

NEIL ABERCROMBIE
GOVERNOR



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WRITTEN ONLY

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES

P. O. Box 339
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March 12, 2012

TO: The Honorable John M. Mizuno, Chair
House Committee on Human Services

FROM: Patricia McManaman, Director

SUBJECT: **S.B. 2833, S.D. 1 – RELATING TO EMPLOYMENT EXEMPTION FOR
DOMESTIC SERVICES FOR PERSONS WITH DEVELOPMENTAL AND
INTELLECTUAL DISABILITIES**

Hearing: Monday, March 12, 2012; 8:30 a.m.
Conference Room 329, State Capitol

PURPOSE: The purpose of S.B. 2833, S.D. 1 is to amend the definition of "employment" in various sections of the Hawaii Revised Statutes by clarifying the "domestic services" exclusion for services to persons with developmental and intellectual disabilities.

DEPARTMENT'S POSITION: The Department of Human Services (DHS) supports this Administration bill which will increase the access for individuals with developmental and intellectual disabilities to needed services and to also have flexibility in obtaining those services.

Thank you for the opportunity to provide testimony on this bill.

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



LORETTA J. FUDDY, A.C.S.W., M.P.H.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
File:

Committee on Human Services

**S.B. 2833, S.D. 1 Relating to Employment Exemption for Domestic Services for
Persons with Developmental and Intellectual Disabilities**

**Testimony of Loretta J. Fuddy, A.C.S.W., M.P.H.
Director of Health**

March 12, 2012

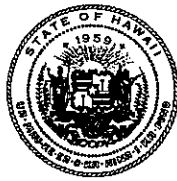
- 1 **Department's Position:** The department strongly supports this administration proposal.
- 2 **Fiscal Implications:** None.
- 3 **Purpose and Justification:** S.B. 2833, S.D. 1 will amend Chapter 383-7, 386-1, 392-5, and 393-5,
4 Hawaii Revised Statutes, to exempt recipients of federally funded social service payments with
5 developmental and intellectual disabilities from providing unemployment insurance, workers
6 compensation, temporary disability insurance, and pre-paid health care.
- 7 S.B. 2833, S.D. 1 will provide clarification by exempting recipients of the Department of Human
8 Services state-funded home and community based services from having to provide unemployment
9 insurance, workers compensation, temporary disability insurance, and pre-paid health care. This
10 exemption will allow flexibility for individuals receiving state funded medical assistance but, ineligible
11 for Medicaid (Home and Community Based Services Medicaid Waiver program). These individuals
12 will not have to pay those fees when service is performed by an individual whose services are contracted
13 by a recipient of social service payments either as an independent contractor or employee of the
14 individual.

1 The Department of Health supports S.B. 2833, S.D. 1 as it will allow individuals with developmental
2 and intellectual disabilities greater access to needed services and the flexibility in obtaining such
3 services.

4 Thank you for this opportunity to testify.

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**STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS**

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March 12, 2012

To: The Honorable John M. Mizuno, Chair, Jo Jordan, Vice Chair, and
Members of the House Committee on Human Services

Date: Monday, March 12, 2012
Time: 8:30 a.m.
Place: Conference Room 329, State Capitol

From: Dwight Y. Takamine, Director
Department of Labor and Industrial Relations

**Re:S.B. No. 2833 SD1 Relating to Employment Exemption for Domestic Services
for Persons with Developmental and Intellectual Disabilities**

I. OVERVIEW OF PROPOSED LEGISLATION

This proposal amends Sections 386-1(6), 392-5(19), and 393-7(d), HRS, to broaden the definition of excluded domestic services for persons with developmental and intellectual disabilities under Medicaid to now include services "provided through state funded medical assistance to individuals ineligible for medicaid." The department supports this measure.

II. CURRENT LAW

The current statutes exclude from employment domestic services performed for persons with developmental and intellectual disabilities under the Medicaid home and community-based services program pursuant to Title 42 Code Federal Regulations.

III. COMMENTS ON THE SENATE BILL

The department supports the Administration's proposal from the Department of Health.