SENATE CONCURRENT RESOLUTION

URGING THE DEPARTMENT OF HUMAN SERVICES TO NOT CONSIDER CERTAIN BENEFITS UNDER TITLE II OF THE SOCIAL SECURITY ACT AS INCOME WHEN DETERMINING MEDICAID ELIGIBILITY.

WHEREAS, many individuals with disabilities who have extremely low income rely on federal supplemental security income (SSI) for living expenses, but supplemental security income alone is grossly insufficient to pay for the cost of the residential and health care services that individuals may need; and

WHEREAS, Hawaii law has long recognized and addressed this shortfall in living income by authorizing a state payment supplemental to SSI under section 346-53(c), Hawaii Revised Statutes, for residents of certain care facilities; and

WHEREAS, individuals with disabilities who have extremely low income and rely on supplemental security income and a state payment supplemental to SSI also rely on the State's Medicaid program for medical care and home and community based services to maintain a healthy and productive life in the community; and

WHEREAS, eligibility for Medicaid services is subject to a Medicaid income qualification standard; in the case of some individuals, the receipt of federal benefits under Title II of the Social Security Act causes the total income of the individual to exceed the income qualification standard for SSI and the state supplement to SSI and, as a result, eligibility for Medicaid; and

WHEREAS, when a Medicaid recipient's total income exceeds the Medicaid income qualification standard, in order to retain eligibility for Medicaid, the individual must spend down all of the recipient's income as "cost share" for Medicaid services until the recipient's retained income equals an arbitrary
"medically needy" standard of $469 per month, which is the only amount the individual retains for expenses; and

WHEREAS, the medically needy amount of $469 is grossly inadequate for an individual to pay ordinary living expenses, including shelter, meals, necessities of daily living, and a variety of social services; and

WHEREAS, in many cases the cause of the individual's income exceeding the Medicaid income qualification standard is the receipt of disabled adult child benefits, which is Social Security disability income under Title II of the Social Security Act on the basis of blindness or disability that began before the individual attained the age of twenty-two; and

WHEREAS, federal law title 42 United States Code section 1383c(c) mandates that most states disregard the amount of disabled adult child benefits, or the increase thereof, that causes the requirement to spend down to the medically needy standard, but gives the State and ten other states the option to disregard such income, or not, at the states' option; and

WHEREAS, federal law requires or permits states to disregard Social Security Act Title II benefit amounts or increases thereof to the extent that those amounts result in loss of Medicaid eligibility for four different groups of individuals, but the Department of Human Services has adopted rules to implement these income disregards for all groups except the group of recipients of disabled adult child benefits; now, therefore,

BE IT RESOLVED by the Senate of the Twenty-ninth Legislature of the State of Hawaii, Regular Session of 2017, the House of Representatives concurring, that the Department of Human Services is urged to adopt rules and take all actions necessary, as permitted by federal law, to disregard the Social Security Act Title II benefit or any increase in that benefit that makes an individual ineligible for supplemental security income and Medicaid; and
BE IT FURTHER RESOLVED that certified copies of this
Concurrent Resolution be transmitted to the Director of Human
Services and Hawaii State Council on Developmental Disabilities.