

JAN 25 2010

A BILL FOR AN ACT

RELATING TO GENERAL ASSISTANCE.

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

1 SECTION 1. Section 346-71, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) A person between eighteen and sixty-five years of age
4 with a disability shall be eligible for general
5 assistance to households without minor dependents if
6 the person:

7 (1) Is determined to be needy in accordance with standards
8 established by this chapter and the rules adopted
9 under subsection (e);

10 (2) Is unable to meet the disability requirements
11 established by the federal Supplemental Security
12 Income Program or its successor agency; and

13 (3) Is unable to engage in any substantial gainful
14 employment because of a determined and certified
15 physical, mental, or combination of physical and
16 mental disability. Upon application, the department
17 shall ask the person whether the person has a physical
18 or mental disability, or both. If the person claims

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1 to have both a physical and mental disability, the
2 department shall ask the person to choose whether the
3 person's primary disability is physical or mental.
4 Determination and certification of the disability
5 shall be as follows:

6 (A) A determination and certification of physical
7 disability shall be made by a board of licensed
8 physicians designated and paid by the
9 department. Meetings of this board shall not be
10 subject to part I of chapter 92;

11 (B) A determination and certification of mental
12 disability shall be made by a board of licensed
13 psychologists or licensed physicians whose
14 specialty is in psychiatry. This board shall be
15 designated and paid by the department. Meetings
16 of this board shall not be subject to part I of
17 chapter 92;

18 [~~(C)~~ If a determination and certification is made
19 that the applicant does not have a physical,
20 mental, or combination of a physical and mental
21 disability, prior to a denial of any claim, the
22 department shall provide the applicant with an

1 ~~initial denial notice that gives the applicant at~~
2 ~~least ten calendar days to provide additional~~
3 ~~medical evidence. The notice shall refer the~~
4 ~~applicant to free legal services for assistance~~
5 ~~and permit the applicant to request extensions of~~
6 ~~time, if necessary;]~~

7 ~~[-D-]~~ (C) If a determination of physical, mental,
8 or combination of a physical and mental
9 disability is made, the person shall accept and
10 pursue appropriate medical treatment from a
11 provider of the person's choice. The department
12 shall promptly provide the person with a complete
13 and legible copy of the recommended appropriate
14 treatment;

15 ~~[-E-]~~ (D) Any person, to continue to be certified as
16 mentally disabled, physically disabled, or both
17 mentally and physically disabled, shall be
18 reevaluated annually, as provided by this
19 section, and more frequently, as required by the
20 department; and

21 ~~[-F-]~~ (E) Failure to pursue appropriate medical
22 treatment shall result in a loss of eligibility,

1 unless the failure is due to good cause. Good

2 cause shall include but not be limited to:

3 (i) Treatment is unavailable;

4 (ii) Personal emergencies; and

5 (iii) Circumstances that threaten the safety of
6 the patient.

7 The department shall adopt rules in accordance with chapter 91
8 to define "good cause", as used in subparagraph [~~(F)~~], (E), in
9 order to determine when treatment is unavailable, what
10 constitutes a personal emergency, what circumstances may
11 threaten the safety of a patient, and other factors that may
12 constitute good cause.

13 As used in this subsection:

14 "Substantial gainful employment" means at least thirty
15 hours of work per week.

16 "With a disability" or "having a disability" means a
17 disability that extends for a period of over sixty days.

18 Any person determined to be eligible under this subsection
19 may be referred to any appropriate state agency for vocational
20 rehabilitation services and shall be required to accept the
21 services as a further condition of eligibility for the receipt
22 of general assistance to households without minor dependents

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1 under this section. An assistance unit shall be determined
2 ineligible for general assistance to households without minor
3 dependents if any adult member of the assistance unit fails to
4 cooperate with any appropriate state agency for vocational
5 rehabilitation services after being referred for services. Any
6 person found eligible under this subsection may also be required
7 to seek employment and participate in public work projects, as
8 described in section 346-31, and in public employment projects,
9 as described in section 346-102."

10 SECTION 2. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 3. This Act will take effect on July 1, 2010.

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INTRODUCED BY: _____

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BY REQUEST

Report Title:

General Assistance

Description:

To increase general assistance program efficiency by eliminating the requirement to send a ten-day pending notice requesting additional medical evidence when a determination and certification is made that an applicant does not have a physical, mental, or combination of a physical and mental disability.

JUSTIFICATION SHEET

DEPARTMENT: Human Services

TITLE: A BILL FOR AN ACT RELATING TO GENERAL ASSISTANCE.

PURPOSE: To increase general assistance program efficiency by eliminating the need for staff to ask a second time for medical evidence that was already previously requested.

MEANS: Amend section 346-71(b), Hawaii Revised Statutes.

JUSTIFICATION: Due to the current economic situation, the volume of applications requiring processing has increased in excess of ten percent for the general assistance program.

This proposed amendment will reduce the number of monthly pending applications and ensure a disposition for applicants in a timely manner. This proposed amendment will increase timely processing for approximately 550 applications per month by reducing the number of monthly pending applications from 1,100 to 1,300 per month to approximately 600 to 800 per month.

Impact on the public: General assistance program applicants who are eligible for benefits will have their applications processed in a timely manner.

Impact on the department and other agencies: The application process for general assistance benefits is made more efficient by allowing staff to work timelier on new applications. Staff will have reduced pending applications and will not have to ask a second time for medical evidence that was already previously requested. This becomes even more critical with the State's furlough schedules.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: HMS 212

OTHER AFFECTED AGENCIES: None.

EFFECTIVE DATE: July 1, 2010.