

ACT 393

H.B. NO. 62

A Bill for an Act Relating to Human Services.

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

SECTION 1. The legislature finds that health care for pregnant women, infants, and very young children from families with low incomes has not been made available to a sufficient degree. Because of high health care costs and lack of eligibility for pregnant women and infants in families with incomes greater than the poverty level, this group currently is ineligible for health care provided through

medicaid, even though members of this group face grave hardships in meeting health care costs. In addition, under the current phase-in program to extend eligibility to young children, the period of time during which they are vulnerable to medical costs for health care is prolonged. The legislature further finds that a program to:

- (1) Expand medicaid eligibility to children under the age of four and to older children to the extent permitted under optional federal medicaid rules; and
- (2) Extend medicaid eligibility to pregnant women and infants under one year of age from families with incomes up to one hundred eighty-five per cent of the poverty level would remove these individuals from vulnerability.

The purpose of this Act is to extend immediate medicaid eligibility to these women and children.

SECTION 2. Section 346-14, Hawaii Revised Statutes, is amended to read as follows:

“§346-14 Duties generally. Except as otherwise provided by law, the department of human services shall:

- (1) [Administer, establish] Establish and administer programs and standards, and adopt rules as deemed necessary for all public assistance programs;
- (2) Establish, extend, and strengthen services for the protection and care of neglected children and children in danger of becoming delinquent;
- (3) Assist in preventing family breakdown;
- (4) Place, or cooperate in placing, neglected children in suitable private homes or institutions[,] and place, or cooperate in placing, children in suitable adoptive homes;
- (5) Have authority to establish, maintain, and operate receiving homes for the temporary care and custody of neglected children until suitable plans are made for their care; and accept from the police and other agencies, for temporary care and custody, any neglected child until satisfactory plans are made for the child;
- (6) Administer the medical assistance programs for eligible public welfare and other medically needy individuals by establishing standards, eligibility, and health care participation rules, payment methodologies, reimbursement allowances, systems to monitor recipient and provider compliance, and assuring compliance with federal requirements in order to maximize federal financial participation;
- (7) Cooperate with the federal government in carrying out the purposes of the Social Security Act[,] and in other matters of mutual concern pertaining to public welfare, public assistance, and child welfare services, including the making of [such] reports, the adoption of [such] methods of administration, and the making of [such] rules as are found by the federal government, or any properly constituted authority thereunder, to be necessary or desirable for the efficient operation of the plans for [such] public welfare, assistance, and child welfare services[,] or as may be necessary or desirable for the receipt of financial assistance from the federal government;
- (8) Carry on research and compile statistics relative to public and private welfare activities throughout the State, including those dealing with dependence, defectiveness, delinquency, and related problems;

- (9) Develop plans in cooperation with other public and private agencies for the prevention and treatment of conditions giving rise to public welfare problems;
- (10) [Make such] Adopt rules governing the procedure in hearings, investigations, recording, registration, determination of allowances, and accounting[,] and conduct [such] other activities as may be necessary or proper to carry out this chapter[, which rules, when approved by the governor, shall have the force and effect of law];
- (11) Supervise or administer any other activities authorized or required by this chapter, including the development of the staff of the department through in-service training and educational leave to attend schools and other appropriate measures, and any other activities placed under the jurisdiction of the department by any other law;
- (12) Make, prescribe, and enforce [such] policies and rules governing the activities provided for in section 346-31 [as] it deems advisable, including the allocation of moneys available for assistance to persons assigned to work projects among the several counties or to particular projects where [such] the apportionment has not been made pursuant to other provisions of law, if any, governing expenditures of the funds[, which rules, when approved by the governor, shall have the force and effect of law];
- (13) Determine the appropriate level for the Hawaii security net, by developing a tracking and monitoring system to determine what segments of the population are not able to afford the basic necessities of life, and advise the legislature annually regarding the resources required to maintain the security net at the appropriate level; and
- (14) Subject to the appropriation of state funds and availability of federal matching assistance, expand optional health care to low-income persons as follows: pregnant women[,] and infants under one year of age living in families with incomes up to one hundred eighty-five per cent of the poverty level and without any asset restrictions, children[,] under four years of age living in families with incomes below the federal poverty level and without any asset restrictions, older children to the extent permitted under optional federal medicaid rules, elderly persons, aliens, the homeless, and other handicapped and medically needy persons."

SECTION 3. In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1989-1990 to be exceeded by \$419,832, or 0.018 per cent. The reasons for exceeding the general fund expenditure ceiling are that the appropriations made in this Act are necessary to serve the public interest and to meet the needs provided for by this Act.

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$419,832 or so much thereof as may be necessary for fiscal year 1989-1990, and the sum of \$892,110, or so much thereof as may be necessary for fiscal year 1990-1991, to carry out the purposes of this Act. The sums appropriated shall be expended by the department of human services for the purposes of this Act.

SECTION 5. Statutory material to be repealed is bracketed. New statutory material is underscored.

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SECTION 6. The department shall enact rules to implement this program within ninety days of the effective date of this Act.

SECTION 7. This Act shall take effect on January 1, 1990.

(Approved June 27, 1989.)