

## ACT 63

S.B. NO. 666

A Bill for an Act Relating to Recovery of Overpayments of Public Assistance.

*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:

**“Sec. 346- Recovery of public assistance overpayments.** All overpayments of public assistance funds, including but not limited to overissuances of financial assistance, food stamp bonuses under a food stamp plan, medicaid assistance, and incorrect vendor payments in behalf of a recipient, shall constitute a debt due and owing to the department by the recipient of such overpayments. In addition to the remedies elsewhere prescribed in this chapter for the recovery of assistance fraudulently obtained, recovery of all overpayments will be made to the extent allowable by federal regulations.

The department shall promulgate and enforce such rules and regulations as may be necessary to effect maximum recovery of public assistance overpayments, including but not limited to the reduction of future public assistance grants. Departmental rules and regulations for the recovery of overpayments shall prescribe procedures for recourse to the civil courts when required, the filing of liens against the real property of overpaid recipients, and the filing of claims against the estate of a deceased recipient who has received overpayments which have not been recovered. Nothing in this section shall preclude the director of social services from promulgating procedures for waiving the recovery of overpayments in cases of bona fide hardship or where the costs of recovery would exceed the amount expected to be recovered.”

SECTION 2. New statutory material is underscored. \*

SECTION 3. This Act shall take effect upon its approval.

(Approved May 16, 1979.)

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.