

Honolulu, Hawaii

March 23, 2012

RE: S.B. No. 2713  
S.D. 1  
H.D. 2

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

Sir:

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

"A BILL FOR AN ACT RELATING TO MEDICAID,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Clarify requirements for Medicaid liens for restitution for injury by a third party by:
  - (A) 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
  - (B) 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;
- (2) Require 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;

- (3) Allow 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
- (4) Changes the age requirement for nurse aide substitute caregivers at community care foster family homes to 18 years to be consistent with federal law.

The Department of Human Services and Department of the Attorney General provided comments on this measure.

Your Committee has amended this measure by:

- (1) Deleting language requiring 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) Amending the effective date to ensure that the changes made to subsection 346-334(b), Hawaii Revised Statutes, shall not be repealed when that subsection is reenacted on June 30, 2013, pursuant to Act 221, Session Laws of Hawaii 2011; and
- (3) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2713, S.D. 1, H.D. 1, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as S.B. No. 2713, S.D. 1, H.D. 2.



Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,

  
GILBERT KEITH-AGAPAN, Chair



