

JAN 23 2014

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## SENATE 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

4  
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

12  
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 Senate of the Twenty-seventh  
19 Legislature of the State of Hawaii, Regular Session of 2014, the  
20 House of Representatives 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;

1 (8) Any other individuals or entities that may contribute  
2 to the task force; and  
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4 BE IT FURTHER RESOLVED that members of the task force serve  
5 without compensation for time and expenses associated with task  
6 force activities; and  
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8 BE IT FURTHER RESOLVED that the task force is requested to  
9 submit its findings and recommendations to the Legislature no  
10 later than twenty (20) days prior to the convening of the  
11 Regular session of 2015; and  
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13 BE IT FURTHER RESOLVED that certified copies of this  
14 Concurrent Resolution be transmitted to the Governor; President  
15 of the Senate; Speaker of the House of Representatives; Attorney  
16 General; Director of the Department of Health; Director of the  
17 Department of Human Services; Hawaii Developmental Disabilities  
18 Council, Executive Director of the Hawaii Disability Rights  
19 Center; University of Hawaii Center of Disability Studies; House  
20 Committee on Health Chairperson; and Senate Committee on Health  
21 Chairperson.  
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24 OFFERED BY:   
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By Request