

JAN 22 2016

---

---

# A BILL FOR AN ACT

RELATING TO THE NURSING FACILITY SUSTAINABILITY PROGRAM.

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

1           SECTION 1. Act 156, Session Laws of Hawaii 2012, as  
2 amended by section 2 of Act 142, Session Laws of Hawaii 2013, as  
3 amended by section 1 of Act 124, Session Laws of Hawaii 2014, as  
4 amended by section 1 of Act 69, Session Laws of Hawaii 2015, is  
5 amended by amending section 2 as follows:

6           1. By amending subsection (c) of § -4, Hawaii Revised  
7 Statutes, to read:

8           "(c) Revenue from the nursing facility sustainability fee  
9 shall be used exclusively as follows:

10           (1) No less than eighty-eight per cent of the revenue from  
11 the nursing facility sustainability fee shall be used  
12 to match federal medicaid funds, with the combined  
13 total to be used to enhance capitated rates to  
14 medicaid managed care health plans for the purpose of  
15 increasing medicaid payments to private nursing  
16 facilities;



1           (2) Twelve per cent of the revenue from the nursing  
2           facility sustainability fee may be used by the  
3           department for other departmental purposes; and  
4           (3) All moneys remaining in the special fund on  
5           December 30, [~~2015,~~] 2017, shall be distributed to  
6           nursing facilities within thirty days in the same  
7           proportions as received from the nursing facilities."

8           2. By amending § -10, Hawaii Revised Statutes, to read:

9           "§ -10 Enhanced rates to medicaid managed care health  
10          plans. In accordance with title 42 Code of Federal Regulations  
11          section 438, the department shall use revenues from the nursing  
12          facility sustainability fee and federal matching funds to  
13          enhance the capitated rates paid to medicaid managed care health  
14          plans for the state fiscal year [~~2015-2016,~~] 2016-2017,  
15          consistent with the following objectives:

16           (1) The rate enhancement shall be used exclusively for  
17           increasing reimbursements to private nursing  
18           facilities to support the availability of services and  
19           to ensure access to care to the medicaid managed care  
20           health plan enrollees;



# S.B. NO. 2213

1           (2) The rate enhancement shall be made part of the monthly  
2           capitated rates by the department to medicaid managed  
3           care health plans, which shall provide documentation  
4           to the department and the nursing facility trade  
5           associations located in Hawaii certifying that the  
6           revenues received under paragraph (1) are used in  
7           accordance with this section;

8           (3) The rate enhancement shall be actuarially sound and  
9           approved by the federal government for federal fund  
10          participation; and

11          (4) The department shall modify the fee-for-service  
12          reimbursement rates of the nursing facilities to  
13          recognize the medicaid portion of the nursing facility  
14          sustainability fee as an additional cost of serving  
15          medicaid patients, and to provide a uniform percentage  
16          increase in pre-existing facility-specific rates."

17          3. By amending subsection (a) of §     -13, Hawaii Revised  
18          Statutes, to read:

19          "(a) Collection of the nursing facility sustainability fee  
20          under section     -5 shall be discontinued if:



# S.B. NO. 2213

- 1           (1) The waiver in section       -7 or the enhanced capitation  
2           rates in section       -10 have not been approved by the  
3           Centers for Medicare and Medicaid Services;
- 4           (2) The department reduces funding for nursing facility  
5           services below the state appropriation in effect on  
6           June 30, [~~2015~~] 2016;
- 7           (3) The department or any other state agency uses the  
8           money in the special fund for any use other than the  
9           uses permitted pursuant to this chapter; or
- 10          (4) Federal financial participation to match the nursing  
11          facility sustainability fee becomes unavailable under  
12          federal law. In such case, the department shall  
13          terminate the collection of the fee beginning on the  
14          effective date of the federal statutory, regulatory,  
15          or interpretive change."

16           SECTION 2. Act 156, Session Laws of Hawaii 2012, as  
17          amended by section 3 of Act 142, Session Laws of Hawaii 2013, as  
18          amended by section 2 of Act 124, Session Laws of Hawaii 2014, as  
19          amended by section 2 of Act 69, Session Laws of Hawaii 2015, is  
20          amended by amending section 5 to read as follows:



1           "SECTION 5. This Act shall take effect on July 1, 2012,  
2 and shall be repealed on June 30, [~~2016~~] 2017; provided that  
3 section     -4, Hawaii Revised Statutes, established by section 2  
4 of this Act, and the amendment made to section 36-30(a), Hawaii  
5 Revised Statutes, in section 3 of this Act, shall be repealed on  
6 December 31, [~~2016~~] 2017; and provided further that the  
7 amendment made to section 36-30(a), Hawaii Revised Statutes, in  
8 section 3 of this Act shall not be repealed when section 36-30,  
9 Hawaii Revised Statutes, is reenacted on June 30, 2015, pursuant  
10 to section 34 of Act 79, Session Laws of Hawaii 2009."

11           SECTION 3. There is appropriated out of the nursing  
12 sustainability program special fund sum of \$14,000,000 or so  
13 much thereof as may be necessary for fiscal year 2016-2017 for  
14 uses consistent with the nursing facility sustainability  
15 program.

16           The sum appropriated shall be expended by the department of  
17 human services for the purposes of this Act.

18           SECTION 4. Statutory material to be repealed is bracketed  
19 and stricken. New statutory material is underscored.



# S.B. NO. 2213

1           SECTION 5. This Act shall take effect on July 1, 2016;  
2 provided that sections 1 and 2 of this Act shall take effect on  
3 June 29, 2016.

4

INTRODUCED BY: Shianne Chun Oakland  
Ronald de Bora  
John  
Clerene & Krishika



# S.B. NO. 2213

**Report Title:**

Nursing Facility Sustainability Program; Appropriation

**Description:**

Continues the nursing facility sustainability program for one additional year. Appropriates funds out of the nursing facility sustainability program special fund for fiscal year 2016-2017.

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

