

HOUSE OF REPRESENTATIVES  
THE TWENTY-FIFTH LEGISLATURE  
INTERIM OF 2009

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NOTICE OF INFORMATIONAL BRIEFING

DATE:      Wednesday, October 21, 2009  
TIME:      11:00 a.m.  
PLACE:      Conference Room 329  
                 State Capitol  
                 415 South Beretania Street

A G E N D A

The purpose of this informational briefing is to discuss the possible termination of State provided health benefits for persons in Hawaii under the Compact of Free Association not previously enrolled in State-funded health plans, and the elimination of many benefits to COFA residents and other individuals under a new health plan called "Basic Health Hawaii," originally to become effective September 1, 2009. The "Basic Health Hawaii" program would have eliminated **coverage for life saving dialysis or chemotherapy** treatments for approximately 7,500 Pacific Islanders. According to the State, this new plan sought to cut \$15 million annually from the State of Hawaii, Department of Human Services' budget. Effective August 1, 2009, the State had also been denying COFA residents' applications for State-funded health benefits based on their alienage.

Basic Health Hawaii was announced less than a month before it was to go in effect, without public hearings. Many of the recipients do not speak English, however the notification to terminate their life saving dialysis or chemotherapy treatments failed to provide in their language or in English that such life saving coverage would no longer be provided.

HEARING HUS-TCI-HMS-TIA 10-21-09 Info Briefing

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On the day the plan was to go in effect, United States District Judge J. Michael Seabright granted plaintiffs' motion for a temporary restraining order, preventing the State from instituting the new health plan. In ruling against the State, U.S. Judge Seabright stated, "It appears the state made a unilateral decision to decrease benefits with little or no notice."

The ruling keeps in place the current healthcare coverage as it was prior to Sept. 1, 2009, for dialysis, chemotherapy, brand name prescription drugs and doctor visits for Pacific Islanders. The 7,500 Pacific Islanders that would have been affected by the new plan are from nations that are parties to the Compact of Free Association, or former U.S. Trust Territories that include the Federated States of Micronesia, the Republic of the Marshall Islands and the Republic of Palau.

The author of "News Zero," Beverly Ann Deepe Keever will also share her perspective on the Marshallese saga of human suffering and sacrifice, which according to her has been largely untold in the media.

The legal team representing the Pacific Islanders will discuss the impact of the Federal Court's decision to enjoin the State and explain the "Stipulation for Extension of Temporary Order" which extends the TRO until the State follows rulemaking procedures as required by State law and provides constitutionally adequate notice to benefit recipients impacted by any cuts. The discussion will also provide possible future options.

The Department of Human Services will be asked to comment on the proposed cuts, the adverse impact on healthcare for Hawaii's vulnerable adults and families, and whether an extension will be granted to provide life saving dialysis and chemotherapy treatment coverage to Hawaii's Pacific Islanders.

The briefing will also discuss the Federal obligation to provide for adequate healthcare for all migrants under the Compact of Free Association.

The following organizations and/or individuals have been invited to participate:

Members of Hawaii's Congress or their designee

The President of the Federated States of Micronesia or his designee

The Consulate General of the Republic of the Marshall Islands

Will Swain of Pa Emman Kabjere Marshall Islands

Governor Linda Lingle or her designee

The Department of Human Services

Lawyers for Equal Justice

Beverly Ann Deepe Keever

Liberty Dialysis

Fresenius, Inc.

Micronesians United

PHOCUSED

Representatives from the Community Care Health Centers

Affected Dialysis and Chemotherapy patients

American Cancer Society, Pacific Chapter

National Kidney Foundation, Hawaii Chapter

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Hawaii Disability Rights Center

Other individuals or organizations that provide essential public services on behalf of the State of Hawaii who will be affected by the funding reduction in the State Department of Human Services' budget.

To ensure that all testifiers have adequate time to speak, please limit answers and comments to 10 minutes per State Department and Administration and 5 minutes for an individual or group.

If you require special assistance or auxiliary aids and/or services to participate in the House public hearing process (i.e., sign or foreign language interpreter or wheelchair accessibility), please contact the Committee Clerk at 586-6050 or email your request for an interpreter to [HouseInterpreter@Capitol.hawaii.gov](mailto:HouseInterpreter@Capitol.hawaii.gov) at least 24 hours prior to the hearing for arrangements. Prompt requests submitted help to ensure the availability of qualified individuals and appropriate accommodations.

For further information, please call the Committee Clerk at 586-6050.

Selected meetings are broadcast live. Check the current legislative broadcast schedule on the "Capitol TV" Web site at [www.capitoltv.org](http://www.capitoltv.org) OR call 550-8074.

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Chair

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Rep. John M. Mizuno  
Chair

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Senator J. Kalani English  
Chair

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Rep. Joey Manahan  
Chair

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Senate President

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Rep. Calvin K.Y. Say  
Speaker of the House

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