
A BILL FOR AN ACT

RELATING TO PURCHASES OF HEALTH AND HUMAN SERVICES UNDER CHAPTER
103F, HAWAII REVISED STATUTES.

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

1 SECTION 1. Chapter 103F, Hawaii Revised Statutes, is
2 amended by adding two new sections to be appropriately
3 designated and to read as follows:
4 "§103F- Payor of last resort. (a) Except as otherwise
5 provided by law, state moneys expended for procurements of
6 health and human services pursuant to this chapter shall be the
7 funding source of last resort.
8 (b) Each provider shall attest that it has pursued all
9 alternative sources of funding available to the provider for
10 services rendered before expending state moneys.
11 (c) The department of health, department of human
12 services, or other purchasing agency, as applicable, shall
13 monitor contracts to ensure compliance with this section. If
14 the purchasing agency, department of health, or department of
15 human services determines that a contracted provider has spent
16 state moneys in violation of this section, the provider shall



1 forfeit and repay those moneys to the purchasing agency. The
2 expending agency, attorney general, or other agency may take
3 action to recover the expended moneys.

4 §103F- Medicaid provider preference; awarding of
5 contracts. (a) A purchasing agency soliciting proposals for a
6 competitive purchase of services contract pursuant to
7 section 103F-402 shall give a preference to an applicant that is
8 a qualified medicaid provider in the State.

9 (b) If two competing applicants that submit proposals for
10 the same purchase of services contract pursuant to
11 section 103F-402 are otherwise equivalent, the purchasing agency
12 shall select the applicant who is a qualified medicaid provider.

13 (c) An applicant that is not a qualified medicaid provider
14 at the time the contract is awarded shall have up to one year
15 after the date on the notice of award to apply and be qualified
16 as a medicaid provider by the department of human services.

17 (d) When applicable, the department of health shall make
18 available to each provider being awarded a contract an
19 explanation, through a memorandum of understanding, of how the
20 provider may capture federal medicaid moneys."



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1 SECTION 2. Section 103F-402, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) The request shall state all criteria which will be
4 used to evaluate proposals, including the preferences pursuant
5 to section 103F- , and the relative importance of the proposal
6 evaluation criteria."

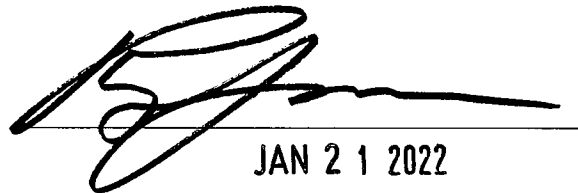
7 SECTION 3. This Act does not affect rights and duties that
8 matured, penalties that were incurred, and proceedings that were
9 begun before its effective date.

10 SECTION 4. New statutory material is underscored.

11 SECTION 5. This Act shall take effect upon its approval.

12

INTRODUCED BY:


A handwritten signature in black ink is written over a horizontal line. The signature is stylized and appears to be the name of the person who introduced the bill.

JAN 21 2022



H.B. NO. 1663

Report Title:

Procurement; Health and Human Services; Department of Human Services; DOH; General Funds; Last Resort; Qualified Medicaid Provider; Preference

Description:

Requires state moneys used to procure health and human services to be the funding source of last resort. Requires a purchasing agent to give a preference to an applicant that is a qualified medicaid provider when evaluating competitive purchase of health and human services contract proposals. Specifies that if 2 otherwise equally qualified applicants are seeking the same purchases of services contract, the purchasing agency shall select the applicant who is a qualified medicaid provider. Requires the Department of Health to provide an explanation of how providers may capture federal medicaid moneys.

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

