

**A BILL FOR AN ACT**

**VETO OVERRIDE**

RELATING TO CHILDREN'S HEALTH CARE.

Act No. 8  
Approved: [Signature]  
Dated: July 15, 2009

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1 SECTION 1. Act 236, Session Laws of Hawaii 2007, as  
2 amended by Act 239, Session Laws of Hawaii 2008, is amended by  
3 amending section 3 to read:  
4 "SECTION 3. (a) There is established the Hawaii  
5 children's health care program as a temporary [~~three-year~~] pilot  
6 program to provide health care coverage to uninsured children  
7 who live in Hawaii. The department of human services shall  
8 provide health care coverage through a public-private  
9 partnership, established as a contract to provide health and  
10 human services pursuant to chapter 103F, Hawaii Revised  
11 Statutes, between the department and one or more managed care  
12 plans operating in the state under chapter 432, Hawaii Revised  
13 Statutes, that offers accident and health or sickness insurance  
14 plans.  
15 (b) It is not the intent of the legislature to discourage  
16 employers from offering to pay, or from paying for, dependent  
17 coverage for their employees, nor that this Act supplant  
18 employer-sponsored dependent coverage plans.



- 1 (c) To qualify, a child shall:
- 2 (1) Be at least thirty-one days to less than nineteen
- 3 years old;
- 4 (2) Be living in Hawaii;
- 5 (3) Have been uninsured continually for at least six
- 6 months; provided that infants thirty-one days to six
- 7 months of age shall have been uninsured continually
- 8 since birth; and
- 9 (4) Have been ineligible during the six months the child
- 10 was uninsured for any other state or federal health
- 11 care coverage and be currently ineligible for any
- 12 other state or federal health care coverage; provided
- 13 that:
- 14 (A) All children enrolled in a managed care plan's
- 15 children's plan as of the effective date of this
- 16 Act shall be eligible for enrollment into the
- 17 Hawaii children's health care program without
- 18 being subject to the requirement of being
- 19 uninsured for the precedent six months in
- 20 subsection (c) (3);
- 21 (B) Children who are at least thirty-one days but
- 22 less than nineteen years old who become



1 ineligible for a med-QUEST division health care  
 2 coverage program due to an increase in family  
 3 income may enroll in the program upon  
 4 disenrollment from a med-QUEST division health  
 5 care coverage program; and

6 (C) Uninsured newborn children who are one day, but  
 7 not more than thirty days of age who were  
 8 enrolled in the Hawaii infant health care program  
 9 shall be eligible for enrollment in the Hawaii  
 10 children's health care program without being  
 11 subject to the requirement of being uninsured for  
 12 the precedent six months in subsection (c) (3).

13 (d) In lieu of paragraphs (c) (3) and (4), a child may also  
 14 qualify if the child is uninsured due to the loss of the  
 15 parent's or guardian's health insurance; provided that the  
 16 child's parent or guardian was employed by a Hawaii employer  
 17 that was covered by and in compliance with chapter 393, Hawaii  
 18 Revised Statutes, and that, between February 29, 2008 and  
 19 September 30, 2008, filed for bankruptcy and ceased doing  
 20 business in Hawaii or ceased doing business in Hawaii. The  
 21 eligibility requirements of subsections (c) (1) and (2) shall  
 22 still apply. Furthermore, coverage received based upon meeting



1 the eligibility requirements of this subsection shall continue  
2 only until the earlier of the following:

3 (1) The former employee parent or guardian of the covered  
4 child becomes employed and covered by a prepaid health  
5 care plan; or

6 (2) December 31, 2008.

7 (e) The department of human services and the managed care  
8 plans shall share equally in the cost of the premium for each  
9 child enrolled in the program subject to the appropriation of  
10 general funds for the program.

11 (f) Primary health care services for participants in the  
12 Hawaii children's health care program shall be provided by a  
13 federally qualified health center, as recognized by the United  
14 States Centers for Medicare and Medicaid Services. The managed  
15 care plan partner shall establish payment plans with the State's  
16 federally qualified health centers to cover the costs of the  
17 participants' primary health care services.

18 [~~f~~] (g) The department of human services shall pay the  
19 State's share of the premiums under the program on a quarterly  
20 basis.

21 [~~g~~] (h) The managed care plans participating in the  
22 pilot program shall be responsible for determining the



1 eligibility of program applicants and of enrolling applicants in  
2 the pilot program.

3       ~~[(h)]~~ (i) The managed care plans participating in the  
4 program shall provide a quarterly report to the department of  
5 human services and the legislature on the number of children  
6 enrolled in the program.

7       ~~[(i)]~~ (j) The department shall ensure that other private  
8 organizations have the opportunity to partner with the State to  
9 offer coverage to uninsured children under the program; provided  
10 that plan benefits to be provided shall be equal to or better  
11 than those offered through the program established by the State  
12 and managed care plans under subsection (a).

13       ~~[(j)]~~ (k) The department of human services and any  
14 participating managed care plan shall report to the legislature  
15 no later than twenty days prior to the start of the ~~[2008]~~ 2010  
16 and ~~[2009]~~ 2011 regular sessions on:

- 17       (1) Any problems experienced with the program involving  
18             crowding out eligible participants;
- 19       (2) Instances of people canceling their previous coverage  
20             to receive this free coverage;
- 21       (3) The amount of funding used and for what purposes;



- 1 (4) Any other problems encountered in the administration  
2 of the program; [~~and~~]  
3 (5) Any proposed legislation[~~-~~]; and  
4 (6) Any proposals on funding sources other than the  
5 State."

6 SECTION 2. Act 236, Session Laws of Hawaii 2007, is  
7 amended by amending section 14 to read:

8 "SECTION 14. This Act shall take effect [~~upon~~] on July 1,  
9 2007; provided that on June 30, 2010, with the exception of  
10 section 3, this Act shall be repealed and section 346-59.4,  
11 Hawaii Revised Statutes, shall be reenacted in the form in which  
12 it read on the day before the effective date of this Act[~~-~~]; and  
13 provided further that on June 30, 2012, section 3 of this Act  
14 shall be repealed."

15 SECTION 3. There is appropriated out of the general  
16 revenues of the State of Hawaii the sum of \$200,000 or so much  
17 thereof as may be necessary for fiscal year 2009-2010 and the  
18 same sum or so much thereof as may be necessary for fiscal year  
19 2010-2011 for the Hawaii children's health care program  
20 established under section 3 of Act 236, Session Laws of Hawaii  
21 2007 as amended by Act 239, Session Laws of Hawaii 2008.



1           The sums appropriated shall be expended by the department  
2 of human services for the purposes of this Act.

3           SECTION 4. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

5           SECTION 5. This Act shall take effect on July 1, 2009.

