

Honolulu, Hawaii

May 1, 2012

RE: H.B. No. 2448
H.D. 2
S.D. 2
C.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 2448, H.D. 2, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO MEDICAID,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to establish a formula for calculating the amount to be contributed by the State towards a Medicaid recipient's attorney's fees and costs incurred in obtaining a judgment, settlement, or award, in lieu of recovering the full amount. Among other things, this measure:

- (1) Clarifies that a notice of lien sent by the Department of Human Services for reimbursement of Medicaid benefits shall be accompanied by an itemized list of payments made by the Department;



- (2) Caps the amount of the department's lien at one-third of the settlement, judgment, or award, after its contribution for attorney's fees and expenses;
- (3) Defines the term "medical institution"; and
- (4) Requires the Department of Human Services to provide a written notice of lien to the court when restitution is sought from a third person in a criminal proceeding.

Your Committee on Conference has amended this measure by:

- (1) Authorizing the Department of Human Services to develop fair and equitable reimbursement levels for nursing facility residents who are Medicaid recipients;
- (2) Authorizing the Department of Human Services to develop an equitable referral system for Medicaid clients transferring from hospitals to community-based care homes;
- (3) Changing the effective date to upon its approval; and
- (4) Making technical, nonsubstantive amendments for clarity, consistency, and style.


As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 2448, H.D. 2, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 2448, H.D. 2, S.D. 2, C.D. 1.

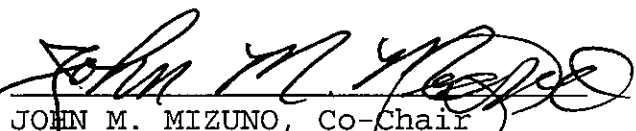
Respectfully submitted on behalf
of the managers:

ON THE PART OF THE SENATE

ON THE PART OF THE HOUSE


SUZANNE CHUN OAKLAND, Chair


CLAYTON HEE, Co-Chair


JOHN M. MIZUNO, Co-Chair


GILBERT KEITH-AGARAN, Co-Chair




MICHELLE KIDANI, Co-Chair


JO JORDAN, Co-Chair



Hawaii State Legislature

CCR150-12

Record of Votes of a
Conference Committee

Bill / Concurrent Resolution No.: HB 2448, HD 2, SD 2	Date/Time: 4-30-12 9:40 a.m.
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The recommendation of the House and Senate managers is to pass with amendments (CD).

The Committee is reconsidering its previous decision.

The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure

The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.

Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
CHUN OAKLAND, Suzanne, Chr.	✓				MIZUNO, John M., Co-Chr.	✓			
HEE, Clayton, Co-Chr.	✓				KEITH-AGARAN, Gilbert S.C., Co-Chr.	✓			
IGE, David Y., Co-Chr.					JORDAN, Jo, Co-Chr.	✓			
<i>Kidani, Michelle</i> <i>Co-Chr</i>	✓				PINE, Kymberly Marcos	✓			
TOTAL	3	0	0	0	TOTAL	4	0	0	0

A = Aye WR = Aye with Reservations N = Nay E = Excused

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
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Senate Lead Chair's or Designee's Signature: <i>Suzanne Chun Oakland</i>	House Lead Chair's or Designee's Signature: <i>John M. Mizuno</i>
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