H.B. NO. 1014

A BILL FOR AN ACT

RELATING TO MEDICAID WAIVER.

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

SECTION 1. The legislature finds that the State's department of health, developmental disabilities division, operates the medicaid intellectual and developmental disabilities home and community-based services waiver under the medicaid services section 1915(c) of the Social Security Act (HCBS I/DD waiver) on behalf of the department of human services, Med-QUEST division, which is the state medicaid agency.

The HCBS I/DD waiver is reviewed and approved by the United States Department of Health and Human Services Centers for Medicare and Medicaid Services (CMS) and has many requirements to ensure appropriate and efficient provision of services and supports to people with intellectual and developmental disabilities.

The legislature further finds that CMS requires that states provide participant safeguards to ensure the health, safety, and rights of HCBS I/DD waiver participants and to ensure services are delivered by qualified providers. The developmental
disabilities division conducts an initial review of all applications from provider agencies to ensure medicaid requirements are met. The Med-QUEST division conducts final review approval. HCBS I/DD waiver provider agencies are required to follow waiver standards and policies and procedures for staff training and supervision to ensure the health and safety in the settings where participants receive HCBS I/DD waiver services. The developmental disabilities division conducts oversight and continuous quality assurance to ensure safe and appropriate practices by HCBS I/DD waiver provider-agencies. The Med-QUEST division oversees monitoring activities performed by the developmental disabilities division. The developmental disabilities division also conducts certification of adult foster homes where many waiver participants reside.

The legislature also finds that not all waiver participants who live in residential setting require nursing services, and that requirements for nursing certifications by all providers of services in these settings add cost and burden to waiver provider agencies, which may impact access to services for participants with intellectual and developmental disabilities.

Amending section 321-14.8, Hawaii Revised Statutes, to provide an exclusion for agencies serving participants in the
Medicaid intellectual and developmental disabilities waiver will ensure that waiver participants continue to have access to services from qualified HCBS I/DD waiver provider agencies with a workforce that is continuously monitored to meet waiver requirements in alignment with state and federal standards.

SECTION 2. Section 321-14.8, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) A service provider agency [under contract for services with the city and county of Honolulu—elderly affairs division] shall be exempt from the licensing requirement of this section[—] when services are provided:

(1) Under contract for services with the city and county of Honolulu, elderly affairs division; or

(2) To participants in the medicaid home and community based services waiver, pursuant to section 1915(c) of the Social Security Act, by an agency approved by the department of human services, med-quest division."

SECTION 3. Act 21, Special Session Laws of Hawaii 2009, as amended by section 2 of Act 125, Session Laws of 2014, is amended by amending section 8 to read as follows:

"SECTION 8. This Act shall take effect on July 1, 2009 [—] 2009, and shall be repealed on June 30, 2019, provided that
sections 321-11 and 321-11.5(b), Hawaii Revised Statutes, and
the definition of "healthcare facility" in section 321-15.2,
Hawaii Revised Statutes, shall be reenacted in the form in which
they read on June 30, 2009]."

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

SECTION 5. This Act, upon its approval, shall take effect
on June 29, 2019.

INTRODUCED BY:

BY REQUEST

JAN 2 2 2019
Report Title:
Medicaid waiver

Description:
Removes sunset date of section 321-14.8, Hawaii Revised Statutes, and adds exception for Medicaid waiver provider-agencies providing services to Medicaid waiver participants.

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

TITLE: A BILL FOR AN ACT RELATING TO MEDICAID WAIVER.

PURPOSE: To exempt service provider agencies that participate with the Department of Health Home and Community Based Services program for individuals with intellectual or developmental disabilities (HCBS I/DD) from home care licensing requirements. HCBS I/DD is authorized by section 1915(c) of the Social Security Act, through the Hawaii Department of Human Services (DHS), and operated under waiver by the Hawaii Department of Health (DOH).

MEANS: Amend section 321-14.8(c), Hawaii Revised Statutes (HRS), and section 8 of Act 21, Session Laws of Hawaii (SLH) 2009, as amended by section 2 of Act 125, SLH 2014.

JUSTIFICATION: This proposal would eliminate duplications of time and effort in the regulatory oversight of provider agencies that participate in the HCBS I/DD program. This system already consists of a combination of federal regulations and oversight, as well as DHS and DOH polices and procedures, including certification of adult foster homes where many HCBS I/DD clients reside.

Impact on the public: This measure will eliminate unnecessary administrative burdens without diminishing continuity of care.

Impact on the department and other agencies: None.

GENERAL FUND: None.

OTHER FUNDS: None.
PPBS PROGRAM
DESIGNATION: HTH 501.

OTHER AFFECTED AGENCIES: None.

EFFECTIVE DATE: June 29, 2019.