
A BILL FOR AN ACT

RELATING TO THE HOSPITAL SUSTAINABILITY PROGRAM.

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

1 SECTION 1. Act 217, Session Laws of Hawaii 2012, as
2 amended by Act 141, Session Laws of Hawaii 2013, section 1, as
3 amended by Act 123, Session Laws of Hawaii 2014, section 1, is
4 amended by amending section 2 as follows:

5 1. By amending the definitions of "net patient service
6 revenue" and "private hospital" in § -3, Hawaii Revised
7 Statutes, to read:

8 "Net patient service revenue" means gross revenue from
9 inpatient and outpatient care provided to hospital patients
10 converted to net patient revenue utilizing data from Worksheets
11 G-2 and G-3 of each hospital's medicare cost report for fiscal
12 year [~~2011-2012.~~] 2012-2013. If the hospital is new or did not
13 file a fiscal year medicare cost report, the department shall
14 obtain the hospital's net patient service revenue from the most
15 recent period available.

16 "Private hospital" means those non-public hospitals named
17 in attachment A of the medicaid section 1115 demonstration



1 waiver that were in operation in calendar year [~~2013~~] 2014 and
2 are currently operating."

3 2. By amending subsection (c) of § -4, Hawaii Revised
4 Statutes, to read:

5 "(c) Moneys in the hospital sustainability program special
6 fund shall be used exclusively as follows:

7 (1) To make direct supplemental uncompensated care and
8 upper payment limit payments to private hospitals
9 pursuant to the terms of the section 1115 waiver. At
10 least eighty-eight per cent of the moneys in the
11 special fund shall be used for this purpose, provided
12 that in no instance shall a hospital receive
13 uncompensated care costs payments that exceed its
14 allowable uncompensated care costs;

15 (2) Twelve per cent of the moneys in the special fund may
16 be used by the department for other departmental
17 purposes; and

18 (3) Any money remaining in the special fund six months
19 after the repeal of this chapter, shall be distributed
20 to hospitals within thirty days in the same
21 proportions as received from the hospitals."



1 3. By amending subsections (c) and (d) of § -5, Hawaii
2 Revised Statutes, to read:

3 "(c) The hospital sustainability fee for inpatient care
4 services may differ from the fee for outpatient care services
5 but the fees shall not in the aggregate exceed three per cent of
6 net patient service revenue as derived from the hospital's
7 medicare cost report ending during state fiscal year [~~2011-~~
8 ~~2012-~~] 2012-2013. The inpatient hospital sustainability fee
9 shall be [~~2.175~~] ___ per cent of net inpatient hospital service
10 revenue. The outpatient hospital sustainability fee shall be
11 three per cent of net outpatient hospital service revenue. Each
12 fee shall be the same percentage for all affected hospitals,
13 subject to subsection (d).

14 (d) The department shall exempt children's hospitals,
15 federal hospitals, public hospitals, rehabilitation hospitals,
16 and psychiatric hospitals [~~, and any hospital that was not in~~
17 ~~operation during any part of calendar year 2013 from the~~
18 ~~hospital sustainability fees on inpatient services~~]. In
19 addition, the department shall exempt hospitals with net
20 outpatient revenue of less than [~~\$45,000,000~~] \$50,000,000 per
21 year (based on fiscal year [~~2011-2012~~] 2012-2013 reports), and



1 public hospitals [~~, and any hospital that was not in operation~~
2 ~~during any part of calendar year 2013]~~ from the hospital
3 sustainability fee on outpatient care services."

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

5 "§ -8 Multifacility locations. If an entity conducts,
6 operates, or maintains more than one hospital licensed by the
7 department of health, the entity shall pay the hospital
8 sustainability fee for each hospital separately [~~-~~], unless it
9 operates and files more than one hospital under a single
10 medicare cost report."

11 5. By amending § -10, Hawaii Revised Statutes, to read:

12 "§ -10 Private hospital payments. (a) The department
13 shall use moneys from the hospital sustainability program
14 special fund to make direct payments to private hospitals in an
15 amount equal to [~~\$85,000,000~~] \$ _____ to cover the
16 uncompensated care costs incurred by private hospitals for
17 serving medicaid and uninsured individuals during state fiscal
18 year [~~2014-2015.~~] 2015-2016.

19 (b) The department shall use moneys from the hospital
20 sustainability program special fund to make direct upper payment
21 limit payments to level 2 trauma centers verified by the



1 American College of Surgeons and designated by the department of
2 health, including recognized specialty children's hospitals that
3 do not pay both the inpatient and outpatient assessments.

4 ~~[(b)]~~ (c) The department shall make quarterly payments to
5 private hospitals to reimburse their uncompensated care costs
6 within twenty days after the end of each calendar quarter;
7 provided that payments shall not be due until at least fifteen
8 days after receipt of the fees required by section -6. If
9 the department fails to pay the full amount when due, there
10 shall be added to the payment a penalty equal to prime plus two
11 per cent of the payment that was not paid when due.

12 ~~[(e)]~~ (d) Each eligible hospital's quarterly payment shall
13 be equal to one-quarter of its uncompensated care costs for the
14 fiscal year in which payment is made, as derived from the
15 uncompensated care costs reported by all private hospitals for
16 fiscal year ~~[2011-2012-]~~ 2012-2013 as follows:

17 (1) Inpatient uncompensated care costs shall be reimbursed
18 at 86.76 per cent of reported uncompensated care
19 costs; and



1 (2) Outpatient uncompensated care costs shall be
2 reimbursed at one hundred per cent of reported
3 uncompensated care costs.

4 (e) Each eligible hospital's quarterly payment shall be
5 equal to one-quarter of its prorated share of upper payment
6 limit payments for the fiscal year in which payment is made;
7 provided that:

8 (1) Level 2 trauma centers shall receive \$ for
9 each medicaid day reported; and

10 (2) Specialty children's hospitals that are exempt from
11 both the inpatient and outpatient hospital fee
12 assessments shall receive \$ for each
13 medicaid discharge reported.

14 ~~[-(d)]~~ (f) If federal approval pursuant to section -7 is
15 not received until after the end of any quarter for which the
16 hospital sustainability fee is applicable, the department shall
17 make the initial quarterly payments within five days after
18 receipt of the hospital sustainability fee for the respective
19 quarter.

20 ~~[-(e)]~~ (g) To the extent the hospital sustainability
21 program is not effective for the entire year, the hospital



1 sustainability fee, the state medicaid expenses and
2 administrative fee, and the corresponding uncompensated care
3 payments shall be based on the proportion of the fiscal year the
4 program is in effect."

5 SECTION 2. Act 217, Session Laws of Hawaii 2012, as
6 amended by Act 141, Session Laws of Hawaii 2013, section 2, as
7 amended by Act 123, Session Laws of Hawaii 2014, section 2, is
8 amended by amending section 5 to read as follows:

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

18 SECTION 3. Act 123, Session Laws of Hawaii 2014, is
19 amended by amending section 7 to read as follows:

20 "SECTION 7. This Act shall take effect on June 29, 2014;
21 provided that [~~section~~]:



- 1 (1) Section 5 shall take effect on July 1, 2014[-];
- 2 (2) The amendments made to sections 36-27(a) and 36-30(a),
- 3 Hawaii Revised Statutes, in sections 3 and 4 of this
- 4 Act, respectively, shall not be repealed when sections
- 5 36-27 and 36-30, Hawaii Revised Statutes, are
- 6 reenacted on June 30, 2015, pursuant to section 34 of
- 7 Act 79, Session Laws of Hawaii 2009; and
- 8 (3) Sections 3 and 4 shall be repealed on December 31,
- 9 2016."

10 SECTION 4. Section 36-27, Hawaii Revised Statutes, is
 11 amended by amending subsection (a) to read as follows:

12 "(a) Except as provided in this section, and
 13 notwithstanding any other law to the contrary, from time to
 14 time, the director of finance, for the purpose of defraying the
 15 prorated estimate of central service expenses of government in
 16 relation to all special funds, except the:

- 17 (1) Special out-of-school time instructional program fund
- 18 under section 302A-1310;
- 19 (2) School cafeteria special funds of the department of
- 20 education;
- 21 (3) Special funds of the University of Hawaii;



- 1 (4) State educational facilities improvement special fund;
- 2 (5) Convention center enterprise special fund under
- 3 section 201B-8;
- 4 (6) Special funds established by section 206E-6;
- 5 (7) Housing loan program revenue bond special fund;
- 6 (8) Housing project bond special fund;
- 7 (9) Aloha Tower fund created by section 206J-17;
- 8 (10) Funds of the employees' retirement system created by
- 9 section 88-109;
- 10 (11) Hawaii hurricane relief fund established under chapter
- 11 431P;
- 12 (12) Hawaii health systems corporation special funds and
- 13 the subaccounts of its regional system boards;
- 14 (13) Tourism special fund established under section
- 15 201B-11;
- 16 (14) Universal service fund established under section
- 17 269-42;
- 18 (15) Emergency and budget reserve fund under section
- 19 328L-3;
- 20 (16) Public schools special fees and charges fund under
- 21 section 302A-1130;



- 1 (17) Sport fish special fund under section 187A-9.5;
- 2 (18) Glass advance disposal fee established by section
- 3 342G-82;
- 4 (19) Center for nursing special fund under section
- 5 304A-2163;
- 6 (20) Passenger facility charge special fund established by
- 7 section 261-5.5;
- 8 (21) Court interpreting services revolving fund under
- 9 section 607-1.5;
- 10 (22) Hawaii cancer research special fund;
- 11 (23) Community health centers special fund;
- 12 (24) Emergency medical services special fund;
- 13 (25) Rental motor vehicle customer facility charge special
- 14 fund established under section 261-5.6;
- 15 (26) Shared services technology special fund under section
- 16 27-43;
- 17 (27) Automated victim information and notification system
- 18 special fund established under section 353-136;
- 19 (28) Deposit beverage container deposit special fund under
- 20 section 342G-104;



1 (29) Hospital sustainability program special fund under Act
2 217, Session Laws of Hawaii 2012, as amended [~~by Act~~
3 ~~141, Session Laws of Hawaii 2013~~];

4 [+] (30) [+] Nursing facility sustainability program special fund
5 under Act 156, Session Laws of Hawaii 2012;

6 [+] (31) Hawaii 3R's school improvement fund[+] under section
7 302A-1502.4; and

8 [+] (32) [+] After-school plus program revolving fund under
9 section 302A-1149.5,

10 shall deduct five per cent of all receipts of all special funds,
11 which deduction shall be transferred to the general fund of the
12 State and become general realizations of the State. All
13 officers of the State and other persons having power to allocate
14 or disburse any special funds shall cooperate with the director
15 in effecting these transfers. To determine the proper revenue
16 base upon which the central service assessment is to be
17 calculated, the director shall adopt rules pursuant to chapter
18 91 for the purpose of suspending or limiting the application of
19 the central service assessment of any fund. No later than
20 twenty days prior to the convening of each regular session of



1 the legislature, the director shall report all central service
2 assessments made during the preceding fiscal year."

3 SECTION 5. Section 36-30, Hawaii Revised Statutes, is
4 amended by amending subsection (a) to read as follows:

5 "(a) Each special fund, except the:

- 6 (1) Transportation use special fund established by section
7 261D-1;
- 8 (2) Special out-of-school time instructional program fund
9 under section 302A-1310;
- 10 (3) School cafeteria special funds of the department of
11 education;
- 12 (4) Special funds of the University of Hawaii;
- 13 (5) State educational facilities improvement special fund;
- 14 (6) Special funds established by section 206E-6;
- 15 (7) Aloha Tower fund created by section 206J-17;
- 16 (8) Funds of the employees' retirement system created by
17 section 88-109;
- 18 (9) Hawaii hurricane relief fund established under section
19 431P-2;
- 20 (10) Convention center enterprise special fund established
21 under section 201B-8;



- 1 (11) Hawaii health systems corporation special funds and
2 the subaccounts of its regional system boards;
- 3 (12) Tourism special fund established under section
4 201B-11;
- 5 (13) Universal service fund established under section
6 269-42;
- 7 (14) Emergency and budget reserve fund under section
8 328L-3;
- 9 (15) Public schools special fees and charges fund under
10 section 302A-1130;
- 11 (16) Sport fish special fund under section 187A-9.5;
- 12 (17) Center for nursing special fund under section
13 304A-2163;
- 14 (18) Passenger facility charge special fund established by
15 section 261-5.5;
- 16 (19) Court interpreting services revolving fund under
17 section 607-1.5;
- 18 (20) Hawaii cancer research special fund;
- 19 (21) Community health centers special fund;
- 20 (22) Emergency medical services special fund;



- 1 (23) Rental motor vehicle customer facility charge special
2 fund established under section 261-5.6;
- 3 (24) Shared services technology special fund under section
4 27-43;
- 5 (25) Nursing facility sustainability program special fund
6 established pursuant to Act 156, Session Laws of
7 Hawaii 2012;
- 8 (26) Automated victim information and notification system
9 special fund established under section 353-136; and
- 10 (27) Hospital sustainability program special fund under Act
11 217, Session Laws of Hawaii 2012, as amended [~~by Act~~
12 ~~141, Session Laws of Hawaii 2013~~],
- 13 shall be responsible for its pro rata share of the
14 administrative expenses incurred by the department responsible
15 for the operations supported by the special fund concerned."

16 SECTION 6. There is appropriated out of the hospital
17 sustainability program special fund the sum of \$50,000,000 or so
18 much thereof as may be necessary for fiscal year 2015-2016 for
19 the purposes of the hospital sustainability program special
20 fund.



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

3 SECTION 7. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 8. This Act shall take effect on June 29, 2015;
6 provided that section 6 shall take effect on July 1, 2015;
7 provided further that the amendments to sections 36-27(a) and
8 36-30(a), Hawaii Revised Statutes, by sections 4 and 5 of this
9 Act, respectively, shall not be repealed when sections 36-27 and
10 36-30, Hawaii Revised Statutes, are reenacted on June 30, 2015,
11 pursuant to section 34 of Act 79, Session Laws of Hawaii 2009.



Report Title:

Hospital Sustainability Program; Special Fund; Appropriation

Description:

Continues the hospital sustainability program by extending its sunset date to June 30, 2016, updating the referral dates in the statute, and revising the funding amount for the hospital sustainability program for fiscal year 2015-2016. Appropriates funds. (SD2)

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

