

ACT 160

S.B. NO. 2936

A Bill for an Act Relating to Medical Assistance for Pregnant Legal Immigrants.

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

SECTION 1. The department of human services recognizes that a gap exists in medical assistance coverage for pregnant women who are medicaid income eligible. While low-income pregnant women who are United States citizens are

provided medical assistance by medicaid and low-income noncitizens who are from the Compact of Free Association countries are provided state-funded medical assistance, low-income pregnant legal immigrants who have lived in the United States for less than five years are not eligible for any medical assistance.

Timely and regular prenatal care enhances the birth of a healthy baby, lessens the probability of a complicated delivery or a low-weight baby with health problems, and prevents additional medically necessary services. The State must provide these additional costly services for the newborns of these low-income immigrant women because their newborns are United States citizens and are eligible for medicaid.

The purpose of this Act is to authorize the department of human services to provide state-funded medical assistance for a legal immigrant who enters the United States on or after August 22, 1996, who is age nineteen or older, who is pregnant, and whose countable family income does not exceed one hundred and eighty-five per cent of the federal poverty level for Hawaii. This eligibility criteria is the same eligibility criteria for pregnant women who are citizens and eligible for medicaid or for pregnant women from the Compact of Free Association countries. Prenatal care coverage for these pregnant women will provide the healthiest start for their newborns and reduce medicaid costs.

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

“**§346- Medical assistance for other pregnant women.** (a) The department may provide state-funded medical assistance to a pregnant woman age nineteen years of age or older whose countable family income does not exceed one hundred and eighty-five per cent of the federal poverty level for a family of applicable size, including the expected unborn children. The pregnant woman shall be:

- (1) A legal immigrant who entered the United States on or after August 22, 1996; and
- (2) Otherwise eligible for benefits under the State’s medicaid program but is prohibited from participating in any medical assistance program under Title XIX of the Social Security Act for a period of five years beginning on the date of her entry into the United States, due to restricted eligibility rules imposed by Title XIX of the Social Security Act and the Personal Responsibility and Work Reconciliation Act of 1996.

(b) Once determined eligible for medical assistance under this section, the pregnant woman shall continue to be eligible throughout her pregnancy and through the last day of the calendar month in which the sixty-day period following childbirth ends.

(c) Assets shall not be evaluated for eligibility purposes.

(d) The director shall adopt rules pursuant to chapter 91 to determine eligibility for medical assistance.”

SECTION 3. New statutory material is underscored.¹

SECTION 4. This Act shall take effect on July 1, 2004.

(Approved July 1, 2004.)

Note

1. Edited pursuant to HRS §23G-16.5.