
A BILL FOR AN ACT

MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH
FOR THE DEVELOPMENTAL DISABILITIES DIVISION.

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

1 SECTION 1. This Act is recommended for immediate passage
2 in accordance with Article VII, section 9, of the Constitution
3 of the State of Hawaii.

4 SECTION 2. Although funds were appropriated to the
5 department of health developmental disabilities division for the
6 fiscal year beginning July 1, 2013, and ending June 30, 2014, a
7 funding emergency now exists. The program is now obligated to
8 provide Medicaid Title XIX program services to citizens of the
9 Compact of Free Association (COFA) countries who are eligible
10 for developmental disabilities (DD) services, using one hundred
11 per cent state funds for the current fiscal year. The
12 department will be unable to meet its fiscal obligation in this
13 regard.

14 The division is obligated to provide services under the
15 State's Medicaid Title XIX programs to COFA adults and children
16 pursuant to a preliminary injunction issued by the Honorable
17 Michael Seabright in his Order Granting Plaintiffs' Motion for



1 Preliminary Injunction filed December 13, 2010 in *Korab, et al.*
2 *v. McManaman, et al.*, Civil No. 10-00483 JMS/KSC (USDC, Dist. of
3 Hawaii). Under the *Korab* preliminary injunction, the
4 developmental disabilities division must provide eligible
5 persons with developmental disabilities in the COFA population
6 with Medicaid Title XIX program services pursuant to its fee-
7 for-services provision.

8 This emergency appropriation is necessary to continue
9 existing services to meet the needs of eligible persons with
10 developmental disabilities in the COFA population and to
11 continue funding of required services developed during the
12 fiscal year, as mandated by chapter 333F, Hawaii Revised
13 Statutes, and the *Korab* preliminary injunction.

14 The purpose of this Act is to appropriate emergency funds
15 to provide eligible COFA adults and children with developmental
16 disabilities with ongoing services provided by the Medicaid
17 Title XIX programs of the developmental disabilities division of
18 the department of health.

19 SECTION 3. There is appropriated out of the general
20 revenues of the State of Hawaii the sum of \$ or so much
21 thereof as may be necessary for fiscal year 2013-2014 to provide
22 eligible persons with developmental disabilities in the Compact



1 of Free Association population with ongoing services provided by
2 the developmental disabilities division of the department of
3 health.

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

6 SECTION 4. This Act shall take effect on July 1, 2050.



Report Title:

Emergency Appropriation; Developmental Disabilities

Description:

Authorizes an emergency appropriation to the department of health, for ongoing services provided by the developmental disabilities division to persons with developmental disabilities in Hawaii's COFA population. Effective July 1, 2050. (HB2305 HD1)

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