
SENATE CONCURRENT RESOLUTION

REQUESTING THE ESTABLISHMENT OF A WORKING GROUP TO EXAMINE HOW
THE DEPARTMENT OF EDUCATION CAN MAXIMIZE MEDICAID
REIMBURSEMENT FOR SUPPORT SERVICES OFFERED TO ELIGIBLE
STUDENTS DURING SCHOOL HOURS.

1 WHEREAS, the federal Individuals with Disabilities
2 Education Act and state laws require the Department of Education
3 to provide a free appropriate public education, which includes a
4 continuum of services, to students who are eligible for special
5 education and related services; and
6

7 WHEREAS, special education may include but is not limited
8 to academic services, speech-language services, psychological
9 services, physical and occupational therapy, counseling
10 services, and parent education, all at no cost to parents; and
11

12 WHEREAS, if a student is found eligible to receive special
13 education, services are provided to the student through an
14 individualized education plan, which is a written statement
15 about the educational program for a child with a disability,
16 serves as a management tool to ensure that the child receives
17 the needed special education and related services, and is an
18 evaluation device when used to determine the extent of the
19 child's progress toward accomplishing projected goals; and
20

21 WHEREAS, the Child and Adolescent Mental Health Division of
22 the Department of Health has a statewide mandate as a result of
23 the Felix Consent Decree to work with the Department of
24 Education to provide services to special education youth with
25 severe mental health conditions and should be able to receive
26 payment from MedQUEST for reimbursement for services provided to
27 Medicaid eligible children and adolescents; and
28

29 WHEREAS, because of how critical it is for all students to
30 receive a quality public education, this body recognizes that a



1 review of the Department of Education's effectiveness and
2 efficiency in maximizing Medicaid reimbursements for support
3 services to eligible students is necessary; now, therefore,
4

5 BE IT RESOLVED by the Senate of the Twenty-ninth
6 Legislature of the State of Hawaii, Regular Session of 2018, the
7 House of Representatives concurring, that a working group be
8 established to examine how the Department of Education can
9 maximize Medicaid reimbursement for support services offered to
10 eligible students during school hours; and
11

12 BE IT FURTHER RESOLVED that the working group include the
13 following members:
14

- 15 (1) The Superintendent of Education, or the
16 Superintendent's designee;
- 17
- 18 (2) The MedQUEST Administrator, or the Administrator's
19 designee;
- 20
- 21 (3) A MedQUEST health care services representative;
- 22
- 23 (4) The Deputy Attorneys General representing the
24 Department of Human Services and Department of
25 Education, or their respective designees;
- 26
- 27 (5) The Chair of the Senate Committee on Education, to
28 serve as co-chair;
- 29
- 30 (6) The Chair of the House of Representatives Committee on
31 Education, to serve as co-chair; and
32
- 33 (7) Any other persons as may be invited by the working
34 group; and
35

36 BE IT FURTHER RESOLVED that the working group convene by
37 August 1, 2018; and
38

39 BE IT FURTHER RESOLVED that the agenda at the first
40 convening of the working group include an update on Medicaid
41 billing; and
42



1 BE IT FURTHER RESOLVED that in the working group's
2 examination on maximizing Medicaid reimbursement for support
3 services offered during school hours by the Department of
4 Education include but not be limited to:

- 5
6 (1) Occupational and physical therapy;
7
8 (2) Speech pathology;
9
10 (3) Applied behavior analysis; and
11
12 (4) Other wellness supports that benefit a student's
13 learning and growth; and
14

15 BE IT FURTHER RESOLVED that certified copies of this
16 Concurrent Resolution be transmitted to the Superintendent of
17 Education, Attorney General, MedQUEST Division Administrator,
18 Chair of the Senate Committee on Education, and Chair of the
19 House of Representatives Committee on Education.





STATE OF HAWAII
DEPARTMENT OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804



Date: 04/13/2018
Time: 02:00 PM
Location: 309
Committee: House Education

Department: Education

Person Testifying: Dr. Christina M. Kishimoto, Superintendent of Education

Title of Resolution: SCR 081, SD1 REQUESTING THE ESTABLISHMENT OF A WORKING GROUP TO EXAMINE HOW THE DEPARTMENT OF EDUCATION CAN MAXIMIZE MEDICAID REIMBURSEMENT FOR SUPPORT SERVICES OFFERED TO ELIGIBLE STUDENTS DURING SCHOOL HOURS.

Purpose of Resolution:

Department's Position:

The Department of Education (Department) strongly supports SCR 081, SD1.

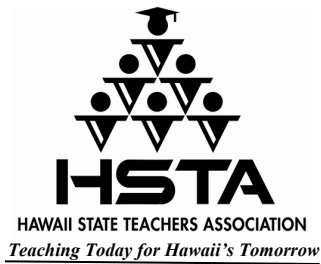
The Department is committed to maximizing Medicaid reimbursement for support services offered to eligible students. As a result of a proviso included in Act 119, Section 23 (2015), the Department established an internal working group beginning in 2015 to analyze current practices and develop a plan to pursue Medicaid reimbursement. This report was submitted to the Legislature in 2016: http://www.hawaiipublicschools.org/Reports/LEG15_medicaid.pdf

In the time since, the internal working group had continued its work to explore and pursue the opportunities outlined in the legislative report. This included a positive collaboration with the Department of Human Services which yielded deeper understanding and partnership on this issue.

To that end, the Department of Education welcomes the opportunity to continue this collaboration with the Department of Human Services, and to now include our Education legislative leadership, the Department of Health, and the Department of the Attorney General as we continue to work towards improved implementation of the Medicaid reimbursement program to maximize Medicaid reimbursement for medically necessary support services for the State of Hawaii.

Thank you for the opportunity to provide testimony on SCR 081, SD1.

The Hawaii State Department of Education seeks to advance the goals of the Strategic Plan which is focused on student success, staff success, and successful systems of support. This is achieved through targeted work around three impact strategies: school design, student voice, and teacher collaboration. Detailed information is available at www.hawaiipublicschools.org.



LATE

1200 Ala Kapuna Street ♦ Honolulu, Hawaii 96819
Tel: (808) 833-2711 ♦ Fax: (808) 839-7106 ♦ Web: www.hsta.org

Corey Rosenlee
President
Justin Hughey
Vice President
Amy Perruso
Secretary-Treasurer
Wilbert Holck
Executive Director

TESTIMONY BEFORE THE HOUSE COMMITTEE ON
EDUCATION

RE: SCR 81, SD 1 - REQUESTING THE ESTABLISHMENT OF A WORKING GROUP TO EXAMINE HOW THE DEPARTMENT OF EDUCATION CAN MAXIMIZE MEDICAID REIMBURSEMENT FOR SUPPORT SERVICES OFFERED TO ELIGIBLE STUDENTS DURING SCHOOL HOURS

FRIDAY, APRIL 13, 2018

COREY ROSENLEE, PRESIDENT
HAWAII STATE TEACHERS ASSOCIATION

Chair Woodson and Members of the Committees:

The Hawaii State Teachers Association **supports SCR 81, SD 1**, requesting the establishment of a working group to examine how the Department of Education can maximize Medicaid reimbursement for support services offered to eligible students during school hours.

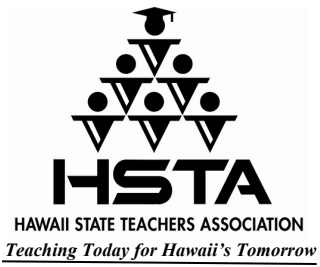
Behavior analysis means the design, implementation, and evaluation of instructional and environmental modifications to produce socially significant improvements in human behavior. The practice of behavior analysis includes the empirical identification of functional relations between behavior and environmental factors, known as functional assessment and analysis, as well as the use of contextual factors, motivating operations, antecedent stimuli, positive reinforcement, and other consequences to help people develop positive behaviors.

Act 199, Session Laws of Hawaii 2015, established the behavior analyst program within the Department of Commerce and Consumer Affairs and created licensing requirements for behavior analysts. Licensing of behavior analysis services was made concurrent with mandated insurance coverage for diagnosis and treatment related to autism disorders, with which nearly 1,500 public school students are currently diagnosed.

Unfortunately, the DOE is experiencing a shortage of licensed behavior analysts and, in 2016, successfully sought an amendment to state law to allow teachers to perform behavior analysis and prescribe services. Yet, teachers are not trained or qualified to make behavioral diagnoses, and being commanded to do so—some teachers have been threatened with termination for refusing to complete behavioral diagnoses for which they have no professional training—interferes with their ability to provide a quality learning environment for their students, taking time away from lesson planning, professional development and collaboration, delivery of personalized learning, and more. This resolution calls for the establishment of a working group to maximize Medicaid reimbursement for student support services, including for behavior analysis, the furtherance of which would prevent teachers from being forced to perform behavior analysis for which they are not qualified.

Medicaid reimbursement is available for behavior analysis but is not being fully utilized by the DOE. Until recently, Hawai'i was one of only two states that failed to take advantage of Medicaid funding for behavior analysis at all. Advancing Medicaid reimbursement would provide funding for the DOE to hire licensed behavior analysts, either as employees of the department or by contracting with the many private providers who are currently being denied access to the children they're qualified to serve. As stated by the DOE on its own website regarding school-based claiming, "Consistent with the State of Hawai'i's objective to maximize federal revenue for off-setting the cost of providing health and education services to children with special needs, the Hawai'i Legislature of 2005 passed Act 141. The purpose of the Act is to authorize the Department of Education (DOE) to establish and implement a federal maximization program for all Medicaid-eligible health services provided to Hawaii's school-aged children. Pursuant to the Act, the DOE became a Medicaid provider." Thus, there is no reason for department officials to continue denying or dragging their heels on accepting Medicaid funding for behavior analysis, including for privately rendered services offered during school hours.

According to *Report on Behavior Analyst and Certification Requirements Implementation*, released by the DOE on January 5th, 2018, the department is supporting efforts for 39 DOE personnel to become BCBA's in an approved program, and assisting another 145 departmental personnel in becoming Registered Behavior Technicians (RBTs) by 2019. We need to continue in this direction, rather than further weakening Luke's Law.



1200 Ala Kapuna Street ♦ Honolulu, Hawaii 96819
Tel: (808) 833-2711 ♦ Fax: (808) 839-7106 ♦ Web: www.hsta.org

Corey Rosenlee
President

Justin Hughey
Vice President

Amy Perruso
Secretary-Treasurer

Wilbert Holck
Executive Director

To improve the learning experiences of our most vulnerable keiki, the Hawaii State Teachers Association asks your committee to **support** this resolution.