

JAN 20 2017

A BILL FOR AN ACT

RELATING TO THE HOSPITAL SUSTAINABILITY PROGRAM.

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

1 SECTION 1. The legislature finds that hospitals in the
2 State face major financial challenges in providing quality
3 health care for Hawaii residents. These challenges are largely
4 the result of inadequate payments from the medicaid program that
5 do not cover the actual costs of care. Medicaid is jointly
6 financed by the federal and state governments by statutory
7 formula. The federal government pays between fifty per cent and
8 seventy-four per cent, with assistance levels determined by each
9 state's per capita income. States with the lowest per capita
10 income receive higher federal matching rates. Under federal
11 rules, the state share must be public funds that are not federal
12 funds. The legislature finds that public funding to help
13 sustain Hawaii's hospitals financially may be accessed through a
14 provider fee.

15 The legislature further finds that provider fees exist in
16 forty-nine states and the District of Columbia as a means of
17 drawing down federal funds to sustain their medicaid programs



1 due to rising state budget deficits, increasing health care
2 costs, and expanding medicaid enrollment. Provider fees, which
3 are collected from specific categories of health care providers
4 that agree to the fee, may be imposed on nineteen different
5 classes of health care services, including inpatient and
6 outpatient hospital and nursing facility services.

7 The legislature additionally finds that, in Hawaii, a
8 provider fee on hospitals has resulted in an increase of
9 medicaid payments at a time when there are constraints on the
10 State's budget. The additional federal funds obtained via the
11 fee program authorized by the hospital sustainability program
12 has helped to reduce the amount of losses incurred by hospitals
13 and maintain access to care for medicaid recipients.

14 The purpose of this Act is to preserve access to health
15 care for medicaid recipients by extending the hospital
16 sustainability program.

17 SECTION 2. Section 346G-3, Hawaii Revised Statutes, is
18 amended as follows:

19 1. By amending the definition of "net patient service
20 revenue" to read:



1 ""Net patient service revenue" means gross revenue from
2 inpatient and outpatient care provided to hospital patients
3 converted to net patient service revenue utilizing data from
4 Worksheets G-2 and G-3 of each hospital's medicare cost report
5 for the fiscal year [2013-2014.] ending three years prior to the
6 state fiscal year for which net patient service revenue is being
7 calculated. For example, the net patient service revenue for
8 fiscal year 2017-2018 shall be based on data from fiscal year
9 2014-2015. If the hospital is new or did not file a fiscal year
10 medicare cost report, the department shall obtain the hospital's
11 net patient service revenue from the most recent period
12 available."

13 2. By amending the definition of "private hospital" to
14 read:

15 ""Private hospital" means those non-public hospitals named
16 in attachment A of the medicaid section 1115 demonstration
17 waiver that were in operation in calendar year [~~2015~~] 2016 and
18 are currently operating or any hospitals not named in attachment
19 A of the medicaid section 1115 demonstration waiver that became
20 private hospitals in calendar year [~~2016~~] 2017 or 2018 and are
21 currently operating."



1 SECTION 3. Section 346G-5, Hawaii Revised Statutes, is
2 amended by amending subsections (c) and (d) to read as follows:

3 "(c) The hospital sustainability fee for inpatient care
4 services may differ from the fee for outpatient care services
5 but the fees charged to the hospital shall not in the aggregate
6 exceed three per cent of the hospital's net patient service
7 ~~revenue [as derived from the hospital's medicare cost report~~
8 ~~ending during state fiscal year 2013-2014]~~. The inpatient
9 hospital sustainability fee shall not exceed three per cent of
10 net inpatient hospital service revenue. The outpatient hospital
11 sustainability fee shall [be] not exceed three per cent of net
12 outpatient hospital service revenue. Each fee shall be the same
13 percentage for all affected hospitals, subject to subsection
14 (d).

15 (d) The department shall exempt children's hospitals,
16 federal hospitals, public hospitals, and psychiatric hospitals
17 from the hospital sustainability fees on inpatient services. In
18 addition, the department shall exempt from the hospital
19 sustainability fee on outpatient care services children's
20 hospitals, public hospitals, rehabilitation hospitals,
21 psychiatric hospitals, and any hospitals with net outpatient



1 revenues of less than \$57,000,000 per year based upon [~~fiscal~~
2 ~~year 2013-2014~~] the hospital's medicare cost [reports from the
3 hospital sustainability fee on outpatient care services.] report
4 for the fiscal year ending three years prior to the state fiscal
5 year for which the hospital's net patient service revenue is
6 calculated; provided that the department may exclude any
7 facility from the sustainability fee on outpatient care services
8 if it is determined that its exclusion is required to meet
9 federal standards of approval."

10 SECTION 4. Section 346G-10, Hawaii Revised Statutes, is
11 amended by amending subsection (b) to read as follows:

12 "(b) In accordance with title 42 Code of Federal
13 Regulations section 438, the department shall use revenues from
14 the hospital sustainability fee and federal matching funds to
15 enhance the capitated rates paid to medicaid managed care health
16 plans for the state fiscal [~~year 2016-2017,~~] years 2017-2018 and
17 2018-2019, consistent with the following objectives:

18 (1) The rate enhancement shall be used exclusively for
19 increasing reimbursements to private hospitals to
20 support the availability of services and to ensure



1 access to care to the medicaid managed care health
2 plan enrollees;

3 (2) The rate enhancement shall be made part of the monthly
4 capitated rates by the department to medicaid managed
5 care health plans, which shall provide documentation
6 to the department and the hospital trade association
7 located in Hawaii certifying that the revenues
8 received under paragraph (1) are used in accordance
9 with this section;

10 (3) The rate enhancement shall be actuarially sound and
11 approved by the federal government for federal fund
12 participation;

13 (4) The rate enhancements shall be retroactive to July 1,
14 2012, or the effective date approved by the federal
15 government, whichever is later. Retroactive rate
16 enhancements shall be paid within thirty days of
17 notification by the Centers for Medicare and Medicaid
18 Services to the department [~~for~~] of all necessary
19 approvals; and

20 (5) Payments made by the medicaid managed care health
21 plans shall be made within thirty business days upon



1 receipt of monthly capitation rates from the
2 department."

3 SECTION 5. Act 217, Session Laws of Hawaii 2012, section
4 5, as amended by section 2 of Act 141, Session Laws of Hawaii
5 2013, as amended by section 2 of Act 123, Session Laws of Hawaii
6 2014, as amended by section 2 of Act 70, Session Laws of Hawaii
7 2015, as amended by section 3 of Act 60, Session Laws of Hawaii
8 2016, is amended to read as follows:

9 "SECTION 5. This Act shall take effect on July 1, 2012,
10 and shall be repealed on June 30, [~~2017~~] 2019; provided that
11 section -4, Hawaii Revised Statutes, in section 2 of this
12 Act, and the amendment to section 36-30(a), Hawaii Revised
13 Statutes, in section 3 of this Act, shall be repealed on December
14 31, [~~2017~~] 2019."

15 SECTION 6. Act 123, Session Laws of Hawaii 2014, section
16 7, as amended by section 3 of Act 70, Session Laws of Hawaii
17 2015, as amended by section 4 of Act 60, Session Laws of Hawaii
18 2016, is amended to read as follows:

19 "SECTION 7. This Act shall take effect on June 29, 2014;
20 provided that:

21 (1) Section 5 shall take effect on July 1, 2014; and



1 (2) The amendments made to sections 36-27(a) and 36-30(a),
 2 Hawaii Revised Statutes, in sections 3 and 4 of this
 3 Act shall be repealed on December 31, [~~2017.~~] 2019."

4 SECTION 7. There is appropriated out of the hospital
 5 sustainability program special fund the sum of \$65,000,000 or so
 6 much thereof as may be necessary for fiscal year 2017-2018 and
 7 the same sum or so much there of as may be necessary for fiscal
 8 year 2018-2019 for the purposes of the hospital sustainability
 9 program special fund.

10 The sums appropriated shall be expended by the department
 11 of human services for the purposes of this Act.

12 SECTION 8. Statutory material to be repealed is bracketed
 13 and stricken. New statutory material is underscored.

14 SECTION 9. This Act, upon its approval, shall take effect
 15 on June 29, 2017; provided that section 7 of this Act shall take
 16 effect on July 1, 2017.

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INTRODUCED BY: Rosalyn H. Park
 [Signature]
 Clarence K. Nishikawa
 [Signature]



S.B. NO. 397

Report Title:

Hospital Sustainability Program; Appropriation

Description:

Continues the Hospital Sustainability Program for two years.
Appropriates funds out of the Hospital Sustainability Program
Special Fund for fiscal years 2017-2018 and 2018-2019.

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