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# A BILL FOR AN ACT

RELATING TO APPOINTMENT OF EXEMPT PERSONNEL IN THE DEPARTMENT OF HUMAN SERVICES FOR THE STATE MEDICAL ASSISTANCE PROGRAMS.

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

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

3 "**§346-2 Appointment of personnel.** (a) The director of  
4 human services shall appoint such personnel in conformity with  
5 law as the director deems necessary. All employees of the  
6 department of human services, except as otherwise provided in  
7 this section, shall be appointed subject to any civil service  
8 law relating to state employees; in the event there is no civil  
9 service law in effect, then in accordance with a merit system  
10 meeting applicable federal requirement; provided that in the  
11 event of any conflict between applicable mandatory federal  
12 requirements and any state civil service law or regulations, the  
13 former requirements shall prevail.

14 (b) The director may appoint and employ, exempt from  
15 chapter 76, a division administrator, branch and office  
16 administrators, a finance officer, and a research officer;  
17 prescribe their duties and qualifications; and fix their



1 salaries when, in the determination of the director, the  
2 services to be performed are unique and essential to the  
3 execution of the functions of the state medical assistance  
4 programs."

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

7 "**S346-2 Appointment of personnel.** (a) The director of  
8 human services shall appoint such personnel in conformity with  
9 law as the director deems necessary. All employees of the  
10 department of human services, except as otherwise provided in  
11 this section, shall be appointed subject to any civil service  
12 law relating to state employees; in the event there is no civil  
13 service law in effect, then in accordance with a merit system  
14 meeting applicable federal requirement; provided that in the  
15 event of any conflict between applicable mandatory federal  
16 requirements and any state civil service law or regulations, the  
17 former requirements shall prevail.

18 (b) The director may appoint and employ, exempt from  
19 chapter 76, a division administrator, branch and office  
20 administrators, a finance officer, and a research officer;  
21 prescribe their duties and qualifications; and fix their  
22 salaries when, in the determination of the director, the



1 services to be performed are unique and essential to the  
2 execution of the functions of the state medical assistance  
3 programs.

4 (c) The director may appoint a privacy and security  
5 compliance officer, health information technology officer,  
6 physicians, pharmacists, and dentists pursuant to chapter 76."

7 SECTION 3. The director of human services may appoint a  
8 privacy and security compliance officer, health information  
9 technology officer, physicians, pharmacists, and dentists  
10 without regard to chapter 76, Hawaii Revised Statutes; provided  
11 that the exemption from chapter 76 shall expire three years  
12 after the effective date of this Act.

13 SECTION 4. New statutory material is underscored.

14 SECTION 5. This Act shall take effect on July 1, 2114;  
15 provided that on July 1, 2017, section 2 of this Act shall take  
16 effect and section 1 of this Act shall be repealed.



**Report Title:**

Position Exemptions; Department of Human Services

**Description:**

Authorizes the director of human services to appoint and employ managerial and professional staff, not subject to Chapter 76, Hawaii Revised Statutes, when in the determination of the director the services to be performed are unique and essential to the execution of the functions of the state medical assistance programs. Specifies that the exemption from civil service for the privacy and security compliance officer, health information technology officer, physicians, pharmacists, and dentists shall expire 3 years after the effective date of this Act. Effective July 1, 2050. (SB2845 HD2)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

