

83. Chapter 1734 is repealed.

84. Chapter 1734.1 of Title 17, Hawaii Administrative Rules, entitled "STATE COVERAGE OF INDIVIDUALS WITH BREAST AND CERVICAL CANCER", 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 1734.1

STATE FUNDED COVERAGE OF INDIVIDUALS WITH BREAST AND  
CERVICAL CANCER

Subchapter 1 General Provisions

§17-1734.1-1 Purpose  
§17-1734.1-2 General requirements  
§§17-1734.1-3 to 17-1734.1-7 (Reserved)

Subchapter 2 Eligibility Requirements

§17-1734.1-8 Purpose  
§17-1734.1-9 Basic requirements  
§17-1734.1-10 Categorical requirements  
§17-1734.1-11 Non-financial eligibility  
requirements and effective date of  
coverage  
§17-1734.1-12 Income and asset requirements  
§17-1734.1-13 Eligibility review  
§§17-1734.1-14 to 17-1734.1-18 (Reserved)

Subchapter 3 Freedom of Choice, Enrollment,  
Benefits and Disenrollment

- §17-1734.1-19 Purpose
- §17-1734.1-20 Freedom of choice
- §17-1734.1-21 Enrollment into a participating health plan
- §17-1734.1-22 Benefits
- §17-1734.1-23 Disenrollment from a health plan
- §§17-1734.1-24 to 17-1734.1-28 (Reserved)

Historical Note: This chapter is based substantially upon repealed chapter 17-1734. [Eff am 02/16/02; am 05/10/03; am 01/31/09; R ]

SUBCHAPTER 1

GENERAL PROVISION

§17-1734.1-1 Purpose. The purpose of this chapter is to establish a State funded medical assistance program for an individual who meets the requirements under chapter 17-1733.1 except for citizenship status and the eligibility requirements of this chapter. [Eff ] (Auth: HRS §§346-14, 346-59.2) (Imp: HRS §§346-14, 346-59.2)

§17-1734.1-2 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 an individual who applies or is eligible for coverage under this chapter. [Eff ] (Auth: HRS §§346-14, 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, 346-44; 42 C.F.R. §§431.200, 431.206, 431.221, 431.230, 431.300, 435.116, 435.201, 435.907, 435.916, 455.1)

§§17-1734.1-3 to 17-1734.1-7 (Reserved).

## SUBCHAPTER 2

### ELIGIBILITY REQUIREMENTS

§17-1734.1-8 Purpose. This subchapter describes the eligibility requirements for participation in accordance with this chapter. [Eff ]  
(Auth: HRS §§346-14; 346-59.2) (Imp: HRS §§346-14; 346-59.2)

§17-1734.1-9 Basic requirements. An individual shall meet the basic eligibility requirements, which include but are not limited to, a lawfully present non-citizen ineligible under chapter 17-1733.1 due to citizenship 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; 346-59.2, 42 C.F.R. §§435.400, 435.910)  
(Imp: HRS §§346-14; 346-59.2, 42 C.F.R. §§435.400, 435.910)

§17-1734.1-10 Categorical requirements. (a) An individual shall meet the following:

- (1) A lawfully present non-citizen who meets the requirements under chapter 17-1733.1 except for citizenship status;
- (2) Under age sixty-five;
- (3) Eligible and screened for breast or cervical cancer or a precancerous condition of the breast or cervix through the Hawaii Comprehensive Breast and Cervical Cancer Control Program (HCBCCCP) administered by the Department of Health;
- (4) Require treatment for breast or cervical cancer or a precancerous condition of the breast or cervix;
- (5) Not otherwise covered under creditable coverage; and

(6) Not eligible under any other Medicaid coverage group.

(b) A new period of eligibility may be established for an individual who is screened by the HCBCCCP with a recurrence or a new occurrence of breast or cervical cancer or a precancerous condition of the breast or cervix that requires treatment and meets the provisions of subsection (a). [Eff ]  
(Auth: HRS §§346-14; 346-59.2) (Imp: HRS §§346-14; 346-59.2)

§17-1734.1-11 Non-financial eligibility requirements and effective date of coverage. (a) An individual who is determined eligible in accordance with this chapter shall remain eligible while receiving required treatment.

(1) Breast or cervical cancer shall be medically reevaluated annually by a treating physician to verify and confirm the need for continued treatment at the time of the annual eligibility review; or

(2) A precancerous condition of the breast or cervix shall be medically reevaluated at six-month intervals by a treating physician to verify and confirm the need for continued treatment, and one of the reevaluations shall coincide with the annual eligibility review.

(b) Eligibility shall be effective retroactively to the date the individual is screened and initially diagnosed with breast or cervical cancer or a precancerous condition of the breast or cervix by the authorized CDC breast and cervical cancer early detection program or ten calendar days immediately prior to the date the application is received by the department as described in chapter 1720.1, whichever occurs first. [Eff ] (Auth: HRS §346-14; 42 CFR §§430.25, 431.40, 435.213, 438.6) (Imp: HRS §346-14; 42 CFR §§430.25, 431.40, 435.213, 438.6)

§17-1734.1-12 Income and asset requirements. An individual's household income and assets shall not be considered in determining eligibility for participation

in this chapter. [Eff ] (Auth: HRS §§346-14; 346-59.2) (Imp: HRS §§346-14; 346-59.2)

§17-1734.1-13 Eligibility review. (a) An individual eligible under the provisions of this chapter 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. §§435.213, 435.916) (Imp: HRS §346-14; 42 C.F.R. §§435.213, 435.916)

§§17-1734.1-14 to 17-1734.1-18 (Reserved).

### SUBCHAPTER 3

#### FREEDOM OF CHOICE, ENROLLMENT, BENEFITS AND DISENROLLMENT

§17-1734.1-19 Purpose. This subchapter addresses the provisions of freedom of choice, enrollment, benefits and disenrollment for an individual eligible in accordance with this chapter. [Eff ] (Auth: HRS §§346-14, 346-59.2) (Imp: HRS §§346-14, 346-59.2)

§17-1734.1-20 Freedom of choice. (a) An individual eligible under the provisions of this chapter shall be provided a choice of a health plan and a provider as described in chapter 17-1720.1.

(b) An individual identified in section 17-1735.1-2(a) shall choose a department approved provider of their choice as described in chapter 17-1736. [Eff ] (Auth: HRS §§346-14, 346-59.2; 42 CFR §§430.25, 431.51, 438.52) (Imp: HRS §§346-14, 346-59.2; 42 CFR §§430.25, 431.51, 438.52)

§17-1734.1-21 Enrollment into a participating health plan. (a) An individual 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) An individual identified in section 17-1735.1-2(a) shall not be enrolled into a plan and services provided on a fee-for-service basis. [Eff ] (Auth: HRS §§346-14, 346-59.2; 42 CFR §§430.25, 431.10, 431.40, 438.50) (Imp: HRS §§346-14, 346-59.2; 42 CFR §§430.25, 431.10, 431.40, 438.50)

§17-1734.1-22 Benefits. (a) An individual 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 individual 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, 346-59.2; 42 CFR §430.25) (Imp: HRS §§346-14, 346-59.2; 42 CFR §430.25)

§17-1734.1-23 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, 346-59.2; 42 CFR §§430.25, 431.40, 438.56) (Imp: HRS §§346-14, 346-59.2; 42 CFR §§430.25, 431.40, 438.56)

§§17-1734.1-24 to 17-1734.1-28 (Reserved)."