A BILL FOR AN ACT

RELATING TO HEALTH.

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

SECTION 1. The purpose of this Act is to:

(1) Assist persons who have been diagnosed with autism or fetal alcohol spectrum disorder to participate in their communities by providing medicaid coverage for home and community-based services; and

(2) Establish a task force to perform a study to ensure and improve access to essential services for individuals with developmental or intellectual disabilities.

SECTION 2. This Act shall be known and may be cited as "Kelii's Law".

SECTION 3. Chapter 346, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§346- Autism; fetal alcohol spectrum disorder; coverage; home and community-based services. (a) Beginning on January 1, 2020, and notwithstanding any law to the contrary,
the State's medicaid managed care and fee-for-service programs shall not deny coverage for home and community-based services to individuals who have been diagnosed with autism or fetal alcohol spectrum disorder.

(b) Coverage under this section shall include but not be limited to coverage for:

(1) Assistive technology;

(2) Career planning, including vocational assessment and job placement services;

(3) Community transition services;

(4) Day habilitation;

(5) Family support;

(6) Home modifications;

(7) Nutritional consultation;

(8) Residential habilitation;

(9) Respite care;

(10) Specialized skill development, including behavioral specialist, community support, and systematic skill building services;

(11) Supported employment, including extended employment supports and intensive job coaching;
(12) Temporary supplemental services;
(13) Therapeutic care;
(14) Transitional work services;
(15) Vehicle modifications; and
(16) Supportive housing.

(c) Services covered pursuant to this section shall be consistent with all federal and state privacy, security, and confidentiality laws.

(d) Notwithstanding any other law to the contrary, this section shall comply with the applicable federal requirements related to utilization, coverage, and reimbursement for services provided to individuals who have been diagnosed with autism.

(e) As used in this section, unless the context clearly requires otherwise:

"Autism" means autism spectrum disorder, which is a neurodevelopmental disorder, as defined by the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders.

"Therapeutic care" means services provided by licensed speech pathologists, licensed occupational therapists, licensed
social workers, licensed clinical social workers, or licensed physical therapists."

SECTION 4. The department of human services shall seek a waiver pursuant to section 1115 of the Social Security Act, title 42 United States Code section 1315, and other approvals from the Centers for Medicare and Medicaid Services that may be necessary to amend the state medicaid plan to provide home and community-based services for medicaid-eligible individuals who have been diagnosed with autism or fetal alcohol spectrum disorder.

SECTION 5. The provision of home and community-based services for individuals diagnosed with autism or fetal alcohol spectrum disorder as required by this Act shall apply to all plans issued under medicaid managed care and fee-for-service programs in the State.

SECTION 6. (a) There is established within the behavioral health services administration of the department of health a task force to study issues relating to the accessibility and utilization of essential services by the State's developmentally and intellectually disabled individuals. The members of this task force shall consist of:
(1) A representative from the department of health's behavioral health services administration;
(2) A representative of the department of health's state council on developmental disabilities;
(3) A representative of the department of health's developmental disabilities division;
(4) A representative of the department of human services' MedQuest division;
(5) Two members to be selected by the speaker of the house of representatives;
(6) Two members to be selected by the president of the senate;
(7) At least one member of a developmental or intellectual disability advocacy group;
(8) Two parent-advocates to be selected by the speaker of the house of representatives; and
(9) Two parent-advocates to be selected by the president of the senate.

(b) The task force shall address issues relating to access to essential services for the State's developmentally and intellectually disabled individuals. The task force shall
submit a report with findings and recommendations, including proposed legislation, to the legislature no later than twenty days prior to the convening of the regular session of 2020. The report shall address:

1. Gaps in service;
2. Accessibility issues, including systemic barriers to access;
3. Identification of underserved populations; and
4. Proposed legislation to improve existing services, close service gaps, and decrease barriers to essential services.

(c) The members of the task force shall serve without compensation, but shall be reimbursed for necessary expenses, including travel expenses, incurred for service on the task force. No member of the task force shall be made subject to section 84-17, Hawaii Revised Statutes, solely because of that member's participation on the task force.

(d) The task force shall convene no later than thirty days after the effective date of this Act.
(e) The task force shall serve until it has accomplished the objectives of this Act or twenty days prior to the convening of the regular session of 2020, whichever occurs first.

SECTION 7. The department of health shall revert to the prior system for evaluation of clients for eligibility for services provided by the medicaid waiver program until all service providers and recipients have been educated on the new evaluation metrics or January 1, 2021, whichever occurs first.

SECTION 8. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 9. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid by state or federal law, the invalidity does not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 10. New statutory material is underscored.

SECTION 11. This Act shall take effect on July 1, 2050; provided that section 5 shall take effect upon approval of the
1 1115 waiver by the Centers for Medicare and Medicaid Services
2 submitted pursuant to section 4 of this Act.
Report Title:
Autism; Home and Community-based Services; Medicaid; Kelii's Law; Fetal Alcohol Spectrum Disorder; Task Force

Description:
Requires the State's Medicaid managed care and fee-for-service programs to provide coverage for home and community-based services for individuals diagnosed as having autism or fetal alcohol spectrum disorder. Requires the Department of Human Services to seek a section 1115 waiver to amend the state Medicaid plan to include this coverage. Creates a task force to study issues relating to providing essential services for developmentally and intellectually disabled individuals. (SB242 HD1)

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