



- 1 (2) A method for determining assistance amounts; and  
2 (3) Other necessary provisions to implement general  
3 assistance to households without minor dependents."

4 **PART II**

5 SECTION 3. The legislature finds that the national and  
6 global economic crisis that began in the second half of 2008 has  
7 caused significant economic problems in numerous industries in  
8 the State, including the airline, cruise ship, tourist, and  
9 construction industries. Mass layoffs have been reported by an  
10 increasing number of Hawaii businesses statewide, from the  
11 agricultural sector to the medical-services sector. Difficult  
12 economic times and declining tax revenues have resulted in  
13 budget cuts for many state services.

14 The current and impending situation jeopardizes the safety  
15 net of basic human services needs for Hawaii's residents and  
16 families. While all of Hawaii's residents will be affected by  
17 the situation, gap group families and families closest to the  
18 poverty line will suffer the most.

19 The purpose of this part is to appropriate moneys to  
20 maintain the levels of programs determined to be essential to  
21 public welfare.



1 SECTION 4. There is appropriated out of the general  
2 revenues of the State of Hawaii the sum of \$250,000 or so much  
3 thereof as may be necessary for fiscal year 2012-2013 to provide  
4 funding for grants pursuant to chapter 42F, Hawaii Revised  
5 Statutes, to the Blueprint for Change for neighborhood place  
6 walk-in centers.

7 The sum appropriated shall be expended by the department of  
8 human services for the purposes of this part.

9 SECTION 5. There is appropriated out of the general  
10 revenues of the State of Hawaii the sum of \$550,000 or so much  
11 thereof as may be necessary for fiscal year 2012-2013 to provide  
12 funding for grants pursuant to chapter 42F, Hawaii Revised  
13 Statutes, to the Hawaii Primary Care Association for the Hawaii  
14 immigrant health initiative program provided at federally  
15 qualified health centers.

16 The sum appropriated shall be expended by the department of  
17 human services for the purposes of this part.

18 SECTION 6. There is appropriated out of the general  
19 revenues of the State of Hawaii the sum of \$1,500,000 or so much  
20 thereof as may be necessary for fiscal year 2012-2013 for youth  
21 service centers.



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

3           SECTION 7. There is appropriated out of the general,  
4 revenues of the State of Hawaii the sum of \$210,000 or so much  
5 thereof as may be necessary for fiscal year 2012-2013 to provide  
6 funding for grants pursuant to chapter 42F, Hawaii Revised  
7 Statutes, to Hale Mahaolu for personal care services.

8           The sum appropriated shall be expended by the department of  
9 human services for the purposes of this part.

10          SECTION 8. There is appropriated out of the general  
11 revenues of the State of Hawaii the sum of \$200,000 or so much  
12 thereof as may be necessary for fiscal year 2012-2013 for the  
13 shelter plus care program.

14          The sum appropriated shall be expended by the department of  
15 human services for the purposes of this part.

16          SECTION 9. There is appropriated out of the general  
17 revenues of the State of Hawaii the sum of \$1,900,000 or so much  
18 thereof as may be necessary for fiscal year 2012-2013 to provide  
19 funding for grants pursuant to chapter 42F, Hawaii Revised  
20 Statutes, to the Hawaii Primary Care Association for adult  
21 dental care provided at federally qualified health centers;  
22 provided that the funds shall not be used for any other purpose.



1 The governor is authorized to utilize enhanced federal medical  
2 assistance percentages funds to offset the amount appropriated;  
3 provided that the total amount shall not exceed \$2,000,000. The  
4 department of human services shall report to the legislature on:

- 5 (1) The number of adults receiving these benefits;
- 6 (2) The cost per person;
- 7 (3) Total breakdown of administrative costs and other  
8 overhead costs; and
- 9 (4) Statistics, if available, on how this dental program  
10 is reducing the number of emergency dental-related  
11 medical procedures;

12 provided that the department of human services shall submit its  
13 report no later than twenty days prior to the convening of the  
14 2013 regular session.

15 The sum appropriated shall be expended by the department of  
16 human services for the purposes of this part.

17 SECTION 10. There is appropriated out of the general  
18 revenues of the State of Hawaii the sum of \$100,000 or so much  
19 thereof as may be necessary for fiscal year 2012-2013 for Maui  
20 community college, University of Hawaii, for the adult dental  
21 care program.



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

3           SECTION 11. There is appropriated out of the general  
4 revenues of the State of Hawaii the sum of \$30,000 or so much  
5 thereof as may be necessary for fiscal year 2012-2013 for  
6 outstationed eligibility worker services provided at federally  
7 qualified health centers.

8           The sum appropriated shall be expended by the department of  
9 human services for the purposes of this part.

10          SECTION 12. There is appropriated out of the general  
11 revenues of the State of Hawaii the sum of \$80,000 or so much  
12 thereof as may be necessary for fiscal year 2012-2013 to provide  
13 funding for grants pursuant to chapter 42F, Hawaii Revised  
14 Statutes, to the Hawaii Primary Care Association for outreach  
15 services provided at federally qualified health centers.

16          The sum appropriated shall be expended by the department of  
17 human services for the purposes of this part.

18          SECTION 13. There is appropriated out of the general  
19 revenues of the State of Hawaii the sum of \$44,636 or so much  
20 thereof as may be necessary for fiscal year 2012-2013 to provide  
21 funding for grants pursuant to chapter 42F, Hawaii Revised  
22 Statutes, to the Hawaii Primary Care Association for outreach



1 services to locate uninsured children for services at federally  
2 qualified health centers.

3 The sum appropriated shall be expended by the department of  
4 human services for the purposes of this part.

5 SECTION 14. There is appropriated out of the general  
6 revenues of the State of Hawaii the sum of \$300,000 or so much  
7 thereof as may be necessary for fiscal year 2012-2013 to provide  
8 funding for grants pursuant to chapter 42F, Hawaii Revised  
9 Statutes, to Adult Friends for Youth for youth gang prevention  
10 and intervention services.

11 The sum appropriated shall be expended by the department of  
12 human services for the purposes of this part.

13 SECTION 15. There is appropriated out of the general  
14 revenues of the State of Hawaii the sum of \$800,000 or so much  
15 thereof as may be necessary for fiscal year 2012-2013 for child  
16 care subsidies.

17 The sum appropriated shall be expended by the department of  
18 human services for the purposes of this part.

19 SECTION 16. There is appropriated out of the general  
20 revenues of the State of Hawaii the sum of \$450,000 or so much  
21 thereof as may be necessary for fiscal year 2012-2013 to provide  
22 funding for grants pursuant to chapter 42F, Hawaii Revised



1 Statutes, to Hawaii Centers for Independent Living for statewide  
2 independent living services.

3 The sum appropriated shall be expended by the department of  
4 human services for the purposes of this part.

5 SECTION 17. There is appropriated out of the general  
6 revenues of the State of Hawaii the sum of \$500,000 or so much  
7 thereof as may be necessary for fiscal year 2012-2013 to the  
8 office of youth services for a youth gang response system.

9 The sum appropriated shall be expended by the department of  
10 human services for the purposes of this part.

11 SECTION 18. There is appropriated out of the general  
12 revenues of the State of Hawaii the sum of \$1,000,000 or so much  
13 thereof as may be necessary for fiscal year 2012-2013 to provide  
14 funding for grants pursuant to chapter 42F, Hawaii Revised  
15 Statutes, to the united peer learning integrated new knowledge  
16 program for statewide non-school hour programs.

17 The sum appropriated shall be expended by the office of  
18 youth services of the department of human services for the  
19 purposes of this part.

20 SECTION 19. There is appropriated out of the general  
21 revenues of the State of Hawaii the sum of \$600,000 or so much  
22 thereof as may be necessary for fiscal year 2012-2013 to provide





1 funding for grants pursuant to chapter 42F, Hawaii Revised  
2 Statutes, to the Partners in Development Foundation to:

3 (1) Provide comprehensive family training (early  
4 childhood, parent, adult education, and intensive  
5 child-caregiver activities) and transitional services  
6 to sheltered and unsheltered homeless families\* on the  
7 leeward coast of Oahu;

8 (2) Offer early screening, assessment, and referral  
9 services for homeless children from birth to age five;  
10 and

11 (3) Prepare homeless children for kindergarten by  
12 providing developmentally appropriate social,  
13 emotional, and cognitive activities in a child-  
14 caregiver interactive learning environment.

15 The sum appropriated shall be expended by the department of  
16 human services for the purposes of this part.

17 SECTION 20. There is appropriated out of the general  
18 revenues of the State of Hawaii the sum of \$3,200,000 or so much  
19 thereof as may be necessary for fiscal year 2012-2013 for the  
20 preschool open doors program.

21 The sum appropriated shall be expended by the department of  
22 human services for the purposes of this part.



1 SECTION 21. There is appropriated out of the general  
 2 revenues of the State of Hawaii the sum of \$150,000 or so much  
 3 thereof as may be necessary for fiscal year 2012-2013 to provide  
 4 funding for grants pursuant to chapter 42F, Hawaii Revised  
 5 Statutes, to The Children's Alliance of Hawaii, Inc., to provide  
 6 child sex assault services.

7 The sum appropriated shall be expended by the department of  
 8 human services for the purposes of this part.

9 PART III

10 SECTION 22. There is appropriated out of the general  
 11 revenues of the State of Hawaii the sum of \$ or so  
 12 much thereof as may be necessary for fiscal year 2012-2013 for  
 13 the creation of positions under the department of human  
 14 services for the supplemental nutrition assistance program.

15 The sum appropriated shall be expended by the department of  
 16 human services for the purposes of this part.

17 PART IV

18 SECTION 23. Section 412:3-114.5, Hawaii Revised Statutes,  
 19 is amended to read as follows:

20 "[+]§412:3-114.5[+] **Mandatory reporting of suspected**  
 21 **financial abuse of an elder.** (a) A financial institution shall  
 22 report suspected financial abuse that is directed towards,



1 targets, or is committed against an elder to the [~~department of~~  
2 ~~human services~~] appropriate local law enforcement agency if:

3 (1) In connection with providing financial services to the  
4 elder, the officer or employee of a financial  
5 institution:

6 (A) Has direct contact with the elder; or

7 (B) Reviews or approves the elder's financial  
8 documents, records, or transactions; and

9 (2) The officer or employee, within the scope of  
10 employment or professional practice:

11 (A) Observes or has knowledge of an incident the  
12 officer or employee believes in good faith  
13 appears to be financial abuse; or

14 (B) In the case of officers or employers who do not  
15 have direct contact with the elder, has a good  
16 faith suspicion that financial abuse has occurred  
17 or may be occurring, based solely on the  
18 information present at the time of reviewing or  
19 approving the document, record, or transaction.

20 (b) Suspected financial abuse shall be reported  
21 [~~immediately~~] to the [~~department~~] appropriate local law



1 enforcement agency immediately by telephone and followed by a  
2 written report sent within five business days.

3 ~~[(c) Upon notification by a financial institution of~~  
4 ~~suspected financial abuse, the department, in a timely manner,~~  
5 ~~shall determine whether the department has jurisdiction over the~~  
6 ~~elder involved; and if not, shall notify the financial~~  
7 ~~institution, which shall then notify the proper local law~~  
8 ~~enforcement agency immediately by telephone and forward the~~  
9 ~~written report to the agency within three business days. A~~  
10 ~~financial institution shall not be liable for failing to report~~  
11 ~~suspected financial abuse to a local law enforcement agency in~~  
12 ~~cases in which the department fails to notify the institution of~~  
13 ~~the department's lack of jurisdiction.~~

14 ~~(d)]~~ (c) Notwithstanding any other state law to the  
15 contrary, including but not limited to laws concerning  
16 confidentiality, any person, including the financial  
17 institution, who:

- 18 (1) Participates in the making of a report pursuant to  
19 this section; and  
20 (2) Believes, in good faith, that the action is warranted  
21 by facts known to that person,



1 shall have immunity from any liability, civil or criminal, that  
2 might be otherwise incurred or imposed by or as a result of the  
3 making of the report. Any person making the report shall have  
4 the same immunity with respect to participation in any judicial  
5 proceeding resulting from the report.

6 [~~e~~] (d) For the purposes of this section:

7 [~~"Department" means the department of human services.~~]

8 "Elder" means a person who is [~~sixty-two~~] sixty years of  
9 age or older.

10 "Financial abuse" means financial abuse or economic  
11 exploitation."

12 **PART V**

13 SECTION 24. The legislature finds that homelessness is a  
14 complex and multifaceted issue requiring planning, coordination,  
15 implementation, and funding across federal, state, local,  
16 business, and community lines. Locally, many government  
17 agencies, nonprofit organizations, and other private sector  
18 organizations have worked diligently and successfully to assist  
19 homeless persons. Regardless, Hawaii has experienced an  
20 increase in the number of homeless individuals and families.

21 According to 2007 data, Hawaii has twice as many people who  
22 are homeless per 100,000 people than the national average. The



1 2011 Statewide Point-in-Time Count indicated a six per cent  
2 increase in homelessness throughout the State. Further, 2010  
3 data indicate that almost one-third of the sheltered homeless  
4 population are children; more than ten per cent are veterans;  
5 over sixty per cent have lived in Hawaii for more than ten  
6 years; almost half of the families who are homeless include  
7 someone who is employed; and almost thirty per cent are Hawaiian  
8 or part Hawaiian. This data shows that there is no single  
9 profile of a homeless person.

10 In January 2011, the governor pronounced the elimination of  
11 homelessness as a "moral imperative" and appointed the first  
12 governor's coordinator on homelessness to lead the effort to  
13 prevent and eliminate homelessness in Hawaii through the use of  
14 strategic approaches, structural changes, and unprecedented  
15 collaborative and civic involvement. On March 4, 2011, the  
16 governor hosted, with the United States Department of Veterans  
17 Affairs, an interagency leadership forum on homelessness that  
18 was attended by leaders from government, business, the  
19 community, and the faith community, to advocate for the  
20 development of a collaborative strategy to end homelessness in  
21 Hawaii.



1 On June 22, 2010, the United States Interagency Council on  
2 Homelessness, comprised of nineteen cabinet members, agency  
3 heads, and local and state partners in the public and private  
4 sectors, released "*Opening Doors: Federal Strategic Plan to*  
5 *Prevent and End Homelessness*", the nation's first comprehensive  
6 strategic plan to prevent and end homelessness. "*Opening Doors*"  
7 identified ambitious goals of:

- 8 (1) Finishing the job of ending chronic homelessness in  
9 five years;
- 10 (2) Preventing and ending homelessness among veterans in  
11 five years;
- 12 (3) Preventing and ending homelessness for families,  
13 youth, and children in ten years; and
- 14 (4) Setting a path to ending all types of homelessness.

15 The governor has found it to be imperative and in the  
16 public interest to capitalize on the opportunities and momentum  
17 generated by the United States Interagency Council on  
18 Homelessness, to provide leadership for the prevention and  
19 elimination of homelessness, and to keep Hawaii at the forefront  
20 of providing care to its residents in the spirit of the Law of  
21 the Splintered Paddle (Ke Kanawai Mamalahoe), as expressed in  
22 article IX, section 10, of the Hawaii constitution.



1           Consequently, on July 19, 2011, Governor Neil Abercrombie,  
2 through the issuance of Executive Order No. 11-21, pursuant to  
3 the provisions of section 26-41, Hawaii Revised Statutes,  
4 temporarily established the Hawaii interagency council on  
5 homelessness.

6           The purpose of this part is to establish the Hawaii  
7 interagency council on homelessness in the Hawaii Revised  
8 Statutes, which will further enhance the ability of the council  
9 to provide solutions for ending homelessness in Hawaii. By  
10 establishing the interagency council on homelessness in the  
11 Hawaii Revised Statutes, the importance of ending homelessness  
12 will be highlighted, and continuity through future  
13 administrations will be strengthened.

14           SECTION 25. Chapter 346, Hawaii Revised Statutes, is  
15 amended by adding a new part to be appropriately designated and  
16 to read as follows:

17           **"PART           .   HAWAII INTERAGENCY COUNCIL ON HOMELESSNESS**

18           **§346-           Hawaii interagency council on homelessness;**

19           **establishment.** (a) There is established the Hawaii interagency  
20 council on homelessness, which shall be an advisory body exempt  
21 from section 26-34. The Hawaii interagency council on





1 homelessness shall be established within the department of human  
2 services for administrative purposes.

3 (b) The Hawaii interagency council on homelessness shall:

4 (1) Serve as the statewide homelessness planning and  
5 policy development entity with broad representation  
6 from state and county government and the community;

7 (2) Formulate, and advise the governor on the  
8 implementation of, a unified ten-year statewide plan  
9 to address homelessness in all Hawaii counties;

10 (3) Facilitate the acquisition of funding and resources  
11 for state and county homeless programs;

12 (4) Recommend policy, regulatory, and statutory changes,  
13 and identify resource strategies for the successful  
14 execution of the ten-year plan;

15 (5) Assemble accurate fiscal and demographic information  
16 to support policy development and track outcomes;

17 (6) Consider collaborative homelessness initiatives of  
18 other states that have demonstrated positive  
19 measurable outcomes as possible models for state and  
20 local programs;



- 1 (7) Promote systems integration of social, health,  
2 training, and housing services to reduce duplication  
3 among homeless assistance programs;
- 4 (8) Advise on the development and implementation of a  
5 public education program on homelessness in Hawaii and  
6 disseminate information including data and best  
7 practices; and
- 8 (9) Report annually to the governor, the legislature, and  
9 the mayor of each county on the progress of its  
10 activities, including formulation and progress of the  
11 ten-year plan no later than twenty days prior to the  
12 convening of each regular session.
- 13 (c) The ten-year statewide plan developed by the Hawaii  
14 interagency council on homelessness shall:
- 15 (1) Assist individuals who are homeless or facing  
16 homelessness;
- 17 (2) Prioritize the needs of the most vulnerable  
18 individuals and families;
- 19 (3) Encourage and promote partnerships between public and  
20 private entities to identify, renovate, and secure  
21 dignified transitional and permanent housing options;



- 1 (4) Promote development and utilization of support
- 2 services, including job training, mental health, and
- 3 substance abuse treatment, that will enhance the
- 4 transition out of homelessness;
- 5 (5) Increase access to public areas for all members of the
- 6 community;
- 7 (6) Support efforts to obtain accurate statistics on
- 8 homeless persons; and
- 9 (7) Activate, coordinate, and maintain responsive action
- 10 among the public, business, and faith-based
- 11 communities to become part of the homelessness
- 12 solution strategy.

13 **§346- Membership.** (a) The Hawaii interagency council  
 14 on homelessness shall be composed of the following members or  
 15 the member's designee:

- 16 (1) Governor's coordinator on homelessness, who shall
- 17 serve as chair;
- 18 (2) Director of human services;
- 19 (3) Administrator of the homeless programs office of the
- 20 department of human services;
- 21 (4) Director of health;
- 22 (5) Director of labor and industrial relations;



- 1 (6) Director of public safety;
- 2 (7) Director of business, economic development, and
- 3 tourism;
- 4 (8) Chairperson of the Hawaiian homes commission;
- 5 (9) Adjutant general;
- 6 (10) Chairperson of the board of trustees of the office of
- 7 Hawaiian affairs;
- 8 (11) Attorney general;
- 9 (12) Superintendent of education;
- 10 (13) One member of the house of representatives to be
- 11 designated by the speaker of the house of
- 12 representatives;
- 13 (14) One member of the senate to be designated by the
- 14 president of the senate;
- 15 (15) The mayor of each county;
- 16 (16) A representative from each Continuum of Care Network
- 17 for:
- 18 (A) The city and county of Honolulu; and
- 19 (B) The counties of Maui, Kauai, and Hawaii;
- 20 who shall be requested to serve by the governor;



1 (17) A representative of the United States Department of  
2 Veterans Affairs who shall be requested to serve by  
3 the governor;

4 (18) A representative from the Office of Community Planning  
5 and Development, United States Department of Housing  
6 and Urban Development, who shall be requested to serve  
7 by the governor;

8 (19) A representative of a faith-based organization with  
9 interfaith relationships, to be designated by the  
10 governor; and

11 (20) A representative of the business community, to be  
12 designated by the governor.

13 (b) The non-governmental members of the Hawaii interagency  
14 council on homelessness shall serve without compensation but  
15 shall be reimbursed for expenses, including travel expenses,  
16 necessary for the performance of their duties.

17 (c) If a Hawaii interagency council on homelessness member  
18 is unable to attend a meeting, that member may appoint a  
19 designee to attend and to act on the member's behalf during the  
20 meeting.



1 (d) Chapter 84 shall not apply to the members of the  
2 Hawaii interagency council on homelessness solely because of the  
3 member's participation as a member of the council.

4 §346- Meetings; quorum. (a) The Hawaii interagency  
5 council on homelessness shall meet quarterly, or more frequently  
6 as it deems necessary.

7 (b) A majority of the members of the Hawaii interagency  
8 council on homelessness shall constitute a quorum to do business  
9 and to validate any decision or act of the council."

10 SECTION 26. There is appropriated out of the general  
11 revenues of the State of Hawaii the sum of \$ or so much  
12 thereof as may be necessary for fiscal year 2012-2013 for  
13 administrative expenses of the Hawaii interagency council on  
14 homelessness.

15 The sum appropriated shall be expended by the department of  
16 human services for the purposes of this part.

17 PART VI

18 SECTION 27. Chapter 346, Hawaii Revised Statutes, is  
19 amended by adding a new section to be appropriately designated  
20 and to read as follows:

21 "§346- National Human Trafficking Resource Center  
22 hotline; printable poster. (a) The department may make

1 available on its public website information on the National  
2 Human Trafficking Resource Center hotline and an electronic  
3 version of the National Human Trafficking Resource Center  
4 hotline poster for establishments to print. The poster shall be  
5 no smaller than eight and one-half inches by eleven inches in  
6 size that states the following:

7 "If you or someone you know is being forced to engage in  
8 any activity and cannot leave - whether it is commercial sex,  
9 housework, farm work, or any other activity - call the National  
10 Human Trafficking Resource Center hotline at 1-888-373-7888 to  
11 access help and services.

12 Victims of human trafficking are protected under United  
13 States and Hawaii law.

14 The hotline is:

- 15 (1) Available twenty-four hours a day, seven days a week;
- 16 (2) Toll-free;
- 17 (3) Operated by a nonprofit, non-governmental  
18 organization;
- 19 (4) Anonymous and confidential;
- 20 (5) Accessible in one hundred-seventy languages; and
- 21 (6) Able to provide help, referral to services, training,  
22 and general information."







1 (3) One house member to be selected by the speaker of the  
2 house of representatives;

3 (4) Two representatives of human trafficking victims'  
4 organizations; one to be selected by the senate  
5 president and one to be selected by the speaker of the  
6 house of representatives;

7 (5) Two victims of human trafficking; one to be selected  
8 by the senate president and one to be selected by the  
9 speaker of the house of representatives; and

10 (6) Any other members as the director of human services or  
11 the director's designee, as chair of the task force,  
12 deems appropriate.

13 (c) The task force shall create a state plan on the  
14 coordination of services for survivors of human trafficking.

15 The activities of the task force shall include but not be  
16 limited to:

17 (1) Gathering and disseminating information to law  
18 enforcement agencies and the offices of the  
19 prosecuting attorney in each county, the department of  
20 the attorney general, the department of human  
21 services, the office of community services, nonprofit  
22 organizations, and the public on available services



1 for survivors of human trafficking. Services for  
2 survivors of human trafficking shall include but not  
3 be limited to:

- 4 (A) Case management;
- 5 (B) Emergency temporary housing;
- 6 (C) Health care;
- 7 (D) Mental health counseling;
- 8 (E) Drug addiction screening and treatment;
- 9 (F) Language interpretation and translation services;
- 10 (G) English language instruction;
- 11 (H) Job training and placement assistance;
- 12 (I) Post-employment services and job retention;
- 13 (J) Transportation services; and
- 14 (K) Services to assist the individual and any of the  
15 individual's family members to establish  
16 permanent residency in the State of Hawaii or  
17 other localities in the United States;

- 18 (2) Identifying a single point of access for individuals  
19 or organizations that need assistance or guidance in  
20 navigating the processes and regulations of state  
21 agencies to services for survivors of human



1 trafficking or projects that promote services for  
2 survivors of human trafficking;

3 (3) Designating the department of human services as the  
4 appropriate agency to provide services to income-  
5 qualified, United States citizens and "qualified  
6 immigrants" who are survivors of human trafficking and  
7 the office of community services as the appropriate  
8 agency to provide services to "disadvantaged, refugee,  
9 and immigrant" survivors of human trafficking;

10 (4) Identifying a single executive department or a  
11 division within a department to establish a program  
12 for coordinating services for survivors of human  
13 trafficking; and

14 (5) Proposing legislation and making recommendations to  
15 the governor regarding human trafficking.

16 (d) The director of human services shall submit a report  
17 of the task force's activities, including recommendations and  
18 proposed legislation, if any, to the legislature no later than  
19 twenty days prior to the convening of the regular session of  
20 2014. The working group shall dissolve on June 30, 2014.

21 (e) For the purposes of this part, "survivor of human  
22 trafficking" means a person:

1 (1) Who has had or now has the condition or status of debt  
2 bondage, involuntary servitude, severe forms of  
3 trafficking in persons, or sex trafficking, as those  
4 terms are defined in title 22 United States Code  
5 section 7102;

6 (2) Whose prostitution was promoted or advanced by any of  
7 the means set forth in section 712-1202(1), Hawaii  
8 Revised Statutes; or

9 (3) Who was subject to performing labor or services by any  
10 of the means described in section 707-781(1), Hawaii  
11 Revised Statutes.

12 (f) The members of the task force shall not receive  
13 compensation for their services.

14 (g) No member shall be made subject to chapter 84, Hawaii  
15 Revised Statutes, solely because of that member's participation  
16 as a member of the task force.

17 **PART VIII**

18 SECTION 30. The legislature finds that medicaid is the  
19 cornerstone of health care for the most needy within Hawaii.  
20 Furthermore, the legislature has previously recognized that it  
21 is in the public interest to ensure that health care payments  
22 made with state funds or controlled by the State are sufficient



1 to cover the actual costs of care. However, inadequate payment  
2 and reimbursement from medicaid have compromised access to  
3 medical care not only for the uninsured and those covered by  
4 medicaid but also for individuals who are covered by private  
5 employer-based health insurance.

6 According to numerous media reports, there is an inadequacy  
7 of medical care services that has reached a critical level,  
8 especially in specialty-care coverage in rural areas and on the  
9 neighbor islands. Hawaii's physicians serving medicaid-eligible  
10 persons have also been adversely affected by the inadequacy of  
11 medicaid reimbursements and payments.

12 The legislature also finds that for a two-year period  
13 beginning January 1, 2013, the Patient Protection and Affordable  
14 Care Act of 2010 mandates that states reimburse primary care  
15 providers at one hundred per cent of medicare rates for primary  
16 care services provided to medicaid recipients. This increased  
17 reimbursement will be one hundred per cent federally funded.  
18 However, under the Patient Protection and Affordable Care Act,  
19 reimbursement for primary care services provided to children's  
20 health insurance program recipients, namely children and  
21 pregnant women, will not be increased.



1           The purpose of this part is to increase the payment for  
2 primary care physician services provided to children and  
3 pregnant women covered under the children's health insurance  
4 program to be equal to such reimbursement provided to medicaid  
5 recipients.

6           SECTION 31. There is appropriated out of the general  
7 revenues of the State of Hawaii the sum of \$2,800,000 or so much  
8 thereof as may be necessary for fiscal year 2012-2013 to  
9 increase the payment for primary care physician services  
10 provided to children and pregnant women covered under the  
11 children's health insurance program.

12           The sum appropriated shall be expended by the department of  
13 human services for the purposes of this part; provided that:

14           (1) The sum is equitably distributed among the fee-for-  
15 service, QUEST, and QUEST expanded access health plans  
16 based on enrollment of children's health insurance  
17 program recipients, so that payment for these  
18 physician services can be increased;

19           (2) The department of human services shall include in its  
20 budget request for the year 2013-2015 fiscal biennium  
21 a sum at least equal to the sum appropriated pursuant  
22 to this section, in addition to its baseline request



1 under HMS 401, that will allow for increased moneys to  
2 be paid out for primary care services provided by  
3 primary care physicians to children's health insurance  
4 program recipients; and

5 (3) The department of human services shall report the  
6 amount of the baseline medicaid sum and the additional  
7 funds to be paid out for physician services, to the  
8 legislature no later than twenty days prior to the  
9 convening of the regular sessions of 2013 and 2014.

10 **PART IX**

11 SECTION 32. The department of human services shall  
12 collaborate with the Healthcare Association of Hawaii, the  
13 Hawaii Long Term Care Association, nursing facility providers,  
14 and home- and community-based service providers, including adult  
15 residential care homes and foster family homes, to develop a  
16 revised methodology for determining the level of acuity of  
17 nursing facility residents who are medicaid recipients,  
18 including those with complex medical conditions, to set  
19 reimbursements at levels that are fair and equitable. The  
20 department of human services and the collaborating organizations  
21 and providers shall submit to the legislature a joint report  
22 containing recommendations and an implementation plan no later



1 than twenty days prior to the convening of the regular session  
2 of 2013.

3 SECTION 33. The department of human services shall work  
4 with the department of health to develop an equitable referral  
5 system relating to the discharge of patients from hospitals,  
6 nursing homes, and long-term care facilities based on the  
7 patient's acuity level for proper placement in either an adult  
8 residential care home, community care foster family home, or an  
9 expanded adult residential care home.

10 **PART X**

11 SECTION 34. When Congress passed the Deficit Reduction Act  
12 of 2005, P.L. 109-171, it made a number of amendments to the  
13 Social Security Act intended to strengthen states' ability to  
14 identify and collect from liable third party payors that are  
15 legally responsible to pay claims primary to medicaid.

16 To ensure the State's compliance with the requirements of  
17 P.L. 109-171, the legislature passed Senate Bill No. 917,  
18 enacted as Act 103, Session Laws of Hawaii 2009, and codified in  
19 chapter 431L, Hawaii Revised Statutes.

20 Federal and state statutes require that medicaid be the  
21 payor of last resort for health insurance. To meet this  
22 obligation, the department of human services, as the state





1    medicaid agency, requires information on medicaid recipients who  
2    also have commercial health insurance.

3           Section 431L-2.5, Hawaii Revised Statutes, requires the  
4    health care insurer to share information on an individual basis  
5    at the State's request. This Act will require all commercial  
6    health care insurers operating in Hawaii to also share with the  
7    department of human services a listing of their members on a  
8    quarterly basis. Quarterly reports will allow the department to  
9    determine on a timely basis the eligibility of persons who apply  
10   for medicaid and to determine the continuing eligibility for  
11   persons receiving health care insurance through the medicaid  
12   program.

13           Medicaid allows passive renewal and self-declaration to  
14   facilitate eligibility, which makes it difficult for the  
15   department to determine when a recipient's eligibility status  
16   has changed because of employment, increased income, or being  
17   provided health coverage under the prepaid health care act.

18           In the current economic climate of decreased state revenues  
19   and the unfortunate necessity of reducing medical assistance  
20   benefits, identifying areas to decrease expenditures with  
21   minimal impact on the public becomes increasingly important.  
22   The senate committee on ways and means stated in Standing



1 Committee Report No. 3033, Regular Session of 2010, that "the  
2 State's economic difficulties threaten the provision of human  
3 services under many state programs. Your Committee finds that,  
4 despite budget cuts and realignments, it is important to  
5 maintain the level of services that are provided to the neediest  
6 populations in the State."

7 The purpose of this part is to require all commercial  
8 health care insurers operating in Hawaii to share with the  
9 department of human services, on a timely basis, a listing of  
10 their members for medicaid eligibility determination. This will  
11 improve medicaid program integrity and ensure that medicaid is  
12 the payor of last resort and that funding for the medicaid  
13 program is used to provide health insurance coverage to those  
14 who really need it.

15 SECTION 35. Section 431L-2.5, Hawaii Revised Statutes, is  
16 amended to read as follows:

17 "[+]§431L-2.5[+] **Insurer requirements.** Any health insurer  
18 as identified in section 431L-1 shall:

19 (1) Provide, with respect to individuals who are eligible  
20 for, or are provided, medical assistance under Title  
21 42 United States Code section 1396a (section 1902 of  
22 the Social Security Act), as amended, upon the request



1 of the State, information to determine during what  
2 period the individual or the individual's spouse or  
3 dependents may be or may have been covered by a health  
4 insurer and the nature of the coverage that is or was  
5 provided by the health insurer, including the name,  
6 address, and identifying number of the plan in a  
7 manner prescribed by the State;

8 (2) Provide to the State a quarterly report listing its  
9 members for a cross-reference check of prospective and  
10 current medicaid beneficiaries. To ensure the  
11 validity of beneficiary matches, the minimum data  
12 required to be included in each report may include  
13 first and last name, date of birth, and social  
14 security number. The data fields and electronic  
15 format of the member listing shall be determined by  
16 the department of human services;

17 [+2] (3) Accept the State's right of recovery and the  
18 assignment to the State of any right of an individual  
19 or other entity to payment from the party for a health  
20 care item or service for which payment has been made  
21 for medical assistance under Title 42 United States



1 Code section 1396a (section 1902 of the Social  
 2 Security Act);  
 3 [~~3~~] (4) Respond to any inquiry by the State regarding a  
 4 claim for payment for any health care item or service  
 5 that is submitted not later than three years after the  
 6 date of the provision of the health care item or  
 7 service; and

8 [~~4~~] (5) Agree not to deny a claim submitted by the State  
 9 solely on the basis of the date of submission of the  
 10 claim, the type or format of the claim form, or a  
 11 failure to present proper documentation at the point-  
 12 of-sale that is the basis of the claim, if:

13 (A) The claim is submitted by the State within the  
 14 three-year period beginning on the date on which  
 15 the health care item or service was furnished;  
 16 and

17 (B) Any action by the State to enforce its rights  
 18 with respect to the claim is commenced within six  
 19 years of the State's submission of the claim."

**PART XI**

21 SECTION 36. Statutory material to be repealed is bracketed  
 22 and stricken. New statutory material is underscored.



1 SECTION 37. This Act shall take effect on July 1, 2012;  
2 provided that part V shall be repealed on June 30, 2022, and  
3 part VIII shall take effect on July 1, 2050.



**Report Title:**

Department of Human Services; Public Safety, Health, Education, and Welfare; Omnibus; Appropriation

**Description:**

Allows DHS to draw from other funds appropriated to DHS in the event the general assistance appropriation is insufficient to meet General Assistance benefits payments. Appropriates moneys to maintain funding levels of programs for public welfare. Creates an unspecified amount of positions under DHS for the supplemental nutrition assistance program. Requires financial institutions to report suspected financial abuse of an elder to appropriate law enforcement, to take effect upon approval. Establishes the Hawaii interagency council on homelessness, to be repealed on 6/30/2022. Authorizes DHS to place on its public website information and printable posters on the National Human Trafficking Resource Center hotline. Creates a task force on human trafficking and specifies members. Appropriates funds to increase payments for physician services to medicaid-eligible persons, up to a certain per cent of the current medicare rate. Requires DHS to report to the legislature baseline medicaid and additional funds needed for fiscal years 2013-2014 and 2014-2015. Requires DHS to seek an appropriation in an amount equal to at least the amount appropriated in 2012-2013 for additional payments for physician services during the 2013-2015 fiscal biennium; to take effect 7/1/2050. Allows for a fair and equitable reimbursement system for all clients under the medicaid program for community based caregiver services. Allows for a fair and equitable referral system for clients transferring from hospitals to community-based care homes. Requires all commercial health care insurers operating in Hawaii to share with DHS a listing of their members for medicaid eligibility determination. (SD2)

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