
A BILL FOR AN ACT

RELATING TO HUMAN SERVICES.

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

1 SECTION 1. The legislature recognizes that effective
2 communication between patient and provider, in discussing
3 medical treatment plans, communicating diagnoses, and making a
4 host of medical decisions, is an important component of quality
5 health care access and delivery in the State. Achieving this
6 level of communication is often challenging when the patient has
7 limited English proficiency. Steps must be taken by providers
8 to ensure that limited English proficiency will not compromise
9 the receipt of quality health care.

10 The purpose of this Act is to ensure that access plans are
11 developed to ensure that limited English proficiency will not
12 impede the receipt of quality health care services from medical
13 assistance programs administered by the department of human
14 services.

15 SECTION 2. Section 346-14, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "**§346-14 Duties generally.** Except as otherwise provided
18 by law, the department of human services shall:



- 1 (1) Establish and administer programs and standards, and
2 adopt rules as deemed necessary for all public
3 assistance programs;
- 4 (2) Establish, extend, and strengthen services for the
5 protection and care of abused or neglected children
6 and children in danger of becoming delinquent to make
7 paramount the safety and health of children who have
8 been harmed or are in life circumstances that threaten
9 harm;
- 10 (3) Establish and administer programs, and adopt rules as
11 deemed necessary, for the prevention of domestic and
12 sexual violence and the protection and treatment of
13 victims of domestic and sexual violence;
- 14 (4) Assist in preventing family breakdown;
- 15 (5) Place, or cooperate in placing, abused or neglected
16 children in suitable private homes or institutions and
17 place, or cooperate in placing, children in suitable
18 adoptive homes;
- 19 (6) Have authority to establish, maintain, and operate
20 receiving homes for the temporary care and custody of
21 abused or neglected children until suitable plans are
22 made for their care; and accept from the police and



1 other agencies, for temporary care and custody, any
2 abused or neglected child until satisfactory plans are
3 made for the child;

4 (7) Administer the medical assistance programs for
5 eligible public welfare and other medically needy
6 individuals by establishing standards, eligibility,
7 and health care participation rules, payment
8 methodologies, reimbursement allowances, systems to
9 monitor recipient and provider compliance, and an
10 access plan that includes medical care providers'
11 efforts to address the needs of individuals with
12 limited English proficiency, and assuring compliance
13 with federal requirements to maximize federal
14 financial participation;

15 (8) Cooperate with the federal government in carrying out
16 the purposes of the Social Security Act and in other
17 matters of mutual concern pertaining to public
18 welfare, public assistance, and child welfare
19 services, including the making of reports, the
20 adoption of methods of administration, and the making
21 of rules as are found by the federal government, or
22 any properly constituted authority thereunder, to be



- 1 necessary or desirable for the efficient operation of
2 the plans for public welfare, assistance, and child
3 welfare services or as may be necessary or desirable
4 for the receipt of financial assistance from the
5 federal government;
- 6 (9) Carry on research and compile statistics relative to
7 public and private welfare activities throughout the
8 State, including those dealing with dependence,
9 defectiveness, delinquency, and related problems;
- 10 (10) Develop plans in cooperation with other public and
11 private agencies for the prevention and treatment of
12 conditions giving rise to public welfare problems;
- 13 (11) Adopt rules governing the procedure in hearings,
14 investigations, recording, registration, determination
15 of allowances, and accounting and conduct other
16 activities as may be necessary or proper to carry out
17 this chapter;
- 18 (12) Supervise or administer any other activities
19 authorized or required by this chapter, including the
20 development of the staff of the department through in-
21 service training and educational leave to attend
22 schools and other appropriate measures, and any other



- 1 activities placed under the jurisdiction of the
2 department by any other law;
- 3 (13) Make, prescribe, and enforce policies and rules
4 governing the activities provided for in section 346-
5 31 it deems advisable, including the allocation of
6 moneys available for assistance to persons assigned to
7 work projects among the several counties or to
8 particular projects where the apportionment has not
9 been made pursuant to other provisions of law, if any,
10 governing expenditures of the funds;
- 11 (14) Determine the appropriate level for the Hawaii
12 security net, by developing a tracking and monitoring
13 system to determine what segments of the population
14 are not able to afford the basic necessities of life,
15 and advise the legislature annually regarding the
16 resources required to maintain the security net at the
17 appropriate level;
- 18 (15) Subject to the appropriation of state funds and
19 availability of federal matching assistance, expand
20 optional health care to low-income persons as follows:
21 (A) Pregnant women and infants under one year of age
22 living in families with incomes up to one hundred



1 eighty-five per cent of the federal poverty level
2 and without any asset restrictions;

3 (B) Children under six years of age living in
4 families with incomes up to one hundred thirty-
5 three per cent of the federal poverty level and
6 without any asset restrictions;

7 (C) Older children to the extent permitted under
8 optional federal medicaid rules;

9 (D) Elder persons;

10 (E) Aliens;

11 (F) The homeless; and

12 (G) Other handicapped and medically needy persons;
13 and

14 (16) Subject to the appropriation of state funds and
15 availability of federal matching assistance, establish
16 the income eligibility level for the medically needy
17 program at one hundred thirty-three per cent of the
18 assistance allowance."

19 SECTION 3. Section 432E-3, Hawaii Revised Statutes, is
20 amended to read as follows:

21 "**§432E-3 Access to services.** A managed care plan shall
22 demonstrate to the commissioner upon request that its plan:



- 1 (1) Makes benefits available and accessible to each
2 enrollee electing the managed care plan in the defined
3 service area with reasonable promptness and in a
4 manner [~~which~~] that promotes continuity in the
5 provision of health care services;
- 6 (2) Includes an access plan that contains medical care
7 providers' efforts to address the needs of enrollees
8 with limited English proficiency;
- 9 (3) Provides access to sufficient numbers and types of
10 providers to ensure that all covered services will be
11 accessible without unreasonable delay;
- 12 [~~+3~~] (4) When medically necessary, provides health care
13 services twenty-four hours a day, seven days a week;
- 14 [~~+4~~] (5) Provides a reasonable choice of qualified
15 providers of women's health services, such as
16 gynecologists, obstetricians, certified nurse-
17 midwives, and advanced practice nurses, to provide
18 preventive and routine women's health care services;
- 19 [~~+5~~] (6) Provides payment or reimbursement for adequately
20 documented emergency services as provided in this
21 chapter; and



1 [~~6~~] (7) Allows standing referrals to specialists capable
 2 of providing and coordinating primary and specialty
 3 care for an enrollee's life-threatening, chronic,
 4 degenerative, or disabling disease or condition."

5 SECTION 4. Statutory material to be repealed is bracketed
 6 and stricken. New statutory material is underscored.

7 SECTION 5. This Act shall take effect upon its approval.

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Report Title:

Access Plan; Medicaid Patients

Description:

Requires the Department of Human Services to establish an access plan that includes medical care providers' efforts to address the needs of individuals with limited English proficiency. Stipulates that managed care plans shall include an access plan that contains medical care providers' efforts to address the needs of enrollees with limited English proficiency.

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