

HAWAII ADMINISTRATIVE RULES

TITLE 17

DEPARTMENT OF HUMAN SERVICES

SUBTITLE 12

MED-QUEST DIVISION

CHAPTER 1715

CHILDREN GROUP

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Historical Note: This chapter is based substantially upon repealed chapters 17-1722.1, 17-1726, 17-1727, 17-1728, and 17-1732 [Eff 08/01/94; am 07/20/95; am 01/29/96; am 03/30/96; am 11/25/96; am 12/27/97; am 07/06/99; am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 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, provides Medicaid eligibility for individuals under age nineteen years, or under age twenty-one years and in receipt of foster care, kinship guardianship, or adoption assistance. [Eff 09/30/13; am and comp **NOV 10 2016** ] (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 **NOV 10 2016** ] (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 NOV 10 2016 ] (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 whose eligibility is being determined under this chapter shall meet the basic eligibility requirements which include, but are not limited to, citizenship, qualified non-citizen or lawfully present 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 NOV 10 2016 ] (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) To be eligible under the Children Group, an individual shall 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 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 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 the State licensed child placement agency or the 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 in an adoptive home.

(c) A pregnant 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 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. If ineligible under the Pregnant Women Group, the individual shall be evaluated for eligibility under the Children Group.

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

(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) An individual under age nineteen years remains eligible for Medicaid under this chapter until the end of a Medicaid covered inpatient stay if 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 NOV 10 2016 ] (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 an 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 per cent of the federal poverty level for a household of applicable size plus the income conversion percentage of six per cent.
- (2) For a child age one year but under six years, one hundred thirty-three per cent of the federal poverty level for a household of applicable size plus the income conversion percentage of six per cent.
- (3) For a child age six years but under nineteen years, one hundred thirty-three per cent of the federal poverty level for a household of applicable size.

- (4) For an individual 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 under age nineteen years whose household income exceeds the appropriate income limit under subsection (b), but does not exceed three hundred per cent of the federal poverty level for a household of applicable size plus the income conversion percentage of eight per cent and the income disregard of five per cent shall be eligible for participation in this chapter.

(d) When a child or an individual under twenty-one years of age in receipt of non-Title IV-E or Title IV-E foster care, kinship guardianship, or adoption assistance is determined ineligible under the Children Group, eligibility shall be redetermined under another eligibility group. [Eff 09/30/13; am and comp NOV 10 2016 ] (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 NOV 10 2016 ] (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 NOV 10 2016 ] (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 NOV 10 2016 ] (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 NOV 10 2016 ] (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

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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 NOV 10 2016 ] (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 NOV 10 2016 ] (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 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; am and comp NOV 10 2016 ] (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).**