

4. Chapter 17-1717, of Title 17, Hawaii Administrative Rules, entitled "Parent or Caretaker Relatives Group" is amended and compiled to read as follows:

"HAWAII ADMINISTRATIVE RULES

TITLE 17

DEPARTMENT OF HUMAN SERVICES

SUBTITLE 12

MED-QUEST DIVISION

CHAPTER 1717

[~~PARENT OR~~] PARENTS AND OTHER CARETAKER RELATIVES  
GROUP

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Historical Note: This chapter is based substantially upon repealed chapters 17-1726 and 17-1727 [Eff 08/01/94; am 07/20/95; am 01/29/96; am 03/30/96; am 11/25/96; am 12/27/97; am 07/06/99; am 06/19/00; am 10/26/01; am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 09/10/09; am 04/30/10; am 08/19/11; am 06/25/12; R 09/30/13]

#### SUBCHAPTER 1

#### GENERAL PROVISIONS

§17-1717-1 Purpose. This chapter [~~streamlines and~~] establishes the Parents and Other Caretaker Relatives Group. The Parents and Other Caretaker Relatives Group, created through the enactment of the Affordable Care Act, consolidates Medicaid eligibility for a parent or other caretaker relative [~~, to include a qualified non citizen, aged or certified as blind or disabled individual~~] living with a child under age nineteen [~~, or who is under age twenty-one and in receipt of foster care, kinship guardianship or adoption assistance, and implements section 1931 of the Social Security Act through the enactment of the Parent or Caretaker Relatives Group under the provisions of the Affordable Care Act of 2010.~~] years. [Eff 09/30/13; am and comp ] (Auth: HRS §346-14; 42 CFR §435.110) (Imp: HRS §346-14; 42 CFR §435.110)

§17-1717-2 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 a parent or other caretaker relative 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, 435.119, 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, 435.119, 435.201, 435.907, 435.916, 455.1)

§§17-1717-3 to 17-1717-7 (Reserved).

## SUBCHAPTER 2

### ELIGIBILITY REQUIREMENTS

§17-1717-8 Purpose. This subchapter describes the eligibility requirements for participation in the [~~Parent or~~] Parents and Other Caretaker Relatives Group. [Eff 09/30/13; am and comp ] (Auth: HRS §346-14; 42 CFR §§435.110, 435.201) (Imp: HRS §346-14; 42 CFR §§435.110, 435.201)

§17-1717-9 Basic requirements. [~~A parent or caretaker relative~~] An individual whose eligibility is being determined under this chapter shall meet the basic eligibility requirements[~~]~~ which include, but are not [~~be~~] limited to, citizenship, qualified non-citizen or a lawfully present non-citizen status[~~]~~ state, 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, 346-29; 42 C.F.R. §§435.110, 435.400, 435.910) (Imp: HRS §§346-14, 346-29; 42 C.F.R. §§435.110, 435.400, 435.910)

§17-1717-10 Categorical requirements. [~~(a)~~ ~~A parent or caretaker relative shall be eligible to participate in this chapter when:~~

~~(1) The parent or caretaker relative assumes]~~  
(a) To be eligible under the Parents and Other Caretaker Relatives Group, an individual is not required to be a parent or a relative of the child but is required to have primary responsibility for the care and control of [a child residing in their household and the child is enrolled in Medicaid] a child under age nineteen years with whom the individual is living; [to include] including, but not limited to, a child who is under the jurisdiction of the court, or whose legal custody is held by a public [department authority;] agency that does not have physical custody of the child.

~~[(2) A parent or caretaker relative who is aged]~~

(b) An individual who meets the provisions of subsection (a), may be:

(1) Aged, blind, or disabled [and in], when age, blindness, or disability is not a condition of eligibility; or

(2) In receipt of or eligible for Medicare benefits[; and

~~(3) The parent or caretaker relative is not in receipt of supplemental security income (SSI).~~

~~(4) Legally married spouse of a parent or caretaker relative even after the marriage ended in death or divorce.]~~

(c) If living together, the spouse of the individual who meets the requirements of subsection (a) is also considered a parent or other caretaker relative.

(d) An individual who is in receipt of supplemental security income (SSI) is not categorically eligible to participate in the Parents and Other Caretaker Relatives Group.

~~[(b) A parent or caretaker relative described in subsection (a)(1) shall be subject to the requirements of this chapter, except if applying]~~(e) An individual who is in receipt of supplemental security income (SSI) or is applying on the basis of age, 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. §§430.25, 435.4, 435.110, 435.603) (Imp: HRS §346-14; 42 C.F.R. §430.25, §435.4, 435.110, 435.603)

§17-1717-11 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.]~~ an individual subject to an income limit.

(b) The income standard for participation in the Parents [or Caretakers Relative] and Other Caretaker Relatives Group is one hundred ~~[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. 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) When the household's income meets the standard of need or standard of assistance in effect on July 16, 1996:~~

- ~~(1) Standard of need is the financial assistance standard of one hundred percent of the Federal Poverty Limit (FPL) established by the federal government in 1993 for a household of the same size; or~~
- ~~(2) Standard of assistance is the monthly financial assistance payment in effect of sixty-two and one-half percent of the~~

~~standard of need described in 17-1719-11(d)  
for a household of the same size.~~

~~(d) A parent or caretaker relative]~~ (c) An individual who meets the requirements of section 17-1717-10(a) may, but is not required~~[7]~~ to claim the child in the household as a tax dependent for federal income tax purposes.

~~[(e) When a parent or caretaker relative]~~ An individual who is determined ineligible under ~~[provisions of]~~ this chapter, ~~[eligibility shall be considered]~~ shall have eligibility determined under ~~[chapter 17-1717.1 followed by other applicable chapters.]~~ another eligibility group. [Eff 09/30/13; am and comp ] (Auth: HRS §346-14; 42 C.F.R. §§435.110, 435.601, 435.603) (Imp: HRS §346-14; 42 C.F.R. §§435.110, 435.601, 435.603)

§17-1717-12 Asset requirements. Assets shall not be considered in the determination of eligibility for participation in the ~~[Parent or]~~ Parents and Other Caretaker Relatives Group. [Eff 09/30/13; am and comp ] (Auth: HRS §346-14; 42 C.F.R. §§435.110, 435.603) (Imp: HRS §346-14; 42 C.F.R. §§435.110, 435.603)

§17-1717-13 Eligibility review requirements.

(a) An eligible ~~[parent or caretaker relative]~~ individual 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; am and comp ] (Auth: HRS §346-14; 42 C.F.R. §§435.110, 435.916) (Imp: HRS §346-14; 42 C.F.R. §§435.110, 435.916)

§§17-1717-14 to 17-1717-18 (Reserved).

### SUBCHAPTER 3

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

§17-1717-19 Purpose. This subchapter addresses and refers to the provisions of freedom of choice, enrollment, benefits and disenrollment for ~~[a]~~ an ~~[parent or caretaker relative]~~ individual who is eligible in accordance with this chapter. [Eff 09/30/13; am and 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)

§17-1717-20 Freedom of choice. (a) ~~[A parent or caretaker relative]~~ An individual 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) An individual identified in section 17-1735.1-2(a) shall choose a department approved provider as described in ~~[chapter]~~ section 17-1736-3. [Eff 09/30/13; am and 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)

§17-1717-21 Enrollment into a participating health plan. (a) ~~[A parent or caretaker relative]~~ 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) ~~[A parent or caretaker relative]~~ An individual identified in section 17-1735.1-2(a) shall not be enrolled into a plan and their healthcare services shall be provided on a fee-for-service basis. [Eff 09/30/13; am and 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)

§17-1717-22 Benefits. (a) [~~A parent or caretaker relative~~]An individual 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 parent or caretaker relative~~]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 09/30/13; am and 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)

§17-1717-23 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 09/30/13; 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)

§§17-1717-24 to 17-1717-28 (Reserved)."