DAVID Y. IGE GOVERNOR OF HAWAII



STATE OF HAWAII DEPARTMENT OF HEALTH

P. O. Box 3378 Honolulu, HI 96801-3378 doh.testimony@doh.hawaii.gov

Testimony in SUPPORT of HB1273 HD1 SD1 RELATING TO HEALTH

SENATOR DONOVAN M. DELA CRUZ, CHAIR SENATE COMMITTEE ON WAYS AND MEANS

Hearing Date: March 28, 2019 Room Number: 211

10:15 a.m.

- 1 **Fiscal Implications:** The proposed intellectual and developmental disabilities Medicaid waiver
- 2 administrative claiming special fund is anticipated to receive federal reimbursement for eligible
- 3 operating expenditures using Medicaid administrative claiming. This is estimated at \$700,000 to
- 4 \$1.2 million for FY2020, based upon a federal reimbursement rate of fifty percent for allowable
- 5 State costs for administration of programs for the Medicaid population, pursuant to section
- 6 1903(a)(7) of the Social Security Act.
- 7 **Department Testimony:** The Department strongly supports the establishment of a special fund
- 8 for receiving administrative claiming for operating the State's 1915(c) Medicaid Home and
- 9 Community-Based Waiver for Persons with Intellectual and Developmental Disabilities (HCBS
- 10 I/DD Waiver). The Department also supports working with the Department of Human Services
- 11 (DHS) and other stakeholders to develop and distribute information about accessing Medicaid
- 12 services for individuals with intellectual or developmental disabilities, which is consistent with
- use of the proposed special fund.
- 14 The Department's Developmental Disabilities Division is the operating agency for the State of
- Hawaii's 1915(c) HCBS Waiver to serve people with I/DD. The Centers for Medicare and
- 16 Medicaid Services (CMS) allows administrative claiming for the administrative costs of
- operating the HCBS I/DD Waiver, where certain requirements have been met. The Department,
- along with the DHS, has worked towards meeting the necessary requirements, such as having an
- approved Cost Allocation Plan that meets federal regulations.

- 1 The establishment of a special fund for deposits will allow DOH to timely comply with federal
- 2 requirements for operating the HCBS I/DD waiver, including implementation of the Final Rule
- 3 on Community Integration and the Home and Community-Based Settings regulations.
- 4 An adequate infrastructure and the establishment of practices at all levels of the DDD program
- 5 are needed to successfully implement these federal regulations and to provide quality services
- 6 that meet Medicaid 1915(c) waiver requirements. The monies from this special fund will be
- 7 used to meet these administrative requirements and to modernize overall operations. Specific
- 8 uses of the proposed fund include:

13

- 9 (1) Payment for fiscal management services of the HCBS I/DD Waiver, which is currently paid with 100% State general funds;
- 11 (2) Training of staff, waiver providers, waiver participants, their families, and their legal representatives, and community stakeholders;
 - (3) Quality management activities for operating the HCBS I/DD Waiver;
- 14 (4) Ongoing operations and maintenance of the information technology system;
- 15 (5) Conducting rate methodology studies to define rates for the HCBS I/DD Waiver; 16 and
- 17 (6) Assessment services for determining I/DD Waiver participants' level of support needs.
- 19 The SD1 contains a defective effective date of July 1, 2050. The State may begin recovering
- 20 federal cost sharing through Medicaid administrative claiming as soon as the measure becomes
- 21 law with federal approval of the State's Cost Allocation Plan.
- Thank you very much for hearing this bill and for the opportunity to testify.



HB1273 HD1 SD1 Medicaid Administration Waiver and Task Force

COMMITTEE ON WAYS AND MEANS:

- Sen. Dela Cruz, Chair; Sen. Keith-Agaran, Vice Chair
- Thursday, Mar. 28, 2019: 10:15 am
- Conference Room 211

Hawaii Substance Abuse Coalition Supports HB1273 HD1 SD1:

GOOD MORNING CHAIR, VICE CHAIR AND DISTINGUISHED COMMITTEE MEMBERS. My name is Alan Johnson. I am the current chair of the Hawaii Substance Abuse Coalition (HSAC), a statewide organization of over 30 non-profit alcohol and drug treatment and prevention agencies.

Medicaid Waiver:

HSAC supports the collection of a 50% federal funds match to administer a waiver that would help to defray the rising costs to Hawai'i for administration of Medicaid programs. This special fund will indirectly help people with intellectual and development disabilities, especially to promote community integration, quality and accountability.

Federal funds are needed to advance infrastructure for fiscal management, training stakeholders, quality management, IT, rate determinations and assessing support needs.

Disability Task Force:

More work needs to be done in working with families for them to understand eligibility requirements to access Medicaid services.

Because functional limitations can be difficult to define, Autism and Fetal Alcohol Spectrum Disorders (FASD) are especially difficult for determining an appropriate diagnosis and corresponding access to respective services.

A Task Force would be beneficial to bring clarity to the State's intent to provide services, now that increasingly effective treatments are available to treat this population.

We appreciate the opportunity to provide testimony and are available for questions.

<u>HB-1273-SD-1</u> Submitted on: 3/25/2019 11:03:07 AM

Testimony for WAM on 3/28/2019 10:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Louis Erteschik	Testifying for Hawaii Disability Rights Center	Support	No

Comments:



OCEAN VIEW

92-1804 Keaka Parkway

Federal ID

99-0108896



To: Senator Donovan M. Dela Cruz, Chair

Senator Gilbert S.C. Keith-Agaran, Vice Chair

Committee on Ways and Means

Date: March 28, 2019, 10:15 am, Room 211

RE: HB 1273, HD1, SD1 Relating to Health

The Arc of Kona strongly supports HB 1273 HD1, SD1 which would establish the Intellectual and Developmental Disabilities Medicaid Waiver Administrative Claiming Special Fund and require the Department of Health (DOH) and Department of Human Services (DHS) to work with stakeholders to develop and distribute information regarding accessing Medicaid services for individuals with intellectual and developmental disabilities.

The Arc of Kona is located on the Big Island of Hawaii and provides Medicaid Waiver Home and Community Based Services to individuals with Intellectual and Developmental Disabilities (I/DD) island-wide. We appreciate and strongly support DD Division's continuous efforts to build, further strengthen, and sustain the infrastructure that supports Hawaii's Medicaid Waiver services. There have been numerous necessary changes to the waiver and this fund would enable DD Division to meet federal requirements and implement these requirements efficiently and effectively throughout the state. The fund would be utilized in six key areas which we believe would have tremendous positive impact on both service providers and the individuals we serve. We further support DOH and DHS working together with stakeholders to improve informational and educational materials regarding eligibility and access to services.

Thank you for the opportunity to submit testimony regarding HB 1273 HD1, SD1.

Sincerely,

Michele L. Ku

President and Chief Executive Officer

Cof Kona.org

"Expanding the Possibilities" "Ho'o Nui Ka Hiki"

HB-1273-SD-1

Submitted on: 3/27/2019 9:03:01 AM

Testimony for WAM on 3/28/2019 10:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lei Fountain	Testifying for The Arc in Hawaii	Support	No

Comments:

Testimony in SUPPORT of HB1273 HD 1 SD 1

Relating to Health

Hearing Date: March 28, 2019 10:15am Room Number: 211

The Arc in Hawaii supports the Proposed HB1273 HD 1 SD1 concerning the Intellectual and Developmental Disabilities Medicaid Waiver Administrative Claiming Special Fund. We do not support the two amendments found in Sections 5 and 6 in the bill.

The Arc in Hawaii, a private non-profit agency, provides services to individuals with intellectual and developmental disabilities (ID/DD) and their families across Oahu. Together with its national and neighbor-island Arc affiliates, The Arc in Hawaii promotes and protects the rights of people with ID/DD and actively supports their right to be included and fully participate in the community throughout their lifetime.

The federal government has issued new requirements that make extensive changes to implementation of the Home and Community Based Service (HCBS) Waiver program. HB1273, HD 1 SD 1 will authorize the establishment of a special fund to support necessary compliance requirements, including payment for management, training, quality assurance, assessment, technology and methodology services needed for their implementation.

Amendment #1- Regarding Section 5 of the bill requiring the State Council in Developmental Disabilities to establish a working group to examine and evaluate the application process of the Hawaii Medicaid 1915 (c) waiver, The Arc understands this working group was established last year and a report was published. As such, we feel this section is not necessary. Moreover, the proposed scope of the task force may put the waiver at jeopardy of receiving Medicaid dollars as our understanding is the waiver participants must meet a certain level of care based on their functioning.

Amendment #2- Regarding Section 6 of the bill requiring DOH to discontinue its current assessment system based on the Supports Intensity Scale (SIS) is concerning to The Arc. While the SIS may not be perfect, it is our understanding that the SIS has been approved by CMS. Our concern is that if the SIS were discontinued without CMS' approval, the result would be non-compliance. If the State of Hawaii is non-compliant, our fear is that we would lose our funding. Where would our participants be then? Who would fund the services? Would this burden be the responsibility of the State alone? And if that is so, do we have those funds to do so? We must do all we can to be in compliance with CMS as the risk to those we serve is too great if we are not. Our recommendation is to leave the SIS in place.

The Arc in Hawaii is committed to providing high quality waiver services to our participants. We embrace the person-centered philosophy that undergirds the changes that are happening in the Waiver Program. New and different programs, however, will require changes both to our operations, and in the way that we interact with our participants, family members and our Island community. The Hawaii Department of Health Developmental Disabilities Division's actions and interactions will similarly require multiple and multi-level changes. We are all switching to a new paradigm and doing so successfully will be a huge task that will not come without a cost.

We're doing our part as a waiver provider, but we are relying on DOH DDD to provide the additional training, monitoring and support services we will need in this new environment. We urge the passage of HB 1273 HD 1 SD 1 to provide adequate financial resources for DOH DDD as we all move forward.

Thank you very much for allowing us to submit testimony.

Sincerely,



Lei Fountain

Executive Director

The Arc in Hawaii

Regarding: HB1273, HD1, SD1 (SSCR1420)

Dear Senate Chair Dela Cruz and members of the Ways and Means Committee:

I am writing in strong support of HB1273, HD1, SD1 (SSCR1420).

By creating the Developmental Disabilities Medicaid Waiver Administrative Claiming Special Fund our State will be able to help more people with Developmental Disabilities, including the under and missed diagnosed fetal alcohol spectrum disorders. A waiver program to access services throughout the lifespan is sorely needed for all with developmental disabilities and their families. I especially like the idea of the DOH and DHS working with stakeholder so we can identify the gaps and ways of filling them with other Medicaid services. With added services we might prevent and/or mitigate some of effects of under or un-assisted care: entry into the criminal justice system, substance use and mental health disorders, homelessness, trauma and victimization. The funds appropriated for the purposes of this bill is minimal compared to the savings we could achieve with proper support and a caring community.

Thank you for your consideration.

Ann S. Yabusaki, Ph.D., MFT

HB-1273-SD-1

Submitted on: 3/23/2019 9:54:45 AM

Testimony for WAM on 3/28/2019 10:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing	
Kenichi Yabusaki	Individual	Support	No	

Comments:

Regarding: HB1273, HD1, SD1 (SSCR1420)

Dear Senate Chair Dela Cruz and members of the Ways and Means Committee:

I am writing in strong support of HB1273, HD1, SD1 (SSCR1420).

Fetal Alcohol Spectrum Disorders (FASD) are one of the most missed and mis-diagnosed permanent brain disorders. Thus, it is imperative that a waiver program be accessible to those with FASD and all developmentally disabled such as Autism, Cerebral Palsy, Spina Bifida, and Downs Syndrome to name a few. The idea of the DOH and DHS working with stakeholders so we can identify the gaps and ways of filling them with other Medicaid services. With added services we might prevent and/or mitigate some of effects of under or un-assisted care: entry into the criminal justice system, substance use and mental health disorders, homelessness, trauma and victimization. Creating the Developmental Disabilities Medicaid Waiver and administering a Special Fund for our State will help many and more people with Developmental Disabilities The funds appropriated for the purposes of this bill is minimal compared to the savings we could achieve with proper support and a caring community.

Thank you for your consideration.

Kenichi K. Yabusaki, Ph.D.

DAVID Y. IGE GOVERNOR OF HAWAII





BRUCE ANDERSON

STATE OF HAWAII EXECUTIVE OFFICE ON AGING

NO. 1 CAPITOL DISTRICT 250 SOUTH HOTEL STREET, SUITE 406 HONOLULU, HAWAII 96813-2831 eoa@doh.hawaii.gov

Testimony in SUPPORT of HB1273 HD1, SD1 Relating to Health

COMMITTEE ON WAYS AND MEANS SENATOR DONOVAN M. DELA CRUZ, CHAIR SENATOR GILBERT S.C. KEITH-AGARAN, VICE CHAIR

Testimony of Caroline Cadirao
PSM Manager, Executive Office on Aging
Attached Agency to the Department of Health

Hearing Date: March 28, 2019 Room Number: 211

10:15 AM

- 1 **EOA's Position:** The Executive Office on Aging (EOA), an attached agency to the Department
- of Health, supports HB1273, HD1, SD1 Relating to Health.
- 3 **Purpose and Justification:** The purpose of this bill is to: 1) establish a special fund for the
- 4 intellectual and developmental disabilities Medicaid waiver administrative claiming funds in the
- 5 Developmental Disabilities Division (DDD); and 2) work with the Department of Human
- 6 Services and other stakeholders to develop and distribute information about accessing Medicaid
- 7 services for individuals with intellectual and developmental disabilities, or both.
- 8 The Centers for Medicare and Medicaid Services (CMS) allows Medicaid administrative
- 9 claiming for the proper and efficient administration of the waiver. Currently, the limited funds
- that DDD is claiming for their waiver operations are deposited into the general fund and is
- unavailable for the proper and efficient administration of the waiver. A special fund would

- address the CMS requirements for administering the waiver and enable the DDD to comply with
- 2 the new federal mandates governing home and community based waiver services.
- 3 Regarding Section 5 of the bill, EOA defers to DDD.
- 4 Fiscal Implications: EOA defers to DDD and the State Council for Developmental Disabilities
- 5 for the fiscal implications of this bill.
- 6 Thank you for the opportunity to testify.

7



STATE OF HAWAII DEPARTMENT OF HUMAN SERVICES

P. O. Box 339 Honolulu, Hawaii 96809-0339 PANKAJ BHANOT DIRECTOR

CATHY BETTS
DEPUTY DIRECTOR



March 27, 2019

TO: The Honorable Senator Donovan M. Dela Cruz, Chair

Senate Committee on Ways and Means

FROM: Pankaj Bhanot, Director

SUBJECT: HB 1273 HD1 SD1 – RELATING TO HEALTH

Hearing: Thursday, March 28, 2019 10:15 a.m.

Conference Room 211, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) supports the bill and offers comments.

<u>PURPOSE</u>: The purpose of the bill is to create an Intellectual and Developmental Disabilities Medicaid Waiver (I/DD Waiver) Administrative Claiming special fund. The bill would also have DHS and the Department of Health (DOH) work with stakeholders to develop and distribute information about accessing Medicaid services for individuals with intellectual or developmental disabilities.

The Medicaid program is administered and overseen by the Med-QUEST division (MQD) of DHS. The operations for the I/DD waiver are delegated to the Department of Health, Developmental Disabilities Division (DOH-DDD). Because DOH-DDD operates the waiver on the behalf of DHS, DOH-DDD may claim a 50% federal Medicaid administrative match.

HB 1273 HD1 SD1 requests the legislature's approval for the establishment of a special fund for deposits from Medicaid allowable costs to administer the I/DD waiver. DOH-DDD's ability to implement new federal requirements that require significant changes to the I/DD waiver's operations is negatively impacted without this fund. DHS supports the creation of a

special fund so DOH-DDD can build and sustain the necessary infrastructure to meet the challenges of these new federal requirements.

DOH-DDD needs adequate infrastructure to implement these requirements as well as to continue to operate a high-quality program. Specifically, the monies from the special fund would be used for:

- Payment for fiscal management services of the Hawaii section 1915(c) Home and Community-Based Services for Persons with Intellectual and Developmental Disabilities waiver;
- 2) Training of staff, waiver providers, waiver participants, their families, and their legal representatives, and community stakeholders;
- Quality management activities for operating the Hawaii section 1915(c) Home and Community-Based Services for People with Intellectual and Developmental Disabilities waiver;
- 4) Ongoing operations and maintenance of the information technology system;
- 5) Conducting rate methodology studies to define rates for the Hawaii section 1915(c) Home and Community-Based Services for People with Intellectual and Developmental Disabilities waiver; and
- 6) Assessment services for determining I/DD Waiver participants' level of support needs.

DHS appreciates the amendments made by the Senate Committee on Commerce, Consumer Protection, and Health. HB1273 HD1 SD1 draft allows the State to build on its current educational efforts focused on providers and beneficiaries to ensure that recent programmatic changes are implemented effectively.

Thank you for the opportunity to testify.



HB1273, SD1, HD1 FOR HEARING March 28, 2019, 10:15 AM

Dear Chairperson, Senator Donovan M. Dela Cruz, Vice Chair, Senator Gilbert S.C. Keith Agaran and members of the Committee on Ways and Means,

In behalf of the Hawaii FASD Action Group, a group of volunteers appealing to you and being the voices of children, and individuals who have FASD whom for many years have been marginalized, unrecognized and without appropriate services. I am writing in support of SB242, SD2, HD1.

Hindsight, we will be able to save our children, women and families of Hawaii, and also our tax dollars when your support and the services are appropriated to this bill. Often, these children with FASD are seen with as children only with behavioral issues in our school system, get kicked out and eventually these children without no support will join into crime committing and delinquent groups who end up in our prison systems as juveniles and eventually as adults. This cost our State \$55,000.00 a year, not to mention that our prison system is over populated and we ship our State Inmates to other States which cost us \$35,000.00 a year per inmate. This cost doesn't include property damages, medical and other cost to our tax dollars. With this bill services will be provided and these individuals can be a productive member of our society and somehow contribute not only for their own growth and needs but also to our community.

Mental Health Problems - 60% of children with FASD have ADDH and most individuals have clinical depression as adults; 23% of the adults had attempted suicide, and 43% had threatened to commit suicide. • Disrupted School Experience - 43% experienced suspension or expulsion or drop out; • Trouble with the Law - 42% had involvement with police, charged or convicted of crime; • Confinement – 60% of these children age 12 and over experienced inpatient treatment for mental health, alcohol/drug problems, or incarceration for crime. • Inappropriate Sexual Behavior – Reported in 45% of those age 12 and over, and 65% of adult males with FAE. • Alcohol/Drug Problems – Of the adults with FAS, 53% of males and 70% of females experienced substance abuse problems. These children who have potentials to become adult offenders can cost Hawaii \$55,000.00 a year in incarceration cost, and more economic challenges in societal, property damages and tax dollars. I do beg of you to support and consider passing SB 242, SD 2, HD1 for the children and the families of Hawaii.

FASD is associated with secrecy and shame, quite possibly due to its preventable nature and the stigma attached to it. Alcohol is legal accessible therefore it is not surprising that the research stated that 1 in 20 first graders do have FASD. According to a study questions, if this shame is the reason for its marginalization of the children and families with FASD in general? While Autism Spectrum Disorders has increased public awareness, availability of therapeutic services and much recognized. (Barker, Kulyk, Knorr, & Brenna, 2011).

Language and communication disorder are common neurodevelopmental symptoms associated with FASD as are the intellectual disability, memory impairment, motor

impairment, and sensory which is side by side similar to Autism. The range and severity of impairments exhibited by individuals with ASD and FASD are both physical and neurodevelopmental each with a specific diagnosis. FASD has its cause specified, and Autism does not- both are Developmental Disabilities that equally need support and services.

FASD diagnosis is processing disorder, learning disability, and attention-deficit/ hyperactivity disorder almost the same with Autism Spectrum Disorders (Astley, 2010; Kodituwakku & Kodituwakku, 2014). Somewhere between 1% and 4% of all children worldwide are reported to have an FASD. The neurodevelopmental impairments associated with FASD came with significant social costs across the lifespan in the form of increased medical, educational, and vocational support and lost productivity (Lupton, Burd, & Harwood, 2004; Popova, Lange, Burd, & Rehm, 2015). I have worked with Children with Autism as a Registered Behavioral Therapist under ABA Guidelines, and in my observations, FASD is a Developmental Disability equally as severe as Autism. I find very few FASD services for many families and clients affected by FASD which is why I support and believe in this cause. By codifying FASD as a developmental disability, my colleagues and community may begin to recognize and diagnose FASD and create FASD-specific services.

Mahalo Nui Loa, Darlyn Chen Scovell RBT, MFT

Reference

- Astley, S. J. (2010). Profile of the first 1,400 patients receiving diagnostic evaluations for fetal alcohol spectrum disorder at the Washington State Fetal Alcohol Syndrome Diagnostic & Prevention Network. Canadian Journal of Clinical Pharmacology, 17(1), e132–e164.
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HB-1273-SD-1

Submitted on: 3/27/2019 12:51:31 PM

Testimony for WAM on 3/28/2019 10:15:00 AM

	Submitted By	Organization	Testifier Position	Present at Hearing
Ī	James Kilgore	Testifying for Full Life	Support	No

Comments:

We support the provisions of HB1273 HD1 which creates a special fund to increase the federal funding used by the Developmental Disabilities Division (DDD). Full Life endorses the use of the special fund to strengthen and sustain infrastructure to support the Medicaid Waiver program. Full Life serves individuals with developmental disabilities and their families on Hawai'i Island under the Medicaid Waiver Program. We support improving training of DDD staff, providers, families and participants. We support funding quality management activities and improved information technology systems. We also support ongoing rate methodology studies to ensure that reimbursement rates adequately reflect the actual costs to provide services.

Thank you for your time and your consideration.





STATE OF HAWAII

STATE COUNCIL
ON DEVELOPMENTAL DISABILITIES

1010 Richards Street, Room 122 HONOLULU, HAWAII 96813 TELEPHONE: (808) 586-8100 FAX: (808) 586-7543

March 28, 2019

The Honorable Senator Donovan M. Dela Cruz, Chair Senate Committee on Commerce, Consumer Protection, and Health Thirtieth Legislature State Capitol State of Hawai'i Honolulu, Hawai'i 96813

Dear Senator Dela Cruz and Members of the Committee:

SUBJECT: HB 1273 HD1 SD1 - Relating to Health

The State Council on Developmental Disabilities **supports HB 1273 HD1 SD1.** The proposed measure will create the Intellectual and Developmental Disabilities Medicaid Waiver Administrative Claiming Special Fund into which federal moneys may be deposited from DOH's participation in the waiver program established per SSA §1915(c). Requires the Department of Health and Department of Human Services to work with stakeholders to develop and distribute information about accessing Medicaid services for individuals with intellectual and developmental disabilities. Appropriates funds.

With changes of services and new services within the Department's waiver program, the passage of this bill will allow the Department to establish a Special Fund which will build the Departments infrastructure necessary to ensure the proper and efficient administration of the waiver program and meet the growing federal requirements for community integration, quality, and accountability.

The Council appreciates page 12 section 5; for the Department of Health to take the lead in working with the Department of Human Services and other stakeholders to develop and distribute education and training materials that may address an array of possible Medicaid services for individuals with intellectual disabilities, autism spectrum disorders, cerebral palsy, epilepsy, and other developmental disabilities, some of which are caused by fetal alcohol spectrum disorders..

Thank you for the opportunity to submit testimony in **support of HB 1273 HD1 SD1.**

Sincerely,

Daintry Bartoldus

Executive Administrator



<u>HB-1273-SD-1</u> Submitted on: 3/27/2019 8:24:04 PM

Testimony for WAM on 3/28/2019 10:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	Testifying for O`ahu County Democrats Legislative Priorities Committee	Support	No

Comments: