
HOUSE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF HEALTH DEVELOPMENTAL DISABILITIES
DIVISION TO ESTABLISH A TASK FORCE TO REVIEW HAWAII'S
STATUTORY DEFINITION OF DEVELOPMENTAL DISABILITIES.

1 WHEREAS, the definition of developmental disabilities in
2 §333F-1, Hawaii Revised Statutes, is a federal definition and
3 was meant to be a functional or planning definition for states
4 to further define; and

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6 WHEREAS, all states except Hawaii in the U.S. have further
7 defined developmental disabilities in their respective state
8 statutes or regulations; and

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10 WHEREAS, the state statutory definition of developmental
11 disabilities is not a clinical but legal definition, and
12 developmental disabilities diagnoses are determined by licensed
13 physicians or psychologists; and

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15 WHEREAS, in Hawaii statute developmental disabilities means
16 a severe, chronic disability of a person which (1) is
17 attributable to a mental or physical impairment or a combination
18 of mental and physical impairments; (2) is manifested before the
19 person attains age twenty-two; (3) is likely to continue
20 indefinitely; (4) results in substantial functional limitations
21 in three or more of the following areas of major life activity
22 such as self-care, receptive and expressive language, learning,
23 mobility, self-direction, capacity for independent living, and
24 economic self-sufficiency; and reflects the person's need for a
25 combination and sequence of special, interdisciplinary, or
26 generic care, treatment of other services which are of lifelong
27 or extended duration and are individually planned and
28 coordinated; and

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1 WHEREAS, eligibility for the developmental disabilities
2 division services is based on the definition of developmental
3 disabilities; and

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5 WHEREAS, many people with behavioral challenges including
6 fetal alcohol syndrome may not be covered by the current
7 definition; and

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9 WHEREAS, the Department of Health seeks to collaborate
10 across divisional responsibilities in statute and support
11 persons with disabilities and their families; and

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13 WHEREAS, the current program has limited funding which
14 precludes adding new groups to the existing home and community
15 based services without legislative appropriation; and now,
16 therefore,

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18 BE IT RESOLVED by the House of Representatives of the
19 Twenty-seventh Legislature of the State of Hawaii, Regular
20 Session of 2014, the Senate concurring, that the Department of
21 Health, developmental disabilities division is requested to
22 establish a task force to review the current state statutory
23 definition of developmental disabilities in comparison to other
24 states, and study the impacts of changing the definition of
25 developmental disabilities; and

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27 BE IT FURTHER RESOLVED the Director of Health or the
28 Director's designee will serve as chair of the task force; and

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30 BE IT FURTHER RESOLVED the Director of the Director's
31 designee is requested to solicit representatives from the
32 following entities to serve on the task force, provided that
33 those persons designated have background and knowledge of
34 developmental disabilities within their respective
35 organizations:

- 36 (1) Hawaii Developmental Disabilities Council;
37 (2) Hawaii Disability Rights Center;
38 (3) University of Hawaii Center on Disabilities Studies;
39 (4) Department of Human Services, Med-Quest Division;
40 (5) House Committee on Health;
41 (6) Senate Committee on Health;
42 (7) The National Association of State Directors of
43 Developmental Disabilities Services;


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(8) Any other individuals or entities that may contribute to the task force; and

BE IT FURTHER RESOLVED that members of the task force serve without compensation for time and expenses associated with task force activities; and

BE IT FURTHER RESOLVED that the task force is requested to submit its findings and recommendations to the Legislature no later than twenty (20) days prior to the convening of the Regular session of 2015; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the Governor; President of the Senate; Speaker of the House of Representatives; Attorney General; Director of the Department of Health; Director of the Department of Human Services; Hawaii Developmental Disabilities Council, Executive Director of the Hawaii Disability Rights Center; University of Hawaii Center of Disability Studies; House Committee on Health Chairperson; and Senate Committee on Health Chairperson.

OFFERED BY:  _____
By Request

JAN 21 2014