

# Hawaii Disability Legal Services, LLC

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March 29, 2017

Committee on Human Services  
Testimony on S.C.R. 45 and S.R. 11

March 29, 2:50 a.m.  
Conference Room 016

Dear Chair Green and Members of the Committee:

My name is Diane C. Haar. I am a licensed attorney practicing in the State of Hawai'i. My practice is devoted to representing individuals with disabilities and their interests throughout the state.

I am strongly in support of S.C.R. 45 and S.R. 11. Disabled since her birth, my sister receives the Social Security Disabled Adult Child benefit. Typically, an individual would be eligible for about \$735 per month in benefits. The Disabled Adult Child benefit allows for a modest increase of a few hundred dollars or so, depending on how much that person's parent paid into Social Security.

Currently, my sister lives in an assisted living facility near my parents on the mainland. This facility is very similar to the developmental disabilities domiciliary homes administered here by The Arc of Hawaii. As with most siblings, as my parents age, I will assume my sister's care.

Right now, in Hawaii, when someone like my sister receives Disabled Adult Child benefits causing his or her income to exceed Medicaid income limits, the Department of Human Services takes all but \$469 of his or her benefit as a so-called "Medicaid Cost Share" to pay for Medicaid coverage. This is much too little to provide for anyone, let alone someone who has disabilities.

Federal Social Security law requires Disabled Adult Children be allowed to choose Medicaid as most programs available to them require this coverage. However, while the law allows states to disregard Disabled Adult Child benefits to the extent it disqualifies the person for Medicaid, and nearly all have done so, Hawaii through the Department of Human Services has not.

This is a major concern for me in making Hawaii my home. I still remember the first time I found someone with diagnoses nearly identical to my sister in the men's shelter at IHS whose father had recently passed. A recipient of Disabled Adult Child benefits, he could afford modest housing, but due to his incapacity, could not sustain it. As a family member, that this could happen is absolutely terrifying.

Please urge the Department of Human Services to stop reducing these individual's benefits to \$469 a month, and to instead adopt an appropriate rule disregarding Disabled Adult Child benefits for eligibility to Medicaid.