10. Section 17-1705-2, Hawaii Administrative Rules, is amended to repeal the definitions as follows:

["§17-1705-2 Definitions. As used in this chapter:

"Assignment" means assigning to the department, in writing, the right to obtain medical support and other third party payments.

"Caretaker relative" means a relative who provides care and supervision to children.

"Cost-sharing related to Medicare part D" means any premiums, deductibles, co-payments, co-insurance, and any cost incurred within the Part D coverage gap.

"Family" means person or persons applying for or receiving assistance.

"Health plan" means any health plan contracted with the department to participate in QUEST.

"Third party" means any individual, entity, or program that is or may be liable to pay all or part of the expenditures for medical assistance furnished.

"Title IVD" means Title IVD of the Social Security Act, child support enforcement program (42 U.S.C. §§651 through 658, 660, 664, 666, 667, 1302, and 1396a(25)."] [Eff 08/01/94; am 01/29/96; am 12/26/05; R] (Auth: HRS §346-14) (Imp: 42 C.F.R. §§433.138, 433.145, 433.146, 433.147; 45 C.F.R. §§232.11, 232.12, Pub. L. 108-173)

11. Section 17-1705-8, Hawaii Administrative Rules, is amended to perform housekeeping measures and read as follows:

"§17-1705-8 Cooperation requirements. ***

(b) Cooperation shall include:

(1) Identifying any third party who may be liable for services covered under the Medicaid [or the QUEST] program;

(2) Providing relevant information or attesting to the lack of information, under penalty of

perjury, to assist the department or health plan in pursuing any such potentially liable third party;

(3) Appearing at a department designated location to provide information or evidence relevant to the case;

(4) Appearing as a witness at a court or other proceeding;

(5) Paying to the department or health plan any support or medical care funds received that are covered by the assignment of rights; and

(6) Taking any other reasonable steps to assist in securing medical support and payments."

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[Eff 08/01/94; am 01/29/96; am 12/26/05; am] (Auth: HR §346-14) (Imp: 42 C.F.R. §433.138; §433.145; 45 C.F.R. §232.13; Pub. L. 108-173)

12. Section 17-1705-36, Hawaii Administrative Rules, is repealed as follows:

["§17-1705-36 Definitions. As used in this subchapter:

"Private insurer" means:

(1) Any commercial insurance company offering health or casualty insurance to individuals or groups;

(2) Any profit or nonprofit prepaid plan offering either medical services or full or partial payment for the diagnosis or treatment of an injury, disease, or disability; or

(3) Any organization administering health or casualty insurance plans for professional associations, unions, fraternal groups, employer-employee benefit plans, and any

similar organization offering these payments for services, including self-insured and self-funded plans.

"Third party" means any individual, entity or program that is or may be liable to pay all or part of the medical cost of injury, disease, or disability of an applicant or recipient."] [Eff 08/01/94; am 06/19/00; R] (Auth: HRS §346-14) (Imp: 42 C.F.R. §433.136; HRS §346-37(c) and (e))

13. Section 17-1705-44, Hawaii Administrative Rules, is repealed as follows:

["§17-1705-44 Definitions. As used in this subchapter:

"Claim" means that document which is submitted by the provider for payment of health-related services rendered to a recipient.

"Noncovered services" means those services not covered under the scope and content of the medical assistance program.

"Provider" means a provider of health care services, equipment, or supplies that is participating in the medical assistance program.

"Recoupment" means to hold back or deduct what is due."] [Eff 08/01/94; R] (Auth: HRS §346-14) (Imp: HRS §346-37)

14. Section 17-1705-51, Hawaii Administrative Rules, is repealed as follows:

["§17-1705-51 Definitions. As used in this subchapter:

"Dependent child" means a child who is under twenty-one years old or a child who is twenty-one years and older and has been determined blind or disabled by the department.

"Discharge from the medical institution and return home" means the release of the recipient from the medical institution to the recipient's home

without expectation of returning to a medical institution.

"Equity interest in home" means the value to the property less any encumbrances.

"Estate" means the real and personal property included in an estate under the State's probate law and any other real or personal property and other assets in which the individual had any title or interest in at the time of death (to the extent of such interest). This includes assets conveyed to a survivor, heir, or assign of the deceased through joint tenancy, tenancy in common, survivorship, life estate, living trust, or other arrangements.

"Individual's home" means the property that the recipient lived and had an equity interest in prior to becoming medically institutionalized.

"Medically institutionalized" means an individual who is an inpatient in a nursing facility, intermediate care facility for the mentally retarded, or a medical facility receiving a nursing facility level of care.

"On a continuing basis" means extending without interruption or break.

"Recipient" means any individual or family receiving medical assistance.

"Residing in the home for at least one (or two) year(s)" means to continuously live in the home as the sole residence.

"Survivor" means the lawfully married spouse, parent, natural and legally adopted child, grandparent, grandchild, great-grandparent, great grandchild, and any subsequent grandparent or grandchild with the designation 'great'."] [Eff 08/01/94; am 01/29/96; am 11/25/96, am 05/10/03; R] (Auth: HRS §346-14) (Imp: 42 C.F.R. 433.36; 42 U.S.C. §1396p)

15. Section 17-1705-56, Hawaii Administrative Rules, is amended to perform housekeeping measures and read as follows:

"§17-1705-56 Limiting provisions. ***

(c) Adjustments or recovery under subsection (b) can be made only after the death of the surviving spouse, if any, and when there is no surviving child who is under twenty-one years, or child who is blind or disabled as defined in chapter [17-1721] 17-1719." [Eff 08/01/94; am 01/29/96; am 11/25/96; am] (Auth: HRS §346-14) (Imp: HRS §346-37; 42 C.F.R. §433.36; 42 U.S.C. §1396p)

16. Section 17-1705-66, Hawaii Administrative Rules, is repealed as follows:

["§17-1705-66 Definitions. As used in this subchapter:

"Subrogation" means the substitution of one creditor for another, along with a transference of the claims and rights of the old creditor."] [Eff 08/01/94; am 09/14/98; R] (Auth: HRS §346-14) (Imp: HRS §346-44)