

A Bill for an Act Relating to Program Requirements of the General Assistance Program.

*Be It Enacted by the Legislature of the State of Hawaii:*

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

“(b) A disabled person between eighteen and sixty-five years of age shall be eligible for general assistance, if the person:

- (1) Is determined to be needy in accordance with standards established by this chapter and the rules [and regulations] of the department;
- (2) Is unable to meet the requirements established by the Federal Supplemental Security Income Program or its successor agency; and
- (3) (A) Is unable to engage in any substantial gainful employment because of a determined and certified physical or mental impairment. A determination and certification of physical impairment shall only be made by a licensed physician. A determination and certification of mental impairment shall be made by a licensed physician whose specialty is in psychiatry or by a licensed psychologist. The department may require that such determination and certification be by a psychiatrist or a psychologist designated and paid by the department. The department shall accept applications from psychiatrists and psychologists to conduct the examination for mental impairment. Psychiatrists and psychologists shall be assigned cases on a rotating basis.
- (B) When a determination of mental impairment is made, the person shall enter into out-patient treatment with the psychiatrist, psychologist, or mental health clinic of the person’s choice[; provided that the]. The professional who made the determination of mental impairment shall be ineligible to provide the treatment or care. In exceptional situations where professionals are in short supply, such as in rural areas, the professional shall be allowed to determine, certify, and provide on-going treatment or care. The out-patient treatment shall include a medical evaluation to eliminate the possibility that the mental impairment is due to a physical illness.
- (C) Any person, to continue to be certified as mentally impaired, shall be reevaluated annually as provided by this section and more frequently as required by the department.

“Substantial” as the term is used herein means at least thirty hours of work per week. “Disabled” as the term is used herein means disability which extends for a period of over thirty days.

Any person determined to be eligible under this subsection may be referred to any appropriate state agency for vocational rehabilitation services and shall be required to accept the services as a further condition of eligibility for the receipt of general assistance under this section. An assistance unit shall be determined ineligible for general assistance if any adult member of the assistance unit fails to cooperate with any appropriate state agency for vocational rehabilitation services after being referred for services. Any person found eligible under this subsection may also be required to seek employment, and participate in public work projects as described in section 346-31, and in public employment projects as described in section 346-102.”

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

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

(Approved April 11, 1989.)