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# A BILL FOR AN ACT

RELATING TO PERSONS WITH DISABILITIES.

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

1           SECTION 1. Chapter 346, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "§346-     Medicaid buy-in program for workers with  
5 disabilities.   (a) The department shall adopt the option made  
6 available under section 1902(a)(10)(A)(ii)(XIII) of the federal  
7 Social Security Act.

8           (b) In order to be eligible for benefits under this  
9 section, an individual shall:

10          (1) Have a net countable income greater than one hundred  
11           thirty-eight per cent of the federal poverty level for  
12           one person or, if the deeming of spousal income  
13           applies to the individual, the individual shall have a  
14           net countable income greater than one hundred  
15           thirty-eight per cent of the federal poverty level for  
16           two persons;



1       (2) Be disabled under title II or XVI or section 1902(v)  
2       of the federal Social Security Act; provided that an  
3       individual shall be determined to be eligible under  
4       this section without regard to the individual's  
5       ability to engage in, or actual engagement in,  
6       substantial gainful activity, as defined in section  
7       223(d)(4) of the federal Social Security Act; and

8       (3) Except as otherwise provided in this section, have net  
9       nonexempt resources, which shall be determined in  
10       accordance with the methodology used under title XVI  
11       of the federal Social Security Act, that are not in  
12       excess of the limits provided for under those  
13       provisions.

14       Countable income shall be determined under section 1612 of  
15       the federal Social Security Act, except that the individual's  
16       disability income, including all federal and state disability  
17       benefits and private disability insurance, shall be exempted.  
18       Resources excluded under section 1613 of the federal Social  
19       Security Act shall be disregarded.

20       Resources in the form of employer or individual retirement  
21       arrangements authorized under the Internal Revenue Code shall be



1 exempted as authorized by section 1902(r) of the federal Social  
2 Security Act.

3 (c) Individuals eligible for benefits under this section  
4 shall be subject to the payment of premiums determined under  
5 this subsection. The department shall:

6 (1) Establish sliding-scale premiums that are based on  
7 countable income, with a minimum premium of \$20 per  
8 month and a maximum premium of \$250 per month; and

9 (2) By rule, annually adjust the premiums.

10 Before adjustment of any premiums determined pursuant to this  
11 subsection, the department shall submit a report of proposed  
12 premium adjustments to the legislature no later than twenty days  
13 prior to the convening of each regular session.

14 (d) In order to implement the collection of premiums under  
15 this section, the department may:

16 (1) Develop and execute a contract with a public or  
17 private entity to collect premiums; or

18 (2) Amend any existing or future premium-collection  
19 contract that it has executed.

20 (e) The department shall adopt rules, pursuant to chapter  
21 91, necessary for the purposes of this section, including



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1 specifying the process for discontinuance of eligibility under  
 2 this section for nonpayment of premiums for more than two months  
 3 by a beneficiary.

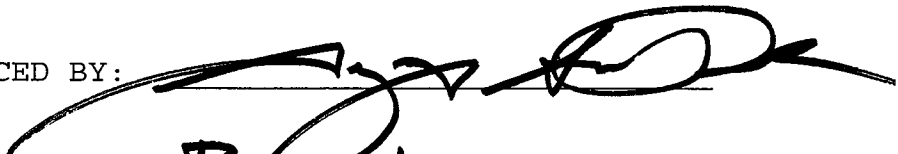
4 (f) Notwithstanding any other provision of law, this  
 5 section shall be implemented only if, and to the extent that,  
 6 the department determines that federal financial participation  
 7 is available pursuant to title XIX of the federal Social  
 8 Security Act."

9 SECTION 2. New statutory material is underscored.

10 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY:



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**Report Title:**

DHS; Persons with Disabilities; Medicaid; Buy-in Program

**Description:**

Requires the department of human services to establish a medicaid buy-in program for workers with disabilities.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

