

HAWAII ADMINISTRATIVE RULES

TITLE 17

DEPARTMENT OF HUMAN SERVICES

SUBTITLE 9 ADULT AND COMMUNITY CARE PROGRAMS

CHAPTER 1404

FRAUD PROVISIONS

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§17-1404-1 Purpose. The purpose of this chapter is to define conditions under which the department will investigate suspected fraud. [Eff 12/5/97; comp 7/9/01 ] (Auth: HRS §346-14) (Imp: HRS §346-14)

§17-1404-2 Definitions. As used in this chapter: "Fraud" means a knowing false statement or misrepresentation of a fact which results in the receipt of a benefit that would not otherwise result without the false statement.

For example, failing to report employment income is fraudulent when a recipient or other party knowingly makes a false statement such as "no income" or "no employment" to receive public assistance benefits that the recipient would not otherwise receive if the recipient reported the recipient's income. [Eff 12/5/97; comp 7/9/01 ] (Auth: HRS §346-14) (Imp: HRS §§346-34, 708-830(2))

§17-1404-3 Investigation of suspected fraud. (a) The department shall identify situations in which there are questions of suspected fraud such as, but not limited to, a recipient's receiving financial assistance, food stamps, or social services to which the individual is not entitled through wilfully misrepresenting circumstances or intentionally concealing information from the department.

(b) The department's investigations office shall, as appropriate, investigate suspected fraud and may refer these cases to law enforcement officials.

(c) The methods of investigation shall not infringe on the legal rights of the persons involved and shall afford these individuals due process of law. [Eff 12/5/97; am and comp 7/9/01 ] (Auth: HRS §346-14) (Imp: HRS §§346-34, 708-830, 708-831(1)(b))

§17-1404-4 Penalty. The department may initiate prosecution of an individual suspected of fraud. In addition, the individual may be subject to any other criminal, civil, or administrative sanction authorized by law. [Eff 12/5/97; comp 7/9/01 ] (Auth: HRS §346-14) (Imp: HRS §346-34)