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HAWAII ADMINISTRATIVE RULES

TITLE 17

DEPARTMENT OF HUMAN SERVICES

SUBTITLE 12

MED-QUEST DIVISION

CHAPTER 1723.3

MEDICAL ASSISTANCE FOR REPATRIATES

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SUBCHAPTER 1

GENERAL PROVISIONS

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§17-1723.3-1 Purpose. This chapter describes the temporary medical assistance provided by the department on behalf of the U.S. Department of Health and Human Services (HHS) to a United States citizen or national, or the dependent of a United States citizen, who has been returned from a foreign country under the provisions of the U.S. Repatriate program, as established by Section 1113 of the Social Security Act, 42 U.S.C. Section 1313, and as administered by HHS through the International Social Service-United States of America Branch (ISS-USA).

[Eff 09/30/13] (Auth: HRS §346-14; 45 C.F.R. §§211,212) (Imp: HRS §346-14; 45 C.F.R. §§211,212)

§§17-1723.3-2 to 17-1723.3-6 (Reserved).

SUBCHAPTER 2

ELIGIBILITY REQUIREMENTS

§17-1723.3-7 Purpose. This subchapter describes the eligibility requirements for temporary medical assistance under the U.S. Repatriate program.

[Eff 09/30/13] (Auth: HRS §346-14; 45 C.F.R. §§211,212) (Imp: HRS §346-14, 45 C.F.R. §§211,212)

§17-1723.3-8 Eligibility requirements. (a) An individual eligible to receive repatriate medical assistance shall meet the following requirements:

- (1) A citizen of the United States or a dependent of a citizen of the United States.
- (2) Identified as having returned or returning from a foreign country to the United States through a written statement transmitted to the department by an authorized official of the Department of State (DOS) because of one of the following reasons:
 - (A) Destitution;
 - (B) Illness of the individual or dependent;
 - (C) War;

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- (D) Threat of war;
 - (E) Invasion; or
 - (F) Similar crisis.
- (3) Without resources immediately accessible to meet the individual's needs.
- (b) A mentally ill individual eligible to receive repatriate medical assistance shall be:
- (1) A U.S. citizen or U.S. national status;
 - (2) Verified with a certificate from an authorized official of DOS or an appropriate authority (as determined by HHS) from the country of origin, that the individual has been legally declared insane in that foreign country or a certificate stating from such appropriate authority that the individual was in a named foreign country and was in need of care and treatment in a mental hospital; and
 - (3) Identified as having returned or returning from a foreign country to the United States due to certified mental illness through a written statement transmitted to the department by an authorized official of DOS.
- (c) Individuals determined eligible for repatriate medical assistance by DOS who are subsequently determined eligible by the department for Medicaid will receive medical assistance under the state Medicaid program and not pursuant to this chapter. [Eff 09/30/13] (Auth: HRS §346-14; 45 C.F.R. §§211,212) (Imp: HRS §346-14; 45 C.F.R. §§211,212)

§§17-1723.3-9 to 17-1723.3-13 (Reserved).

SUBCHAPTER 3

BENEFITS, TERMINATION AND REPAYMENT

§17-1723.3-14 Purpose. This subchapter describes the benefit, termination and repayment

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provisions regarding temporary medical assistance under the U.S. Repatriate program.

[Eff 09/30/13] (Auth: HRS §346-14; 45 C.F.R §§211,212) (Imp: HRS §346-14, 45 C.F.R §§211,212)

§17-1723.3-15 Benefits. (a) Benefits for an individual eligible under this chapter shall be time-limited for up to ninety (90) days from the date of arrival in the United States unless the provisions of (b) apply.

(b) With prior authorization from the HHS, temporary medical assistance may be extended for up to nine (9) months if the individual is unable to attain self-support or self care due to age, disability or lack of vocational preparation.

(c) Depending upon the circumstances of the individual, and in consultation with the ISS-USA case manager, an individual eligible for repatriate medical assistance will be provided medical assistance either as fee-for-service or enrolled in a health plan.

(d) The level of benefits provided to individuals under the repatriate program shall be the same as that provided under §17-1737 for fee-for-service or §17-1720.1 for participating health plans. [Eff 09/30/13] (Auth: HRS §346-14; 42 C.F.R. §§430.25, 431.40, 438.6, 45 C.F.R. §§211.6, 212.4, 212.5) (Imp: HRS §346-14; 42 C.F.R. §§430.25, 431.40, 438.6, 45 C.F.R. §§211.6, 212.4, 212.5)

§17-1723.3-16 Termination of assistance. (a) During the ninety (90) day repatriation period, the department shall review as appropriate changes in an individual's situation to determine whether a different plan of assistance is appropriate or the individual is eligible for another medical assistance program.

(b) Repatriate medical assistance shall be terminated when the first of the following conditions is met:

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- (1) The individual has been determined eligible for assistance under the state's Medicaid program;
- (2) The individual has sufficient resources to meet his or her needs; or
- (3) On the ninety-first (91st) day from the date of arrival, unless assistance has been extended by HHS as provided in section 17-1723.3-15(b).

(c) When repatriate medical assistance is terminated the department shall assist the individual in assessing eligibility for medical assistance under other state or federal programs. [Eff 09/30/13] (Auth: HRS §346-14; 42 C.F.R. §§431.200, 431.213, 431.220, 435.912; 45 C.F.R. §§211.4, 211.6, 212.5, 212.6) (Imp: HRS §346-14; 42 C.F.R. §§431.200, 431.213, 431.220, 435.912; 45 C.F.R. §§211.4, 211.6, 212.5, 212.6)

§17-1723.3-17 Repayment. (a) Temporary medical assistance to eligible individuals under the repatriate program is provided on a loan basis from HHS and is not retroactive.

(b) Eligible individuals will be required to sign the Privacy Act Statement and Repayment Agreement, AFC-120, upon arrival in the United States.

(c) Assistance provided without a signed repayment agreement in cases of medical emergency conditions or unaccompanied minors remains on a loan basis.

(d) The department is not responsible for the repayment process of repatriate loans or any collection, compromise or waiver of repayment. [Eff 09/30/13] (Auth: HRS §346-14; 45 C.F.R. §§211.13, 212.7) (Imp: HRS §346-14, 45 C.F.R. §§211.13, 212.7)

§§17-1723.3-18 to 17-1723.3-22 (Reserved).