RELATING TO PERSONS WITH DISABILITIES.

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

SECTION 1. Chapter 346, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:


(b) To be eligible for benefits under this section, an individual shall:

(1) Have a net countable income greater than one hundred thirty-eight per cent of the federal poverty level for one person or, if the deeming of spousal income applies to the individual, the individual shall have a net countable income greater than one hundred thirty-eight per cent of the federal poverty level for two persons;
(2) Be disabled under title II or XVI or section 1902(v) of the federal Social Security Act; provided that an individual shall be determined to be eligible under this section without regard to the individual's ability to engage in, or actual engagement in, substantial gainful activity, as defined in section 223(d)(4) of the federal Social Security Act; and

(3) Except as otherwise provided in this section, have net nonexempt resources, which shall be determined in accordance with the methodology used under title XVI of the federal Social Security Act, that are not in excess of the limits provided for under those provisions.

Countable income shall be determined under section 1612 of the federal Social Security Act, except that the individual's disability income, including all federal and state disability benefits and private disability insurance, shall be exempted.

Resources excluded under section 1613 of the federal Social Security Act shall be disregarded.

Resources in the form of employer or individual retirement arrangements authorized under the Internal Revenue Code shall be
exempted as authorized by section 1902(r) of the federal Social Security Act.

(c) Individuals eligible for benefits under this section shall be subject to the payment of premiums determined under this subsection. The department shall:

(1) Establish sliding-scale premiums that are based on countable income, with a minimum premium of $20 per month and a maximum premium of $250 per month; and

(2) Annually adjust the premiums by rule.

Before adjustment of any premiums determined pursuant to this subsection, the department shall submit a report of proposed premium adjustments to the legislature no later than twenty days prior to the convening of each regular session.

(d) To implement the collection of premiums under this section, the department may:

(1) Develop and execute a contract with a public or private entity to collect premiums; or

(2) Amend any existing or future premium-collection contract that it has executed.

(e) The department shall adopt rules, pursuant to chapter 91, necessary for the purposes of this section, including
specifying the process for discontinuance of eligibility under this section for nonpayment of premiums for more than two months by a beneficiary.

(f) Notwithstanding any other provision of law, this section shall be implemented only if, and to the extent that, the department determines that federal financial participation is available pursuant to title XIX of the federal Social Security Act."

SECTION 2. The department of human services shall submit a report to the legislature no later than twenty days prior to the convening of the regular session of 2021 on the progress made in evaluating how a full medicaid buy-in program may be implemented and the viability of implementing a full medicaid buy-in program.

SECTION 3. New statutory material is underscored.

SECTION 4. This Act shall take effect on December 31, 2059.
Report Title:
DHS; Persons with Disabilities; Medicaid; Buy-in Program; DHS Report

Description:
Requires DHS to establish a medicaid buy-in program for workers with disabilities. Requires DHS to submit a report to the legislature prior to the 2021 regular session on the progress made in evaluating how to implement and the viability of implementing a full Medicaid buy-in program. Takes effect 12/31/2059. (HD1)

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