

ACT 91

S.B. NO. 1240

A Bill for an Act Relating to Medicaid Waiver.

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

SECTION 1. The legislature finds that the State's department of health developmental disabilities division operates the medicaid intellectual and developmental disabilities home and community-based services waiver under the medicaid services section 1915(c) of the Social Security Act (HCBS I/DD waiver) on behalf of the department of human services med-QUEST division, which is the state medicaid agency.

The HCBS I/DD waiver is reviewed and approved by the United States Department of Health and Human Services Centers for Medicare and Medicaid Services (CMS) and has many requirements to ensure appropriate and efficient provision of services and supports to people with intellectual and developmental disabilities.

The legislature further finds that CMS requires that states provide participant safeguards to ensure the health, safety, and rights of HCBS I/DD waiver participants and ensure services are delivered by qualified providers. The developmental disabilities division conducts an initial review of all applications from provider agencies to ensure medicaid requirements are met. The med-QUEST division conducts final review approval. HCBS I/DD waiver provider agencies are required to follow waiver standards and policies and procedures for staff training and supervision to ensure the health and safety in the settings where participants receive HCBS I/DD waiver services. The developmental disabilities division conducts oversight and continuous quality assurance to ensure safe and appropriate practices by HCBS I/DD waiver provider-agencies. The med-QUEST division oversees monitoring activities performed by the developmental disabilities division. The developmental disabilities division also conducts certification of adult foster homes where many waiver participants reside.

The legislature also finds that not all waiver participants who live in residential settings require nursing services, and that requirements for nursing certifications by all providers of services in these settings add cost and burden to waiver provider agencies, which may impact access to services for participants with intellectual and developmental disabilities.

Providing an exclusion for agencies serving participants in the medicaid intellectual and developmental disabilities waiver will ensure that waiver participants continue to have access to services from qualified HCBS I/DD waiver provider agencies with a workforce that is continuously monitored to meet waiver requirements in alignment with state and federal standards.

SECTION 2. Section 321-14.8, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) A service provider agency [~~under contract for services with the city and county of Honolulu elderly affairs division~~] shall be exempt from the licensing requirement of this section[~~when services are provided~~]:

- (1) Under contract for services with the city and county of Honolulu, elderly affairs division; or
- (2) Exclusively to participants in the medicaid home and community based services waiver, pursuant to section 1915(c) of the Social Security Act, by an agency approved by the department of human services med-QUEST division.”

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SECTION 3. Statutory material to be repealed is bracketed and strick-en. New statutory material is underscored.

SECTION 4. This Act shall take effect on July 1, 2019.

(Approved June 7, 2019.)