

JAN 17 2008

A BILL FOR AN ACT

RELATING TO EPILEPSY DISEASE ASSISTANCE.

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

1 SECTION 1. The Hawaii Revised Statutes is amended by
2 adding a new chapter to be appropriately designated and to read
3 as follows:

4 "CHAPTER

5 **EPILEPSY DISEASE ASSISTANCE**

6 § -1 **Policy declaration.** The legislature finds that
7 epilepsy is a devastating health condition that afflicts
8 2,300,000 United States citizens and over fifteen thousand in
9 Hawaii. The legislature also finds that epilepsy afflicts its
10 victims at all ages, but is particularly devastating to children
11 and the elderly. Epilepsy can cause serious financial, social,
12 and emotional hardships on the victims and their families of
13 such major consequence that it is essential for the State to
14 develop and implement policies, plans, and programs to alleviate
15 these hardships.

16 It is the intent of this Act to establish a program for the
17 conduct of epilepsy education, awareness, and treatment
18 initiatives designed to address the service gaps and treatment



1 needs of the people impacted by epilepsy. Additionally, it is
2 the intent of the legislature to provide for the identification,
3 evaluation, diagnosis, referral, and treatment of victims of
4 this disease through a comprehensive, statewide system of
5 community-based services.

6 § -2 **Duties of the department.** Subject to the
7 availability of funds for these purposes, the department of
8 health shall:

- 9 (1) Assist in the development of epilepsy assistance
10 programs for the care and treatment of persons
11 suffering from epilepsy;
- 12 (2) Institute and carry on a statewide educational
13 initiative among health care professionals, teachers,
14 school administrators, public health departments, and
15 families, including the dissemination of information
16 and the conducting of educational programs to assist
17 in the early recognition and referral of persons for
18 appropriate follow-up and treatment;
- 19 (3) Develop standards for determining eligibility for care
20 and treatment under any epilepsy assistance program
21 established pursuant to this chapter. Among other
22 standards developed under this paragraph, candidates,



1 to be eligible, shall be referred and evaluated by a
2 program properly staffed and affiliated with a
3 national epilepsy program; and

4 (4) Extend assistance to the educational programs listed
5 in paragraph (2) in order to facilitate linkages for
6 persons with epilepsy through the following:

7 (A) Referral and evaluation for appropriate care
8 management and treatment; and

9 (B) Diagnosis and treatment by epileptologists and
10 the Epilepsy Foundation of Hawaii.

11 § -3 **Epilepsy advisory committee.** (a) The epilepsy
12 advisory committee is established within the department of
13 health. The epilepsy advisory committee shall consist of the
14 director of health or the director's designee, who shall serve
15 as a nonvoting member and who shall be the co-chair of the
16 committee, and ten voting members appointed by the governor as
17 follows:

18 (1) Three members from a list of nominees submitted by the
19 president of the senate;

20 (2) Three members from a list of nominees submitted by the
21 speaker of the house of representatives;

22 (3) Three members nominated by the governor; and



1 (4) The president of the Epilepsy Foundation of Hawaii, or
2 the president's designee.

3 (b) The voting members shall include persons who are
4 experienced in the delivery of diagnoses, treatment, and support
5 services to victims of epilepsy and their families and shall
6 include:

7 (1) Three board-certified neurologists licensed to
8 practice medicine in all of its branches, at least one
9 of whom shall be a director of a comprehensive
10 epilepsy center;

11 (2) One representative of an educational institution that
12 is affiliated with a medical center in the State;

13 (3) One representative of a licensed hospital;

14 (4) One registered nurse;

15 (5) One licensed social worker;

16 (6) One representative of an organization established
17 under chapter 431 for the purpose of providing health
18 insurance; and

19 (7) Two persons with epilepsy or members of their
20 families.

21 (c) Each voting member shall serve for a term of two years
22 until a successor is appointed. Members of the committee shall



1 not be compensated but shall be reimbursed for expenses actually
2 incurred in the performance of their duties, including travel
3 expenses. No more than nine voting members may be of the same
4 political party. Vacancies shall be filled in the same manner
5 as the initial appointments.

6 (d) The epilepsy advisory committee shall advise the
7 department on their duties under this chapter.

8 § -4 **Regional programs.** The epilepsy advisory committee
9 shall submit to the department recommendations to facilitate the
10 establishment of regional epilepsy treatment and education
11 programs designed to provide community services to people with
12 epilepsy and their families.

13 § -5 **Epilepsy treatment and education grants-in-aid**
14 **fund.** The epilepsy treatment and education grants-in-aid fund
15 is created as a special fund in the state treasury. Using
16 appropriations from the fund, the department shall provide
17 grants-in-aid:

- 18 (1) To fund necessary educational activities; and
19 (2) For the development and maintenance of services for
20 victims of epilepsy and their families, as managed
21 through an epilepsy program properly staffed and
22 affiliated with a national epilepsy program.



1 The department shall adopt rules in accordance with chapter 91
2 governing the distribution and specific purpose of these
3 grants."

4 SECTION 2. Section 36-27, Hawaii Revised Statutes, is
5 amended to read as follows:

6 **"§36-27 Transfers from special funds for central service**
7 **expenses.** Except as provided in this section, and
8 notwithstanding any other law to the contrary, from time to
9 time, the director of finance, for the purpose of defraying the
10 prorated estimate of central service expenses of government in
11 relation to all special funds, except the:

12 (1) Special out-of-school time instructional program fund
13 under section 302A-1310;

14 (2) School cafeteria special funds of the department of
15 education;

16 (3) Special funds of the University of Hawaii;

17 (4) State educational facilities improvement special fund;

18 (5) Convention center enterprise special fund under
19 section 201B-8;

20 (6) Special funds established by section 206E-6;

21 (7) Housing loan program revenue bond special fund;

22 (8) Housing project bond special fund;

- 1 (9) Aloha Tower fund created by section 206J-17;
- 2 (10) Funds of the employees' retirement system created by
- 3 section 88-109;
- 4 (11) Unemployment compensation fund established under
- 5 section 383-121;
- 6 (12) Hawaii hurricane relief fund established under chapter
- 7 431P;
- 8 (13) Hawaii health systems corporation special funds;
- 9 (14) Tourism special fund established under section
- 10 201B-11;
- 11 (15) Universal service fund established under chapter 269;
- 12 (16) Emergency and budget reserve fund under section
- 13 328L-3;
- 14 (17) Public schools special fees and charges fund under
- 15 section 302A-1130(f);
- 16 (18) Sport fish special fund under section 187A-9.5;
- 17 (19) Neurotrauma special fund under section 321H-4;
- 18 (20) Deposit beverage container deposit special fund under
- 19 section 342G-104;
- 20 (21) Glass advance disposal fee special fund established by
- 21 section 342G-82;



- 1 (22) Center for nursing special fund under section 304A-
- 2 2163;
- 3 (23) Passenger facility charge special fund established by
- 4 section 261-5.5;
- 5 (24) Solicitation of funds for charitable purposes special
- 6 fund established by section 467B-15;
- 7 (25) Land conservation fund established by section 173A-5;
- 8 (26) Court interpreting services revolving fund under
- 9 section 607-1.5;
- 10 (27) Trauma system special fund under section 321-22.5;
- 11 (28) Hawaii cancer research special fund;
- 12 (29) Community health centers special fund; ~~and~~
- 13 (30) Emergency medical services special fund; and
- 14 (31) Epilepsy treatment and education grants-in-aid fund;

15 shall deduct five per cent of all receipts of all other special
16 funds, which deduction shall be transferred to the general fund
17 of the State and become general realizations of the State. All
18 officers of the State and other persons having power to allocate
19 or disburse any special funds shall cooperate with the director
20 in effecting these transfers. To determine the proper revenue
21 base upon which the central service assessment is to be
22 calculated, the director shall adopt rules pursuant to chapter



1 91 for the purpose of suspending or limiting the application of
2 the central service assessment of any fund. No later than
3 twenty days prior to the convening of each regular session of
4 the legislature, the director shall report all central service
5 assessments made during the preceding fiscal year."

6 SECTION 3. Section 36-30, Hawaii Revised Statutes, is
7 amended by amending subsection (a) to read as follows:

8 "(a) Each special fund, except the:

- 9 (1) Transportation use special fund established by section
10 261D-1;
- 11 (2) Special out-of-school time instructional program fund
12 under section 302A-1310;
- 13 (3) School cafeteria special funds of the department of
14 education;
- 15 (4) Special funds of the University of Hawaii;
- 16 (5) State educational facilities improvement special fund;
- 17 (6) Special funds established by section 206E-6;
- 18 (7) Aloha Tower fund created by section 206J-17;
- 19 (8) Funds of the employees' retirement system created by
20 section 88-109;
- 21 (9) Unemployment compensation fund established under
22 section 383-121;



- 1 (10) Hawaii hurricane relief fund established under chapter
- 2 431P;
- 3 (11) Convention center enterprise special fund established
- 4 under section 201B-8;
- 5 (12) Hawaii health systems corporation special funds;
- 6 (13) Tourism special fund established under section
- 7 201B-11;
- 8 (14) Universal service fund established under chapter 269;
- 9 (15) Emergency and budget reserve fund under section
- 10 328L-3;
- 11 (16) Public schools special fees and charges fund under
- 12 section 302A-1130(f);
- 13 (17) Sport fish special fund under section 187A-9.5;
- 14 (18) Neurotrauma special fund under section 321H-4;
- 15 (19) Center for nursing special fund under section 304A-
- 16 2163;
- 17 (20) Passenger facility charge special fund established by
- 18 section 261-5.5;
- 19 (21) Court interpreting services revolving fund under
- 20 section 607-1.5;
- 21 (22) Trauma system special fund under section 321-22.5;
- 22 (23) Hawaii cancer research special fund;



1 (24) Community health centers special fund; [~~and~~]
 2 (25) Emergency medical services special fund; and
 3 (26) Epilepsy treatment and education grants-in-aid fund;
 4 shall be responsible for its pro rata share of the
 5 administrative expenses incurred by the department responsible
 6 for the operations supported by the special fund concerned."

7 SECTION 4. There is appropriated out of the general
 8 revenues of the State of Hawaii the sum of \$ or so much
 9 thereof as may be necessary for fiscal year 2008-2009 for
 10 deposit into the epilepsy treatment and education grants-in-aid
 11 fund.

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

14 SECTION 5. This Act shall take effect upon its approval,
 15 except that section 4 shall take effect on July 1, 2008.

16

INTRODUCED BY: Shiranne Chun Oalland



Report Title:

Epilepsy Disease Assistance; Appropriation

Description:

Creates epilepsy treatment and education grants-in-aid fund to help epilepsy victims and families. Creates advisory committee to recommend to DOH the creation of treatment and education programs. Exempts fund from transfers for central service expenses and pro rata administrative expenses. Appropriation.

