

1. Chapter 17-1715, of Title 17, Hawaii Administrative Rules, entitled "Children Group" is amended and compiled to read as follows:

"HAWAII ADMINISTRATIVE RULES

TITLE 17

DEPARTMENT OF HUMAN SERVICES

SUBTITLE 12

MED-QUEST DIVISION

CHAPTER 1715

CHILDREN GROUP

Subchapter 1 General Provisions

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§17-1715-2 General requirements
§§17-1715-3 to 17-1715-7 (Reserved)

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Subchapter 3 Freedom of Choice, Enrollment,
Benefits and Disenrollment

§17-1715-19 Purpose

§17-1715-20 Freedom of choice
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Historical Note: This chapter is based substantially upon repealed chapters 17-1722.1, 17-1726, 17-1727, 17-1728, and 17-1732 [Eff 08/01/94; am 07/20/95; am 01/29/96; am 03/30/96; am 11/25/96; am 12/27/97; am 07/06/99; am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 09/17/07; am 01/31/09; am 06/11/09; am 06/26/09, am 09/10/09; am 04/30/10; am 08/19/11; am 06/25/12; R 09/30/13]

SUBCHAPTER 1

GENERAL PROVISIONS

§17-1715-1 Purpose. This chapter [~~streamlines and~~] establishes the Children Group. The infants and children under age nineteen group, commonly referred to as the Children Group, created through the enactment of the Affordable Care Act, [consolidates] provides Medicaid eligibility for [a child, who is an individual] individuals under age nineteen[7] years, or [for an individual who is] under age [twenty-one] twenty-one years and in receipt of foster care, kinship guardianship, or adoption assistance[7, to include a qualified non citizen or a lawfully present non citizen, through the enactment of the Children Group under the provisions of the Affordable Care Act of 2010.] [Eff 09/30/13; am and comp]
 (Auth: HRS §346-14; 42 C.F.R. §§430.25, 435.118, 435.145) (Imp: HRS §346-14; 42 C.F.R. §§430.25, 435.118, 435.145)

§17-1715-2 General requirements. The confidentiality, administrative appeal, fraud, medical assistance recovery, application processing, eligibility review, and adverse action provisions described in subtitle 12 shall pertain to an individual who applies or is eligible under this chapter. [Eff 09/30/13; comp] (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)

§§17-1715-3 to 17-1715-7 (Reserved).

SUBCHAPTER 2

ELIGIBILITY REQUIREMENTS

§17-1715-8 Purpose. This subchapter describes the eligibility requirements for participation in the Children Group. [Eff 09/30/13; comp] (Auth: HRS §346-14; 42 C.F.R. §435.118) (Imp: HRS §346-14, 42 C.F.R. §§435.117, 435.118)

§17-1715-9 Basic requirements. An individual [~~eligible under the provisions of~~] whose eligibility is being determined under this chapter shall meet the [~~following~~] basic eligibility requirements which include, but are not limited to, citizenship, qualified non-citizen or lawfully present [~~non-citizen, state~~] non-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 09/30/13 ; am and comp] (Auth: HRS

§346-14; 42 C.F.R. §§435.118, 435.400, 435.910) (Imp:
HRS §346-14; 42 C.F.R. §§435.118, 435.400, 435.910)

§17-1715-10 Categorical requirements. (a) [~~An individual~~]To be eligible [to participate in] under the Children Group, an individual shall [meet the following requirements:] be:

- (1) Under age nineteen[+] years; or
- (2) Under twenty-one years of age and in receipt of non-Title IV-E or Title IV-E [~~of the Social Security Act~~] foster care, kinship guardianship, or adoption assistance.

(b) An individual under age twenty-one years and in receipt of Title IV-E foster care, kinship guardianship, or adoption assistance who meets the following requirements is deemed eligible for assistance and is not required to complete an application:

- (1) Certified by a public [~~department authority to be~~]agency responsible to make such determinations as eligible for Title IV-E foster care maintenance or kinship guardianship assistance; and
- (2) Placed in a licensed or authorized foster home or child caring institution appropriately supervised by [~~a state~~] the State licensed child placement agency or the [state] State family court; or
- (3) Covered under a Title IV-E Adoption Assistance Agreement, regardless of the state with which the adoptive parents entered into the agreement, and currently residing in the State [of Hawaii] in an adoptive home.

(c) A pregnant [~~child or~~]individual under age nineteen years, whose household income exceeds the age-specific income standard for a household of applicable size for participation under Title XIX of the Social Security Act, and a pregnant individual under age [twenty-one] twenty-one years, who is in receipt of foster care, kinship guardianship, or

adoption assistance, shall be subject to the requirements of chapter 17-1716 for the Pregnant Women Group~~[, and if]~~. If ineligible under [that chapter]the Pregnant Women Group, the individual shall be evaluated for eligibility under [have eligibility determined under this chapter.]the Children Group.

(d) A blind or disabled ~~[child or]~~individual under age nineteen years or under age ~~[twenty one]~~ twenty-one years in receipt of foster care, kinship guardianship, or adoption assistance ~~[shall be subject to the requirements of this chapter, except if]~~who is applying on the basis of blindness or disability ~~[is required,]~~shall be subject to the provisions of chapters 17-1719, 17-1724.1, and 17-1725.1[shall be applied.].

(e) A child born to a mother in receipt of Medicaid shall remain eligible for a period of one year following birth. The child's continued eligibility shall be determined for beginning the month following the month the child attains one year of age and annually thereafter.

(f) ~~[Children]~~ An individual under age nineteen ~~[remain]~~years remains eligible for Medicaid under this chapter until the end of a Medicaid covered inpatient stay if ~~[they]~~the individual would lose eligibility during the stay because of attaining the maximum age for eligibility under this chapter.

(g) An individual who is eligible under this chapter shall have eligibility redetermined under another eligibility group effective the month following the month the maximum age is attained under the Children Group. [Eff 09/30/13; am and comp] (Auth: HRS §346-14; 42 C.F.R. §§430.25, 435.117, 435.118, 435.145, 435.170, 435.222, 435.227, 435.301, 435.603) (Imp: HRS §346-14; 42 C.F.R. §§430.25, 435.117, 435.118, 435.145, 435.172, 435.222, 435.227, 435.301, 435.603, 435.916)

§17-1715-11 Income requirements. (a) The modified adjusted gross income (MAGI) methodology described in chapter 17-1724.2 shall be used to

determine the countable income for ~~[the household under the provisions of chapter 17 1724.2 for a]~~an ~~[child]~~individual subject to an income limit.

(b) The income standards for participation in the Children Group are:

- (1) For a child under age one year, one hundred eighty-five ~~[percent]~~ per cent of the federal poverty level for a household of applicable size plus the [applicable] income conversion [and income disregard percentage as determined by federal regulation] percentage of six per cent [for a household of applicable size in accordance with paragraph (a);].
- (2) For a child age one year [to five years,] but under six years, one hundred thirty-three ~~[percent]~~ per cent of the federal poverty level for a household of applicable size plus the [applicable] income conversion [and income disregard percentage as determined by federal regulation] percentage of six per cent [for a household of applicable size in accordance with paragraph (a);].
- (3) For a child age six years [to eighteen] but under nineteen years, one hundred thirty-three ~~[percent]~~ per cent of the federal poverty level [plus the applicable income disregard percentage as determined by federal regulation]for a household of applicable size [in accordance with paragraph (a); and].
- (4) For an individual [age nineteen years to twenty] under age twenty-one years who is a recipient of foster care, kinship guardianship, or adoption assistance, no income limit shall apply.

An income disregard of five per cent of the applicable federal poverty level, as cited in paragraphs (1) through (3), is added to the highest income standard for an individual using MAGI-based methodology under the applicable title of the Social Security Act.

(c) An uninsured child [~~eighteen years or younger,~~] under age nineteen years whose household income exceeds the appropriate income limit under [~~the provisions of~~] subsection (b), but does not exceed three hundred [~~percent~~] per cent of the federal poverty level for a household of applicable size plus the [~~applicable~~] income conversion percentage of eight per cent and the income disregard [~~percentage as determined by federal regulation for a household of applicable size,~~] of five per cent shall be eligible for participation in this chapter.

~~[(d) An eligible child in receipt of medical assistance whose income is redetermined using MAGI methodology and exceeds the limits of this chapter shall remain eligible until March 31, 2014 or the next scheduled eligibility review, whichever is later.]~~

~~[(e)]~~(d) When a child or an individual under twenty-one years of age in receipt of non-Title IV-E or Title IV-E [~~of the Social Security Act~~] foster care, kinship guardianship, or adoption assistance is determined ineligible under [~~this chapter,~~] the Children Group, eligibility [~~for other applicable chapters~~] shall be [~~considered.~~] redetermined under another eligibility group. [Eff 09/30/13; am and comp] (Auth: HRS §346-14; 42 C.F.R. §§430.25, 435.4, 435.117, 435.118, 435.229, 435.308, 435.601, 435.603) (Imp: HRS §346-14; 42 C.F.R. §§430.25, 435.117, 435.118, 435.229, 435.308, 435.601, 435.603)

§17-1715-12 Asset requirements. Assets shall not be considered in the determination of eligibility for participation in the Children Group. [Eff 09/30/13; comp] (Auth: HRS §346-14; 42 C.F.R. §§435.118, 435.603) (Imp: HRS §346-14; 42 C.F.R. §§435.118, 435.603)

§17-1715-13 Eligibility review requirements.
(a) An eligible child 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 09/30/13; comp] (Auth: HRS §346-14; 42 C.F.R. §§435.118, 435.916, 435.940) (Imp: HRS §346-14; 42 C.F.R. §§435.118, 435.916, 435.940)

§§17-1715-14 to 17-1715-18 (Reserved).

SUBCHAPTER 3

FREEDOM OF CHOICE, ENROLLMENT, BENEFITS AND DISENROLLMENT

§17-1715-19 Purpose. This subchapter addresses and refers to the provisions of freedom of choice, enrollment, benefits and disenrollment for an individual who is eligible in accordance with this chapter. [Eff 09/30/13; comp] (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)

§17-1715-20 Freedom of choice. (a) A child eligible in accordance with this chapter, with the exception of a child 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 child identified in section 17-1735.1-2(a) shall choose a department approved provider as described in chapter 17-1736-3. [Eff 09/30/13; comp] (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)

§17-1715-21 Enrollment into a participating health plan. (a) A child eligible in accordance with this chapter, with the exception of a child identified

in section 17-1735.1-2(a), shall be enrolled in a health plan as described in chapter 17-1720.1.

(b) A child 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 09/30/13; comp]
(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)

§17-1715-22 Benefits. (a) A child 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 child 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 09/30/13; comp] (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)

§17-1715-23 Disenrollment from health plan. An enrollee shall be disenrolled from a health plan under the provisions as described in [~~section~~] chapter 17-1720.1. [Eff 09/30/13; am and comp]
(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)

§§17-1715-24 to 17-1715-28 (Reserved)."