

28. Chapter 1716 of Title 17, Hawaii Administrative Rules, entitled "PREGNANT WOMEN 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 1716

PREGNANT WOMEN GROUP

Subchapter 1 General Provisions

- §17-1716-1 Purpose
- §17-1716-2 General requirements
- §§17-1716-3 to 17-1716-7 (Reserved)

Subchapter 2 Eligibility Requirements

- §17-1716-8 Purpose
- §17-1716-9 Basic requirements
- §17-1716-10 Categorical requirements
- §17-1716-11 Income requirements
- §17-1716-12 Asset requirements
- §17-1716-13 Eligibility review requirements
- §§17-1716-14 to 17-1716-18 (Reserved)

Subchapter 3 Freedom of Choice, Enrollment,
Benefits and Disenrollment

- §17-1716-19 Purpose
- §17-1716-20 Freedom of choice

- §17-1716-21 Enrollment into a participating health plan
§17-1716-22 Benefits
§17-1716-23 Disenrollment from a health plan
§§17-1716-24 to 17-1716-28 (Reserved)

Historical Note: This chapter is based substantially upon repealed chapters 17-1722.2, 17-1726, 17-1727, 17-1728, and 17-1732.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 04/08/05; am 09/17/07; am 01/31/09; am 06/11/09; am 09/10/09; am 04/30/10; am 08/19/11; am 06/25/12; R]

SUBCHAPTER 1

GENERAL PROVISIONS

§17-1716-1 Purpose. This chapter streamlines and consolidates Medicaid eligibility for a woman who is pregnant, to include a pregnant child under age nineteen or an individual who is under age twenty-one and in receipt of foster care, kinship guardianship or adoption assistance, a qualified non-citizen, or a lawfully present non-citizen, through the enactment of the Pregnant Women Group under the provisions of the Affordable Care Act of 2010. [Eff]
(Auth: HRS §346-14; 42 C.F.R. §§435.116, 435.145, 435.201) (Imp: HRS §346-14; 42 C.F.R. §§435.116, 435.145, 435.201)

§17-1716-2 General requirements. The confidentiality, administrative appeal, fraud, medical assistance recovery, application processing, eligibility review, and adverse action notice provisions described in subtitle 12 shall pertain to a pregnant woman 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)

§§17-1716-3 to 17-1716-7 (Reserved).

SUBCHAPTER 2

ELIGIBILITY REQUIREMENTS

§17-1716-8 Purpose. This subchapter describes the eligibility requirements for participation in the Pregnant Women Group. [Eff] (Auth: HRS §346-14; 42 C.F.R. §435.116) (Imp: HRS §346-14; 42 C.F.R. §435.116)

§17-1716-9 Basic requirements. A pregnant woman shall meet the basic eligibility requirements, which includes but are not limited to, citizenship, qualified non-citizen or a 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. §§435.116, 435.400, 435.910) (Imp: HRS §346-14; 42 C.F.R. §§435.116, 435.400, 435.910)

§17-1716-10 Categorical requirements. (a) A woman who self-attests that she is pregnant shall be eligible to participate in the Pregnant Women Group throughout her pregnancy.

(b) A pregnant woman is not required to assist the State in establishing paternity for purposes of her eligibility, other than through reasonable attestation unless there is conflicting information

that is not reasonably compatible with the attestation.

(c) A pregnant child under age nineteen or an individual who is under age twenty-one and in receipt of foster care, kinship guardianship or adoption assistance, shall be subject to the provisions of this chapter, and if ineligible under this chapter shall have eligibility determined under chapter 17-1715 for the Children Group.

(d) Eligibility under this chapter shall continue for a sixty-day period following the date the pregnancy ends through the end of the month in which the sixty-day post-partum period ends, and shall be redetermined for the first month following the month in which the sixty-day period ends under the appropriate category.

(e) A blind or disabled pregnant woman described in paragraph (a) 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. §§435.116, 435.170, 435.603, 435.956) (Imp: HRS §346-14; 42 C.F.R. §§435.116, 435.170, 435.603, 435.956)

§17-1716-11 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.

(b) The income standard for participation in the Pregnant Women Group is 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), and shall include the number of unborn child(ren) expected.

(c) Continuous eligibility shall occur regardless of changes in household income through the

last day of the month in which the post-partum period ends.

(d) When a pregnant woman is determined ineligible under the provisions of this chapter, eligibility for other applicable chapters shall be considered. [Eff] (Auth: HRS §346-14; 42 C.F.R. §§435.116, 435.170, 435.301, 435.601, 435.603) (Imp: HRS §346-14; 42 C.F.R. §§435.116, 435.170, 435.301, 435.601, 435.603)

§17-1716-12 Asset requirements. Assets shall not be considered in the determination of eligibility for participation in the Pregnant Women Group. [Eff] (Auth: HRS §346-14; 42 C.F.R. §§435.116, 435.603) (Imp: HRS §346-14; 42 C.F.R. §§435.116, 435.603)

§17-1716-13 Eligibility review requirements.
(a) An eligible pregnant woman 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. §§435.116, 435.916, 435.940) (Imp: HRS §346-14; 42 C.F.R. §§435.116, 435.916, 435.940)

§§17-1716-14 to 17-1716-18 (Reserved).

SUBCHAPTER 3

FREEDOM OF CHOICE, ENROLLMENT, BENEFITS AND DISENROLLMENT

§17-1716-19 Purpose. This subchapter addresses and refers to the provisions of freedom of choice, enrollment, benefits and disenrollment for a pregnant woman 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)

§17-1716-20 Freedom of choice. (a) A pregnant woman eligible in accordance with this chapter, with the exception of an individual 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 pregnant woman 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)

§17-1716-21 Enrollment into a participating health plan. (a) A pregnant woman 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) A pregnant woman 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)

§17-1716-22 Benefits. (a) A pregnant woman 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 pregnant woman 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)

§17-1716-23 Disenrollment from a 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)

§§17-1716-24 to 17-1716-28 (Reserved)."