

**REPORT TO THE TWENTY-THIRD HAWAII STATE  
LEGISLATURE 2006**

**IN ACCORDANCE WITH THE PROVISIONS OF ACT 208,  
SLH 2004**

**DEPARTMENT OF HUMAN SERVICES  
BENEFIT, EMPLOYMENT, AND SUPPORT SERVICES  
DIVISION  
DECEMBER 2005**

**REPORT SUBMITTED BY THE DEPARTMENT OF HUMAN SERVICES TO  
THE 2006 LEGISLATURE TO MEET THE REQUIREMENTS OF ACT 208,  
SESSION LAWS HAWAII 2004.**

Act 208, SLH 2004 amended §346-71, Hawaii Revised Statute (HRS). This section relates to eligibility for General Assistance and the process of determining disability. Specifically, it addresses medical reviews as applicants must be disabled in order to qualify for this assistance. The Department is required to report on the progress of this Act.

The Act mandated three changes to the eligibility determination for this assistance which we have already implemented.

1. Previously, applicants were determined either physically disabled by a board of licensed physicians or mentally disabled by a board of licensed psychologists or psychiatrists. Act 208 requires that individuals claiming to be both physically and mentally disabled will be given the opportunity to provide verification of both disabilities to determine if the combination of disabilities makes them disabled when either disability by itself is not sufficient. The applicant declares which disability is most significant and that is the evaluation for which they are referred first. If they are found disabled as a result of the initial evaluation, we do not send them for the second evaluation because the applicant is already eligible based on the first evaluation. If the applicant's first review does not find a disability, then a review of the applicant's declared secondary disability is conducted. Although the reviews must be conducted sequentially, both disabilities are reviewed by a combined board to determine the total impact on the individual. We have also modified our board referral form to identify these cases as dually disabled to clarify and expedite the review process.

The Psychiatric Examination Report (DHS 1271), the Physical Evaluation Report (DHS 1270), and the GA Determination and/or Referral Form (DHS 1258) have been revised to include a section for dual physical and psychiatric determinations.

2. Previously, if we received a medical report from our physical or psychiatric board and it stated that the individual was not disabled, we would send a notice telling the applicant that his/her application was denied. We are now required to send a notice giving the individual ten days to provide additional verification or to get an additional medical review before denying the application.

For any determination made by the medical or psychiatric board that states the applicant is able to perform 30 hours of work per week, the Department shall send a pending notice (new HAWI notice A022, PENDING – ADD’L MED EVIDENCE.) that gives the applicant ten calendar days to provide additional medical evidence.

3. Compliance with medical treatment is a condition of eligibility for this category of assistance. We received complaints from clients stating they did not comply with the treatment as they could not decipher the examining doctor's handwriting. Act 208 requires that the treatment requirements be legible. The treatment requirements are now sent to the Department and a typed copy is issued to the client to eliminate the problem of the form not being legible. Our staff has also been instructed to review the treatment requirements with the client to be certain that the client understands what is required to maintain eligibility.

This Act was signed by the Governor on July 7, 2004 and implemented by the Department on August 1, 2004. A copy of the new forms is attached for your reference. From November 2004 through October 2005, we had 143 individuals determined eligible based on dual disabilities.