

3. Chapter 17-1716 of Title 17, Hawaii Administrative Rules, entitled "Pregnant Women Group" is amended and compiled 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Historical Note: This chapter is based substantially upon repealed chapters 17-1722.2, 17-1726, 17-1727, 17-1728, and 17-1732.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 09/30/13]

## SUBCHAPTER 1

### GENERAL PROVISIONS

§17-1716-1 Purpose. This chapter [~~streamlines and~~] establishes the Pregnant Women Group. The Pregnant Women Group, created through the enactment of the Affordable Care Act, [consolidates] provides Medicaid eligibility for a woman who is pregnant, to include a pregnant [child] 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, or [an individual who is] under age twenty-one years 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 09/30/13; am and comp ]  
(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 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)

§§17-1716-3 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 09/30/13; comp ] (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~~] whose eligibility is being determined under this chapter shall meet the basic eligibility requirements[~~7~~] which [~~includes~~] include, but are not limited to, citizenship, qualified non-citizen or a lawfully present non-citizen[~~7-state~~], 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. §§435.116, 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]~~ individual under age nineteen ~~[or]~~ 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 an individual ~~[who is]~~ under age twenty-one ~~[and]~~ years, who is in receipt of foster care, kinship guardianship, or adoption assistance, shall be subject to the provisions of this chapter~~[-and if]~~. If ineligible under this chapter, the individual 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]~~ throughout the pregnancy and the post-partum period, which begins on the date the pregnancy ends [through the end of the month], extends sixty days, and ends on the last day of the month in which the sixty-day [post-partum] period ends[-and]. Eligibility shall be redetermined [for the first] under another eligibility group effective the 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]~~ subsection (a) 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.~~]. [Eff 09/30/13; am and comp ] (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 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.~~] a pregnant woman.

(b) The income standard for participation in the Pregnant Women Group is one hundred eighty-five [~~percent~~] per cent of the federal poverty level for a household of applicable size, which includes the number of unborn child(ren) expected, plus the [applicable] income conversion percentage of six per cent [and income disregard percentage as determined by federal regulation for a household of applicable size in accordance with paragraph (a), and shall include the number of unborn child(ren) expected.] An income disregard of five per cent of the applicable federal poverty level is added to the highest income standard for an individual using MAGI-based methodology under the applicable title of the Social Security Act.

(c) [~~Continuous eligibility shall occur regardless~~] Regardless of changes in household income, eligibility under this group shall continue through the last day of the month in which the post-partum period ends.

(d) [~~When a pregnant~~] A woman who is determined ineligible under [the provisions of] this chapter[ ~~eligibility for~~] shall have eligibility determined under other applicable [chapters shall be considered.] eligibility groups. [Eff 09/30/13; am and comp ] (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 09/30/13; comp ] (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 09/30/13; comp ] (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 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)

§17-1716-20 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 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)

§17-1716-21 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 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)

§17-1716-22 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 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)

§17-1716-23 Disenrollment from a 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)

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