

31. Chapter 1718 of Title 17, Hawaii Administrative Rules, entitled "ADULTS 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 1718

ADULTS GROUP

Subchapter 1 General Provisions

§17-1718-1 Purpose
§17-1718-2 General requirements
§§17-1718-3 to 17-1718-7 (Reserved)

Subchapter 2 Eligibility Requirements

§17-1718-8 Purpose
§17-1718-9 Basic requirements
§17-1718-10 Categorical requirements
§17-1718-11 Income requirements
§17-1718-12 Asset requirements
§17-1718-13 Eligibility review requirements
§§17-1718-14 to 17-1718-18 (Reserved)

Subchapter 3 Freedom of Choice, Enrollment,
Benefits and Disenrollment

§17-1718-19 Purpose
§17-1718-20 Freedom of choice
§17-1718-21 Enrollment into a participating
health plan

§17-1718-22 Benefits
§17-1718-23 Disenrollment from a health plan
§§17-1718-24 to 17-1718-28 (Reserved)

Historical Note: This chapter is based substantially upon repealed chapters 17-1727, 17-1728 and 17-1728.1. [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 09/10/09; am 04/30/10; am 08/19/11; am 06/25/12; R]

SUBCHAPTER 1

GENERAL PROVISIONS

§17-1718-1 Purpose. This chapter streamlines and consolidates Medicaid eligibility for an adult, to include a qualified non-citizen or a parent or caretaker relative ineligible for the Parent or Caretaker Relatives Group, through the enactment of the Adults Group under the provisions of the Affordable Care Act of 2010. [Eff] (Auth: HRS §346-14, 42 C.F.R. §435.119) (Imp: HRS §346-14, 42 C.F.R. §435.119)

§17-1718-2 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 adult 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, 435.119, 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, 435.119, 435.201, 435.907, 435.916, 455.1)

§§17-1718-3 to 17-1718-7 (Reserved).

SUBCHAPTER 2

ELIGIBILITY REQUIREMENTS

§17-1718-8 Purpose. This subchapter describes the eligibility requirements for participation in the Adults Group. [Eff] (Auth: HRS §346-14; 42 C.F.R. §435.119) (Imp: HRS §346-14; 42 C.F.R. §435.119)

§17-1718-9 Basic requirements. An adult shall meet the basic eligibility requirements, which include but are not limited to, citizenship, qualified non-citizen status, 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. §§435.119, 435.400, 435.910) (Imp: HRS §346-14; 42 C.F.R. §§435.119, 435.400, 435.910)

§17-1718-10 Categorical requirements. (a) An adult eligible to participate in the Adults Group is:

- (1) Under sixty-five years of age;
- (2) Not entitled to or enrolled for Medicare;
- (3) Not in receipt of Supplemental Security Income (SSI);
- (4) Not applying for long term care services and supports, to include home and community based services;
- (5) Not eligible under any of the following chapters:
 - (A) 17-1715, Children Group;
 - (B) 17-1715.1, Former Foster Care Children Group;
 - (C) 17-1716, Pregnant Women Group; or
 - (D) 17-1717, Parent or Caretaker Relatives Group.

(b) A blind or disabled adult 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. [Eff] (Auth: HRS §346-14; 42 C.F.R. §§430.25, 435.119, 435.150, 435.603) (Imp: HRS §346-14; 42 C.F.R. §§430.25, 435.119, 435.150, 435.603)

§17-1718-11 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 17-1724.1.

(b) The income standard for participation in the Adults Group is one hundred thirty-three percent of the federal poverty level plus the five percent income conversion and five percent income disregard for a household of applicable size.

(c) When an adult is determined ineligible under this chapter, eligibility under other applicable chapters shall be considered. [Eff] (Auth: HRS §346-14; 42 C.F.R. §§435.119, 435.601, 435.603) (Imp: HRS §346-14; 42 C.F.R. §§435.119, 435.601, 435.603)

§17-1718-12 Asset requirements. Assets shall not be considered in the determination of eligibility for participation in the Adults Group. [Eff] (Auth: HRS §346-14; 42 C.F.R. §§435.119, 435.603) (Imp: HRS §346-14; 42 C.F.R. §§435.119, 435.603)

§17-1718-13 Eligibility review requirements. (a) An eligible adult 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. §§435.119, 435.916, 435.940) (Imp: HRS §346-14; 42 C.F.R. §§435.119, 435.916, 435.940)

§§17-1718-14 to 17-1718-18 (Reserved).

SUBCHAPTER 3

FREEDOM OF CHOICE, ENROLLMENT, BENEFITS AND DISENROLLMENT

§17-1718-19 Purpose. This subchapter addresses and refers to the provisions of freedom of choice, enrollment, benefits and disenrollment for an adult 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)

§17-1718-20 Freedom of choice. (a) An adult eligible in accordance with this chapter, with the exception of an adult 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) An adult 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)

§17-1718-21 Enrollment into a participating health plan. (a) An adult eligible in accordance with this chapter, with the exception of an adult identified in section 17-1735.1-2(a), shall be enrolled in a health plan as described in chapter 17-1720.1.

(b) An adult 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)

§17-1718-22 Benefits. (a) An adult 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 adult 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)

§17-1718-23 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)

§§17-1718-24 to 17-1718-28 (Reserved)."