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HAWAII ADMINISTRATIVE RULES

TITLE 17

DEPARTMENT OF HUMAN SERVICES

SUBTITLE 12

MED-QUEST DIVISION

CHAPTER 1715.1

FORMER FOSTER CARE CHILDREN GROUP

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SUBCHAPTER 1

GENERAL PROVISIONS

§17-1715.1-1 Purpose. This chapter describes Medicaid eligibility for a former recipient of foster care, kinship guardianship or adoption assistance who is age eighteen but under age twenty-six years through the enactment of the Former Foster Care Children Group under the provisions of the Affordable Care Act of 2010. [Eff 09/30/13] (Auth: HRS §346-14; 42 C.F.R §§430.25, 435.150) (Imp: HRS §346-14; 42 C.F.R §§430.25, 435.150)

§17-1715.1-2 General requirements. The confidentiality, administrative appeal, fraud, medical assistance recovery, application processing, eligibility review, and adverse action provisions described in subtitle 12 shall pertain to an individual who applies or is eligible under this chapter. [Eff 09/30/13] (Auth: HRS §346-14, 346-44; 42 C.F.R. §§431.200, 431.206, 431.221, 431.230, 431.300, 435.150, 435.201, 435.907, 435.916, 455.1) (Imp: HRS §§346-14, 346-44; 42 C.F.R. §§431.200, 431.206, 431.221, 431.230, 431.300, 435.150, 435.201, 435.907, 435.916, 455.1)

§§17-1715.1-3 to 17-1715.1-7 (Reserved).

SUBCHAPTER 2

ELIGIBILITY REQUIREMENTS

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§17-1715.1-8 Purpose. This subchapter describes the eligibility requirements for participation in the Former Foster Care Children Group.

[Eff 09/30/13] (Auth: HRS §346-14; 42 C.F.R. §§430.25, 431.10, 435.150) (Imp: HRS §346-14; 42 C.F.R. §§430.25, 431.10, 435.150)

§17-1715.1-9 Basic requirements. An individual who is a former recipient of foster care, kinship guardianship or adoption assistance shall meet the following basic requirements which include but are not limited to, citizenship, qualified or lawfully present non-citizen, state residency, verification of identity, not residing in a public institution and the provision of a social security number as described in chapter 17-1714.1. [Eff 09/30/13] (Auth: HRS §346-14; 42 C.F.R. §§430.25, 431.10, 435.150, 435.400, 435.910) (Imp: HRS §346-14; 42 C.F.R. §§430.25, 431.10, 435.150, 435.400, 435.910)

§17-1715.1-10 Categorical requirements. (a) An individual eligible to participate in the Former Foster Care Children Group shall meet the following requirements:

- (1) Age eighteen but under age twenty-six;
- (2) Not eligible for or in receipt of coverage under the provisions of any of the following chapters:
 - (A) 17-1715, Children Group;
 - (B) 17-1716, Pregnant Women Group;
 - (C) 17-1717, Parents or Caretakers Relative Group; or
 - (D) 17-1719, Aged, Blind or Disabled Group, sections 17-1719-10(b)(1) and (b)(2);
- (3) Was in receipt of foster care or placed in kinship guardianship after attaining the age of sixteen or adopted after attaining the age of sixteen, under a State's or Tribe's responsibility on the date of attaining eighteen years of age or such higher age at

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which they became ineligible for these programs; and

- (4) Was in receipt of Medicaid services under the State Plan or the Hawaii 1115 demonstration waiver while receiving foster care, kinship guardianship or adoption assistance.

(b) A blind or disabled former foster child described in subsection (a) who is applying on the basis of blindness or disability shall be subject to the provisions of chapters 17-1719, 1724.1 and 1725.1. [Eff 09/30/13] (Auth: HRS §346-14; 42 C.F.R §§435.4, 435.150, 435.603) (Imp: HRS §346-14; 42 C.F.R §§435.4, 435.150, 435.603)

§17-1715.1-11 Income requirements. Income shall not be considered in the determination of eligibility for participation in the Former Foster Care Children Group. [Eff 09/30/13] (Auth: HRS §346-14; 42 C.F.R §§430.25, 431.10, 435.150) (Imp: HRS §346-14; 42 C.F.R §§430.25, 431.10, 435.150)

§17-1715.1-12 Asset requirements. Assets shall not be considered in the determination of eligibility for participation in the Former Foster Care Children Group. [Eff 09/30/13] (Auth: HRS §346-14; 42 C.F.R §§430.25, 431.10, 435.150) (Imp: HRS §346-14; 42 C.F.R §§430.25, 431.10, 435.150)

§17-1715.1-13 Eligibility review requirements.
(a) An eligible individual under this chapter shall receive an annual eligibility review every twelve months.

(b) Eligibility shall be redetermined in accordance with chapter 17-1712.1 and subchapter 5 of chapter 17-1714.1. [Eff 09/30/13] (Auth: HRS §346-14; 42 C.F.R. §§435.150, 435.916, 435.940) (Imp: HRS §346-14; 42 C.F.R. §§435.150, 435.916, 435.940)

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§§17-1715.1-14 to 17-1715.1-18 (Reserved).

SUBCHAPTER 3

FREEDOM OF CHOICE, ENROLLMENT, BENEFITS AND DISENROLLMENT

§17-1715.1-19 Purpose. This subchapter addresses and refers to the provisions of freedom of choice, enrollment, benefits and disenrollment for an individual who is eligible in accordance with this chapter. [Eff 09/30/13] (Auth: HRS §346-14; 42 C.F.R. §§430.25, 431.10, 431.40) (Imp: HRS §346-14; 42 C.F.R. §§430.25, 431.10, 431.40)

§17-1715.1-20 Freedom of choice. (a) An individual eligible under the provisions of this chapter, with the exception of an individual identified in section 17-1735.1-2(a), shall be provided a choice of health plan and a provider as described in chapter 17-1720.1.

(b) An individual identified in section 17-1735.1-2(a) shall choose a department approved provider as described in section 17-1736-3. [Eff 09/30/13] (Auth: HRS §346-14; 42 C.F.R. §§430.25, 431.51, 438.52) (Imp: HRS §346-14; 42 C.F.R. §§430.25, 431.51, 438.52)

§17-1715.1-21 Enrollment into a participating health plan. (a) An individual eligible in accordance with this chapter, with the exception of an individual identified in section 17-1735.1-2(a), shall be enrolled in a health plan as described in chapter 17-1720.1.

(b) An individual identified in section 17-1735.1-2(a) shall not be enrolled into a plan and their healthcare services shall be provided on a fee-for-service basis. [Eff 09/30/13] (Auth: HRS

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§346-14; 42 C.F.R. §§430.25, 431.10, 431.40, 438.50)
(Imp: HRS §346-14; 42 C.F.R. §§430.25, 431.10,
431.40, 438.50)

§17-1715.1-22 Benefits. (a) An individual eligible in accordance with this chapter who is enrolled in a health plan shall be provided a standard benefits package by a participating health plan and other services when appropriate as described in chapter 17-1720.

(b) An individual identified in section 17-1735.1-2(a) shall be provided coverage under the fee-for-service provisions as described in chapter 17-1737. [Eff 09/30/13] (Auth: HRS §346-14; 42 C.F.R. §§430.25, 431.40, 438.6) (Imp: HRS §346-14; 42 C.F.R. §§430.25, 431.40, 438.6)

§17-1715.1-23 Disenrollment from a health plan. An enrollee shall be disenrolled from a health plan under the provisions as described in chapter 17-1720.1. [Eff 09/30/13] (Auth: HRS §346-14; 42 C.F.R. §430.25, 431.40, 438.56) (Imp: HRS §346-14; 42 C.F.R. §430.25, 431.40, 438.56)

§§17-1715.1-24 to 17-1715.1-28 (Reserved).