HAWAII ADMINISTRATIVE RULES

TITLE 17

DEPARTMENT OF HUMAN SERVICES

SUBTITLE 9 COMMUNITY LONG-TERM CARE PROGRAMS

CHAPTER 1423

TRANSPORTATION ASSISTANCE FOR RESIDENT ALIENS AND NATURALIZED CITIZENS

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Historical Note: Chapter 17-1423 is based substantially upon chapter 17-832. [Eff 7/19/82; am 12/27/82; R JUN 29 1992]

§17-1423-1 Purpose. The purpose of this program is to enable eligible individuals to return to homelands outside the United States. [Eff JUN 29 1992] (Auth: HRS §346-145) (Imp: HRS §346-141)

§17-1423-2 Definitions. For the purpose of this chapter:

"Alien" means any person not a citizen or national of the United States but who is allowed, under federal law, to reside in the United States.

"Homeland" means the country outside the United States in which an individual was born.

"Naturalized citizen" means an individual who was not born in the United States but who has legally received the rights and privileges of a citizen.

"Transportation assistance" means the costs and services specified in section 17-1423-4 which are provided to the alien or naturalized citizen to help the individual return to the person's homeland. [Eff JUN 29 1992] (Auth: HRS §346-145) (Imp: HRS §346-142)

§17-1423-3 Eligibility requirements. (a) To be eligible for transportation assistance, the individual shall be:

(1) An alien or naturalized citizen;
(2) A resident of the State;
(3) Sixty years of age or older; and
(4) A recipient of or be eligible to receive financial assistance from the department or supplemental security income (SSI) on the date of application for the service.

(b) In addition, the individual shall:

(1) Complete an application for the service indicating a desire to return to the person's homeland to live; and
(2) Provide or permit the department to secure information which indicates that returning to the homeland will not adversely affect the individual's health and welfare. The information shall be from a government agency in the person's homeland.

(c) The department shall determine the individual's eligibility for services within thirty calendar days of the date the application for transportation assistance is received by the department.

(d) The department may approve the individual's application for services retroactive to the date the application was received if the individual's eligibility for services from that date can be established.

(e) Recipients of services provided under this chapter shall be required to reestablish eligibility for the services at least once every six months from the month eligibility is established. The department shall also reassess the recipients' eligibility within thirty days of being informed of changes in the recipients' financial situation. [Eff JUN 29 1992] (Auth: HRS §346-145) (Imp: HRS §346-142)

§17-1423-4 Scope of service. (a) Transportation assistance provided by the department shall include:

(1) Contacting a social service organization or governmental agency in the individual's homeland or reviewing and confirming, as warranted, information provided by the applicant to:
   (A) Secure documentation regarding the familial, social, medical, and financial resources which will be available to the individual in the person's homeland; and
   (B) Determine whether the individual will be able to return to the homeland;

(2) Discussions with the individual to assist the person in evaluating the feasibility of returning to the homeland; and

(3) Discussions with the individual to ensure the person understands that:
   (A) The department is unable to assure the individual's well-being in the person's homeland although information received by the department indicates the return will not be adverse to the individual's health or welfare;
   (B) The department is unable to assure the individual's return to the United States since the individual's ability to return is the responsibility of the United States Immigration and Naturalization Service;
   (C) The individual shall repay the State for all services and costs incurred to return the individual to the person's homeland if the individual returns to and reestablishes residence in Hawaii; and
   (D) Assistance to return to the individual's homeland shall be given only once in the person's lifetime.

(b) Transportation assistance provided by the department may include as necessary and appropriate:

(1) Assistance to the individual who does not wish to receive the financial assistance to which the person is entitled in completing an application for medical assistance if the individual wants medicaid payments to cover the cost of vaccinations or immunizations

which are required or recommended by the United States Public Health Service before the individual is allowed to leave the United States;

(2) Assistance to the individual in securing pictures and documents such as birth certificates, family registers which are needed in order to obtain a passport or visa, and the provision of payment for the pictures and documents;

(3) Provision of payment for the passport, visa, or both which are required for the individual to return to the person's homeland;

(4) Assistance to the individual in arranging for the person's monthly income entitlements, such as social security and pension benefits, as well as other resources to be transferred or sent to an address in the person's homeland; or

(5) Provision of airfare and necessary ground fare to a city in the person's homeland which is closest to the city in which the individual intends to reside. [Eff JUN 29 1992] (Auth: HRS §346-145) (Imp: HRS §§346-142, 346-144)

§17-1423-5 Authorization for service. (a) The department shall initiate services to the eligible individual within forty-five calendar days of the date the application is approved.

(b) Prior to the department's making payment for services as specified in section 17-1423-4, the individual shall sign a statement of intent to establish permanent residency in the person's homeland.

(c) The provision of services by the department shall be limited by the availability of funds.

(1) Payment for pictures, necessary documents, passports, and visas shall be authorized as the need arises. These payments shall be curtailed in favor of payment for airfare for individuals whose passports and visas are in order if funds are insufficient to meet both airfare and other costs.

(2) The date of the request for authorization shall determine the order in which airfare is approved. In any year in which funds are not

sufficient to meet the cost of the earliest request, the first subsequent request for airfare which can be met by the available funds shall be approved.

(d) The department shall authorize and provide only those services specified in section 17-1423-4 which are not available to the eligible individual from another source such as the Hawaii sugar planters' association. [Eff JUN 29 1992] (Auth: HRS §346-145) (Imp: HRS §346-144)

§17-1423-6 Repayment of transportation assistance. (a) An individual who uses transportation assistance to return to the person's homeland and subsequently returns to Hawaii to reestablish residency shall repay the State the amount of transportation assistance used with interest.

(b) The interest rate shall be five per cent per year on a declining balance from the day the individual reestablishes residency to the day the transportation allowance has been repaid in full. [Eff JUN 29 1992] (Auth: HRS §346-145) (Imp: HRS §346-144)

§17-1423-7 Termination of service. (a) Services under this program shall terminate when one of the following conditions is met:

(1) The individual has departed for the individual's homeland;
(2) The individual requests termination of the service;
(3) Before services are complete, the individual leaves Hawaii with the intent to reside in another state;
(4) The individual dies;
(5) The department receives documentation from the individual's homeland which indicates that return will be adverse to the individual's health or welfare; or
(6) The department receives documentation from the individual's homeland indicating that the individual's request to return has been denied.

(b) Services shall be terminated only after written notice of the intent to terminate services has

been provided to the individual. The notice shall meet the notice criteria of section 17-1416-44 and shall include:

(1) The reason under which termination is to occur; and

(2) The specific section number of this chapter indicating termination. [Eff JUN 29 1992] (Auth: HRS §346-145) (Imp: HRS §346-145)

§17-1423-8 Penalty. Any individual who receives or uses services available under this program with the intent to use the services for purposes other than those specified in section 17-1423-1 may be found guilty of a misdemeanor and required to return the full amount of assistance provided. [Eff JUN 29 1992] (Auth: HRS §346-145) (Imp: HRS §346-146)