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# A BILL FOR AN ACT

MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH  
FOR EARLY INTERVENTION SERVICES.

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

1           SECTION 1. This Act is recommended by the governor for  
2 immediate passage in accordance with section 9 of article VII of  
3 the Constitution of the State of Hawaii.

4           SECTION 2. Although funds were appropriated to the  
5 department of health for early intervention services for the  
6 period beginning July 1, 2006, and ending June 30, 2007, the  
7 department of health has a critical need for additional funds.

8           On May 31, 2005, the State of Hawaii was deemed in  
9 compliance with the Felix Consent Decree, marking the end of  
10 federal court oversight for services including early  
11 intervention services. The department of health must continue  
12 to carry out its federal and state obligations to provide early  
13 intervention services for children age zero to three years with  
14 a developmental delay or biological or environmental risk, as  
15 mandated by part C of the Individuals with Disabilities  
16 Education Improvement Act of 2004 (P.L. 108-446), sections



1 321-351 to 321-357, Hawaii Revised Statutes, and the Hawaii  
2 early intervention state plan.

3 The State is currently under "special conditions," the  
4 first level of sanctions under the United States Department of  
5 Education, Office of Special Education Programs. The State is  
6 required to show improvement in providing comprehensive  
7 developmental evaluations in a timely manner, individual family  
8 support plans that meet federal requirements, and transition  
9 conferences that meet the federally required timelines to avoid  
10 moving to a higher level of sanctions, "compliance agreement."

11 Due to an increased number of children referred for  
12 services, early intervention purchase-of-service programs are  
13 providing an increased number of multi-disciplinary  
14 comprehensive developmental evaluations of a child's cognitive,  
15 physical, communication, social or emotional, and adaptive  
16 development.

17 To serve more children, current programs have expanded and  
18 three new purchase-of-service programs were added in windward,  
19 central, and leeward Oahu. These programs serve additional  
20 children who previously received therapy services from fee-for-  
21 service providers and care coordination from early intervention  
22 section, early childhood services programs, public health



1 nurses, or healthy start; and additional children under age  
2 three years who are confirmed victims of child abuse or neglect,  
3 as required by the Individuals with Disabilities Education  
4 Improvement Act of 2004 and the Child Abuse Prevention and  
5 Treatment Act of 1974 (P.L. 93-247), reauthorized as the Keeping  
6 Children and Families Safe Act of 2003 (P.L. 108-36).

7 The Individuals with Disabilities Education Improvement Act  
8 of 2004 also requires a family-centered but more costly approach  
9 of providing services in "natural environments" or community-  
10 based settings, such as at families' homes, community  
11 preschools, and parks, which increases travel time for service  
12 providers to reach the "natural environment," and necessitates a  
13 smaller caseload, increased number of providers, and increased  
14 costs per child.

15 As a result of early intervention purchase-of-service  
16 programs having increased costs to evaluate and serve additional  
17 children as required by the Individuals with Disabilities  
18 Education Improvement Act of 2004, existing funds will be  
19 expended before the end of this fiscal year.

20 The purpose of this Act is to appropriate additional  
21 general funds to address expenses related to early intervention



1 services from the department of health for fiscal year 2006-  
2 2007.

3 SECTION 3. There is appropriated out of the general  
4 revenues of the State of Hawaii the sum of \$4,419,644, or so  
5 much thereof as may be necessary for fiscal year 2006-2007, to  
6 carry out the purposes of this Act.

7 SECTION 4. The sum appropriated shall be expended by the  
8 department of health.

9 SECTION 5. In accordance with article VII, section 9, of  
10 the Constitution of the State of Hawaii and sections 37-91 and  
11 37-93, Hawaii Revised Statutes, the legislature has determined  
12 that the general fund expenditure ceiling for fiscal year 2006-  
13 2007 (established at \$5,357,987,705 on November 8, 2006) has  
14 already been exceeded by \$90,137,694, or 1.68 per cent. The  
15 appropriations contained in this Act will cause the state  
16 general fund expenditure ceiling for fiscal year 2006-2007 to be  
17 exceeded by an additional \$4,419,644 or an additional 0.082 per  
18 cent. The calculation contained in the foregoing sentence  
19 relates only to the amount of general funds appropriated in this  
20 Act for fiscal year 2006-2007. The reasons for exceeding the  
21 general fund expenditure ceiling are that the appropriations



1 made in this Act are necessary to serve the public interest and  
2 to meet the needs provided for by this Act.

3 SECTION 6. This Act shall take effect upon its approval.



**Report Title:**

Emergency Appropriation; DOH

**Description:**

Makes an emergency appropriation of \$4,419,644 in general funds for FY 2006-2007, for early intervention services for infants and children from birth to three years of age with developmental delay or at biological or environmental risk for developmental delay. (SD1)

