

ACT 354

S.B. NO. 252

A Bill for an Act Relating to General Assistance.

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

SECTION 1. The legislature finds that:

- (1) There are more than six thousand people in Hawaii who, because of physical or mental disability, are not able to provide for their personal subsistence needs but who have not yet been determined eligible for the federal Supplemental Security Income program;
- (2) These individuals will become extremely vulnerable to the ravages of homelessness, victimization by criminals, and aggravation of their disabilities as general assistance is discontinued;
- (3) The cost of providing general assistance to meet these individuals' subsistence needs is less than the cost of providing housing alone through a publicly supported shelter;
- (4) The cost of one month's general assistance for such an individual is less than that of providing one day of emergency medical or acute psychiatric care through the Hawaii health QUEST or other state-funded program;
- (5) If the general assistance program is not maintained, the department of health will experience cost increases in the operation of its medical and psychiatric care facilities and community mental health centers;
- (6) If general assistance payments to persons with disabilities are terminated, the counties will bear costs far in excess of the cost of general assistance in the form of increased demand on county medical facilities, parks, police, and shelter facilities;
- (7) Significant savings for the general assistance program can be realized by fully staffing—completely with federal funds—the department of human services' Supplemental Security Income disability determination unit and expediting the processing of applications for persons otherwise receiving general assistance or assistance to the aged, blind, or disabled;
- (8) Expedited processing will also save money in both the short- and long-term because a general assistance recipient later found eligible for Supplemental Security Income payments may be required to return the amount of general assistance received for the period the person waited for final eligibility approval;
- (9) There are alternative ways to reduce the cost of the general assistance program such as the use of case management, tightening eligibility criteria, and adjusting the amount of monthly benefits, with floor and ceiling amounts. The minimum number of hours per week that an individual is unable to work can be reduced from thirty hours to twenty hours. The length of time disability needs to have lasted can be increased from thirty to sixty days, all while residing in the State; and
- (10) Recipients of general assistance are either adults who have dependent children at home or persons with disabilities that prevent them from earning enough to support themselves. As a condition of receiving assistance, both groups are required to seek employment and participate in public works projects. Persons with disabilities are required to accept vocational rehabilitation, if appropriate.

The legislature believes that a society is characterized by the way it treats its most vulnerable members. Our society cannot allow persons who are unable to

support themselves for reasons beyond their control, to go without the barest of necessities of life. Society has a responsibility to prevent people from living in the parks and alleyways, eating out of trash containers, and suffering the terror, trauma, and pain of abandonment and deprivation. The legislature recognizes that the State is under severe fiscal pressures but also recognizes that providing general assistance to persons unable to survive without it is cost-effective and responsible public policy.

The purpose of this Act is to provide general assistance for the duration of the eligible disability and to eliminate all artificial durational time limits on general assistance benefits for the disabled. If the twenty-four month limit is not eliminated, about two thousand disabled persons will be cut off general assistance, their sole source of support, on June 30, 1997.

SECTION 2. Chapter 346, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§346- General assistance advisory council; established. (a) There is created within the department of human services for administrative purposes only the general assistance advisory council. The advisory council shall consist of twelve members to be appointed by the governor in accordance with section 26-34 and who shall serve without compensation. The council shall be advisory and informational in nature only and shall not have the power to adopt rules.

(b) The council may request the assistance of professional facilitators as necessary and shall offer advice to the department of human services on matters relating to the general assistance program including determination of the amounts of benefit payments.”

SECTION 3. Section 346-71, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) A person between eighteen and sixty-five years of age with a disability shall be eligible for general assistance [for not more than twenty-four months,] to households without minor dependents if the person:

- (1) Is determined to be needy in accordance with standards established by this chapter and the rules adopted under subsection (f);
- (2) Is unable to meet the disability requirements established by the [Federal] 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 disability. Determination and certification of physical and mental disability shall be as follows:

(A) A determination and certification of physical disability shall only be made by a board of licensed [physician.] physicians designated and paid for by the department;

(B) A determination and certification of mental disability shall be made by a board of licensed psychologists or licensed [physician] physicians 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;]. This board shall also be designated and paid by the department;

[(B) When] (C) If a determination of mental disability is made, the person shall accept and pursue appropriate medical treatment from a provider of the person’s choice;

[(C) When] (D) If a determination of physical disability is made, the person shall accept and pursue appropriate medical treatment from a provider of the person's choice; and

[(D)] (E) Any person, to continue to be certified as mentally or physically disabled, shall be reevaluated annually as provided by this section and more frequently as required by the department.

As used in this subsection:

“Substantial gainful employment” [as the term is used herein] means at least [thirty] twenty hours of work per week.

“With a disability” or “having a disability” [as the terms are used in this section] means a disability which extends for a period of over [thirty] sixty 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 to households without minor dependents under this section. An assistance unit shall be determined ineligible for general assistance to households without minor dependents 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.

The general assistance advisory council established in section 346- shall offer advice and information to the department as appropriate.”

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.¹

SECTION 5. This Act shall take effect on July 1, 1997.

(Approved July 3, 1997.)

Note

1. Edited pursuant to HRS §23G-16.5.