
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) To be eligible for benefits under this section, an
9 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) Annually adjust the premiums by rule.

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) To implement the collection of premiums under this
15 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



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. The department of human services shall submit a
10 report to the legislature no later than twenty days prior to the
11 convening of the regular session of 2021 on the progress made in
12 evaluating how a full medicaid buy-in program may be implemented
13 and the viability of implementing a full medicaid buy-in
14 program.

15 SECTION 3. New statutory material is underscored.

16 SECTION 4. This Act shall take effect on December 31,
17 2059.



Report Title:

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

Description:

Requires DHS to establish a medicaid buy-in program for workers with disabilities. Requires DHS to submit a report to the legislature prior to the 2021 regular session on the progress made in evaluating how to implement and the viability of implementing a full Medicaid buy-in program. Takes effect 12/31/2059. (HD1)

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