



**TESTIMONY OF THE STATE ATTORNEY GENERAL  
TWENTY-FOURTH LEGISLATURE, 2008**

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**ON THE FOLLOWING MEASURE:**

H.B. NO. 2576, MAKING AN APPROPRIATION FOR THE HAWAII HEALTH SYSTEMS CORPORATION.

**BEFORE THE:**

HOUSE COMMITTEES ON HEALTH and HUMAN SERVICES AND HOUSING.

**DATE:** Monday, February 4, 2008 **TIME:** 10:45 AM

**LOCATION:** State Capitol, Room 329

*Deliver to: State Capitol, Room 436, 5 copies*

**TESTIFIER(S):** Mark J. Bennett, Attorney General  
Or James W. Walther, Deputy Attorney General

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Chair Green, Chair Shimabukuro, and Members of the Committees:

The Attorney General takes no position on this bill but points out legal flaws that would affect its implementation.

This bill appropriates money to the Hawaii Health Systems Corporation for dental services to kupuna, keiki, the developmentally disabled, and the uninsured, from the Temporary Assistance for Needy Families (TANF) program block grant.

The TANF block grant is federal money given to the State under the Social Security Act, 42 U.S.C., chapter 7, subchapter IV-A. The Department of Human Services (DHS) is the sole designated expending agency for the State pursuant to the State plan submitted and approved pursuant to 42 U.S.C. §602(a)(4). Thus, under the terms of the TANF grant, only DHS is authorized to expend TANF money for the State.

Additionally, TANF money can only be used for one of four purposes: (1) to provide assistance to needy families so that children may be cared for in their own homes or in the homes of relatives; (2) to end the dependence of needy parents on government benefits by promoting job preparation, work, and marriage; (3) to prevent and reduce the incidence of out-of-wedlock pregnancies and establish annual numerical goals for preventing and reducing the

incidence of these pregnancies; and (4) to encourage the formation and maintenance of two-parent families. 42 U.S.C. §601(a).

For the first and second enumerated purposes, TANF money may only be used to serve eligible needy families. For the third and fourth purposes, TANF money may be used to serve a broader population, but the purposes for which it can be used are obviously more narrowly drawn.

The purpose for which the money is appropriated by this bill does not, on its face, clearly relate to one of the four allowed purposes, and may violate the terms of the Social Security Act and the TANF grant. Even inadvertent or unintentional violations of the TANF requirements could result in substantial financial penalties to the State if expenditures are found ineligible by the federal Department of Health and Human Services.

In order to comply with the Social Security Act and the terms of the TANF grant, the bill would have to be amended to change the expending agency to DHS. In addition the bill would have to include more information regarding its purpose, and specifically how the purpose satisfies one of the allowed purposes for which TANF money may be used. Alternatively, it should at least make clear that the money will only be expended in accordance with the applicable TANF requirements.



**STATE OF HAWAII**  
STATE COUNCIL  
ON DEVELOPMENTAL DISABILITIES  
919 ALA MOANA BOULEVARD, ROOM 113  
HONOLULU, HAWAII 96814  
TELEPHONE: (808) 586-8100 FAX: (808) 586-7543  
February 4, 2008

The Honorable Josh Green, M.D., Chair  
House Committee on Health  
and

The Honorable Maile Shimabukuro, Chair  
House Committee on Human Services and Housing  
Twenty-Fourth Legislature  
State Capitol  
State of Hawaii  
Honolulu, Hawaii 96813

**SUBJECT: HB 2576 – MAKING AN APPROPRIATION FOR THE HAWAII  
HEALTH SYSTEMS CORPORATION**

The position and views expressed in this testimony do not represent nor reflect the position and views of the Departments of Health and Human Services (DHS).

The State Council on Developmental Disabilities (DD) **SUPPORTS HB 2576**. The purpose of the bill is appropriate Federal funds under the Temporary Assistance for Needy Families (TANF) block grant for FY 2008-2009 to the Hawaii Health Systems Corporation (HHSC) to provide dental services to kupuna, keiki, individuals with DD, and the uninsured by means of the dental residency program of the HHSC community-based dental health clinics.

Dental care has been identified as one of the major health concerns for individuals with DD. They have faced great challenges in accessing dental care services in an appropriate and timely manner. There is a need for dental services statewide and particularly on the Neighbor Islands.

The Council supports community-based dental care services. The provisions of the bill would increase access to dental care and enable the health clinics to increase their capacity and train dental health personnel. It would also allow for best practice strategies and approaches in the treatment of people with DD.

We applaud the Legislature's efforts and commitment to address the dental health care crisis and the oral health needs of the elderly, children, individuals with DD, and the uninsured through this bill.

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The Honorable Josh Green, M.D.  
The Honorable Maile Shimabukuro  
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The Council defers to DHS regarding the requirements of the use of TANF funds for the purpose of this bill and HHSC for the necessary appropriation amount.

Thank you for the opportunity to provide testimony in support of HB 2576.

Sincerely,

A handwritten signature in black ink, appearing to read "Waynette K.Y. Cabral". The signature is fluid and cursive, with a long horizontal stroke at the end.

Waynette K.Y. Cabral  
Executive Administrator

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## **Hawai'i Primary Care Association**

345 Queen Street, Suite 601 Honolulu, HI 96813  
Tel (808) 536-8442 Fax (808) 524-0347

To: **The House Committee on Health**  
The Hon. Josh Green, MD, Chair  
The Hon. John Mizuno, Vice Chair

**The House Committee on Human Services & Housing**  
The Hon. Maile S. L. Shimabukuro, Chair  
The Hon. Karl Rhoads, Vice Chair

**Testimony in Support of House Bill 2576**  
**Making an Appropriation for the Hawai'i Health Systems Corporation**  
**Submitted by Beth Giesting, CEO**  
**February 4, 2008, 10:45 a.m. agenda, Room 326**

The Hawai'i Primary Care Association strongly supports this measure, which would direct a portion of TANF funding to underwrite any uncompensated costs to the Hawai'i Health Systems Corporation related to making its operating room available for anesthesia and surgical procedures related to a pediatric dental residency program.

We are proud of the community health center-based dental residency program that is flourishing in Hawai'i. Now the national program with which our dental residency program is affiliated has received a federal grant to support a pediatric specialty dental residency here. There is a keen need for this program in Hawai'i since we have some of the most abysmal dental statistics in the nation. Our State Dental Health Division provides data on oral health that show that decayed or filled primary teeth among children in Hawai'i, ages 5-9, are more than double and baby bottle tooth decay is nearly triple the national rate for those conditions. At the same time, we underperform in meeting children's dental treatment needs and in the application of dental sealants. The proposed pediatric residency program will also be able to address woefully unmet needs for children and adults with developmental disabilities who are greatly underserved by our dental care system.

This bill is important because the pediatric residency will not be able to start until the community health centers identify hospitals that can make their operating rooms available when needed. Access to ORs is necessary because children and individuals with disabilities occasionally need to be sedated and need special care for oral surgery. While the residency program is in discussions with several other hospitals, the needs on Neighbor Islands, which are also served by HHSC, are most acute. We hope that HHSC can accommodate this program if some TANF funds are directed to it to defray any uncompensated costs. Developing this capacity on Neighbor Islands will be very cost-effective since the Medicaid program will no longer have to pay for travel to Honolulu as often for surgical services.

Thank you for the opportunity to support this bill. We believe that it addresses a very important barrier to the oral health of an important group of Hawai'i residents.

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