

STAND. COM. REP. NO. 3001

Honolulu, Hawaii

MAR 23 2012

RE: H.B. No. 2448  
H.D. 2  
S.D. 1

Honorable Shan S. Tsutsui  
President of the Senate  
Twenty-Sixth State Legislature  
Regular Session of 2012  
State of Hawaii

Sir:

Your Committees on Human Services and Judiciary and Labor, to which was referred H.B. No. 2448, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO MEDICAID,"

beg leave to report as follows:

The purpose and intent of this measure is to assist the Department of Human Services in recovering monies owed by third parties responsible for injuries to Medicaid patients. Specifically, this measure:

- (1) Establishes a formula for calculating the amount to be contributed by the State toward a claimant's attorney's fees and costs, in lieu of recovering the full amount;
- (2) Defines the term "medical institution";
- (3) Clarifies that the lien amount in the Notice of the Lien sent by the Department of Human Services for reimbursement of Medicaid benefits shall be accompanied by an itemized list of payments made by the Department; and
- (4) Requires the entire lien amount to be presumed to be valid absent a good faith basis contesting the amount or validity of specific line item charges in the lien.



Your Committees received testimony in support of this measure from the Department of Human Services, Department of the Attorney General, and Hawaii Association for Justice.

Your Committees find that this measure will assist the Department of Human Services in the Department's collections of reimbursements for Medicaid liens, improve Medicaid program integrity, and ensure that funding for the Medicaid program is used to provide health insurance coverage to those truly in need by:

- (1) Determining whether or not a lien may be properly placed on a Medicaid recipient's real property;
- (2) Reducing the need for a court hearing to prove the amount of the lien and expediting the determination of the amount of restitution that must be paid;
- (3) Establishing a formula to resolve the issue as to what amount should be contributed by the State toward a claimant's attorney's fees and costs; and
- (4) Clarifying the amount that a Medicaid recipient must reimburse Medicaid for benefits paid out.

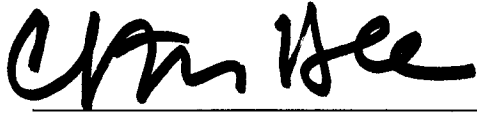
Your Committees have amended this measure by:

- (1) Changing the effective date from January 7, 2059, to July 1, 2050, to ensure further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Human Services and Judiciary and Labor that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2448, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 2448, H.D. 2, S.D. 1, and be referred to the Committee on Ways and Means.



Respectfully submitted on  
behalf of the members of the  
Committees on Human Services  
and Judiciary and Labor,



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CLAYTON HEE, Chair




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SUZANNE CHUN OAKLAND, Chair



The Senate  
Twenty-Sixth Legislature  
State of Hawai'i

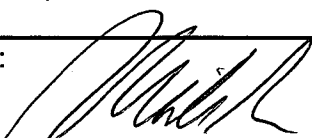
**Record of Votes**  
**Committee on Human Services**  
**HMS**

Bill / Resolution No.:* <b>HB 2448, HD 2</b>	Committee Referral: <b>HMS/JDL, WAM</b>	Date: <b>3/22/12</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
CHUN OAKLAND, Suzanne (C)	✓			
IHARA, Jr., Les (VC)				✓
GREEN, M.D., Josh	✓			
SLOM, Sam	✓			
<b>TOTAL</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes

The Senate  
Twenty-Sixth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 2448, HD2	HMS/JDL, WAM	3/22/12		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile (VC)	✓			
GABBARD, Mike	✓			
IHARA, Jr., Les				✓
SLOM, Sam				✓
<b>TOTAL</b>	3	0	0	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> <span style="margin-left: 20px;">Original</span> <span style="margin-left: 20px;">Yellow</span> <span style="margin-left: 20px;">Pink</span> <span style="margin-left: 20px;">Goldenrod</span>				
<span style="margin-left: 20px;">File with Committee Report</span> <span style="margin-left: 20px;">Clerk's Office</span> <span style="margin-left: 20px;">Drafting Agency</span> <span style="margin-left: 20px;">Committee File Copy</span>				

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