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HAWAII ADMINISTRATIVE RULES

TITLE 17

DEPARTMENT OF HUMAN SERVICES

SUBTITLE 12 MED-QUEST DIVISION

CHAPTER 1701

AVAILABILITY AND COST OF DEPARTMENT PROGRAM MANUALS

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Historical Note: This chapter is based substantially upon chapter 17-604. [Eff 7/19/82; R 3/19/93]

§17-1701-1 Purpose. The purpose of this chapter shall be to define the conditions under which the department shall make its program manuals available to the public, and to establish the costs of copies. [Eff 08/01/94] (Auth: HRS §346-14) (Imp: HRS §91-5; 42 C.F.R. §431.18)

§17-1701-2 Definitions. As used in this chapter: "Custodian" means any organization or individual, not a public agency or officer, responsible for centrally locating the program manuals and making the manuals publicly accessible to a substantial number of the medical assistance recipient population served. The agencies and organizations shall accept responsibility for filing all amendments and changes forwarded by the department.

"Med-QUEST division offices" means the state offices of department of human service's division which administers the medical assistance programs services and eligibility determinations.

"Program manuals" means the rules of the department on file with the Lt. Governor's office which are used by the eligibility worker to determine the eligibility of an applicant or recipient. [Eff 08/01/94] (Auth: HRS §346-14) (Imp:

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42 C.F.R. §431.18)

§17-1701-3 Availability of program manuals. (a) The program manuals shall be made available to interested individuals and organizations for review, study, or reproduction on regular work days during regular office hours.

(b) Custodians shall make the program manuals available for public review.

(c) The program manuals shall also be available upon request through any med-QUEST division offices or any family and adult services division public welfare offices. [Eff 08/01/94] (Auth: HRS §346-14) (Imp: HRS §91-5; 42 C.F.R. §431.18)

§17-1701-4 Cost of program manuals. (a) The department shall deposit, without charge, fifteen copies of the program manual of rules of the department with the state publications distribution center and one copy each with the state archives and the University of Hawaii.

(b) Upon request, copies of specific sections of the program manuals shall be provided without charge to an applicant or a recipient, or the individual's legal representative who requires specific sections of the program manuals to determine whether an administrative hearing should be requested or to prepare for a hearing.

(c) Upon request, copies of the program manuals shall be provided without charge to state or county agencies and officers, and public agencies and officers outside the State.

(1) State or county agencies or officers, and public agencies and officers outside the State entitled to a free copy of the department's program manuals shall be placed on the mailing list of the department's, policy and program development offices, for the additional issuances of the rules and procedures.

(2) State or county agencies or officers, and public agencies and officers outside the State placed on the mailing list shall be responsible to notify the department's policy and program development offices, for any reason, when the issuances are no longer needed.

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(d) Custodians, individuals, or organizations not entitled to receive free copies as specified in subsections (a), (b), and (c) shall be assessed a fee related to the current cost of reproduction and current postal rates for copies of department program manuals or specific sections of the manuals. Payment shall be in advance and shall be made by cash, money order, or certified check.

(e) The fee for reproduction shall be the minimum cost established by the Hawaii Revised Statutes, and shall be paid in advance to the department by cash, money order, or certified check.

(f) Copies shall be provided within twenty working days by med-QUEST's policy and program development office, med-QUEST eligibility office, or unit office. [Eff 08/01/94; am 07/06/99; am 06/19/00] (Auth: HRS §346-14; 42 C.F.R. §431.18) (Imp: HRS §§91-5, 92-21, 93-3; 42 C.F.R. §431.18)