
A BILL FOR AN ACT

RELATING TO HUMAN SERVICES.

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

1 SECTION 1. Section 346-71, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) A person between eighteen and sixty-five years of age
4 with a disability shall be eligible for general assistance to
5 households without minor dependents if the person:

6 (1) Is determined to be needy in accordance with standards
7 established by this chapter and the rules adopted
8 under subsection (e);

9 (2) Is unable to meet the disability requirements
10 established by the federal Supplemental Security
11 Income Program or its successor [~~agency~~] program; and

12 (3) Is unable to engage in any substantial gainful
13 employment because of a determined and certified
14 physical, mental, or combination of physical and
15 mental disability. Upon application, the department
16 shall ask the person whether the person has a physical
17 or mental disability, or both. If the person claims
18 to have both a physical and mental disability, the



1 department shall ask the person to choose whether the
2 person's primary disability is physical or mental.
3 Determination and certification of the disability
4 shall be as follows:

5 (A) A determination and certification of physical
6 disability shall be made by a board of licensed
7 physicians designated and paid by the
8 department. Meetings of this board shall not be
9 subject to part I of chapter 92;

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

17 ~~[(C) If a determination and certification is made that~~
18 ~~the applicant does not have a physical, mental,~~
19 ~~or combination of a physical and mental~~
20 ~~disability, prior to a denial of any claim, the~~
21 ~~department shall provide the applicant with an~~
22 ~~initial denial notice that gives the applicant at~~



1 ~~least ten calendar days to provide additional~~
 2 ~~medical evidence. The notice shall refer the~~
 3 ~~applicant to free legal services for assistance~~
 4 ~~and permit the applicant to request extensions of~~
 5 ~~time, if necessary;~~

6 ~~(D)~~ (C) If a determination of physical, mental, or
 7 combination of a physical and mental disability
 8 is made, the person shall accept and pursue
 9 appropriate medical treatment from a provider of
 10 the person's choice. The department shall
 11 promptly provide the person with a complete and
 12 legible copy of the recommended appropriate
 13 treatment;

14 ~~(E)~~ (D) Any person, to continue to be certified as
 15 mentally disabled, physically disabled, or both
 16 mentally and physically disabled, shall be
 17 reevaluated annually, as provided by this
 18 section, and more frequently, as required by the
 19 department; and

20 ~~(F)~~ (E) Failure to pursue appropriate medical
 21 treatment shall result in a loss of eligibility,



1 unless the failure is due to good cause. Good
2 cause shall include [~~but not be limited to~~]:
3 (i) Treatment is unavailable;
4 (ii) Personal emergencies; and
5 (iii) Circumstances that threaten the safety of
6 the patient.

7 The department shall adopt rules in accordance with chapter 91
8 to define "good cause", as used in subparagraph [~~(F), in order~~]
9 (E), to determine when treatment is unavailable, what
10 constitutes a personal emergency, what circumstances may
11 threaten the safety of a patient, and other factors that may
12 constitute good cause.

13 As used in this subsection:

14 "Substantial gainful employment" means at least thirty
15 hours of work per week.

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

18 Any person determined to be eligible under this subsection
19 may be referred to any appropriate state agency for vocational
20 rehabilitation services and shall be required to accept the
21 services as a further condition of eligibility for the receipt
22 of general assistance to households without minor dependents



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

10 SECTION 2. There is appropriated out of the general
11 revenues of the State of Hawaii the sum of \$ or so much
12 thereof as may be necessary for fiscal year 2010-2011 to provide
13 general assistance to households without minor dependents.

14 The sum appropriated shall be expended by the department of
15 human services for the purposes of this Act.

16 SECTION 3. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 4. This Act will take effect on January 1, 2050.



Report Title:

General Assistance; Appropriation

Description:

Eliminates the requirement to send a ten-day pending notice requesting additional medical evidence when a determination and certification is made that an applicant does not have a physical, mental, or combination of a physical and mental disability. (HB745 HD2)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

