
A BILL FOR AN ACT

RELATING TO DEVELOPMENTAL DISABILITIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Pursuant to House Concurrent Resolution No. 17
2 adopted in 2014, the department of health established a task
3 force to review Hawaii's statutory definition of "developmental
4 disabilities."

5 The task force found that the federal definition of
6 "developmental disabilities" was revised in 2000 to include
7 infants and young children with substantial developmental delays
8 or specific congenital or acquired conditions, where due to
9 their age, functional criteria that are used for adolescents and
10 adults could not be reliably applied to infants and young
11 children. Since Hawaii's current statutory definition of
12 "developmental disabilities" requires that an individual have
13 three or more functional limitations in major life activities,
14 this can exclude young children from receiving necessary
15 services since these life activities cannot reliably be
16 assessed.

17 The task force recommends amending the current definition
18 of developmental disabilities in section 333F-1, Hawaii Revised

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1 Statutes, to clarify that an individual from birth to age nine
2 who has substantial developmental delays or specific congenital
3 or acquired conditions may be considered to have a developmental
4 disability without meeting three or more of the criteria
5 described in the current definition if the infant or child,
6 without services and supports, has a high probability of meeting
7 these criteria later in life.

8 SECTION 2. Section 333F-1, Hawaii Revised Statutes, is
9 amended by amending the definition of "developmental
10 disabilities" to read as follows:

11 ""Developmental disabilities" means a severe, chronic
12 disability of a person which:

- 13 (1) Is attributable to a mental or physical impairment or
14 combination of mental and physical impairments;
- 15 (2) Is manifested before the person attains age twenty-
16 two;
- 17 (3) Is likely to continue indefinitely;
- 18 (4) Results in substantial functional limitations in three
19 or more of the following areas of major life
20 activity[+]: self-care, receptive and expressive
21 language, learning, mobility, self-direction, capacity
22 for independent living, and economic sufficiency; and

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1 (5) Reflects the person's need for a combination and
2 sequence of special, interdisciplinary, or generic
3 care, treatment, or other services [~~which~~] that are of
4 lifelong or extended duration and are individually
5 planned and coordinated. An individual from birth to
6 age nine who has a substantial developmental delay or
7 specific congenital or acquired condition may be
8 considered to have a developmental disability without
9 meeting three or more of the criteria described above,
10 if the individual, without services and supports, has
11 a high probability of meeting those criteria later in
12 life."

13 SECTION 3. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 4. This Act shall take effect upon approval.

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INTRODUCED BY: _____



BY REQUEST

JAN 25 2016

H.B. NO. 2358

Report Title:

Developmental Disabilities

Description:

Amends the definition of "developmental disabilities" in section 333F-1, Hawaii Revised Statutes, to include children from birth to age 9 who have substantial developmental delay or specific congenital or acquired condition and without services and supports, has a high probability of meeting criteria for developmental disabilities later in life.

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JUSTIFICATION SHEET

DEPARTMENT: HEALTH

TITLE: A BILL FOR AN ACT RELATING TO DEVELOPMENTAL DISABILITIES.

PURPOSE: To amend Hawaii's statutory definition of "developmental disabilities" to clarify that a child from birth through age nine who has a substantial developmental delay or specific congenital or acquired condition may still be considered as having a developmental disability without meeting three or more of the criteria specified in section 333F-1, Hawaii Revised Statutes (HRS), if the child, without services and supports, has a high probability of meeting these criteria later in life.

MEANS: Amend section 333F-1, HRS.

JUSTIFICATION: Pursuant to House Concurrent Resolution No. 17 adopted in 2014, the Department of Health, Developmental Disabilities Division established a task force to review Hawaii's statutory definition of "developmental disabilities."

Among its findings, the task force discovered that the federal definition of a "developmental disability" was revised in 2000 to include infants and young children with substantial developmental delays or specific congenital or acquired conditions where, due to their age, functional criteria that are used for adolescents and adults could not be reliably applied to infants and young children. The task force further identified that Hawaii's statutory definition, because of its requirement that an individual must have three or more functional limitations in major life activities, can exclude young children from

receiving necessary services because these life activities cannot reliably be assessed.

The task force recommended amending the current definition of developmental disabilities in section 333F-1, HRS, to clarify that an individual from birth to age nine, who has substantial developmental delays or specific congenital or acquired conditions may be considered to have a developmental disability without meeting three or more of the criteria described in the current definition if the infant or child, without services and supports, has a high probability of meeting those criteria later in life.

This bill would align Hawaii's definition of intellectual and developmental disabilities in section 333F-1, HRS, with the definitions in the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (DD Act), Public Law 106-402, and chapter 333E, HRS.

Impact on the public: A small number of potentially high-needs children and their families may become eligible for services.

Impact on the department and other agencies: Developmental disabilities services for children in the 0 to 9 years age group are coordinated with the Department of Human Services, which administers the Medicaid Waiver Home and Community Services for individuals with intellectual and developmental disabilities, and the Department of Education.

GENERAL FUND: Unquantified but potentially small cost burden to State matching funds for Medicaid.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: HTH 501.

OTHER AFFECTED
AGENCIES:

Department of Human Services, Department of
Education, Department of Budget and Finance.

EFFECTIVE DATE:

Upon approval.