

HAWAII ADMINISTRATIVE RULES

TITLE 17

DEPARTMENT OF HUMAN SERVICES

SUBTITLE 12

MED-QUEST DIVISION

CHAPTER 1717

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Historical Note: This chapter is based substantially upon repealed chapters 17-1726 and 17-1727 [Eff 08/01/94; am 07/20/95; am 01/29/96; am 03/30/96; am 11/25/96; am 12/27/97; am 07/06/99; am 06/19/00; am 10/26/01; am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 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 living with a child under age nineteen years. [Eff 09/30/13; am and comp **NOV 10 2016**] (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; am and 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, 435.119, 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 Parents and Other Caretaker Relatives Group. [Eff 09/30/13; am and comp **NOV 10 2016**] (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. 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 a lawfully present non-citizen 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, 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) 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 under age nineteen years with whom the individual is living; including, but not limited to, a child who is under the jurisdiction of the court, or whose legal custody is held by a public agency that does not have physical custody of the child.

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

- (1) Aged, blind, or disabled, when age, blindness, or disability is not a condition of eligibility; or
- (2) In receipt of or eligible for Medicare benefits.

(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.

(e) An individual who is in receipt of supplemental security income (SSI) or is applying on the basis of age, blindness, or disability, shall be subject to the provisions of chapters 17-1719, 17-1724.1, and 17-1725.1. [Eff 09/30/13; am and comp NOV 10 2016] (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 an individual subject to an income limit.

(b) The income standard for participation in the Parents and Other Caretaker Relatives Group is one hundred per cent of the federal poverty level 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) An individual who meets the requirements of section 17-1717-10(a) may, but is not required to, claim the child in the household as a tax dependent for federal income tax purposes. An individual who is

determined ineligible under this chapter, shall have eligibility determined under another eligibility group. [Eff 09/30/13; am and comp NOV 10 2016] (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 Parents and Other Caretaker Relatives Group. [Eff 09/30/13; am and comp NOV 10 2016] (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 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 NOV 10 2016] (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 an individual who is eligible in accordance with this chapter. [Eff 09/30/13; am and comp NOV 10 2016]

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(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) 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 section 17-1736-3. [Eff 09/30/13; am and 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)

§17-1717-21 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 their healthcare services shall be provided on a fee-for-service basis. [Eff 09/30/13; am and 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)

§17-1717-22 Benefits. (a) 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) An individual identified in section 17-1735.1-2(a) shall be provided coverage under the fee-

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for-service provisions as described in chapter 17-1737. [Eff 09/30/13; am and 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)

§17-1717-23 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 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)

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