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## HAWAII ADMINISTRATIVE RULES

### TITLE 17

#### DEPARTMENT OF HUMAN SERVICES

##### SUBTITLE 12

###### MED-QUEST DIVISION

###### CHAPTER 1722.2

###### STATE MEDICAL ASSISTANCE FOR PREGNANT LEGAL IMMIGRANTS PROGRAM

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## SUBCHAPTER 1

### GENERAL PROVISIONS

§17-1722.2-1 Purpose. This chapter is established to provide state medical assistance to pregnant legal immigrants who are not eligible for federal medical assistance because federal regulations prohibit participation 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 Opportunity Reconciliation Act of 1996. [Eff 04/08/05] (Auth: SLH 2004; Act 160) (Imp: SLH 2004; Act 160)

§17-1722.2-2 Definitions. As used in this chapter:

"Blind" means, in relation to an individual applying for or receiving medical assistance from the department, meeting the Social Security Administration certification requirements for blindness.

"Disabled" means, in relation to an individual applying for or receiving medical assistance from the department, meeting the Social Security Administration certification requirements for disability.

"Fee for service program" means the component within the state administered medical assistance program, which reimburses providers for each eligible service provided.

"Hawaii QUEST" means the demonstration project developed by the department which delivers medical and behavioral health services through health plans employing managed care concepts, to certain individuals formerly covered by public assistance programs including the Aid to Families with Dependent Children (AFDC), related medical assistance programs, General Assistance (GA), and the State Health Insurance Program (SHIP). Dental coverage is provided through the fee for service program.

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"Legal immigrant" means someone who meets the definition of qualified alien under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 who is prohibited from participating in any federal medical assistance program for a period of five years beginning on the date of the alien's entry into the United States. [Eff 04/08/05] (Auth: SLH 2004; Act 160) (Imp: SLH 2004; Act 160)

§§17-1722.2-3 to 17-1722.2-5 (Reserved)

## SUBCHAPTER 2

### ELIGIBILITY

§17-1722.2-6 Purpose. This subchapter describes the eligibility requirements for participation in the state medical assistance for pregnant legal immigrants program. [Eff 04/08/05] (Auth: SLH 2004; Act 160) (Imp: SLH 2004; Act 160)

§17-1722.2-7 Basic eligibility requirements. To be eligible for the state medical assistance for pregnant legal immigrants program, the pregnant legal immigrant shall meet the basic eligibility requirements described in chapter 17-1714, which include, but are not limited to legal resident alien status, state residency, not residing in a public institution, and social security number. [Eff 04/08/05] (Auth: SLH 2004; Act 160) (Imp: SLH 2004; Act 160)

§17-1722.2-8 Eligibility requirements. (a) When requesting coverage under the state medical assistance for pregnant legal immigrants program, the pregnant legal immigrant must:

- (1) Be age nineteen or older;
- (2) Be a legal permanent resident who arrived in the United States on or after August 22, 1996;
- (3) Be medically verified as pregnant by a medical professional or a home pregnancy test, with an estimated date of delivery; and

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- (4) Be 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) A pregnant woman is not required to assist the State in establishing paternity for purposes of her eligibility.
- (c) The pregnant legal immigrant shall also meet all other categorical and financial eligibility criteria for medical assistance. The following conditions shall apply:
- (1) A pregnant legal immigrant who is not blind or disabled shall meet the categorical and financial eligibility requirements for applicants and recipients of medical assistance for the Hawaii QUEST program described in chapter 17-1727.
- (2) A pregnant legal immigrant who is blind or disabled shall meet the categorical requirements for applicants and recipients of medical assistance for blind or disabled individuals described in chapter 17-1721 and the financial requirements described in chapter 17-1732.
- (d) Once determined eligible for medical assistance, the woman shall retain her eligibility throughout her pregnancy and through the last day of the calendar month in which the sixty-day period following childbirth ends. The woman's eligibility shall be redetermined for the first month following the month in which the sixty-day period ends.  
[Eff 04/08/05] (Auth: SLH 2004; Act 160) (Imp: SLH 2004; Act 160)

§17-1722.2-9 Treatment of income. (a) When determining financial eligibility for a pregnant legal immigrant who is not blind or disabled, the provisions for treatment of non-exempt income and definitions of

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financial support and responsibilities described in chapter 17-1724 for the Hawaii QUEST program shall apply.

(b) When determining financial eligibility for a pregnant legal immigrant who is blind or disabled, the provisions for treatment of non-exempt income and definitions of financial support and responsibilities described in chapter 17-1724 for the blind and disabled programs shall apply. [Eff 04/08/05] (Auth: SLH 2004; Act 160) (Imp: SLH 2004; Act 160)

§§17-1722.2-10 to 17-1722.2-13 (Reserved)

## SUBCHAPTER 3

### STATE MEDICAL ASSISTANCE FOR PREGNANT LEGAL IMMIGRANTS WHO ARE NOT BLIND OR DISABLED

§17-1722.2-14 Purpose. The purpose of this subchapter is to describe the benefits to be provided and enrollment provisions for coverage of health care costs for pregnant legal immigrants who are not blind or disabled and who are eligible to participate in the state medical assistance for pregnant legal immigrants program. [Eff 04/08/05] (Auth: SLH 2004; Act 160) (Imp: SLH 2004; Act 160)

§17-1722.2-15 State medical assistance for pregnant legal immigrants who are not blind or disabled. For an individual in the state medical assistance for pregnant legal immigrants program, who is not blind or disabled:

- (1) The benefits provided under the Hawaii QUEST scope and content of services for an individual age nineteen and older as described in chapter 17-1727 shall be provided.
- (2) The enrollment provisions described in chapter 17-1727 shall apply. [Eff 04/08/05] (Auth: SLH 2004; Act 160) (Imp: SLH 2004; Act 160)

§17-1722.2-16 Reimbursement to participating plans. The reimbursement provisions described in

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chapter 17-1727 shall apply. [Eff 04/08/05] (Auth: SLH 2004; Act 160) (Imp: SLH 2004; Act 160)

§17-1722.2-17 Disenrollment from health plans. The disenrollment provisions described in chapter 17-1727 shall apply to an enrollee who is not blind or disabled. [Eff 04/08/05] (Auth: SLH 2004; Act 160) (Imp: SLH 2004; Act 160)

§§17-1722.2-18 to 17-1722.2-20 (Reserved)

## SUBCHAPTER 5

### STATE MEDICAL ASSISTANCE FOR PREGNANT LEGAL IMMIGRANTS WHO ARE BLIND OR DISABLED

§17-1722.2-21 Purpose. The purpose of this subchapter is to describe the method of coverage and benefits to be provided for pregnant legal immigrants who are blind or disabled and who are eligible to participate in the state medical assistance for pregnant legal immigrants program. [Eff 04/08/05] (Auth: SLH 2004; Act 160) (Imp: SLH 2004; Act 160)

§17-1722.2-22 State medical assistance for pregnant legal immigrants who are blind or disabled. For an individual in the state medical assistance for pregnant legal immigrants program who is blind or disabled:

- (1) The benefits provided under the fee for service medical assistance program for an individual age nineteen or older as described in chapter 17-1737 shall be provided.
- (2) The department shall issue medical assistance identification cards and temporary medical assistance identification coupons as described in chapter 17-1711.
- (3) The effective date of authorization described in chapter 17-1735 shall apply.  
[Eff 04/08/05] (Auth: SLH 2004; Act 160) (Imp: SLH 2004; Act 160)