

STAND. COM. REP. NO.

404

Honolulu, Hawaii

FEB 15 2007

RE: S.B. No. 1457  
S.D. 1

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fourth State Legislature  
Regular Session of 2007  
State of Hawaii

Madam:

Your Committee on Health, to which was referred S.B. No. 1457  
entitled:

"A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE  
DEVELOPMENTAL DISABILITIES DIVISION OF THE DEPARTMENT OF  
HEALTH, "

begs leave to report as follows:

The purpose of this measure is to make an emergency  
appropriation for the Developmental Disabilities Division of the  
Department of Health (DOH).

Your Committee received testimony in support of this measure  
from the DOH, State Council on Developmental Disabilities, and  
Family Voices of Hawai'i.

Your Committee finds that this measure would enable the DOH  
to meet state-approved target numbers under the current Medicaid  
home and community-based service waiver program, in order to  
reasonably admit individuals with developmental disabilities or  
mental retardation into the program. This would enable the DOH to  
fulfill its developmental disabilities obligations under a  
settlement agreement reached pursuant to HDRC v. State, U.S.  
District Court, Civil No. 03-00524 HG-KSC (Makin II), requiring  
the State to comply with the U.S. Supreme Court's *Olmstead*  
decision.

Your Committee further finds that a large portion of the  
current \$4,980,523 shortfall resulted from a supplemental budget

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that the Developmental Disabilities Division received that was less than originally requested. In addition, this fiscal year has seen a large increase in admission of individuals into the program.

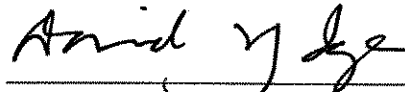
Your Committee notes that with the funding in this measure, the DOH should be able to obtain additional federal matching funds at the 57.7 per cent match.

Your Committee has amended this measure by:

- (1) Deleting the specific amount appropriated; and
- (2) Adding a provision that declares that the general fund expenditure ceiling has been exceeded.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1457, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1457, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on  
behalf of the members of the  
Committee on Health,




DAVID Y. IGE, Chair



The Senate  
Twenty-Fourth Legislature  
State of Hawaii

**Record of Votes**  
**Committee on Health**  
**HTH**

Bill / Resolution No.:*	Committee Referral:	Date:
SB 1457	HTH, WAM	2-7-07
<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		
Members	Aye	Aye (WR)
Nay	Excused	
IGE, David Y. (C)	✓	
FUKUNAGA, Carol (VC)	✓	
BAKER, Rosalyn H.	✓	
MENOR, Ron		✓
WHALEN, Paul	✓	
<b>TOTAL</b>	4	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature: 		
Distribution:             Original             Yellow             Pink File with Committee Report             Clerk's Office             Drafting Agency		

\*Only one measure per Record of Votes