

JAN 21 2011

S.B. NO. 965

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# A BILL FOR AN ACT

RELATING TO CHILDREN WITH DISABILITIES.

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

1           SECTION 1. The legislature finds that neuroscience  
2 research demonstrates that a child's early years are the most  
3 crucial in the child's cognitive, social, emotional, and  
4 physical development. As a consequence, early screening,  
5 identification, and intervention for physical impairments,  
6 developmental delays, and psychosocial problems can dramatically  
7 and rapidly improve children's outcomes and have a critical  
8 influence on school success and family functioning.

9           Children having difficulties with hearing, vision,  
10 physical, or social-emotional development are often be shuttled  
11 into special education classes. However, department of health  
12 data indicates that one out of three developmentally delayed  
13 children can be diverted from special education programs if  
14 their problems are identified early and treated prior to  
15 starting formal education. Educational success is significantly  
16 more likely when it is confirmed that a child can hear, see,  
17 speak, and understand according to age appropriate developmental  
18 milestones prior to starting school. Additionally, early



1 screening, identification, and intervention results in  
2 significant cost savings; potential savings realized when a  
3 child does not require special education programs can be as much  
4 as \$14,000 per child per school year.

5 From a health care standpoint, it is critical to provide  
6 each child with ongoing access to quality primary health care  
7 (including a medical home), that includes screening for  
8 developmental delays, to ensure that the effects of these delays  
9 are mitigated as soon as possible. However, because many  
10 children do not have access to quality primary health care and  
11 many parents are unaware of or choose not to use available  
12 primary health care services, many of Hawaii's children do not  
13 receive proper screening, identification, evaluation, or  
14 referrals for correction or treatment.

15 In response, the Aloha United Way has implemented two pilot  
16 projects on Oahu that provide early childhood developmental  
17 screening. Designed to be a low-cost compliment to screenings  
18 conducted by medical or mental health professionals, these pilot  
19 programs use trained paraprofessionals and portable screening  
20 equipment, and provide case management for children requiring  
21 further evaluation and treatment. Preliminary findings from the  
22 pilot projects show that twenty-one per cent of the children or



1 approximately 3,400 children in each cohort screened have a  
2 problem that requires follow-up services. Comprehensive  
3 evaluation of these pilot projects and their expansion to the  
4 neighbor islands is being conducted by the University of Hawaii  
5 at Manoa's center for disability studies for presentation to the  
6 department of health in December 2011 and June 2012.

7 The legislature finds that early screening services are  
8 required by persons who may have developmental disabilities and  
9 an integrated, universal developmental screening system in  
10 Hawaii is clearly needed by the children of this State.  
11 Furthermore, a review of the evaluation of the Aloha United  
12 Way's pilot programs by the department of health, among others,  
13 would be extremely useful to developing such a system.

14 The purpose of this Act is to:

- 15 (1) Require the department of health to administer a  
16 developmental screening system for persons who may  
17 have developmental disabilities;
- 18 (2) Require the director of health to adopt rules  
19 establishing and administering a developmental  
20 screening system for children entering preschool,  
21 kindergarten, and elementary school;



- 1           (3) Require the department of health to convene a  
2           developmental screening task force to review the  
3           University of Hawaii at Manoa's center for disability  
4           studies' evaluation of the Aloha United Way's early  
5           childhood developmental screening pilot projects, and  
6           provide recommendations for the development of an  
7           integrated, universal early childhood developmental  
8           screening system in Hawaii; and
- 9           (4) Appropriate funds for the work of the developmental  
10          screening task force and for grants to continue the  
11          Aloha United Way's pilot projects on Oahu and plan for  
12          two comparable pilot projects on the neighbor islands.

13          SECTION 2. Section 333F-2, Hawaii Revised Statutes, is  
14          amended by amending subsection (c) to read as follows:

15          "(c) Supports and services the department shall administer  
16          include, but shall not be limited to:

- 17          (1) Early identification and evaluation, including a  
18          developmental screening system, of persons with  
19          developmental disabilities or mental retardation;
- 20          (2) Development, planning, and implementation in  
21          coordination with other federal, state, and county



- 1 agencies, of service programs for persons with  
2 developmental disabilities or mental retardation;
- 3 (3) Development and provision of service programs in the  
4 public or private sectors through chapter 42F or  
5 chapter 103F, for persons with developmental  
6 disabilities or mental retardation;
- 7 (4) Establishment of a continuum of comprehensive services  
8 and residential alternatives in the community to allow  
9 persons with developmental disabilities or mental  
10 retardation to live in the least restrictive,  
11 individually appropriate environment;
- 12 (5) Development and implementation of a program for  
13 single-entry access by persons with developmental  
14 disabilities or mental retardation to services  
15 provided under this chapter as well as referral to,  
16 and coordination with, services provided in the  
17 private sector or under other federal, state, or  
18 county acts, and the development of an individualized  
19 service plan by an interdisciplinary team;
- 20 (6) Collaborative and cooperative services with public  
21 health and other groups for programs to prevent  
22 developmental disabilities or mental retardation;



- 1           (7) Informational and educational services to the general
- 2           public and to lay and professional groups;
- 3           (8) Consultative services to the judicial branch of
- 4           government, educational institutions, and health and
- 5           welfare agencies whether the agencies are public or
- 6           private;
- 7           (9) Provision of community residential alternatives for
- 8           persons with developmental disabilities or mental
- 9           retardation, including group homes and homes meeting
- 10          ICF/MR standards;
- 11          (10) Provision of care at the skilled nursing level or in a
- 12          skilled nursing facility, as individually appropriate;
- 13          (11) Provision of other programs, services, or facilities
- 14          necessary to provide a continuum of care for persons
- 15          with developmental disabilities or mental retardation;
- 16          (12) Provision of case management services independent of
- 17          the direct service provider; and
- 18          (13) Development and maintenance of respite services in the
- 19          community for persons with developmental disabilities
- 20          or mental retardation."

21           SECTION 3. Section 333F-18, Hawaii Revised Statutes, is  
22 amended to read as follows:



1       "**§333F-18 Rules.** The director, in consultation with the  
2 state council on developmental disabilities, private agencies,  
3 users of services under this chapter, and other interested  
4 parties, shall adopt rules pursuant to chapter 91 necessary or  
5 appropriate to carry out this chapter, which shall include but  
6 not be limited to:

- 7       (1) Establishment of eligibility requirements for  
8 participation in services provided under this chapter;
- 9       (2) Establishment of standards of transfer from one  
10 facility to another;
- 11       (3) Provision for the involvement of the person and, where  
12 appropriate, the parents, guardian, or other  
13 representatives of the person in the determination of  
14 eligibility under this chapter, the preparation of the  
15 person's individualized service plan, and the  
16 selection or rejection of services under this chapter;
- 17       (4) Protection and enhancement of the rights of persons  
18 receiving or applying for services under this chapter,  
19 including the right to privacy and confidentiality;
- 20       (5) A fair, timely, and impartial grievance procedure to  
21 provide administrative due process and recourse for



1 persons aggrieved by any action or failure to act on  
2 the part of the department under this chapter; [and]

3 (6) Establish and administer a developmental screening  
4 system for children entering preschool, kindergarten,  
5 and elementary school; and

6 [~~(6)~~] (7) Other provisions required or appropriate to  
7 implement the purposes of this chapter."

8 SECTION 4. (a) The department of health shall convene a  
9 developmental screening task force to:

10 (1) Review the University of Hawaii at Manoa's center for  
11 disability studies' evaluation of Aloha United Way's  
12 early childhood developmental screening pilot projects  
13 on Oahu; and

14 (2) Based on its findings from its review under paragraph  
15 (1), among other things, formulate and make  
16 recommendations for the deployment of an integrated,  
17 universally-available early childhood developmental  
18 screening system for Hawaii that integrates with and  
19 compliments existing early identification and  
20 treatment activities.

21





1           (b) The task force shall include representatives of the  
2 various stakeholder groups as determined by the department of  
3 health.

4           (c) The task force shall:

- 5           (1) Provide recommendations for unifying screening-related  
6 activities in the State, which may include  
7 recommendations for enabling legislation;
- 8           (2) Recommend selection of standardized developmental  
9 screening tools for children from birth through age  
10 eight, including cognitive development, language  
11 development, motor development, adaptive skills,  
12 behavioral and social-emotional development, hearing,  
13 and vision;
- 14           (3) Formulate referral protocols;
- 15           (4) Develop guidelines for reporting the completion of a  
16 child's screening requirement for children entering  
17 preschool, kindergarten, or elementary school;
- 18           (5) Address any issues related to physician participation;  
19 and
- 20           (6) Create a system to evaluate the efficacy and  
21 efficiency of the developmental screening system.



1 (d) The task force shall report its recommendations  
2 addressing section (c) (2) through (b) to the legislature no  
3 later than December 1, 2012. The task force shall report its  
4 recommendation addressing section (c) (1) to the legislature no  
5 later than July 1, 2013.

6 SECTION 5. There is appropriated out of the general  
7 revenues of the State of Hawaii the sum of \$1,600,000 or so much  
8 thereof as may be necessary for fiscal year 2011-2012 and the  
9 same sum or so much thereof as may be necessary for fiscal year  
10 2012-2013:

11 (1) To support the work of the developmental screening  
12 task force and complete the initial planning of an  
13 integrated, universal early childhood developmental  
14 screening system in Hawaii, as set forth in this Act:  
15 and

16 (2) For grants pursuant to chapter 42F, Hawaii Revised  
17 Statutes, to the Aloha United Way to enable it to  
18 continue its early childhood screening pilot projects  
19 on Oahu and establish two comparable pilot projects on  
20 the neighbor islands.



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1           The sums appropriated shall be expended by the department  
2 of health for the purposes of this Act.

3           SECTION 6. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

5           SECTION 7. This Act shall take effect upon its approval;  
6 provided that section 5 shall take effect on July 1, 2011.

7

INTRODUCED BY: Shiranne Chun Oakland

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**Report Title:**

Children with Disabilities; Appropriation

**Description:**

Provides for the development of a developmental screening system for persons who may have developmental disabilities and the convening of developmental screening task force to initiate the development of an integrated, universal early childhood developmental screening system in Hawaii; appropriates funds for early developmental screening pilot projects.

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