
A BILL FOR AN ACT

RELATING TO HUMAN SERVICES.

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

1 SECTION 1. Section 346-44, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§346-44 Recovery of public assistance overpayments. (a)

4 All overpayments of public assistance funds, including but not
5 limited to overissuances of financial assistance, [~~feed stamp~~
6 ~~bonuses under a food stamp plan,~~] supplemental nutrition
7 assistance program assistance, medicaid assistance, and
8 incorrect vendor payments in behalf of a recipient, shall
9 constitute a debt due and owing to the department by the
10 recipient of [~~such~~] the overpayments. In addition to the
11 remedies elsewhere prescribed in this chapter for the recovery
12 of assistance fraudulently obtained, recovery of all
13 overpayments [~~will~~] shall be made to the maximum extent
14 allowable by federal regulations.

15 (b) The department shall [~~promulgate~~] adopt and enforce
16 [~~such~~] rules [~~and regulations~~] consistent with subsection (a) as
17 may be necessary to effect the maximum recovery of public
18 assistance overpayments, including but not limited to the



1 maximum reduction of future public assistance grants.
2 Departmental rules [~~and regulations~~] for the recovery of
3 overpayments shall prescribe procedures for recourse to the
4 civil courts when required, the filing of liens against the real
5 property of overpaid recipients, and the filing of claims
6 against the estate of a deceased recipient who has received
7 overpayments [~~which~~] that have not been recovered. Nothing in
8 this section shall preclude the director of human services from
9 [~~promulgating~~] establishing procedures for waiving the recovery
10 of overpayments in cases of bona fide hardship or where the
11 costs of recovery would exceed the amount expected to be
12 recovered."

13 SECTION 2. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 3. This Act shall take effect upon its approval.
16

INTRODUCED BY:

John M. Pardo
Mel Carr

JAN 17 2014



H.B. NO. 1892

Report Title:

Recovery of Public Assistance Overpayments; Maximum Recovery

Description:

Clarifies that the recovery of overissuances of supplemental nutrition assistance program assistance and for the recovery of all public assistance overpayments shall be made to the maximum extent allowable by federal regulations.

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