
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 section 333F-1, Hawaii Revised Statutes, is a federal definition
3 that was meant to be a functional or planning definition for
4 states to further define; and

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

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10 WHEREAS, the state statutory definition of "developmental
11 disabilities" is not a clinical definition but a legal
12 definition; and

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14 WHEREAS, developmental disabilities diagnoses are
15 determined by licensed physicians or psychologists; and

16
17 WHEREAS, in section 333F-1, Hawaii Revised Statutes,
18 "developmental disabilities" is defined as "a severe, chronic
19 disability of a person which:

- 20
21 (1) Is attributable to a mental or physical impairment or
22 combination of mental and physical impairments;
23
24 (2) Is manifested before the person attains the age of
25 twenty-two;
26
27 (3) Is likely to continue indefinitely;
28
29 (4) Results in substantial functional limitations in three
30 or more of the following areas of major life activity;
31 self-care, receptive and expressive language,



1 learning, mobility, self-direction, capacity for
2 independent living, and economic self-sufficiency; and
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- 4 (5) Reflects the person's need for a combination and
5 sequence of special, interdisciplinary, or generic
6 care, treatment, or other services which are of
7 lifelong or extended duration and are individually
8 planned and coordinated."; and
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10 WHEREAS, eligibility for Department of Health Developmental
11 Disabilities Division services is based on the statutory
12 definition of developmental disabilities; and
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14 WHEREAS, many people with behavioral challenges, including
15 fetal alcohol syndrome, may not be covered by the current
16 definition; and
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18 WHEREAS, the Department of Health seeks to collaborate
19 across divisional statutory responsibilities and supports
20 persons with disabilities and their families; and
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22 WHEREAS, the current program has limited funding that
23 precludes adding new groups to the existing home- and community-
24 based services without legislative appropriation; and
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26 WHEREAS, the United States Department of Health and Human
27 Services, Centers for Medicare and Medicaid has instituted new
28 options for Hawaii Medicaid programs that can benefit persons
29 with developmental or physical disabilities through different
30 state agencies; now, therefore,
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32 BE IT RESOLVED by the House of Representatives of the
33 Twenty-seventh Legislature of the State of Hawaii, Regular
34 Session of 2014, the Senate concurring, that the Department of
35 Health Developmental Disabilities Division is requested to
36 establish a task force to:
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- 38 (1) Review the current state statutory definition of
39 "developmental disabilities" in comparison to other
40 states, and study the impacts of changing the
41 definition of "developmental disabilities";
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- 1 (2) Discuss general eligibility issues relating to the
- 2 current statutory definition of "developmental
- 3 disabilities";
- 4
- 5 (3) Identify gap groups that are currently ineligible for
- 6 developmental disabilities services, but are a part of
- 7 the intellectual and developmental disabilities
- 8 population; and
- 9
- 10 (4) Determine strategies to meet the increasing needs of
- 11 the intellectual and developmental or physical
- 12 disabilities population including but not limited to
- 13 identifying and engaging agencies that can address
- 14 such needs with a focus on identifying and attempting
- 15 to provide appropriate safety net processes or
- 16 services to as large a segment as feasible of the
- 17 identified gap groups specified in paragraph (3); and
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19 BE IT FURTHER RESOLVED that the Director of Health or the
 20 Director's designee is requested to serve as chair of the task
 21 force; and

22
 23 BE IT FURTHER RESOLVED that the Director of Health or the
 24 Director's designee is requested to solicit representatives from
 25 the following entities to serve on the task force, provided that
 26 the persons who are selected to serve on the task force have
 27 background and knowledge of developmental disabilities within
 28 their respective organizations:

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- 30 (1) Hawaii State Council on Developmental Disabilities;
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- 32 (2) Hawaii Disability Rights Center;
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- 34 (3) University of Hawaii Center on Disability Studies;
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- 36 (4) Department of Human Services, Med-QUEST Division;
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- 38 (5) House Committee on Health;
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- 40 (6) Senate Committee on Health;
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- 42 (7) National Association of State Directors of
- 43 Developmental Disabilities Services;
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- 1 (8) Individuals with intellectual and developmental
- 2 disabilities;
- 3
- 4 (9) Family members and designated representatives of
- 5 individuals with intellectual and developmental
- 6 disabilities; and
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- 8 (10) Any other individuals or entities that may contribute
- 9 to the work of the task force; and
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11 BE IT FURTHER RESOLVED that members of the task force serve
12 without compensation for time and expenses associated with task
13 force activities; and
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15 BE IT FURTHER RESOLVED that the task force is requested to
16 submit its findings and recommendations to the Legislature no
17 later than 20 days before the convening of the Regular Session
18 of 2015; and
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20 BE IT FURTHER RESOLVED that certified copies of this
21 Concurrent Resolution be transmitted to the Governor, Attorney
22 General, Director of Health, Director of Human Services,
23 Executive Director of the Hawaii State Council on Developmental
24 Disabilities, Executive Director of the Hawaii Disability Rights
25 Center, Acting Director of the University of Hawaii Center on
26 Disability Studies, and the National Association of State
27 Directors of Developmental Disabilities Services.
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