

26. Chapter 17-1715 of Title 17, Hawaii Administrative Rules, entitled "CHILDREN GROUP", is an addition of a new chapter to read as follows:

"HAWAII ADMINISTRATIVE RULES

TITLE 17

DEPARTMENT OF HUMAN SERVICES

SUBTITLE 12

MED-QUEST DIVISION

CHAPTER 1715

CHILDREN GROUP

Subchapter 1 General Provisions

§17-1715-1 Purpose
§17-1715-2 General requirements
§§17-1715-3 to 17-1715-7 (Reserved)

Subchapter 2 Eligibility Requirements

§17-1715-8 Purpose
§17-1715-9 Basic requirements
§17-1715-10 Categorical requirements
§17-1715-11 Income requirements
§17-1715-12 Asset requirements
§17-1715-13 Eligibility review requirements
§§17-1715-14 to 17-1715-18 (Reserved)

Subchapter 3 Freedom of Choice, Enrollment,
Benefits and Disenrollment

§17-1715-19 Purpose
§17-1715-20 Freedom of choice

- §17-1715-21 Enrollment into a participating health plan
- §17-1715-22 Benefits
- §17-1715-23 Disenrollment from a health plans
- §§17-1715-24 to 17-1715-28 (Reserved)

Historical Note: This chapter is based substantially upon repealed chapters 17-1722.1, 17-1726, 17-1727, 17-1728, and 17-1732 [Eff 08/01/94; am 07/20/95; am 01/29/96; am 03/30/96; am 11/25/96; am 12/27/97; am 07/06/99; am 06/19/00; am 10/26/01; am 12/03/01; am 02/16/02; am 05/10/03; am 09/17/07; am 01/31/09; am 06/11/09; am 06/26/09, am 09/10/09; am 04/30/10; am 08/19/11; am 06/25/12; [R]

SUBCHAPTER 1

GENERAL PROVISIONS

§17-1715-1 Purpose. This chapter streamlines and consolidates Medicaid eligibility for a child, who is an individual under age nineteen, or for an individual who is under age twenty one and in receipt of foster care, kinship guardianship or adoption assistance, to include a qualified non-citizen or a lawfully present non-citizen, through the enactment of the Children Group under the provisions of the Affordable Care Act of 2010. [Eff] (Auth: HRS §346-14; 42 C.F.R. §§430.25, 435.118, 435.145) (Imp: HRS §346-14; 42 C.F.R. §§430.25, 435.118, 435.145)

§17-1715-2 General requirements. The confidentiality, administrative appeal, fraud, medical assistance recovery, application processing, eligibility review, and adverse action provisions described in subtitle 12 shall pertain to an individual who applies or is eligible under this chapter. [Eff] (Auth: HRS §346-14,

346-29, 346-44; 42 C.F.R. §§431.200, 431.206, 431.221, 431.230, 431.300, 435.116, 435.201, 435.907, 435.916, 455.1) (Imp: HRS §§346-14, 346-29, 346-44; 42 C.F.R. §§431.200, 431.206, 431.221, 431.230, 431.300, 435.116, 435.201, 435.907, 435.916, 455.1)

§§17-1715-3 to 17-1715-7 (Reserved).

SUBCHAPTER 2

ELIGIBILITY REQUIREMENTS

§17-1715-8 Purpose. This subchapter describes the eligibility requirements for participation in the Children Group. [Eff] (Auth: HRS §346-14; 42 C.F.R. §435.118) (Imp: HRS §346-14, 42 C.F.R. §§435.117, 435.118)

§17-1715-9 Basic requirements. An individual eligible under the provisions of this chapter shall meet the following basic requirements which include but are not limited to, citizenship, qualified non-citizen or lawfully present non-citizen, state residency, verification of identity, not residing in a public institution and the provision of a social security number, as described in chapter 17-1714.1. [Eff] (Auth: HRS §346-14; 42 C.F.R. §§435.118, 435.400, 435.910) (Imp: HRS §346-14; 42 C.F.R. §§435.118, 435.400, 435.910)

§17-1715-10 Categorical requirements. (a) An individual eligible to participate in the Children Group shall meet the following requirements:

- (1) Under age nineteen; or
- (2) Under twenty-one years of age and in receipt of non-Title IV-E or Title IV-E of the

Social Security Act foster care, kinship guardianship or adoption assistance.

(b) An individual under age twenty-one and in receipt of Title IV-E foster care, kinship guardianship or adoption assistance who meets the following requirements is deemed eligible for assistance and is not required to complete an application:

- (1) Certified by a public department authority to be eligible for Title IV-E foster care maintenance or kinship guardianship assistance; and
- (2) Placed in a licensed or authorized foster home or child caring institution appropriately supervised by a state licensed child placement agency or the state family court; or
- (3) Covered under a Title IV-E Adoption Assistance Agreement, regardless of the state with which the adoptive parents entered into the agreement, currently residing in the State of Hawaii in an adoptive home.

(c) A pregnant child or individual under age twenty one in receipt of foster care, kinship guardianship or adoption assistance shall be subject to the requirements of chapter 17-1716 for the Pregnant Women Group, and if ineligible under that chapter shall have eligibility determined under this chapter.

(d) A blind or disabled child or individual under age twenty one in receipt of foster care, kinship guardianship or adoption assistance shall be subject to the requirements of this chapter, except if applying on the basis of blindness or disability is required, the provisions of chapters 17-1719, 17-1724.1 and 17-1725.1 shall be applied.

(e) A child born to a mother in receipt of Medicaid shall remain eligible for a period of one year following birth.

(f) Children under age nineteen remain eligible for Medicaid under this chapter until the end of a

Medicaid covered inpatient stay if they would lose eligibility during the stay because of attaining the maximum age for eligibility under this chapter.
[Eff] (Auth: HRS §346-14; 42 C.F.R. §§430.25, 435.117, 435.118, 435.145, 435.172, 435.222, 435.227, 435.301, 435.603) (Imp: HRS §346-14; 42 C.F.R. §§430.25, 435.117, 435.118, 435.145, 435.172, 435.222, 435.227, 435.301, 435.603)

§17-1715-11 Income requirements. (a) The modified adjusted gross income (MAGI) methodology shall be used to determine the countable income for the household under the provisions of chapter 17-1724.2 for a child subject to an income limit.

(b) The income standards for participation in the Children Group are:

- (1) For a child under age one year, one hundred eighty-five percent of the federal poverty level plus the six percent income conversion and five percent income disregard for a household of applicable size in accordance with paragraph (a);
- (2) For a child one year to five years, one hundred thirty-three percent of the federal poverty level plus the six percent income conversion and five percent income disregard for a household of applicable size in accordance with paragraph (a);
- (3) For a child six years to eighteen years, one hundred percent of the federal poverty level plus the five percent income conversion and five percent income disregard for a household of applicable size in accordance with paragraph (a); and
- (4) For an individual age nineteen years to twenty years who is a recipient of foster care, kinship guardianship or adoption assistance, no income limit shall apply.

(c) An uninsured child eighteen years or younger, whose household income exceeds the appropriate income limit under the provisions of

subsection (b), but does not exceed three hundred percent of the federal poverty level plus the eight percent income conversion and five percent income disregard for a household of applicable size, shall be eligible for participation in this chapter.

(d) An eligible child in receipt of medical assistance whose income is redetermined using MAGI methodology and exceeds the limits of this chapter shall remain eligible until March 31, 2014 or the next scheduled eligibility review, whichever is later.

(e) When a child or an individual under twenty-one years of age in receipt of non-Title IV-E or Title IV-E of the Social Security Act foster care, kinship guardianship or adoption assistance is determined ineligible under this chapter, eligibility for other applicable chapters shall be considered.

[Eff] (Auth: HRS §346-14; 42 C.F.R. §§430.25, 435.117, 435.118, 435.229, 435.308, 435.601, 435.603) (Imp: HRS §346-14; 42 C.F.R. §§430.25, 435.117, 435.118, 435.229, 435.308, 435.601, 435.603)

§17-1715-12 Asset requirements. Assets shall not be considered in the determination of eligibility for participation in the Children Group.

[Eff] (Auth: HRS §346-14; 42 C.F.R. §§435.118, 435.603) (Imp: HRS §346-14; 42 C.F.R. §§435.118, 435.603)

§17-1715-13 Eligibility review requirements.

(a) An eligible child shall receive an annual eligibility review every twelve months.

(b) Eligibility shall be redetermined in accordance with chapter 17-1712.1 and subchapter 5 of chapter 17-1714.1. [Eff] (Auth: HRS §346-14; 42 C.F.R. §§435.118, 435.916, 435.940) (Imp: HRS §346-14; 42 C.F.R. §§435.118, 435.916, 435.940)

§17-1715-14 to §17-1715-18 (Reserved).

SUBCHAPTER 3

FREEDOM OF CHOICE, ENROLLMENT, BENEFITS AND DISENROLLMENT

§17-1715-19 Purpose. This subchapter addresses and refers to the provisions of freedom of choice, enrollment, benefits and disenrollment for an individual who is eligible in accordance with this chapter. [Eff] (Auth: HRS §346-14; 42 C.F.R. §§430.25, 431.10, 431.40) (Imp: HRS §346-14; 42 C.F.R. §§430.25, 431.10, 431.40)

§17-1715-20 Freedom of choice. A child eligible in accordance with this chapter, with the exception of a child identified in section 17-1735.1-2(a), shall be provided a choice of a health plan and a provider as described in chapter 17-1720.1.

(b) A child identified in section 17-1735.1-2(a) shall choose a department approved provider as described in chapter 17-1736-3. [Eff] (Auth: HRS §346-14; 42 C.F.R. §§430.25, 431.51, 438.52) (Imp: HRS §346-14; 42 C.F.R. §§430.25, 431.51, 438.52)

§17-1715-21 Enrollment into a participating health plan. (a) A child eligible in accordance with this chapter, with the exception of a child identified in section 17-1735.1-2(a), shall be enrolled in a health plan as described in chapter 17-1720.1.

(b) A child identified in section 17-1735.1-2(a), shall not be enrolled into a health plan and their healthcare services shall be provided on a fee-for-service basis. [Eff] (Auth: HRS §346-14; 42 C.F.R. §§430.25, 431.10, 431.40, 438.50) (Imp: HRS §346-14; 42 C.F.R. §§430.25, 431.10, 431.40, 438.50)

§17-1715-22 Benefits. (a) A child eligible in accordance with this chapter who is enrolled in a health plan shall be provided a standard benefits package by a participating health plan and other services when appropriate as described in chapter 17-1720.

(b) A child identified in section 17-1735.1-2(a) shall be provided coverage under the fee-for-service provisions as described in chapter 17-1737.

[Eff] (Auth: HRS §346-14; 42 C.F.R. §§430.25, 431.40, 438.6) (Imp: HRS §346-14; 42 C.F.R. §§430.25, 431.40, 438.6)

§17-1715-23 Disenrollment from health plan. An enrollee shall be disenrolled from a health plan under the provisions as described in section 17-1720.1.

[Eff] (Auth: HRS §346-14; 42 C.F.R. §§430.25, 431.40, 438.56) (Imp: HRS §346-14; 42 C.F.R. §§430.25, 431.40, 438.56)

§17-1715-24 to 17-1715-28 (Reserved)."

27. Chapter 17-1715.1 of Title 17, Hawaii Administrative Rules, entitled "FORMER FOSTER CARE CHILDREN GROUP", is an addition of a new chapter to read as follows:

"HAWAII ADMINISTRATIVE RULES

TITLE 17

DEPARTMENT OF HUMAN SERVICES

SUBTITLE 12

MED-QUEST DIVISION

CHAPTER 1715.1

FORMER FOSTER CARE CHILDREN GROUP

Subchapter 1 General Provisions

- §17-1715.1-1 Purpose
- §17-1715.1-2 General requirements
- §§17-1715.1-3 to 17-1715.1-7 (Reserved)

Subchapter 2 Eligibility Requirements

- §17-1715.1-8 Purpose
- §17-1715.1-9 Basic requirements
- §17-1712.1-10 Categorical requirements
- §17-1715.1-11 Income requirements
- §17-1715.1-12 Asset requirements
- §17-1715.1-13 Eligibility review requirements
- §§17-1715.1-14 to 17-1715.1-18 (Reserved)

Subchapter 3 Freedom of Choice, Enrollment,
Benefits and Disenrollment

- §17-1715.1-19 Purpose

- §17-1715.1-20 Freedom of choice
- §17-1715.1-21 Enrollment into a participating health plan
- §17-1715.1-22 Benefits
- §17-1715.1-23 Disenrollment from a health plan
- §§17-1715.1-24 to 17-1715.1-28 (Reserved)

SUBCHAPTER 1

GENERAL PROVISIONS

§17-1715.1-1 Purpose. This chapter describes Medicaid eligibility for a former recipient of foster care, kinship guardianship or adoption assistance who is age eighteen but under age twenty-six years through the enactment of the Former Foster Care Children Group under the provisions of the Affordable Care Act of 2010. [Eff] (Auth: HRS §346-14; 42 C.F.R §§430.25, 435.150) (Imp: HRS §346-14; 42 C.F.R §§430.25, 435.150)

§17-1715.1-2 General requirements. The confidentiality, administrative appeal, fraud, medical assistance recovery, application processing, eligibility review, and adverse action provisions described in subtitle 12 shall pertain to an individual who applies or is eligible under this chapter. [Eff] (Auth: HRS §346-14, 346-44; 42 C.F.R. §§431.200, 431.206, 431.221, 431.230, 431.300, 435.150, 435.201, 435.907, 435.916, 455.1) (Imp: HRS §§346-14, 346-44; 42 C.F.R. §§431.200, 431.206, 431.221, 431.230, 431.300, 435.150, 435.201, 435.907, 435.916, 455.1)

§§17-1715.1-3 to 17-1715.1-7 (Reserved).

SUBCHAPTER 2

ELIGIBILITY REQUIREMENTS

§17-1715.1-8 Purpose. This subchapter describes the eligibility requirements for participation in the Former Foster Care Children Group.

[Eff _____] (Auth: HRS §346-14; 42 C.F.R. §§430.25, 431.10, 435.150) (Imp: HRS §346-14; 42 C.F.R. §§430.25, 431.10, 435.150)

§17-1715.1-9 Basic requirements. An individual who is a former recipient of foster care, kinship guardianship or adoption assistance shall meet the following basic requirements which include but are not limited to, citizenship, qualified or lawfully present non-citizen, state residency, verification of identity, not residing in a public institution and the provision of a social security number as described in chapter 17-1714.1. [Eff _____] (Auth: HRS §346-14; 42 C.F.R. §§430.25, 431.10, 435.150, 435.400, 435.910) (Imp: HRS §346-14; 42 C.F.R. §§430.25, 431.10, 435.150, 435.400, 435.910)

§17-1715.1-10 Categorical requirements. (a) An individual eligible to participate in the Former Foster Care Children Group shall meet the following requirements:

- (1) Age eighteen but under age twenty-six;
- (2) Not eligible for or in receipt of coverage under the provisions of any of the following chapters:
 - (A) 17-1715, Children Group;
 - (B) 17-1716, Pregnant Women Group;
 - (C) 17-1717, Parents or Caretakers Relative Group; or
 - (D) 17-1719, Aged, Blind or Disabled Group, sections 17-1719-10(b)(1) and (b)(2);
- (3) Was in receipt of foster care or placed in kinship guardianship after attaining the age

of sixteen or adopted after attaining the age of sixteen, under a State's or Tribe's responsibility on the date of attaining eighteen years of age or such higher age at which they became ineligible for these programs; and

- (4) Was in receipt of Medicaid services under the State Plan or the Hawaii 1115 demonstration waiver while receiving foster care, kinship guardianship or adoption assistance.

(b) A blind or disabled former foster child described in subsection (a) who is applying on the basis of blindness or disability shall be subject to the provisions of chapters 17-1719, 1724.1 and 1725.1. [Eff] (Auth: HRS §346-14; 42 C.F.R §§435.4, 435.150, 435.603) (Imp: HRS §346-14; 42 C.F.R §§435.4, 435.150, 435.603)

§17-1715.1-11 Income requirements. Income shall not be considered in the determination of eligibility for participation in the Former Foster Care Children Group. [Eff] (Auth: HRS §346-14; 42 C.F.R §§430.25, 431.10, 435.150) (Imp: HRS §346-14; 42 C.F.R §§430.25, 431.10, 435.150)

§17-1715.1-12 Asset requirements. Assets shall not be considered in the determination of eligibility for participation in the Former Foster Care Children Group. [Eff] (Auth: HRS §346-14; 42 C.F.R §§430.25, 431.10, 435.150) (Imp: HRS §346-14; 42 C.F.R §§430.25, 431.10, 435.150)

§17-1715.1-13 Eligibility review requirements.
(a) An eligible individual under this chapter shall receive an annual eligibility review every twelve months.

(b) Eligibility shall be redetermined in accordance with chapter 17-1712.1 and subchapter 5 of

chapter 17-1714.1. [Eff _____] (Auth: HRS §346-14; 42 C.F.R. §§435.150, 435.916, 435.940) (Imp: HRS §346-14; 42 C.F.R. §§435.150, 435.916, 435.940)

§§17-1715.1-14 to 17-1715.1-18 (Reserved).

SUBCHAPTER 3

FREEDOM OF CHOICE, ENROLLMENT, BENEFITS AND DISENROLLMENT

§17-1715.1-19 Purpose. This subchapter addresses and refers to the provisions of freedom of choice, enrollment, benefits and disenrollment for an individual who is eligible in accordance with this chapter. [Eff _____] (Auth: HRS §346-14; 42 C.F.R. §§430.25, 431.10, 431.40) (Imp: HRS §346-14; 42 C.F.R. §§430.25, 431.10, 431.40)

§17-1715.1-20 Freedom of choice. (a) An individual eligible under the provisions of this chapter, with the exception of an individual identified in section 17-1735.1-2(a), shall be provided a choice of health plan and a provider as described in chapter 17-1720.1.

(b) An individual identified in section 17-1735.1-2(a) shall choose a department approved provider as described in section 17-1736-3. [Eff _____] (Auth: HRS §346-14; 42 C.F.R. §§430.25, 431.51, 438.52) (Imp: HRS §346-14; 42 C.F.R. §§430.25, 431.51, 438.52)

§17-1715.1-21 Enrollment into a participating health plan. (a) An individual eligible in accordance with this chapter, with the exception of an individual identified in section 17-1735.1-2(a), shall

be enrolled in a health plan as described in chapter 17-1720.1.

(b) An individual identified in section 17-1735.1-2(a) shall not be enrolled into a plan and their healthcare services shall be provided on a fee-for-service basis. [Eff] (Auth: HRS §346-14; 42 C.F.R. §§430.25, 431.10, 431.40, 438.50) (Imp: HRS §346-14; 42 C.F.R. §§430.25, 431.10, 431.40, 438.50)

§17-1715.1-22 Benefits. (a) An individual eligible in accordance with this chapter who is enrolled in a health plan shall be provided a standard benefits package by a participating health plan and other services when appropriate as described in chapter 17-1720.

(b) An individual identified in section 17-1735.1-2(a) shall be provided coverage under the fee-for-service provisions as described in chapter 17-1737. [Eff] (Auth: HRS §346-14; 42 C.F.R. §§430.25, 431.40, 438.6) (Imp: HRS §346-14; 42 C.F.R. §§430.25, 431.40, 438.6)

§17-1715.1-23 Disenrollment from a health plan. An enrollee shall be disenrolled from a health plan under the provisions as described in chapter 17-1720.1. [Eff] (Auth: HRS §346-14; 42 C.F.R. §430.25, 431.40, 438.56) (Imp: HRS §346-14; 42 C.F.R. §430.25, 431.40, 438.56)

§§17-1715.1-24 to 17-1715.1-28 (Reserved)."