
8 assistance programs;

9 (2) Establish, extend, and strengthen services for the
10 protection and care of abused or neglected children
11 and children in danger of becoming delinquent to make
12 paramount the safety and health of children who have
13 been harmed or are in life circumstances that threaten
14 harm;

15 (3) Establish and administer programs, and adopt rules as
16 deemed necessary, for the prevention of domestic and



- 1 sexual violence and the protection and treatment of
2 victims of domestic and sexual violence;
- 3 (4) Assist in preventing family breakdown;
- 4 (5) Place, or cooperate in placing, abused or neglected
5 children in suitable private homes or institutions and
6 place, or cooperate in placing, children in suitable
7 adoptive homes;
- 8 (6) Have authority to establish, maintain, and operate
9 receiving homes for the temporary care and custody of
10 abused or neglected children until suitable plans are
11 made for their care; and accept from the police and
12 other agencies, for temporary care and custody, any
13 abused or neglected child until satisfactory plans are
14 made for the child;
- 15 (7) Administer the medical assistance programs for
16 eligible public welfare and other medically needy
17 individuals by establishing standards, eligibility,
18 and health care participation rules, payment
19 methodologies, reimbursement allowances, systems to
20 monitor recipient and provider compliance, and
21 assuring compliance with federal requirements to
22 maximize federal financial participation;



- 1 (8) Cooperate with the federal government in carrying out
2 the purposes of the Social Security Act and in other
3 matters of mutual concern pertaining to public
4 welfare, public assistance, and child welfare
5 services, including the making of reports, the
6 adoption of methods of administration, and the making
7 of rules as are found by the federal government, or
8 any properly constituted authority thereunder, to be
9 necessary or desirable for the efficient operation of
10 the plans for public welfare, assistance, and child
11 welfare services or as may be necessary or desirable
12 for the receipt of financial assistance from the
13 federal government;
- 14 (9) Carry on research and compile statistics relative to
15 public and private welfare activities throughout the
16 ~~[State,]~~ state, including those dealing with
17 dependence, defectiveness, delinquency, and related
18 problems;
- 19 (10) Develop plans in cooperation with other public and
20 private agencies for the prevention and treatment of
21 conditions giving rise to public welfare problems;



- 1 (11) Adopt rules governing the procedure in hearings,
2 investigations, recording, registration, determination
3 of allowances, and accounting and conduct other
4 activities as may be necessary or proper to carry out
5 this chapter;
- 6 (12) Supervise or administer any other activities
7 authorized or required by this chapter, including the
8 development of the staff of the department through in-
9 service training and educational leave to attend
10 schools and other appropriate measures, and any other
11 activities placed under the jurisdiction of the
12 department by any other law;
- 13 (13) Make, prescribe, and enforce policies and rules
14 governing the activities provided for in section 346-
15 31 it deems advisable, including the allocation of
16 moneys available for assistance to persons assigned to
17 work projects among the several counties or to
18 particular projects where the apportionment has not
19 been made pursuant to other provisions of law, if any,
20 governing expenditures of the funds;
- 21 (14) Determine the appropriate level for the Hawaii
22 security net, by developing a tracking and monitoring



1 system to determine what segments of the population
2 are not able to afford the basic necessities of life,
3 and advise the legislature annually regarding the
4 resources required to maintain the security net at the
5 appropriate level;

6 (15) Subject to the appropriation of state funds and
7 availability of federal matching assistance, expand
8 optional health care to low-income persons as follows:

9 (A) Pregnant women and infants under one year of age
10 living in families with incomes up to one hundred
11 eighty-five per cent of the federal poverty level
12 and without any asset restrictions;

13 (B) Children under six years of age living in
14 families with incomes up to one hundred thirty-
15 three per cent of the federal poverty level and
16 without any asset restrictions;

17 (C) Older children to the extent permitted under
18 optional federal medicaid rules;

19 (D) Elder persons;

20 (E) Aliens;

21 (F) The homeless; and



1 (G), Other handicapped and medically needy persons;
2 and
3 (16) Subject to the appropriation of state funds and
4 availability of federal matching assistance, establish
5 the income eligibility level for the medically needy
6 program at one hundred thirty-three per cent of the
7 assistance allowance. In determining eligibility
8 under this paragraph, the department shall disregard
9 an amount of income equal to the difference between
10 one hundred thirty-three per cent of the assistance
11 allowance and one hundred per cent of the federal
12 poverty level, as adjusted annually by the federal
13 government for the size of the family applying for
14 assistance."

PART II

16 SECTION 2. Section 346-53, Hawaii Revised Statutes, is
17 amended by amending subsection (c) to read as follows:

18 "(c) The director, pursuant to chapter 91, shall determine
19 the rate of payment for domiciliary care, including care
20 provided in licensed developmental disabilities domiciliary
21 homes, community care foster family homes, and certified adult
22 foster homes, to be provided to recipients who are eligible



1 ~~[either]~~ for Federal Supplementary Security Income~~[7]~~ or public
2 assistance ~~[in accordance with state standards]~~, or both. The
3 director shall provide for level of care payment as follows:

4 (1) For ~~[those]~~ adult residential care homes classified as
5 facility type I, licensed developmental disabilities
6 domiciliary homes as defined under section 321-15.9,
7 community care foster family homes as defined under
8 section 346-331, and certified adult foster homes as
9 defined under section 321-11.2, the state supplemental
10 payment shall not exceed ~~[\$621.90; and]~~ \$641.90;

11 (2) For ~~[those]~~ adult residential care homes classified as
12 facility type II, the state supplemental payment shall
13 not exceed ~~[\$729.90.]~~ \$749.90; and

14 (3) For skilled nursing facilities and intermediate
15 facilities, the state supplemental payment shall not
16 exceed \$20.

17 If the operator does not provide the quality of care
18 consistent with the needs of the individual to the satisfaction
19 of the department, the department may remove the recipient to
20 another facility.

21 The department shall handle abusive practices under this
22 section in accordance with chapter 91.



Report Title:

Human Services; State Supplemental Payment

Description:

Requires the medically needy program to disregard an amount of income in determining eligibility for the program. Increases state supplemental payments for certain domiciliary care and requires a portion of the payment to be retained by the recipient for personal use. (SB427 HD1)

