

JAN 22 2007

A BILL FOR AN ACT

MAKING AN EMERGENCY APPROPRIATION FOR THE DEVELOPMENTAL
DISABILITIES DIVISION OF THE DEPARTMENT OF HEALTH.

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

1 SECTION 1. The legislature finds that a critical funding
2 emergency exists for the department of health, developmental
3 disabilities division due to:

4 (1) A continued full-year cost of supporting additional
5 individuals with developmental disabilities in the
6 home and community-based services waiver program for
7 fiscal year 2005-2006;

8 (2) A projected admission of additional individuals into
9 the waiver in fiscal year 2006-2007, due to the
10 settlement agreement in HDRC v. State of Hawaii,
11 United States District court, Civil No. 03-00524 HG-
12 KSC;

13 (3) The anticipated increase of individuals with
14 developmental disabilities who were from the original
15 waitlist in the Makin v. State of Hawaii, Civil No.
16 98-00997 law suit who are in the process of being
17 admitted into the waiver for fiscal year 2006-2007;



- 1 (4) Individuals with developmental disabilities previously
- 2 receiving one hundred per cent state-funded services
- 3 are being redirected to the waiver program;
- 4 (5) An increase in admission of children with autism and
- 5 behavioral challenges;
- 6 (6) Requests for non-educational services previously met
- 7 under the *Felix* consent decree;
- 8 (7) New federally mandated quality assurance outcomes;
- 9 (8) A change in the federal medical assistance percentage;
- 10 and
- 11 (9) Additional requests from existing consumers for waiver
- 12 services to ensure health and safety in the
- 13 residential setting of their choice per Act 303,
- 14 Session Laws of Hawaii, 2006.

15 The purpose of this Act is to appropriate emergency funding

16 to enable the department of health, developmental disabilities

17 division to meet state approved target numbers under the current

18 medicaid home and community based services waiver program to

19 reasonably admit individuals with developmental disabilities or

20 mental retardation into the program to fulfill the obligations

21 under the settlement agreement in *HDRC v. State of Hawaii*,

22 United States District Court, Civil No. 03-00524 HG-KSC, and to



1 comply with the United States Supreme Court's Olmstead decision
2 and the requirements of chapter 333F, Hawaii Revised Statutes.

3 SECTION 2. There is appropriated out of the general
4 revenues of the State of Hawaii the sum of \$, or so
5 much thereof as may be necessary for fiscal year 2006-2007, to
6 meet the shortfall in funding for the department of health,
7 developmental division to ensure compliance with the settlement
8 agreement in HDRC v. State of Hawaii, United States District
9 Court, Civil No. 03-00524 HG-KSC, Olmstead decision and chapter
10 333F, Hawaii Revised Statutes.

11 The sum appropriated shall be expended by the department of
12 health for the purposes of this Act.

13 SECTION 3. This Act shall take effect upon its approval.
14

INTRODUCED BY:

<u>Emmanne Chun Oakland</u>	<u>David Y Lee</u>
<u>Fred Lucciano</u>	<u>Jim</u>
	<u>Carol Fukunaga</u>
	<u>S.S.H.</u>
	<u>Don Mearns</u>
	<u>Reynold H. Bohl</u>
	<u>Helen Gilh</u>
	<u>Norman Sakomura</u>



Report Title:

Health; Developmental Disabilities

Description:

Appropriates emergency moneys to the department of health, developmental disabilities division to meet the shortfall in funding to ensure compliance with the settlement agreement in HDRC v. State of Hawaii, United States District Court, Civil No. 03-00524 HG-KSC, Olmstead decision and chapter 333F, Hawaii Revised Statutes.

