

FEB 02 2017

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# SENATE CONCURRENT RESOLUTION

URGING THE DEPARTMENT OF HUMAN SERVICES TO NOT CONSIDER CERTAIN  
BENEFITS UNDER TITLE II OF THE SOCIAL SECURITY ACT AS  
INCOME WHEN DETERMINING MEDICAID ELIGIBILITY.

1           WHEREAS, many individuals with disabilities who have  
2 extremely low income rely on federal supplemental security  
3 income (SSI) for living expenses, but supplemental security  
4 income alone is grossly insufficient to pay for the cost of the  
5 residential and health care services that individuals may need;  
6 and

7  
8           WHEREAS, Hawaii law has long recognized and addressed this  
9 shortfall in living income by authorizing a state payment  
10 supplemental to SSI under section 346-53(c), Hawaii Revised  
11 Statutes, for residents of certain care facilities; and

12  
13           WHEREAS, individuals with disabilities who have extremely  
14 low income and rely on supplemental security income and a state  
15 payment supplemental to SSI also rely on the State's Medicaid  
16 program for medical care and home and community based services  
17 to maintain a healthy and productive life in the community; and

18  
19           WHEREAS, eligibility for Medicaid services is subject to a  
20 Medicaid income qualification standard; in the case of some  
21 individuals, the receipt of federal benefits under Title II of  
22 the Social Security Act causes the total income of the  
23 individual to exceed the income qualification standard for SSI  
24 and the state supplement to SSI and, as a result, eligibility  
25 for Medicaid; and

26  
27           WHEREAS, when a Medicaid recipient's total income exceeds  
28 the Medicaid income qualification standard, in order to retain  
29 eligibility for Medicaid, the individual must spend down all of  
30 the recipient's income as "cost share" for Medicaid services  
31 until the recipient's retained income equals an arbitrary



1 "medically needy" standard of \$469 per month, which is the only  
2 amount the individual retains for expenses; and  
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4 WHEREAS, the medically needy amount of \$469 is grossly  
5 inadequate for an individual to pay ordinary living expenses,  
6 including shelter, meals, necessities of daily living, and a  
7 variety of social services; and  
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9 WHEREAS, in many cases the cause of the individual's income  
10 exceeding the Medicaid income qualification standard is the  
11 receipt of disabled adult child benefits, which is Social  
12 Security disability income under Title II of the Social Security  
13 Act on the basis of blindness or disability that began before  
14 the individual attained the age of twenty-two; and  
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16 WHEREAS, federal law title 42 United States Code section  
17 1383c(c) mandates that most states disregard the amount of  
18 disabled adult child benefits, or the increase thereof, that  
19 causes the requirement to spend down to the medically needy  
20 standard, but gives the State and ten other states the option to  
21 disregard such income, or not, at the states' option; and  
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23 WHEREAS, federal law requires or permits states to  
24 disregard Social Security Act Title II benefit amounts or  
25 increases thereof to the extent that those amounts result in  
26 loss of Medicaid eligibility for four different groups of  
27 individuals, but the Department of Human Services has adopted  
28 rules to implement these income disregards for all groups except  
29 the group of recipients of disabled adult child benefits; now,  
30 therefore,  
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32 BE IT RESOLVED by the Senate of the Twenty-ninth  
33 Legislature of the State of Hawaii, Regular Session of 2017, the  
34 House of Representatives concurring, that the Department of  
35 Human Services is urged to adopt rules and take all actions  
36 necessary, as permitted by federal law, to disregard the Social  
37 Security Act Title II benefit or any increase in that benefit  
38 that makes an individual ineligible for supplemental security  
39 income and Medicaid; and  
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# S.C.R. NO. 45

1 BE IT FURTHER RESOLVED that certified copies of this  
2 Concurrent Resolution be transmitted to the Director of Human  
3 Services and Hawaii State Council on Developmental Disabilities.  
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OFFERED BY: 

