
A BILL FOR AN ACT

RELATING TO HUMAN SERVICES.

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

1 PART I

2 SECTION 1. Section 346-53, Hawaii Revised Statutes, is
3 amended by amending subsection (b) to read as follows:

4 "(b) The director shall determine the allowance for
5 general assistance to households without minor dependents based
6 upon the total amount appropriated for general assistance to
7 households without minor dependents, and other funds
8 appropriated to the department, among other relevant factors."

9 SECTION 2. Section 346-71, Hawaii Revised Statutes, is
10 amended by amending subsection (e) to read as follows:

11 "(e) Within the limitations of this section, the
12 department shall by rules adopted pursuant to chapter 91,
13 determine:

14 (1) The allowance for general assistance to households
15 without minor dependents [~~based upon the total amount~~
16 ~~appropriated for general assistance to households~~



- 1 ~~without minor dependents,]~~ pursuant to section 346-
2 53 (b) ;
- 3 (2) A method for determining assistance amounts; and
4 (3) Other necessary provisions to implement general
5 assistance to households without minor dependents."

PART II

7 SECTION 3. The legislature finds that the national and
8 global economic crisis that began in the second half of 2008 has
9 caused significant economic problems in numerous industries in
10 the State, including the airline, cruise ship, tourist, and
11 construction industries. Mass layoffs have been reported by an
12 increasing number of Hawaii businesses statewide, from the
13 agricultural sector to the medical-services sector. Difficult
14 economic times and declining tax revenues have resulted in
15 budget cuts for many state services.

16 The current and impending situation jeopardizes the safety
17 net of basic human services needs for Hawaii's residents and
18 families. While all of Hawaii's residents will be affected by
19 the situation, gap group families and families closest to the
20 poverty line will suffer the most.



1 The purpose of this part is to appropriate moneys to
2 maintain the levels of programs determined to be essential to
3 public welfare.

4 SECTION 4. There is appropriated out of the general
5 revenues of the State of Hawaii the sum of \$ or so much
6 thereof as may be necessary for fiscal year 2013-2014 and the
7 same sum or so much thereof as may be necessary for fiscal year
8 2014-2015 to provide funding for grants pursuant to chapter 42F,
9 Hawaii Revised Statutes, to the Blueprint for Change for
10 neighborhood place walk-in centers.

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

13 SECTION 5. There is appropriated out of the general
14 revenues of the State of Hawaii the sum of \$ or so much
15 thereof as may be necessary for fiscal year 2013-2014 and the
16 same sum or so much thereof as may be necessary for fiscal year
17 2014-2015 to provide funding for grants pursuant to chapter 42F,
18 Hawaii Revised Statutes, to the Hawaii Primary Care Association
19 for the Hawaii immigrant health initiative program provided at
20 federally qualified health centers.

21 The sums appropriated shall be expended by the department
22 of human services for the purposes of this part.

1 SECTION 6. There is appropriated out of the general
2 revenues of the State of Hawaii the sum of \$ or so much
3 thereof as may be necessary for fiscal year 2013-2014 and the
4 same sum or so much thereof as may be necessary for fiscal year
5 2014-2015 for youth service centers.

6 The sums appropriated shall be expended by the department
7 of human services for the purposes of this part.

8 SECTION 7. There is appropriated out of the general
9 revenues of the State of Hawaii the sum of \$ or so much
10 thereof as may be necessary for fiscal year 2013-2014 and the
11 same sum or so much thereof as may be necessary for fiscal year
12 2014-2015 to provide funding for grants pursuant to chapter 42F,
13 Hawaii Revised Statutes, to Hale Mahaolu for personal care
14 services.

15 The sums appropriated shall be expended by the department
16 of human services for the purposes of this part.

17 SECTION 8. There is appropriated out of the general
18 revenues of the State of Hawaii the sum of \$ or so much
19 thereof as may be necessary for fiscal year 2013-2014 and the
20 same sum or so much thereof as may be necessary for fiscal year
21 2014-2015 for the shelter plus care program.



1 The sums appropriated shall be expended by the department
2 of human services for the purposes of this part.

3 SECTION 9. There is appropriated out of the general
4 revenues of the State of Hawaii the sum of \$ or so much
5 thereof as may be necessary for fiscal year 2013-2014 and the
6 same sum or so much thereof as may be necessary for fiscal year
7 2014-2015 to provide funding for grants pursuant to chapter 42F,
8 Hawaii Revised Statutes, to the Hawaii Primary Care Association
9 for adult dental care provided at federally qualified health
10 centers; provided that the funds shall not be used for any other
11 purpose. The governor is authorized to utilize enhanced federal
12 medical assistance percentages funds to offset the amount
13 appropriated; provided that the total amount shall not exceed
14 \$. The department of human services shall report to the
15 legislature on:

- 16 (1) The number of adults receiving these benefits;
- 17 (2) The cost per person;
- 18 (3) Total breakdown of administrative costs and other
19 overhead costs; and
- 20 (4) Statistics, if available, on how this dental program
21 is reducing the number of emergency dental-related
22 medical procedures;



1 provided that the department of human services shall submit its
2 report no later than twenty days prior to the convening of the
3 2014 regular session.

4 The sums appropriated shall be expended by the department
5 of human services for the purposes of this part.

6 SECTION 10. There is appropriated out of the general
7 revenues of the State of Hawaii the sum of \$ or so much
8 thereof as may be necessary for fiscal year 2013-2014 and the
9 same sum or so much thereof as may be necessary for fiscal year
10 2014-2015 for Maui community college, University of Hawaii, for
11 the adult dental care program.

12 The sums appropriated shall be expended by the department
13 of human services for the purposes of this part.

14 SECTION 11. There is appropriated out of the general
15 revenues of the State of Hawaii the sum of \$ or so much
16 thereof as may be necessary for fiscal year 2013-2014 and the
17 same sum or so much thereof as may be necessary for fiscal year
18 2014-2015 for outstationed eligibility worker services provided
19 at federally qualified health centers.

20 The sums appropriated shall be expended by the department
21 of human services for the purposes of this part.



1 SECTION 12. There is appropriated out of the general
2 revenues of the State of Hawaii the sum of \$ or so much
3 thereof as may be necessary for fiscal year 2013-2014 and the
4 same sum or so much thereof as may be necessary for fiscal year
5 2014-2015 to provide funding for grants pursuant to chapter 42F,
6 Hawaii Revised Statutes, to the Hawaii Primary Care Association
7 for outreach services provided at federally qualified health
8 centers.

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

11 SECTION 13. There is appropriated out of the general
12 revenues of the State of Hawaii the sum of \$ or so much
13 thereof as may be necessary for fiscal year 2013-2014 and the
14 same sum or so much thereof as may be necessary for fiscal year
15 2014-2015 to provide funding for grants pursuant to chapter 42F,
16 Hawaii Revised Statutes, to the Hawaii Primary Care Association
17 for outreach services to locate uninsured children for services
18 at federally qualified health centers.

19 The sums appropriated shall be expended by the department
20 of human services for the purposes of this part.

21 SECTION 14. There is appropriated out of the general
22 revenues of the State of Hawaii the sum of \$ or so much



1 thereof as may be necessary for fiscal year 2013-2014 and the
2 same sum or so much thereof as may be necessary for fiscal year
3 2014-2015 to provide funding for grants pursuant to chapter 42F,
4 Hawaii Revised Statutes, to Adult Friends for Youth for youth
5 gang prevention and intervention services.

6 The sums appropriated shall be expended by the department
7 of human services for the purposes of this part.

8 SECTION 15. There is appropriated out of the general
9 revenues of the State of Hawaii the sum of \$ or so much
10 thereof as may be necessary for fiscal year 2013-2014 and the
11 same sum or so much thereof as may be necessary for fiscal year
12 2014-2015 for child care subsidies.

13 The sums appropriated shall be expended by the department
14 of human services for the purposes of this part.

15 SECTION 16. There is appropriated out of the general
16 revenues of the State of Hawaii the sum of \$ or so much
17 thereof as may be necessary for fiscal year 2013-2014 and the
18 same sum or so much thereof as may be necessary for fiscal year
19 2014-2015 to provide funding for grants pursuant to chapter 42F,
20 Hawaii Revised Statutes, to Hawaii Centers for Independent
21 Living for statewide independent living services.



1 The sums appropriated shall be expended by the department
2 of human services for the purposes of this part.

3 SECTION 17. There is appropriated out of the general
4 revenues of the State of Hawaii the sum of \$ or so much
5 thereof as may be necessary for fiscal year 2013-2014 and the
6 same sum or so much thereof as may be necessary for fiscal year
7 2014-2015 to the office of youth services for a youth gang
8 response system.

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

11 SECTION 18. There is appropriated out of the general
12 revenues of the State of Hawaii the sum of \$ or so much
13 thereof as may be necessary for fiscal year 2013-2014 and the
14 same sum or so much thereof as may be necessary for fiscal year
15 2014-2015 to provide funding for grants pursuant to chapter 42F,
16 Hawaii Revised Statutes, to the united peer learning integrated
17 new knowledge program for statewide non-school hour programs.

18 The sums appropriated shall be expended by the office of
19 youth services of the department of human services for the
20 purposes of this part.

21 SECTION 19. There is appropriated out of the general
22 revenues of the State of Hawaii the sum of \$ or so much



1 thereof as may be necessary for fiscal year 2013-2014 and the
2 same sum or so much thereof as may be necessary for fiscal year
3 2014-2015 to provide funding for grants pursuant to chapter 42F,
4 Hawaii Revised Statutes, to the Partners in Development
5 Foundation to:

6 (1) Provide comprehensive family training (early
7 childhood, parent, adult education, and intensive
8 child-caregiver activities) and transitional services
9 to sheltered and unsheltered homeless families on the
10 leeward coast of Oahu;

11 (2) Offer early screening, assessment, and referral
12 services for homeless children from birth to age five;
13 and

14 (3) Prepare homeless children for kindergarten by
15 providing developmentally appropriate social,
16 emotional, and cognitive activities in a child-
17 caregiver interactive learning environment.

18 The sums appropriated shall be expended by the department
19 of human services for the purposes of this part.

20 SECTION 20. There is appropriated out of the general
21 revenues of the State of Hawaii the sum of \$ or so much
22 thereof as may be necessary for fiscal year 2013-2014 and the



1 same sum or so much thereof as may be necessary for fiscal year
2 2014-2015 for the preschool open doors program.

3 The sums appropriated shall be expended by the department
4 of human services for the purposes of this part.

5 SECTION 21. There is appropriated out of the general
6 revenues of the State of Hawaii the sum of \$ or so much
7 thereof as may be necessary for fiscal year 2013-2014 and the
8 same sum or so much thereof as may be necessary for fiscal year
9 2014-2015 to provide funding for grants pursuant to chapter 42F,
10 Hawaii Revised Statutes, to The Children's Alliance of Hawaii,
11 Inc., to provide child sex assault services.

12 The sums appropriated shall be expended by the department
13 of human services for the purposes of this part.

14 PART III

15 SECTION 22. There is appropriated out of the general
16 revenues of the State of Hawaii the sum of \$ or so much
17 thereof as may be necessary for fiscal year 2013-2014 and the
18 same sum or so much thereof as may be necessary for fiscal year
19 2014-2015 for the creation of positions under the
20 department of human services for the supplemental nutrition
21 assistance program.



1 The sums appropriated shall be expended by the department
2 of human services for the purposes of this part.

3 PART IV

4 SECTION 23. Section 412:3-114.5, Hawaii Revised Statutes,
5 is amended to read as follows:

6 " ~~[§412:3-114.5]~~ **Mandatory reporting of suspected**
7 **financial abuse of an elder.** (a) A financial institution shall
8 report suspected financial abuse that is directed towards,
9 targets, or is committed against an elder to the [~~department of~~
10 ~~human services~~] appropriate local law enforcement agency if:

11 (1) In connection with providing financial services to the
12 elder, the officer or employee of a financial
13 institution:

14 (A) Has direct contact with the elder; or

15 (B) Reviews or approves the elder's financial
16 documents, records, or transactions; and

17 (2) The officer or employee, within the scope of
18 employment or professional practice:

19 (A) Observes or has knowledge of an incident the
20 officer or employee believes in good faith
21 appears to be financial abuse; or



1 (B) In the case of officers or employers who do not
2 have direct contact with the elder, has a good
3 faith suspicion that financial abuse has occurred
4 or may be occurring, based solely on the
5 information present at the time of reviewing or
6 approving the document, record, or transaction.

7 (b) Suspected financial abuse shall be reported
8 ~~[immediately]~~ to the ~~[department]~~ appropriate local law
9 enforcement agency immediately by telephone and followed by a
10 written report sent within five business days.

11 ~~[(c) Upon notification by a financial institution of~~
12 ~~suspected financial abuse, the department, in a timely manner,~~
13 ~~shall determine whether the department has jurisdiction over the~~
14 ~~elder involved; and if not, shall notify the financial~~
15 ~~institution, which shall then notify the proper local law~~
16 ~~enforcement agency immediately by telephone and forward the~~
17 ~~written report to the agency within three business days. A~~
18 ~~financial institution shall not be liable for failing to report~~
19 ~~suspected financial abuse to a local law enforcement agency in~~
20 ~~cases in which the department fails to notify the institution of~~
21 ~~the department's lack of jurisdiction.~~



1 ~~(d)~~ (c) Notwithstanding any other state law to the
2 contrary, including but not limited to laws concerning
3 confidentiality, any person, including the financial
4 institution, who:

5 (1) Participates in the making of a report pursuant to
6 this section; and

7 (2) Believes, in good faith, that the action is warranted
8 by facts known to that person,

9 shall have immunity from any liability, civil or criminal, that
10 might be otherwise incurred or imposed by or as a result of the
11 making of the report. Any person making the report shall have
12 the same immunity with respect to participation in any judicial
13 proceeding resulting from the report.

14 ~~(e)~~ (d) For the purposes of this section:

15 ~~["Department" means the department of human services.]~~

16 "Elder" means a person who is [~~sixty two~~] sixty years of
17 age or older..

18 "Financial abuse" means financial abuse or economic
19 exploitation."



1 PART V

2 SECTION 24. Chapter 346, Hawaii Revised Statutes, is
3 amended by adding a new section to be appropriately designated
4 and to read as follows:

5 "§346- National Human Trafficking Resource Center
6 hotline; printable poster. (a) The department may make
7 available on its public website information on the National
8 Human Trafficking Resource Center hotline and an electronic
9 version of the National Human Trafficking Resource Center
10 hotline poster for establishments to print. The poster shall be
11 no smaller than eight and one-half inches by eleven inches in
12 size that states the following:

13 "If you or someone you know is being forced to engage in
14 any activity and cannot leave - whether it is commercial sex,
15 housework, farm work, or any other activity - call the National
16 Human Trafficking Resource Center hotline at 1-888-373-7888 to
17 access help and services.

18 Victims of human trafficking are protected under United
19 States and Hawaii law.

20 The hotline is:

21 (1) Available twenty-four hours a day, seven days a week;

22 (2) Toll-free;



- 1 (3) Operated by a nonprofit, non-governmental
2 organization;
- 3 (4) Anonymous and confidential;
- 4 (5) Accessible in one hundred-seventy languages; and
- 5 (6) Able to provide help, referral to services, training,
6 and general information."
- 7 (b) A poster required under subsection (a) shall be
8 printed in English, Spanish, and any other languages mandated by
9 the Voting Rights Act of 1965, P.L. 89-110, in the county where
10 the poster will be posted."

11 PART VI

12 SECTION 25. The purpose of this part is to alleviate the
13 current gap in service for survivors of human trafficking by
14 establishing a task force to develop a comprehensive plan to
15 coordinate services for survivors of human trafficking.

16 SECTION 26. (a) There is established a task force within
17 the department of human services to develop a comprehensive
18 state plan to coordinate services for survivors of human
19 trafficking.

20 (b) The director of human services or the director's
21 designee shall oversee the task force and shall coordinate the
22 development of the state plan on services for survivors of human

1 trafficking. The task force shall consist of the following
2 members or their designee:

- 3 (1) The director of human services;
- 4 (2) One senate member to be selected by the senate
5 president;
- 6 (3) One house member to be selected by the speaker of the
7 house of representatives;
- 8 (4) Two representatives of human trafficking victims'
9 organizations; one to be selected by the senate
10 president and one to be selected by the speaker of the
11 house of representatives;
- 12 (5) Two victims of human trafficking; one to be selected
13 by the senate president and one to be selected by the
14 speaker of the house of representatives; and
- 15 (6) Any other members as the director of human services or
16 the director's designee, as the chair of the task
17 force, deems appropriate.

18 (c) The task force shall create a state plan on the
19 coordination of services for survivors of human trafficking.
20 The activities of the task force shall include but not be
21 limited to:



- 1 (1) Gathering and disseminating information to law
2 enforcement agencies and the offices of the
3 prosecuting attorney in each county, the department of
4 the attorney general, the department of human
5 services, the office of community services, nonprofit
6 organizations, and the public on available services
7 for survivors of human trafficking. Services for
8 survivors of human trafficking shall include but not
9 be limited to:
- 10 (A) Case management;
 - 11 (B) Emergency temporary housing;
 - 12 (C) Health care;
 - 13 (D) Mental health counseling;
 - 14 (E) Drug addiction screening and treatment;
 - 15 (F) Language interpretation and translation services;
 - 16 (G) English language instruction;
 - 17 (H) Job training and placement assistance;
 - 18 (I) Post-employment services and job retention;
 - 19 (J) Transportation services; and
 - 20 (K) Services to assist the individual and any of the
21 individual's family members to establish



1 permanent residency in the State of Hawaii or
2 other localities in the United States;

3 (2) Identifying a single point of access for individuals
4 or organizations that need assistance or guidance in
5 navigating the processes and regulations of state
6 agencies to services for survivors of human
7 trafficking or projects that promote services for
8 survivors of human trafficking;

9 (3) Designating the department of human services as the
10 appropriate agency to provide services to income-
11 qualified, United States citizens and "qualified
12 immigrants" who are survivors of human trafficking and
13 the office of community services as the appropriate
14 agency to provide services to "disadvantaged, refugee,
15 and immigrant" survivors of human trafficking;

16 (4) Identifying a single executive department or a
17 division within a department to establish a program
18 for coordinating services for survivors of human
19 trafficking; and

20 (5) Proposing legislation and making recommendations to
21 the governor regarding human trafficking.



1 (d) The director of human services shall submit a report
2 of the task force's activities, including recommendations and
3 proposed legislation, if any, to the legislature no later than
4 twenty days prior to the convening of the regular session of
5 2015. The working group shall dissolve on June 30, 2015.

6 (e) For the purposes of this part, "survivor of human
7 trafficking" means a person:

8 (1) Who has had or now has the condition or status of debt
9 bondage, involuntary servitude, severe forms of
10 trafficking in persons, or sex trafficking, as those
11 terms are defined in title 22 United States Code
12 section 7102;

13 (2) Whose prostitution was promoted or advanced by any of
14 the means set forth in section 712-1202(1), Hawaii
15 Revised Statutes; or

16 (3) Who was subject to performing labor or services by any
17 of the means described in section 707-781(1), Hawaii
18 Revised Statutes.

19 (f) The members of the task force shall not receive
20 compensation for their services.



1 PART VII

2 SECTION 27. The legislature finds that medicaid is the
3 cornerstone of health care for the most needy within Hawaii.
4 Furthermore, the legislature has previously recognized that it
5 is in the public interest to ensure that health care payments
6 made with state funds or controlled by the State are sufficient
7 to cover the actual costs of care. However, inadequate payment
8 and reimbursement from medicaid have compromised access to
9 medical care not only for the uninsured and those covered by
10 medicaid but also for individuals who are covered by private
11 employer-based health insurance.

12 According to numerous media reports, there is an inadequacy
13 of medical care services that has reached a critical level,
14 especially in specialty-care coverage in rural areas and on the
15 neighbor islands. Hawaii's physicians serving medicaid-eligible
16 persons have also been adversely affected by the inadequacy of
17 medicaid reimbursements and payments.

18 The legislature also finds that for a two-year period
19 beginning January 1, 2013, the Patient Protection and Affordable
20 Care Act of 2010 mandates that states reimburse primary care
21 providers at one hundred per cent of medicare rates for primary
22 care services provided to medicaid recipients. This increased



1 reimbursement will be one hundred per cent federally funded.
2 However, under the Patient Protection and Affordable Care Act,
3 reimbursement for primary care services provided to children's
4 health insurance program recipients, namely children and
5 pregnant women, will not be increased.

6 The purpose of this part is to increase the payment for
7 primary care physician services provided to children and
8 pregnant women covered under the children's health insurance
9 program to be equal to such reimbursement provided to medicaid
10 recipients.

11 SECTION 28. There is appropriated out of the general
12 revenues of the State of Hawaii the sum of \$ or so much
13 thereof as may be necessary for fiscal year 2013-2014 and the
14 same sum or so much thereof as may be necessary for fiscal year
15 2014-2015 to increase the payment for primary care physician
16 services provided to children and pregnant women covered under
17 the children's health insurance program.

18 The sums appropriated shall be expended by the department
19 of human services for the purposes of this part; provided that:

20 (1) The sum is equitably distributed among the fee-for-
21 service, QUEST, and QUEST expanded access health plans
22 based on enrollment of children's health insurance



1 program recipients, so that payment for these
2 physician services can be increased;

3 (2) The department of human services shall include in its
4 budget request for the 2014-2016 fiscal biennium a sum
5 at least equal to the sum appropriated pursuant to
6 this section, in addition to its baseline request
7 under HMS 401, that will allow for increased moneys to
8 be paid out for primary care services provided by
9 primary care physicians to children's health insurance
10 program recipients; and

11 (3) The department of human services shall report the
12 amount of the baseline medicaid sum and the additional
13 funds to be paid out for physician services, to the
14 legislature no later than twenty days prior to the
15 convening of the regular sessions of 2014 and 2015.

16 PART VIII

17 SECTION 29. The department of human services shall
18 collaborate with the Healthcare Association of Hawaii, the
19 Hawaii Long Term Care Association, nursing facility providers,
20 and home- and community-based service providers, including adult
21 residential care homes and foster family homes, to develop a
22 revised methodology for determining the level of acuity of



1 nursing facility residents who are medicaid recipients,
 2 including those with complex medical conditions, to set
 3 reimbursements at levels that are fair and equitable. The
 4 department of human services and the collaborating organizations
 5 and providers shall submit to the legislature a joint report
 6 containing recommendations and an implementation plan no later
 7 than twenty days prior to the convening of the regular session
 8 of 2014.

9 SECTION 30. The department of human services shall work
 10 with the department of health to develop an equitable referral
 11 system relating to the discharge of patients from hospitals,
 12 nursing homes, and long-term care facilities based on the
 13 patient's acuity level for proper placement in either an adult
 14 residential care home, community care foster family home, or an
 15 expanded adult residential care home.

16 PART IX

17 SECTION 31. Statutory material to be repealed is bracketed
 18 and stricken. New statutory material is underscored.

19 SECTION 32. This Act shall take effect on July 1, 2013.

20

Mele Carroll

INTRODUCED BY:

John M. ...
Low ...
...

HB HMS 2013-1035



JAN 18 2013

H.B. NO. 391

Report Title:

Department of Human Services; Public Safety, Health, Education, and Welfare; Omnibus; Appropriation

Description:

Allows the department of human services to draw from other funds appropriated to the department of human services in the event the general assistance appropriation is insufficient to meet General Assistance benefits payments. Appropriates moneys to maintain funding levels of programs for public welfare. Creates an unspecified amount of positions under the department of human services for the supplemental nutrition assistance program. Requires financial institutions to report suspected financial abuse of an elder to appropriate law enforcement. Authorizes the department of human services to place on its public website information and printable posters on the National Human Trafficking Resource Center hotline. Creates a task force on human trafficking and specifies members. Appropriates funds to increase payments for primary care physician services provided to children and pregnant women covered under the children's health insurance program. Requires the department of human services to report to the legislature baseline medicaid and additional funds needed for fiscal years 2014-2015 and 2015-2016. Requires the department of human services to seek an appropriation in an amount equal to at least the amount appropriated in 2013-2014 for additional payments for physician services during the 2014-2016 fiscal biennium. Allows for a fair and equitable reimbursement system for all clients under the medicaid program for community based caregiver services. Allows for a fair and equitable referral system for clients transferring from hospitals to community-based care homes.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

