

## ACT 128

## An Act Relating to Medical Care of Indigents and Medical Indigents.

*Be it Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The functions and authority heretofore exercised by the various counties of the State with respect to medical care of the indigent and medical indigent pursuant to Chapter 48, Revised Laws of Hawaii 1955, as amended, are hereby transferred to the Department of Social Services as established by Hawaii State Government Reorganization Act of 1959.

SECTION 2. Chapter 48, Revised Laws of Hawaii 1955, as amended, is hereby repealed in its entirety.

SECTION 3. Section 108-31, Revised Laws of Hawaii 1955, as amended, is hereby further amended to read as follows:

**"Sec. 108-31. Aged persons.** A person shall be eligible for public assistance who:

(a) Is in need and has not sufficient income or other resources to provide a subsistence compatible with decency and health; and

(b) Is sixty-five years of age or more; provided that, in the event that the minimum age for determining eligibility for old age assistance under the federal laws is reduced, the minimum age prescribed by this paragraph shall thereby automatically be reduced to conform to such federal minimum, but in no case below sixty years."

SECTION 4. The last paragraph of Section 20, Hawaii State Government Reorganization Act of 1959, is hereby amended to read as follows:

"The functions and authority heretofore exercised by the department of public welfare, the department of institutions (except for Waimano home and the State hospital transferred to the department of health), the boards of prison inspectors, the bureau of sight conservation and work with the blind, the council on veterans' affairs, and any other agency of the State or county governments with respect to the assistance and care of the indigent and medical indigent as heretofore constituted are hereby transferred to the department of social services established by this Act."

SECTION 5. Section 108-1, Revised Laws of Hawaii 1955, as amended, is hereby further amended in the following respects:

(a) By redefining "public assistance" to read as follows:

"'Public assistance' means money payments to or for the benefit of persons whom the department has determined to be without sufficient means of support to maintain a minimum standard of living compatible with decency and health, including payments to or on behalf of such persons for medical care."

(b) By adding thereto a definition of "medical care" to read as follows:

"'Medical care' means all kinds of medical care, dental care and maternity care, including surgical and hospital care, eye care (which includes optical appliances), materials, supplies and all other appliances used in the care, treatment and rehabilitation of patients, and hospitalization."

SECTION 6. Section 108-7(a), Revised Laws of Hawaii 1955, as amended, is hereby further amended to read as follows:

"(a) Administer, establish programs and standards, and promulgate rules as may be deemed necessary for all public assistance, including payments for medical care."

SECTION 7. The first sentence of Section 108-36, Revised Laws of Hawaii 1955, as amended, is hereby further amended to read as follows:

"The amount of public assistance granted, including funds received from the federal government, shall not exceed in the case of any applicant and his dependents an amount in excess of that determined upon investigation or by the decision of the department to be compatible with maintaining decency and health, including payments to or on behalf of such persons for medical care."

SECTION 8. The second sentence of Section 108-43, Revised Laws of Hawaii 1955, as amended, is hereby further amended to read as follows:

"The amount or value of such assistance shall not exceed such minimum as in the judgment of the department will provide for the minimum needs (including food, shelter, clothing, utilities and incidentals) compatible with the maintenance of decency and health, including payments to or on behalf of such persons for medical care, of such applicant and his dependents."

SECTION 9. All employees of the counties whose functions are transferred to the state by this Act and whose services are not required by the respective counties shall be transferred to the Department of Social Services and shall continue to perform their duties upon their transfer, subject to provisions of state civil service laws, federal merit system requirements, and the Hawaii State Government Reorganization Act of 1959.

Every civil service employee or officer of the county who may be transferred to a State civil service position as a consequence of the transfer of the function herein concerned to the Department of Social Services, shall be continued as a civil service employee or officer, in the position to which transferred without change in civil service status, reduction in salary range, loss of vacation or sick leave allowances, service credits or other rights and privileges and without the necessity of examination; provided, that such employee or officer possesses the minimum qualifications for the position to which he is transferred.

SECTION 10. Payments to meet the cost of medical care of medical indigents eligible under county standards of eligibility at the time of the effective date of this Act and who are found ineligible under state-wide standards shall be provided for by the respective counties in which the medical indigent resides, provided that the counties shall be responsible only for the cost of care for such eligible medical indigent for the duration of the treatment authorized by the county or until such time that he becomes eligible under the State's eligibility requirements, whichever occurs sooner.

SECTION 11. There is hereby appropriated out of the general revenues of the State of Hawaii, not otherwise appropriated, for the fiscal period ending June 30, 1962, the sum of \$60,000 or so much thereof as may be necessary, to the Department of Social Services for the necessary personnel and office expenses.

SECTION 12. This Act shall take effect on June 30, 1961.

(Approved June 23, 1961.) **S.B. 141.**