

H.B. NO. 1098

A BILL FOR AN ACT

RELATING TO GENERAL ASSISTANCE.

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

1 SECTION 1. Section 346-71, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§346-71 General assistance to households without minor**
4 **dependents.** (a) The department of human services is authorized
5 to administer and provide state-funded public assistance to
6 eligible persons who are disabled, who are not otherwise
7 provided for under this chapter, and who are unable to provide
8 sufficient support for themselves or those dependent upon them;
9 provided that such persons:

- 10 (1) Have first been determined ineligible for a comparable
11 federally funded financial assistance program;
- 12 (2) Are bona fide residents of this State; and
- 13 (3) Have furnished to the department a social security
14 account number for each member of the assistance unit
15 or verification that an application was made with the
16 Social Security Administration for a social security
17 account number for each member of the assistance unit.

1 Persons who meet the categorical criteria for eligibility,
2 but fail to satisfy income and resource criteria adopted by the
3 department shall not be eligible for general assistance to
4 household without minor dependents. The failure of any adult
5 member of the assistance unit to comply with the requirements or
6 conditions of general assistance to households without minor
7 dependents shall exclude the entire assistance unit from
8 receiving financial assistance. However, when the adult member
9 is disqualified for not meeting the work requirement, the
10 assistance unit shall not be disqualified if the assistance unit
11 was formed after the failure to meet the work requirement
12 occurred. "Assistance unit" as the term is used in this section
13 means persons whose needs, income, and assets are considered in
14 the financial assistance payment and their dependents.

15 For purposes of determining whether persons seeking
16 assistance are bona fide residents of this State, the department
17 of human services shall consider, but is not limited to
18 considering, the following factors:

- 19 (1) Enrollment and receipt of welfare benefits from
20 another jurisdiction;
- 21 (2) Physical presence in the State;
- 22 (3) Maintenance of a place of residence in the State;

- 1 (4) The availability of furnishings and household and
2 personal effects sufficient to lead a reasonable
3 person to conclude that the place of residence is more
4 than a public accommodation;
- 5 (5) Qualification as to residence for purposes of voting
6 in the State;
- 7 (6) Change in vehicle operation license;
- 8 (7) Vehicle registration;
- 9 (8) Enrollment of children in local schools; and
- 10 (9) Bank accounts in this State or any other jurisdiction.
- 11 (b) A person between eighteen and sixty-five years of age
12 with a disability shall be eligible for general assistance to
13 households without minor dependents for a period not to exceed
14 twelve months if the person:
- 15 (1) Is determined to be needy in accordance with standards
16 established by this chapter and the rules adopted
17 under subsection (e);
- 18 (2) Is unable to meet the disability requirements
19 established by the federal Supplemental Security
20 Income Program or its successor agency; and
- 21 (3) Is unable to engage in any substantial gainful
22 employment because of a determined and certified

1 physical, mental, or combination of physical and
2 mental disability. Upon application, the department
3 shall ask the person whether the person has a physical
4 or mental disability, or both. If the person claims
5 to have both a physical and mental disability, the
6 department shall ask the person to choose whether the
7 person's primary disability is physical or mental.
8 Determination and certification of the disability
9 shall be as follows:

10 (A) A determination and certification of physical
11 disability shall be made by a board of licensed
12 physicians designated and paid by the department.
13 Meetings of this board shall not be subject to
14 part I of chapter 92;

15 (B) A determination and certification of mental
16 disability shall be made by a board of licensed
17 psychologists or licensed physicians whose
18 specialty is in psychiatry. This board shall be
19 designated and paid by the department. Meetings
20 of this board shall not be subject to part I of
21 chapter 92;

- 1 (C) If a determination and certification is made that
2 the applicant does not have a physical, mental,
3 or combination of a physical and mental
4 disability, prior to a denial of any claim, the
5 department shall provide the applicant with an
6 initial denial notice that gives the applicant at
7 least ten calendar days to provide additional
8 medical evidence. The notice shall refer the
9 applicant to free legal services for assistance
10 and permit the applicant to request extensions of
11 time, if necessary;
- 12 (D) If a determination of physical, mental, or
13 combination of a physical and mental disability
14 is made, the person shall accept and pursue
15 appropriate medical treatment from a provider of
16 the person's choice. The department shall
17 promptly provide the person with a complete and
18 legible copy of the recommended appropriate
19 treatment;
- 20 (E) Any person, to continue to be certified as
21 mentally disabled, physically disabled, or both
22 mentally and physically disabled, shall be

1 reevaluated [~~annually,~~] semi-annually, as
2 provided by this section, and more frequently, as
3 required by the department; and

4 (F) Failure to pursue appropriate medical treatment
5 shall result in a loss of eligibility, unless the
6 failure is due to good cause. Good cause shall
7 include but not be limited to:

8 (i) Treatment is unavailable;

9 (ii) Personal emergencies; and

10 (iii) Circumstances that threaten the safety of
11 the patient.

12 The department shall adopt rules in accordance with chapter 91
13 to define "good cause", as used in subparagraph (F), in order to
14 determine when treatment is unavailable, what constitutes a
15 personal emergency, what circumstances may threaten the safety
16 of a patient, and other factors that may constitute good cause.

17 As used in this subsection:

18 "Substantial gainful employment" means at least thirty
19 hours of work per week.

20 "With a disability" or "having a disability" means a
21 disability that extends for a period of over sixty days.

1 Any person determined to be eligible under this subsection
2 may be referred to any appropriate state agency for vocational
3 rehabilitation services and shall be required to accept the
4 services as a further condition of eligibility for the receipt
5 of general assistance to households without minor dependents
6 under this section. An assistance unit shall be determined
7 ineligible for general assistance to households without minor
8 dependents if any adult member of the assistance unit fails to
9 cooperate with any appropriate state agency for vocational
10 rehabilitation services after being referred for services. Any
11 person found eligible under this subsection may also be required
12 to seek employment and participate in public work projects, as
13 described in section 346-31, and in public employment projects,
14 as described in section 346-102.

15 (c) Applicants and recipients shall be required to satisfy
16 all applicable provisions of this section. Recipients
17 disqualified for failure to comply with any of the requirements
18 under this section shall be excluded from general assistance to
19 households without minor dependents for a period not to exceed
20 twelve months.

1 (d) The allowance for general assistance to households
2 without minor dependents shall not exceed sixty-two and one-half
3 per cent of the standard of need.

4 (e) Within the limitations of this section, the department
5 shall by rules adopted pursuant to chapter 91, determine:

6 (1) The allowance for general assistance to households
7 without minor dependents based upon the total amount
8 appropriated for general assistance to households
9 without minor dependents;

10 (2) A method for determining assistance amounts; and

11 (3) Other necessary provisions to implement general
12 assistance to households without minor dependents.

13 (f) Any month in which a person receives assistance
14 pending an eligibility determination for the federal
15 Supplemental Security Income Program or a successor program
16 shall not be counted towards the twelve-month limit."

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

19 SECTION 3. This Act shall take effect on July 1, 2009.

20
21 INTRODUCED BY: Calvin K. H. Song
22 BY REQUEST

JAN 26 2009

Report Title:

General Assistance

Description:

Places a twelve-month limit on general assistance to households without minor dependents with appropriate exceptions.

JUSTIFICATION SHEET

DEPARTMENT: Human Services.

TITLE: A BILL FOR AN ACT RELATING TO GENERAL ASSISTANCE.

PURPOSE: To establish a twelve-month time limit for the general assistance program with appropriate exceptions.

MEANS: Amend section 346-71, Hawaii Revised Statutes.

JUSTIFICATION: The general assistance program is meant to provide cash benefits for food, clothing, shelter, and other essentials to individuals, ages 18 through 64, without minor dependents, who are temporarily disabled and who do not qualify for Social Security benefits. Assistance is provided while the temporarily disabled individual recovers sufficiently to return to work or, if permanently disabled, is determined to be qualified as eligible for federal Social Security benefits.

It is expected that within the twelve-month time limit being proposed, the temporarily disabled client will be able to return to work or be qualified for federal Social Security benefits.

The twelve-month eligibility shall not be counted pending determination of the general assistance recipient's eligibility for the Federal Supplemental Security Income Program or its successor program.

The general assistance program caseload has been increasing. This time limit will allow the department to provide the maximum amount of assistance, currently set by statute at sixty-two and one-half per cent of the standard of need, to clients while they are in their recovery or transition period and still provide public assistance within the

limits of the appropriation authorized by the Legislature each year.

Impact on the public: More clients will be able to receive the maximum benefits while they are eligible.

Impact on the department and other agencies: The department will be able to provide assistance within the funding authorized by the Legislature.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: HMS 212

OTHER AFFECTED
AGENCIES: None.

EFFECTIVE DATE: July 1, 2009.