

STAND. COM. REP. NO. 546

Honolulu, Hawaii

FEB 17 2023

RE: S.B. No. 1473

S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Second State Legislature  
Regular Session of 2023  
State of Hawaii

Sir:

Your Committee on Health and Human Services, to which was referred S.B. No. 1473 entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require the Department of Health and Department of Human Services to develop and adopt rules, policies, and plan amendments necessary to ensure that the state Medicaid program covers medically-needed services, including applied behavior analysis services, for individuals aged twenty-one and older with neurodevelopmental disorders, including autism spectrum disorder; and
- (2) Require the Department of Health and Department of Human Services to apply for any necessary approvals from the Centers for Medicare and Medicaid Services to amend the state Medicaid plan to provide reimbursements for medically-needed services, including applied behavior analysis services, for individuals aged twenty-one and older with neurodevelopmental disorders, including autism spectrum disorder.

Your Committee received testimony in support of this measure from the State Council on Developmental Disabilities, Hawaii



Disability Rights Center, Hawai'i Association for Behavioral Analysis, and three individuals. Your Committee received comments on this measure from the Department of Health and Department of Human Services.

Your Committee finds that the State currently has a "gap group" of individuals with intellectual or developmental disabilities who do not qualify for services under the Developmental Disabilities Division and are above the age of twenty-one. If these individuals with intellectual or developmental disabilities only have Med-Quest coverage they are unable to receive needed behavioral analysis services. This measure will ensure that individuals over the age of twenty-one will be able to access medically necessary services.

Your Committee notes the concerns raised by the Department of Human Services that the broad nature of the expansion of services for those with "neurodevelopmental disorders" will likely require a large appropriation. In the event the Department of Human Services prepares a State Plan Amendment and the Centers for Medicare and Medicaid Services approves it, without a general fund appropriation, those services will have to be provided, and other existing services will have to be reduced or limited to pay for the added services. Should your Committees on Commerce and Consumer Protection and Ways and Means choose to deliberate on this measure, your Committee respectfully requests that it determine the fiscal impact of this measure and that any appropriation is allocated before implementing changes to rules or the Medicaid State Plan.

Accordingly, your Committee has amended this measure by:

- (1) Replacing the term "medically-needed" to "medically necessary" throughout; and
- (2) Inserting language appropriating an unspecified amount of funds to the Department of Human Services to implement this measure.

As affirmed by the record of votes of the members of your Committee on Health and Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1473, as amended herein, and recommends that it pass



Second Reading in the form attached hereto as S.B. No. 1473, S.D. 1, and be referred to your Committees on Commerce and Consumer Protection and Ways and Means.

Respectfully submitted on behalf of the members of the Committee on Health and Human Services,



JOY A. SAN BUENAVENTURA, Chair



The Senate  
 Thirty-Second Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Health and Human Services**  
**HHS**

Bill / Resolution No.:* <b>SB 1473</b>	Committee Referral: <b>HHS, CPN/WAM</b>	Date: <b>02/15/23</b>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
<b>Members</b>	<b>Aye</b>	<b>Aye (WR)</b>	<b>Nay</b>	<b>Excused</b>
SAN BUENAVENTURA, Joy A. (C)	✓			
AQUINO, Henry J.C. (VC)	✓			
MORIWAKI, Sharon Y.	✓			
SHIMABUKURO, Maile S.L.	✓			
AWA, Brenton	✓			
<b>TOTAL</b>	<b>5</b>			
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<b>Distribution:</b> Original                      Yellow                      Pink                      Goldenrod File with Committee Report    Clerk's Office              Drafting Agency              Committee File Copy				

\*Only one measure per Record of Votes