

DEPARTMENT OF HUMAN SERVICES

Amendment and Compilation of Chapter 17-1716
Hawaii Administrative Rules

July 1, 2024

SUMMARY

1. §17-1716-10 is amended.
2. §17-1716-11 is amended.
3. §17-1716-13 is amended.
4. Chapter 1716 is compiled.

HAWAII ADMINISTRATIVE RULES

TITLE 17

DEPARTMENT OF HUMAN SERVICES

SUBTITLE 12

MED-QUEST DIVISION

CHAPTER 1716

PREGNANT WOMEN GROUP

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Subchapter 3 Freedom of Choice, Enrollment,
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Historical Note: This chapter is based substantially upon repealed chapters 17-1722.2, 17-1726, 17-1727, 17-1728, and 17-1732.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 establishes the Pregnant Women Group. The Pregnant Women Group, created through the enactment of the Affordable Care Act, provides Medicaid eligibility for a woman who is pregnant, to include 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, or under age twenty-one years and in receipt of foster care, kinship guardianship, or adoption assistance. [Eff 09/30/13; am and comp 11/10/16; comp **AUG 22 2024**] (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 11/10/16; comp **AUG 22 2024**] (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 11/10/16; comp **AUG 22 2024**] (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 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

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described in chapter 17-1714.1. [Eff 09/30/13; am and comp 11/10/16; comp AUG 22 2024] (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 a pregnant woman, including during the post-partum period, shall be eligible to participate in the Pregnant Women Group throughout her pregnancy. For the purposes of this chapter, "pregnant woman" means a woman who is in the pregnancy period or is in the post-partum period, which begins on the date the pregnancy ends, and continues for twelve months through the last day of the month in which the twelve month period ends.

(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 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 an individual under age twenty-one years, who is in receipt of foster care, kinship guardianship, or adoption assistance, shall be subject to the provisions of this chapter. If ineligible under this chapter, the individual shall have eligibility determined under the Children Group.

(d) A blind or disabled pregnant woman described in subsection (a) 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. [Eff 09/30/13; am and comp 11/10/16; am and comp AUG 22 2024] (Auth: HRS §346-14; 42 C.F.R. §§435.116, 435.170, 435.603, 435.956; 42 U.S.C. §1396a(e)(16); 42 U.S.C. §1397gg(e)(1)) (Imp: HRS

§346-14; 42 C.F.R. §§435.116, 435.170, 435.603,
435.956; 42 U.S.C. §1396a(e)(16); 42 U.S.C.
§1397gg(e)(1))

§17-1716-11 Income requirements. (a) The modified adjusted gross income methodology described in chapter 17-1724.2 shall be used to determine the countable income for a pregnant woman.

(b) The income standard for participation in the Pregnant Women Group is one hundred eighty-five per cent of the federal poverty level for a household of applicable size, which includes the number of unborn child(ren) expected, plus the income conversion percentage of six per cent. An income disregard of five per cent of the applicable federal poverty level is added to the highest income standard for an individual using modified adjusted gross income based methodology under the applicable title of the Social Security Act.

(c) 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) A woman who is determined ineligible under this chapter shall have eligibility determined under other applicable eligibility groups. [Eff 09/30/13; am and comp 11/10/16; am and comp **AUG 22 2024**]
(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 11/10/16; comp **AUG 22 2024**]
(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

§17-1716-13 Eligibility review requirements.

(a) Eligibility under this chapter shall continue throughout the pregnancy and the post-partum period.

(b) An eligible pregnant woman shall receive an annual eligibility review every twelve months or the first month following the month in which the post-partum period ends, whichever is later, and at that time shall be redetermined under another eligibility group as applicable.

(c) Eligibility shall be redetermined in accordance with chapter 17-1712.1 and subchapter 5 of chapter 17-1714.1. [Eff 09/30/13; comp 11/10/16; am and comp AUG 22 2024] (Auth: HRS §346-14; 42 C.F.R. §§435.116, 435.916, 435.940; 42 U.S.C. §1396a(e)(16); 42 U.S.C. §1397gg(e)(1)) (Imp: HRS §346-14; 42 C.F.R. §§435.116, 435.916, 435.940; 42 U.S.C. §1396a(e)(16); 42 U.S.C. §1397gg(e)(1))

§§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 11/10/16; comp AUG 22 2024] (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 section 17-1736-3. [Eff 09/30/13; am and comp 11/10/16; comp AUG 22 2024] (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 11/10/16; comp AUG 22 2024] (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 11/10/16; comp

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AUG 22 2024] (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 chapter 17-1720.1. [Eff 09/30/13; am and comp 11/10/16; comp AUG 22 2024] (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) .