
A BILL FOR AN ACT

RELATING TO MEDICAID WAIVER.

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

1 SECTION 1. The legislature finds that the State's
2 department of health developmental disabilities division
3 operates the medicaid intellectual and developmental
4 disabilities home and community-based services waiver under the
5 medicaid services section 1915(c) of the Social Security Act
6 (HCBS I/DD waiver) on behalf of the department of human services
7 med-QUEST division, which is the state medicaid agency.

8 The HCBS I/DD waiver is reviewed and approved by the United
9 States Department of Health and Human Services Centers for
10 Medicare and Medicaid Services (CMS) and has many requirements
11 to ensure appropriate and efficient provision of services and
12 supports to people with intellectual and developmental
13 disabilities.

14 The legislature further finds that CMS requires that states
15 provide participant safeguards to ensure the health, safety, and
16 rights of HCBS I/DD waiver participants and ensure services are
17 delivered by qualified providers. The developmental



1 disabilities division conducts an initial review of all
2 applications from provider agencies to ensure medicaid
3 requirements are met. The med-QUEST division conducts final
4 review approval. HCBS I/DD waiver provider agencies are
5 required to follow waiver standards and policies and procedures
6 for staff training and supervision to ensure the health and
7 safety in the settings where participants receive HCBS I/DD
8 waiver services. The developmental disabilities division
9 conducts oversight and continuous quality assurance to ensure
10 safe and appropriate practices by HCBS I/DD waiver provider-
11 agencies. The med-QUEST division oversees monitoring activities
12 performed by the developmental disabilities division. The
13 developmental disabilities division also conducts certification
14 of adult foster homes where many waiver participants reside.

15 The legislature also finds that not all waiver participants
16 who live in residential settings require nursing services, and
17 that requirements for nursing certifications by all providers of
18 services in these settings add cost and burden to waiver
19 provider agencies, which may impact access to services for
20 participants with intellectual and developmental disabilities.



1 Providing an exclusion for agencies serving participants in
2 the medicaid intellectual and developmental disabilities waiver
3 will ensure that waiver participants continue to have access to
4 services from qualified HCBS I/DD waiver provider agencies with
5 a workforce that is continuously monitored to meet waiver
6 requirements in alignment with state and federal standards.

7 SECTION 2. Section 321-14.8, Hawaii Revised Statutes, is
8 amended by amending subsection (c) to read as follows:

9 "(c) A service provider agency [~~under contract for~~
10 ~~services with the city and county of Honolulu elderly affairs~~
11 ~~division]~~ shall be exempt from the licensing requirement of this
12 section[-] when services are provided:

13 (1) Under contract for services with the city and county
14 of Honolulu, elderly affairs division; or

15 (2) Exclusively to participants in the medicaid home and
16 community based services waiver, pursuant to section
17 1915(c) of the Social Security Act, by an agency
18 approved by the department of human services med-QUEST
19 division."



1 SECTION 3. Act 21, Special Session Laws of Hawaii 2009, as
2 amended by section 2 of Act 125, Session Laws of Hawaii 2014, is
3 amended by amending section 8 to read as follows:

4 "SECTION 8. This Act shall take effect on July 1, 2009 [~~7~~
5 ~~and shall be repealed on June 30, 2019; provided that sections~~
6 ~~321-11 and 321-11.5(b), Hawaii Revised Statutes, and the~~
7 ~~definition of "healthcare facility" in section 321-15.2, Hawaii~~
8 ~~Revised Statutes, shall be reenacted in the form in which they~~
9 ~~read on June 30, 2009]."~~

10 SECTION 4. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 5. This Act shall take effect on January 1, 2059.



Report Title:

Medicaid Waiver; Department of Health; Service Provider Agencies; Home Care Agencies

Description:

Removes the sunset date of Act 21, Special Session Laws of Hawaii 2009, which requires the Department of Health to license home care agencies. Adds exception for Medicaid waiver provider agencies providing services to Medicaid waiver participants.
(SB1240 HD1)

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