

Honolulu, Hawaii

APR 05 2018

RE: H.B. No. 1812
H.D. 3
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1812, H.D. 3, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Authorize a health care surrogate to act as a Medicaid authorized representative to assist a patient with a Medicaid application and eligibility process and in communications with the Department of Human Services; and
- (2) Specify the duties and obligations of the surrogate.

Your Committee received testimony in support of this measure from the Department of Human Services, Healthcare Association of Hawaii, Kaiser Permanente Hawai'i, The Queen's Health Systems, Aloha Nursing Rehab Center, One Kalakaua Senior Living, and O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i.

Your Committee finds that, in 2017, the Department of Human Services implemented new procedures to allow an appointed surrogate to act as a patient's authorized representative to make



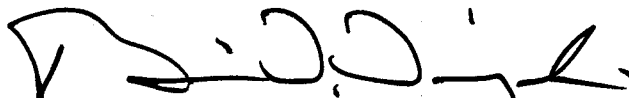
health care decisions relate to Medicaid, including the decision to apply for Medicaid benefits. The Department later suspended those procedures following a determination that there were other specific issues relating to state and federal surrogacy laws that needed to be addressed and clarified in order for a surrogate to act as a Medicaid authorized representative. This measure will explicitly allow a surrogate to act as a Medicaid authorized representative and ensure that a surrogate acting in such a role agrees to the federal and state laws regarding authorized representatives.

Your Committee has amended this measure by:

- (1) Making it effective upon approval; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1812, H.D. 3, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1812, H.D. 3, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,


BRIAN T. TANIGUCHI, Chair



The Senate
Twenty-Ninth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:*	Committee Referral:	Date:		
<i>HB1812, HD3, SD1</i>	<i>HMS, JDC</i>	<i>3/29/2018</i>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, Brian T. (C)	✓			
RHOADS, Karl (VC)	✓			
GABBARD, Mike				✓
KIM, Donna Mercado	✓			
THIELEN, Laura H.	✓			
TOTAL	<i>4</i>	<i>0</i>	<i>0</i>	<i>1</i>
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<i>Karl Rhoads</i>				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes