
A BILL FOR AN ACT

RELATING TO HUMAN SERVICES.

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

1 SECTION 1. Section 346-44, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§346-44 Recovery of public assistance overpayments. (a)

4 All overpayments of public assistance funds, including [~~but not~~
5 ~~limited to~~] overissuances of financial assistance, [~~food stamp~~
6 ~~bonuses under a food stamp plan,~~] supplemental nutrition
7 assistance program assistance, medicaid assistance, and
8 incorrect vendor payments in behalf of a recipient, shall
9 constitute a debt due and owing to the department by the
10 recipient of [~~such~~] the overpayments. In addition to the
11 remedies elsewhere prescribed in this chapter for the recovery
12 of assistance fraudulently obtained, recovery of all
13 overpayments [~~will~~] shall be made to the maximum extent
14 allowable by federal regulations.

15 (b) The department shall [~~promulgate~~] adopt and enforce
16 [~~such~~] rules [~~and regulations~~] consistent with subsection (a) as
17 may be necessary to effect the maximum recovery of public



1 assistance overpayments, including [~~but not limited to~~] the
 2 maximum reduction of future public assistance grants.
 3 Departmental rules [~~and regulations~~] for the recovery of
 4 overpayments shall prescribe procedures for recourse to the
 5 civil courts when required, the filing of liens against the real
 6 property of overpaid recipients, and the filing of claims
 7 against the estate of a deceased recipient who has received
 8 overpayments [~~which~~] that have not been recovered. Nothing in
 9 this section shall preclude the director of human services from
 10 [~~promulgating~~] establishing procedures for waiving the recovery
 11 of overpayments in cases of bona fide hardship or where the
 12 costs of recovery would exceed the amount expected to be
 13 recovered."

14 SECTION 2. Statutory material to be repealed is bracketed
 15 and stricken. New statutory material is underscored.

16 SECTION 3. This Act shall take effect upon its approval.

17

INTRODUCED BY: *Jim Smith*
 JAN 29 2015



By Request

H.B. NO. 1459

Report Title:

Recovery of Public Assistance Overpayments; Maximum Recovery

Description:

Clarifies that the recovery of overissuances of supplemental nutrition assistance program assistance and for the recovery of all public assistance overpayments shall be made to the maximum extent allowable by federal regulations.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

