

STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

**Testimony in SUPPORT of SB2887 S.D. 1
DEVELOPMENTAL DISABILITIES**

REPRESENTATIVE SYLVIA LUKE, CHAIR
HOUSE COMMITTEE FINANCE

Hearing Date: APRIL 1, 2016

Room Number: 308

1 **Fiscal Implications:** The fiscal impact of amending the definition of “developmental
2 disabilities” in Chapter 333F, HRS, is expected to be minimal based on analysis of data related to
3 applications and eligibility determinations for state developmental disabilities services for
4 children 0-9 years during FY2015 to FY2016.

5 **Department Testimony:** The Hawaii State Department of Health strongly supports this
6 Administration Bill.

7 Pursuant to House Concurrent Resolution 17 (2014), the Department of Health, Developmental
8 Disabilities Division (DDD) established a Task Force to review the statutory definition of
9 "developmental disabilities." The current definition for eligibility for DDD services requires
10 individuals to have an intellectual or developmental disability, and have substantial functional
11 limitations in *three or more areas of major life activity*: self-care, receptive and expressive
12 language, learning, mobility, self-direction, capacity for independent living, and economic
13 sufficiency.

14 Because infants and young children, by definition, have different abilities than older children and
15 adults in major life activities, and any major limitations generally are not fully manifested at this
16 stage of their lives, measuring functional limitations in these areas is very difficult. Based on this
17 finding, the Task Force recommended that the definition of “developmental disabilities” in
18 Chapter 333F, HRS, be amended for infants and young children to the language in S.B. No.
19 2887. S.D.1. This will align the definition of “developmental disabilities” with the definitions in

- 1 the federal Developmental Disabilities Assistance and Bill of Rights Act of 2000 (P.L. 106-402)
- 2 and Chapter 333E, HRS.
- 3 Thank you for the opportunity to testify.



STATE OF HAWAII
STATE COUNCIL
ON DEVELOPMENTAL DISABILITIES
919 ALA MOANA BOULEVARD, ROOM 113
HONOLULU, HAWAII 96814
TELEPHONE: (808) 586-8100 FAX: (808) 586-7543
April 1, 2016

The Honorable Sylvia Luke, Chair
House Committee on Finance
Twenty-Eighth Legislature
State Capitol
State of Hawaii
Honolulu, Hawaii 96813

Dear Representative Luke and Members of the Committee:

SUBJECT: SB 2887 SD1– Relating to Developmental Disabilities

The State Council on Developmental Disabilities (DD) **STRONGLY SUPPORTS SB 2887 SD1**. The bill amends the definition of "developmental disabilities" in Section 333F-1, Hawaii Revised Statutes (HRS), to include children from birth to age 9 who have substantial developmental delay or specific congenital or acquired condition and without services and supports, has a high probability of meeting criteria for DD later in life.

The current Federal definition under the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (DD Act) PL 106-402 Sec. 102 defines "developmental disability" as follows:

DEVELOPMENTAL DISABILITY.—

(A) **IN GENERAL.**—the term "developmental disability" means a severe, chronic disability of an individual that—

- (i) is attributable to a mental or physical impairment or combination of mental and physical impairments;
- (ii) is manifested before the individual attains age 22;
- (iii) is likely to continue indefinitely;
- (iv) results in substantial functional limitations in 3 or more of the following areas of major life activity:
 - (I) Self-care.
 - (II) Receptive and expressive language.
 - (III) Learning.
 - (IV) Mobility.
 - (V) Self-direction.
 - (VI) Capacity for independent living.
 - (VII) Economic self-sufficiency; and

- (v) reflects the individual’s need for a combination and sequence of special, interdisciplinary, or generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated.
- (B) INFANTS AND YOUNG CHILDREN.—An individual from birth to age 9, inclusive, who has a substantial developmental delay or specific congenital or acquired condition, may be considered to have a developmental disability without meeting 3 or more of the criteria described in clauses (i) through (v) of subparagraph (A) if the individual, without services and supports, has a high probability of meeting those criteria later in life.

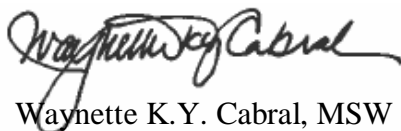
The Council was part of a Task Force that was convened by DOH DD Division pursuant to House Concurrent Resolution (HCR) 17 HD1 SD1, Session Laws of Hawaii, 2014. HCR 17 HD1 SD1 requested that DOH DD Division establish a Task Force to review Hawaii’s statutory definition of “developmental disabilities.” In its review of Hawaii’s current statutory definition of DD, the Task Force found that the Federal definition of “developmental disability” was amended in 2000 (P.L. 106-402 - DD Assistance and Bill of Rights Act of 2000, October 30, 2000) to include infants and young with a substantial developmental delay or specific congenital or acquired condition. The Task Force in its list of recommendations identified amending the definition of DD in Section 333F-1 as a top priority.

The passage of SB 2887 SD1 would:

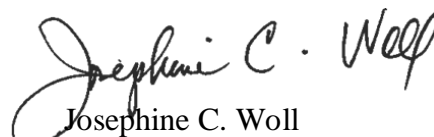
- 1) Align Section 333F-1 with Chapter 333E, HRS, and the current Federal definition;
- 2) Clarify that infants and young children may be considered to have a developmental disability without meeting the Federal functional criteria; and
- 3) Enable DOH DD Division to serve infants and young children through early intervention and supports.

Thank you for the opportunity to submit testimony in **strong support of SB 2887 SD1.**

Sincerely,



Waynette K.Y. Cabral, MSW
Executive Administrator



Josephine C. Woll
Chair



DISABILITY AND COMMUNICATION ACCESS BOARD

919 Ala Moana Boulevard, Room 101 • Honolulu, Hawaii 96814
Ph. (808) 586-8121 (V/TDD) • Fax (808) 586-8129

April 1, 2016

TESTIMONY TO THE HOUSE COMMITTEE ON FINANCE

Senate Bill 2887, SD1 – Relating to Developmental Disabilities

The Disability and Communication Access Board (DCAB) supports Senate Bill 2887, SD1 - Relating to Developmental Disabilities. This bill amends the definition of “developmental disabilities” in section 333F-1, Hawaii Revised Statutes, to include children from birth to age nine who have substantial delay or specific congenital or acquired condition and without services and supports, have a high probability of meeting criteria for developmental disabilities later in life.

This bill allows for early intervention services and supports to be made available to children from birth to age nine in order to deter any additional delays that may occur to cause the child to meet the definition of “developmental disabilities” later in life. It also aligns state law with the current federal law for “developmental disabilities” and is consistent with recommendations set forth by the task force convened by the Department of Health to review Hawaii’s statutory definition for “developmental disabilities” pursuant to House Concurrent Resolution 17 adopted by the Hawaii State Legislature in 2014.

We defer to the Department of Health regarding any fiscal impact amending the definition will have on service provision.

Thank you for the opportunity to provide testimony in support of this bill.

Respectfully submitted,

BARBARA FISCHLOWITZ-LEONG
Chairperson
Legislative Committee

FRANCINE WAI
Executive Director

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, March 31, 2016 1:40 PM
To: FINTestimony
Cc: SAAC96814@gmail.com
Subject: *Submitted testimony for SB2887 on Apr 1, 2016 15:00PM*

SB2887

Submitted on: 3/31/2016

Testimony for FIN on Apr 1, 2016 15:00PM in Conference Room 308

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|--|---------------------------|---------------------------|
| Bathey Fong | Hawaii Self-Advocacy Advisory Council | Support | No |

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, March 31, 2016 1:42 PM
To: FINTestimony
Cc: SAAC96814@gmail.com
Subject: Submitted testimony for SB2887 on Apr 1, 2016 15:00PM

SB2887

Submitted on: 3/31/2016

Testimony for FIN on Apr 1, 2016 15:00PM in Conference Room 308

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Vaipapa Soliai | Individual | Support | Yes |

Comments: I was a member of the HCR17 task force and helped create this definition. I am a very strong supporter of SB2887 SD1. Thank you very much for hearing this bill.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov



Hawaii
Children's Action Network
Building a unified voice for Hawaii's children

LATE

Board of Directors

Officers

David Randall
President

David Okumura
Vice President

Ben Ancheta
Vice President

Deborah Zysman
*Vice President and
Executive Director*

Tracy Nakashima
Treasurer

Dean Wong
Secretary

Mark M. Murakami
Past President

Directors

Cathy Ogawa
Chris Jackson
Darin Leong
Jennifer Thompson
Keith Vieira
Kimi Takazawa
Susan Smith
Dr. Travis Hong
Tyler Dos Santos-
Tam
Wendy Correa

Address

850 Richards Street
Suite 201
Honolulu, HI
96813

P: (808) 531-5502

April 1, 2016

To: Representative Sylvia Luke, Chair
Representative Scott Y. Nishimoto, Vice Chair
House Committee on Finance

From: Deborah Zysman, Executive Director
Hawaii Children's Action Network

Re: **SB 2887, SD1, Relating to Developmental Disabilities – Support
Agenda #3 – Hawaii State Capitol, Room 308 – April 1, 2016, 3 PM**

On behalf of Hawaii Children's Action Network (HCAN), formerly Good Beginnings Alliance, we are writing in support of SB 2887, SD1, Relating to Developmental Disabilities.

HCAN is committed to improving lives and being a strong voice advocating for Hawai'i's children. Last fall, HCAN convened input in person and online from more than 50 organizations and individuals that came forward to support or express interest for a number of issues affecting children and families in our state that resulted in the compilation of 2016 Hawai'i Children's Policy Agenda, which can be accessed at <http://www.hawaiican.org/2016policyagenda>.

We support changing the definition of "Developmental Disability" as proposed in this bill, which would amend HRS § 333F-1, to include children from birth to age 9 who have substantial developmental delay or specific congenital or acquired condition and without services and supports as a high probability of meeting criteria for developmental disabilities later in life. This bill is a priority of the State's Council on Developmental Disabilities to bring the state into accord with the federal definition.

For these reasons, HCAN respectfully requests that m the Committees pass this bill.