

ACT 36

H. B. 497.

A Bill for an Act Relating to the Liability for Expenses of Persons Committed to Waimano Training School and Hospital.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. This Act is hereby declared to be an urgency measure deemed necessary in the public interest within the meaning of section 11 of Article III of the Constitution of the State of Hawaii.

The following is a statement of facts constituting such urgency:

Title XIX of the Social Security Act provides matching funds for medical assistance to indigents and medical indigents. An additional amount of federal matching funds estimated at \$500,000 per year can be brought into the State if payments for care of the indigent and medically indigent individuals who are patients at Waimano Training School and Hospital are included in the Medical Assistance Program.

To enable the department of social services to implement this important phase of the Medical Assistance Program, it will be necessary to amend section 82-8, Revised Laws of Hawaii 1955, as amended. This will allow the State to conform to federal requirements for this program.

SECTION 2. Section 82-8, Revised Laws of Hawaii 1955, is amended to read as follows:

“§ 82.8. Payments for care and treatment of persons committed; liability of persons committed. A parent, guardian or other person liable for the support of any person committed to the Waimano training school and hospital shall pay such sums as may be determined by the department of health for the care and treatment of such person. The parent or guardian of a minor committed to the Waimano training school and hospital shall be liable for such care and treatment and such liability shall continue until the person committed has reached the age of majority. Every person committed to the

Waimano training school and hospital and any property of his estate not exempt from execution, shall be liable for the expense of his care and treatment. The attorney general, whenever required by the director, shall take such steps as may be appropriate, by suit if necessary, to enforce any liability established by this section. The attorney general may designate any appropriate county attorney to act in his behalf in any such enforcement proceeding.

“With the approval of the governor and from the funds appropriated to the department of health for the care and treatment of mentally retarded persons, the department of health may transfer from time to time to the department of social services such amounts as may be requested by the department of social services to match federal funds available under Title XIX of the Social Security Act to assist any indigent or medically indigent person to pay for the care and treatment of any person committed to the Waimano training school and hospital. With the approval of the governor, the department of health may deposit any portion of the payments received by it into the appropriation from which the transfers were made.”

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

(Approved May 7, 1968.)