

STAND. COM. REP. NO.

96

Honolulu, Hawaii

FEB 09 2007

RE: S.B. No. 240
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. 240
entitled:

"A BILL FOR AN ACT RELATING TO NEUROTRAUMA,"

begs leave to report as follows:

The purpose of this measure is to authorize the Neurotrauma
Special Fund to be used for funding direct services that assist
individuals with neurotraumatic injuries.

Your Committee received testimony in support of this measure
from the Hawaii Disability Rights Center, the Occupational Therapy
Association of Hawaii, Hawaii Centers for Independent Living,
Hawaii Psychiatric Medical Association, the Center on Disability
Studies, and three individuals. Your Committee received testimony
in opposition to this measure from the Governor's Policy Office.
Testimony making comments on this measure was submitted by the
Department of Health, the Department of Human Services, and the
Department of Budget and Finance.

Your Committee finds that individuals with neurotraumatic
injuries are in need of basic health and human services. Your
Committee further finds that many of these individuals do not
qualify for services from the Developmental Disabilities Division
or the Adult Mental Health Division of the Department of Health.

It is the intent of your Committee to ensure that individuals
with neurotraumatic injuries receive the direct services they
need, by authorizing the Neurotrauma Special Fund to pay for these

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services. Further, it is not the intent of your Committee to place the State in a position of vulnerability that would subject the State to liability in the event of insufficient resources in the Neurotrauma Special Fund to pay for direct services.

Accordingly, your Committee amended this measure by adding a limitation of liability provision stating that the responsibilities of the Department of Health are limited to the resources available and that no action may be brought to compel the provision of further services.

Your Committee further amended this measure by changing the effective date for the purpose of encouraging further discussion on this matter.

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. 240, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 240, 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,

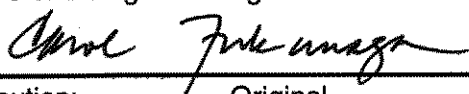


DAVID Y. IGE, Chair



The Senate
Twenty-Fourth Legislature
State of Hawaii

Record of Votes
Committee on Health
HTH

| | | | | |
|---|---|---|-----|---------|
| Bill / Resolution No.:* | Committee Referral: | Date: | | |
| SB 240 | HTH, WAM | 2/2/07 | | |
| <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 | | | | ✓ |
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| TOTAL | 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