

Honolulu, Hawaii

March 16, 2012

RE: S.B. No. 2713
S.D. 1
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Human Services, to which was referred S.B. No. 2713, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO MEDICAID,"

begs leave to report as follows:

The purpose of this measure is to clarify requirements for Medicaid liens for restitution for injury by a third party by:

- (1) Requiring the Department of Human Services to provide to a person who caused injury to a Medicaid recipient a written notice of lien and an itemized list of payments to be reimbursed that identifies the provider of services, the dates of services, amounts billed, amounts paid, and dates of payments; and
- (2) Creating a presumption of validity for the entire amount of the lien unless a specific line item charge or charges in the lien are contested on a good faith basis.

The Department of the Attorney General, Department of Human Services, and the Adult Foster Home Care Association of Hawaii supported the measure. The Pacific Renal Care Foundation supported the measure with amendments. The Alliance of Residential Care Administrators and a concerned individual offered comments on the measure.

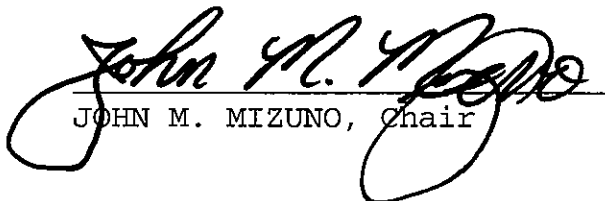


Your Committee has amended this measure by:

- (1) Adding a new part that requires the Department of Transportation in collaboration with the City and County of Honolulu's Department of Transportation Services to conduct a study on increasing the efficiency and punctuality of non-emergency transportation, such as TheHandi-Van;
- (2) Adding a new part that allows a community care foster family home six months to find another Medicaid client when the community care foster family home loses its only Medicaid client, and changes the age requirement for nurse aide substitute caregivers at community care foster family homes to 18 years to be consistent with federal law;
- (3) Specifying that any provisions of this measure that conflict with federal requirements for the receipt of federal funds shall be void and shall be severable from the remaining operative provisions;
- (4) Changing its effective date to July 1, 2050, to promote further discussion; and
- (5) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2713, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2713, S.D. 1, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Human Services,


JOHN M. MIZUNO, Chair



