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# A BILL FOR AN ACT

RELATING TO EARLY INTERVENTION SERVICES.

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

1           SECTION 1. Section 321-352, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "**§321-352 Early intervention services for infants and**  
4 **toddlers with special needs.** (a) The department may develop a  
5 statewide, coordinated, multidisciplinary program which contains  
6 a continuum of services to meet the needs of infants and  
7 toddlers with special needs. The department shall be the lead  
8 agency for the coordination of federal and state funding for  
9 those programs. Pursuant to chapter 103F, the department may  
10 purchase services appropriate to carry out activities under this  
11 part.

12           (b) The department, or any other department or office  
13 responsible for providing early intervention services, shall  
14 maintain eligibility criteria or the scope of covered services  
15 for early intervention services at a minimum of the same level  
16 that was in effect on January 1, 2012.

17           (c) Any child who was eligible for early intervention  
18 services as of January 1, 2012, shall remain eligible for early



1 intervention services until having no deficit more than one  
2 standard deviation from the average that does not regress with  
3 the cessation of services or until no longer eligible based on  
4 age.

5 (d) The department may develop and establish a family cost  
6 participation schedule of monthly cost participation fees for  
7 early intervention services. Participation fees:

8 (1) May consist of a sliding fee scale;

9 (2) Shall not be charged to families with household gross  
10 incomes at or below three hundred per cent of the  
11 federal poverty level for applicable household size;

12 (3) Shall be deposited into the early intervention special  
13 fund pursuant to section 321-355; and

14 (4) If collected by a contracted service provider, may be  
15 retained by the provider if the contract amount is  
16 adjusted for this function and responsibility;

17 provided that the department shall accept self-declaration of  
18 household total gross income and size, and adopt procedures for  
19 suspending services based on a failure to satisfy family cost  
20 participation obligations.

21 (e) The department may include in its contracts with early  
22 intervention service providers a provision that requires the



1 provider to provide early intervention services to individuals  
2 who are ineligible under part C of the Individuals with  
3 Disabilities Education Act, title 20 United States Code section  
4 1431 et seq., on a fee-for-service basis at rates no higher than  
5 the amount the provider would have been reimbursed for services  
6 under its contract with the state contracting entity. The  
7 service providers shall not be prohibited from subsidizing,  
8 discounting, or otherwise decreasing the amount charged for the  
9 services based on a family's ability to pay.

10 (f) Commercial insurers may be charged for services  
11 provided that are covered by a patient's commercial health  
12 insurance."

13 SECTION 2. Section 321-355, Hawaii Revised Statutes, is  
14 amended by amending subsection (b) to read as follows:

15 "(b) The fund shall consist of grants, fees, and income  
16 earned by the special fund. [All] Fees received from family  
17 cost participation and all program income consisting of federal  
18 reimbursement funds received by the State for early intervention  
19 funded by legislative appropriations under this part shall be  
20 deposited into the special fund; provided that no state  
21 appropriations shall be deposited into the special fund."



1 SECTION 3. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 4. This Act shall take effect upon its approval.



**Report Title:**

Department of Health; Early Intervention Services; Fees

**Description:**

Requires the department of health to hold the eligibility criteria or scope of covered services to at least the same level that was in effect on January 1, 2012. Allows previously eligible children to remain eligible for early intervention services. Allows the department to establish a family cost participation schedule for early intervention services. Allows the department to include in its contracts with early intervention service providers a provision that requires the provider to provide early intervention services to individuals who are ineligible under part C of IDEA on a fee-for-service basis and charge fees no more than the State's reimbursement rate. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

