

FEB 02 2017

SENATE 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
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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
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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
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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
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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
32 "medically needy" standard of \$469 per month, which is the only
33 amount the individual retains for expenses; and
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S.R. NO. 11

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

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

