
A BILL FOR AN ACT

RELATING TO THE DEPARTMENT OF HUMAN SERVICES.

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

1 SECTION 1. Chapter 103F, Hawaii Revised Statutes, is
2 amended by adding a new section to part I to be appropriately
3 designated and to read as follows:

4 "§103F- Medicaid contracts; health care insurance plan
5 contractors; reimbursements to home and community-based case
6 management agencies. (a) In any contract entered into with a
7 medicaid healthcare insurance plan contractor that provides
8 reimbursement to home and community-based case management
9 agencies, the department of human services shall include
10 contract provisions that specify the duties and obligations of
11 the medicaid health care insurance plan contractor to the home
12 and community-based case management agency, as follows:

13 (1) When renewing a policy with a home and community-based
14 case management agency, the medicaid healthcare
15 insurance plan contractor shall not reduce
16 reimbursement rates to the home and community-based
17 case management agency in excess of ten per cent of
18 the reimbursement rates in effect under the expiring



1 policy with the home and community-based case
2 management agency;

3 (2) Paragraph (1) shall not apply if the reduction in
4 reimbursement rates is necessary to ensure the
5 following:

6 (A) The clients' access to, or choice of, a home and
7 community-based case management agency; or

8 (B) The prevention of a substantial and foreseeable
9 risk of harm to clients; and

10 (3) The medicaid healthcare insurance plan contractor
11 shall not enter into, or renew, any policy with a home
12 and community-based case management agency unless the
13 policy contains maximum reimbursement levels for chore
14 services and non-emergency medical transportation.

15 (b) For the purposes of this section, the terms "client"
16 and "home and community-based case management agency" shall have
17 the same meanings ascribed to them under section 346-331."

18 Part II

19 SECTION 2. This Act prohibits the use of private contract
20 and vendors for intake and eligibility of welfare and public
21 assistance services in Hawaii.



1 SECTION 3. Prior to the reorganization of the Department of
2 Human Services Benefits, Employment and Support Services
3 Division; Social Services Division; and MedQUEST Division,
4 including but not limited to the intake, maintenance, and
5 eligibility services for public assistance, SNAP, and Medicaid
6 services, a Task Force shall be convened to determine the
7 feasibility of transferring services to the Eligibility
8 Processing Operations Division (EPOD). The Task Force shall
9 consist of the following:

10 a) The Director of the Department of Human Services or her
11 designee;

12 b) At least one eligibility workers from each island;

13 c) A representative from the Investigations Office of the
14 Department of Human Services;

15 d) At least five (5) representatives from organizations
16 which work with DHS eligibility offices providing services for
17 recipients, of which one shall be from Maui, Kauai, and the Big
18 Island;

19 e) A request for review shall be submitted to the United
20 States Department of Agriculture regarding the proposed plan of
21 transferring services to EPOD to determine possible concerns or
22 potential violations with federal regulations or policy.



1 f) The report of the Task Force's findings shall be
2 submitted to the Legislature at least twenty (20) days prior to
3 the convening of the 2011 Legislative session.

4 Part III

5 SECTION 4. Section 346-46, Hawaii Revised Statutes, is amended
6 to read as follows:

7 **"§346-46 Certified nurse aides; training programs and**
8 **recertification.** The director shall:

9 (1) Approve training programs for nurse aides and ensure
10 that the training programs comply with all applicable
11 federal and state requirements;

12 (2) Approve and arrange for the recertification process
13 for nurse aides who work in medicare or medicaid
14 certified nursing facilities;

15 (3) Approve and arrange for the recertification process
16 for nurse aides who work in state-licensed or state-
17 certified health care settings; and

18 (4) Require recertification not less than every two
19 years. The number of continuing education hours
20 required for recertification shall not exceed twenty-
21 four hours, except as specified by federal law~~[-]~~;
22 provided that the competency evaluation required



1 pursuant to section 457A-7 and 457A-8 shall be
2 included as continuing education hours and maintenance
3 requirements."

4 SECTION 5. Section 457A-2, Hawaii Revised Statutes, is
5 amended by amending subsection (c) to read as follows:

6 "(c) The director of human services shall implement this
7 chapter in accordance with 42 United States Code Sections 1395i-3
8 and 1396r, that relate to:

9 (1) Training programs for nurse aides and recertification;
10 provided that recertification shall be required not
11 less than every two years and the number of continuing
12 education hours required for recertification shall not
13 exceed twenty-four hours, except as specified by
14 federal law; provided further that the competency
15 evaluation required pursuant to section 457A-8 shall
16 be included as continuing education hours; and

17 (2) Disciplining of certified nurse aides employed in
18 health care settings licensed or certified by the
19 department of human services."

20 SECTION 6. Section 457A-7, Hawaii Revised Statutes, is
21 amended by amending subsection (e) to read as follows:



1 "(e) Maintenance requirements for the recertification
2 process shall be on a biennial basis, and shall include a
3 competency evaluation equivalent to that required under section
4 457A-8, an annual performance review, and in-service training
5 and employment in a medicare or medicaid facility as required by
6 federal and state law."

7 SECTION 7. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 8. This Act does not affect rights and duties that
10 matured, penalties that were incurred, and proceedings that were
11 begun before its effective date.

12 SECTION 9. New statutory material is underscored.



1 SECTION 10. This Act shall take effect on January 1, 2050.



Report Title:

Department of Human Services; Medicaid Contracts

Description:

Requires medicaid contracts between the department of human services and medicaid healthcare insurance plan contractors to contain provisions affecting the reimbursement obligations in the policies between the medicaid healthcare insurance plan contractors and the home and community-based case management agencies. Prohibits reductions of reimbursements of more than 10%. Effective 01/01/2050.

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

