The Basic Health Hawaii Story: where we've been and what's next for Micronesian health...

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Health Law Policy Group

Dina Shek, Director
Medical-Legal Partnership for Children in Hawai‘i
MLPCHawaii@gmail.com
Map of Chuuk reef by Weitaro Pakiu  
(including sunken ships, submarine and plane)

UN’s International Trusteeship System  
(Chapter XII of UN Charter, 1945)

“…to promote the political, economic, social, and educational advancement of the inhabitants of the trust territories, and their progressive development towards self-government or independence.”
Kwajalein, RMI

Ebeye, RMI
• www.unnaturalcauses.org

“…one elderly citizen… said, ‘You know, we’ve learned in our day to be Spanish, and we’ve learned to be German, and we’ve learned to be Japanese, and now we’re learning to be American—what should we be preparing to learn to be next?’”

Vintage Books, 1996
Micronesian region under Trust Territories:
- Marshall Islands
- Chuuk
- Kosrae
- Pohnpei
- Yap
- Palau
- Northern Marianas
- Guam
- Nauru
- Kiribati

New political entities:
- Rep. of the Marshall Islands
- Fed. States of Micronesia:
  - Chuuk State
  - Kosrae State
  - Pohnpei State
  - Yap State
- Republic of Palau
- Commonwealth of the Northern Mariana Islands (U.S. territory)
- Guam (U.S. territory)
- Republic of Nauru (ind.)
- Republic of Kiribati (ind.)
Migration From Micronesian Nations Has Had Significant Impact on Guam, Hawaii, and the Commonwealth of the Northern Mariana Islands
Basic Health Hawaii plan

• 12 Outpatient visits
• 10 Inpatient visits
• 6 Mental health visits
• 5 generic medication prescriptions/month
  (cut to 4 prescriptions/month in 2010 version)
• No dental, except for emergencies
• No chemotherapy; no dialysis
  (available only through Emergency process)
• 7,000 cap on enrollment

Why BHH? (PRWORA)

• Personal Responsibility and Work Opportunity
  Reconciliation Act of 1996 (Welfare Reform)
• Sec. 401: Aliens who are not qualified aliens
  ineligible for federal public benefits
• Sec. 402: Limited eligibility of qualified aliens for
  certain federal programs

“state created a de facto state-funded medical
assistance program by continuing… benefits to
COFA Residents…” (J. Seabright)
Basic Health Hawaii (BHH)

- July 2009: DHS announces BHH to start Sept.
- Aug. 31, 2009: LEJ & Alston attorneys file for TRO and Preliminary Injunction
- Sept. 1, 2009: Judge Seabright issues TRO and Preliminary Injunction
- Dec. 2009: State announces public hearings
- Jan. 2010: DHS holds public hearings

Basic Health Hawaii (BHH)

- May 2010: DHS announces BHH to start July
- July 1, 2010: DHS implements BHH
- Aug. 23, 2010: Attorneys (LEJ, Alston, Bronster) file for Declaratory and Injunctive Relief
- Nov. 10, 2010: J. Seabright denies state's Motion to Dismiss
- Dec. 15, 2010: J. Seabright issues injunction
Oct. 15, 2010 at KPT
(on prevention or treatment)

“Cost-effectiveness analysis does NOT help us to choose which one to do – to deny someone treatment is a *moral* decision… Applying cost-effectiveness analysis to this situation is simply a way of putting a false sense of legitimacy to a fundamentally flawed moral choice.”

(Jim Kim interview, on the responsibility of physicians in the HIV epidemic, 2002.)