

**4. Section 17-1702-2, Hawaii Administrative Rules, is repealed as follows:**

["§17-1702-2 Definitions. For the purpose of this chapter:

"DHS" means the department of human services.

"Department" refers to the department of human services (DHS).

"Family and adult services division (FASD)" means the work unit within the department which administers the public assistance and food stamp programs.

"HIV/AIDS" means human immunodeficiency virus/acquired immunodeficiency syndrome, a fatal infectious disease caused by the human immunodeficiency virus that damages the body's immune system and leads to the body's inability to fight off infection.

"Medicaid" means the medical assistance program under Title XIX of the Social Security Act.

"Public assistance programs" means financial or medical assistance, child support, or social service programs.

"TPL" means a third party liability." ] [Eff 08/01/94; R ] (Auth: HRS §§346-10, 346-14, 325-101; 42 C.F.R. §431.301) (Imp: HRS §§346-10, 346-14, 325-101; 42 C.F.R. §431.301)

**5. Section 17-1702-5, Hawaii Administrative Rules, is amended to read as follows:**

"§17-1702-5 Disclosure of information to administer the public assistance or other federal programs. \*\*\*

(b) Disclosure for purposes directly connected with the administration of the medical assistance program shall be [limited to] allowed:

- (1) [Only the employees] To an employee of the DHS and the [United States] U.S. government in the performance of the [employees'] employee's official duties, who shall have access to the entire case record;

- (2) [Disclosure shall be allowed to] To the extent necessary to provide services and to determine eligibility or the amount of medical assistance for applicants or [recipients] beneficiaries [of the medical assistance program];
- (3) [Under this paragraph, disclosure shall be permitted to] To the following, who shall be subject to the standards of confidentiality that are comparable to those of the Medicaid agency:
- (A) Fiscal intermediary;
  - (B) Other [entities] individuals contracted by [medicaid] the Medicaid agency to provide a service;
  - (C) Medicaid providers who require eligibility, cost share or TPL information for billing or recovery purposes;
  - (D) Participating health plans [in the QUEST program who] that require eligibility, co-payment, or TPL information for billing or recovery purposes;
  - (E) Private social service agencies, including purchase of service (POS) providers, from which [the applicant or recipient] a beneficiary receives services[ according to the department's case plan]; and
  - (F) Agencies administering programs under the Social Security Act under such titles as XVI-SSI (42 U.S.C. §§1381-1383), IV-A AFDC (42 U.S.C. §§630-644), or XX-Social Services (42 U.S.C. §1397)."

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[Eff 08/01/94; am 01/29/96; am 09/14/98;  
am ] (Auth: HRS §§92F-18, 346-10,  
346-14, 325-101; 42 C.F.R. §431.301) (Imp: HRS  
§§346-10, 325-101; 42 C.F.R. §431.306)

**6. Section 17-1702-7, Hawaii Administrative Rules, is amended to read as follows:**

"§17-1702-7 Dissemination of material. All material sent or distributed to applicants, [recipients,] beneficiaries, or [medicaid] Medicaid providers, including material enclosed in envelopes containing checks, shall be limited to the administration of [public] medical assistance programs.

- (1) Mailing or distribution of holiday greetings, general public announcements, partisan voting information, and [alien] non-citizen registration notices shall be prohibited.
- (2) Material relating to the health and welfare of applicants and [recipients,] beneficiaries, such as announcement of free medical exams, availability of surplus food, and consumer protection information may be mailed or distributed.
- (3) The Medicaid agency shall distribute voter registration information and registration materials as required by the National Voter Registration Act of 1993 (Pub. L. 103-931).
- (4) Only the names of the persons directly connected with the administration of the [public] medical assistance programs and identified in an official capacity with the DHS shall be contained in material sent or distributed to applicants, [recipients,] beneficiaries, and providers." [Eff 08/01/94; am ] (Auth: HRS §§346-10, 346-14; 42 C.F.R. §431.300) (Imp: HRS §§346-10, 346-14; 42 C.F.R. §431.307)