

STATE OF HAWAII
DEPARTMENT OF HEALTH
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**Testimony in SUPPORT of SB2887 S.D. 1
DEVELOPMENTAL DISABILITIES**

REPRESENTATIVE DEE MORIKAWA, CHAIR
HOUSE COMMITTEE ON HUMAN SERVICES
REPRESENTATIVE DELLA AU BELATTI
HOUSE COMMITTEE ON HEALTH

Hearing Date: MARCH 11, 2016 Room Number: 329

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.

- 1 2887. S.D.1. This will align the definition of “developmental disabilities” with the definitions in
- 2 the federal Developmental Disabilities Assistance and Bill of Rights Act of 2000 (P.L. 106-402)
- 3 and Chapter 333E, HRS.

- 4 Thank you for the opportunity to testify.



DISABILITY AND COMMUNICATION ACCESS BOARD

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March 11, 2016

TESTIMONY TO THE HOUSE COMMITTEES ON HUMAN SERVICES AND HEALTH

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



STATE OF HAWAII
STATE COUNCIL
ON DEVELOPMENTAL DISABILITIES
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March 11, 2016

The Honorable Dee Morikawa, Chair
House Committee on Human Services
and

The Honorable Della Au Belatti, Chair
House Committee on Health
Twenty-Eighth Legislature
State Capitol
State of Hawaii
Honolulu, Hawaii 96813

Dear Representative Morikawa, Representative Belatti, and Members of the Committees:

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

The Honorable Dee Morikawa
The Honorable Della Au Belatti
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- (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:

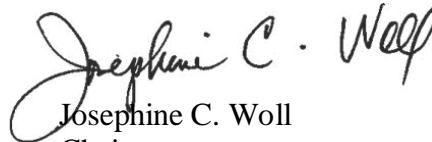
- 1) Align Section 333F-1 with Chapter 333E, HRS, and the current Federal definition;
- 2) Clarify that infants and young children may be considered to have a developmental disability without meeting the Federal functional criteria; and
- 3) Enable DOH DD Division to serve infants and young children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

Edward Thompson, III

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 09, 2016 11:30 AM
To: HUS testimony
Cc: mamaupin@hotmail.com
Subject: *Submitted testimony for SB2887 on Mar 11, 2016 10:40AM*

SB2887

Submitted on: 3/9/2016

Testimony for HUS/HLT on Mar 11, 2016 10:40AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Margaret Maupin	Individual	Support	No

Comments:

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Aloha House Members,

Thank you for hearing this bill, which will help to address a gap in the current policy. I am strongly supportive of this piece of legislation and hope that you will recognize its merit. As an individual who is in the field of Social Work, I have seen numerous studies that have proven that the earliest years in a child's life are when some of the most important development takes place. For those who suffer from developmental disabilities that hinder or impede the natural development process, early recognition and intervention regarding these difficulties is imperative. It is crucial that professionals have the ability to diagnose and offer therapies from the earliest possible time that indications of developmental disabilities are shown to exist or expected to arise in our children. The earlier that therapy strategies can be implemented the better the chances of improved outcomes. I come from the mindset of inclusion, and the existing criteria does not allow for inclusion. The broader we can extend the reach of services the more effective these services can be for our communities. This piece of legislation, if it is passed will definitely extend services to those children who are currently excluded, but have a high need. Thank you again for considering this legislation and thank you for giving time to consider my testimony.

Sincerely

Michael A. Sado, BA, Sociology
UHH Minority Access an Achievement Program
MSW Graduate Intern

LATE

Edward Thompson, III

From: mailinglist@capitol.hawaii.gov
Sent: Friday, March 11, 2016 8:49 AM
To: HUS testimony
Cc: SAAC96814@gmail.com
Subject: *Submitted testimony for SB2887 on Mar 11, 2016 10:40AM*

Categories: Yellow Category

SB2887

Submitted on: 3/11/2016

Testimony for HUS/HLT on Mar 11, 2016 10:40AM in Conference Room 329

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

Comments:

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Edward Thompson, III

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To: HUS testimony
Cc: SAAC96814@gmail.com
Subject: Submitted testimony for SB2887 on Mar 11, 2016 10:40AM

Categories: Yellow Category

SB2887

Submitted on: 3/11/2016

Testimony for HUS/HLT on Mar 11, 2016 10:40AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Vaipapa Soliai	Individual	Support	No

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. I am sorry this is late, I wanted to testify in person but my electric wheelchair broke and I have to get it fixed.

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

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March 11, 2016

To: Representative Dee Morikawa, Chair
Representative Bertrand Kobayashi, Vice Chair
House Committee on Human Services

Representative Della Au Belatti, Chair
Representative Richard Creagan, Vice Chair
House Committee on Health

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

**Re: SB 2887, SD1, Relating to Developmental Disabilities – Support
Hawaii State Capitol, Room 329 – March 1, 2016, 10:40 A.M.**

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.hawaii-can.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.