
A BILL FOR AN ACT

RELATING TO HEALTH.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. This Act shall be known and may be cited as
2 Kelii's law.

3 SECTION 2. The legislature finds that there are medicaid
4 beneficiaries in the State with intellectual or developmental
5 disabilities who are unable to access home- and community-based
6 services. These individuals are at higher risk for future
7 institutionalization because they may lack independent daily
8 living skills and may be unable to manage their own care or to
9 access the support necessary to maintain their independence.

10 Accordingly, the purpose of this Act is to:

11 (1) Require the department of human services, upon
12 approval from the Centers for Medicare and Medicaid
13 Services, to establish and implement a program for
14 providing home- and community-based services to
15 individuals with intellectual or developmental
16 disabilities who are found, through a functional
17 assessment, to be at risk of institutionalization;



1 (2) Require the department of human services to seek
 2 approval from the Centers for Medicare and Medicaid
 3 Services to provide coverage for home- and community-
 4 based services for medicaid eligible individuals with
 5 intellectual or developmental disabilities who are at-
 6 risk for institutionalization; and

7 (3) Appropriate moneys for the department to establish and
 8 implement a home- and community-based services program
 9 for at-risk individuals with intellectual or
 10 developmental disabilities.

11 SECTION 3. Chapter 346, Hawaii Revised Statutes, is
 12 amended by adding a new section to be appropriately designated
 13 and to read as follows:

14 "§346- Program for at-risk individuals with
 15 intellectual or developmental disabilities. (a) Upon approval
 16 from the Centers for Medicare and Medicaid Services, the
 17 department shall establish and implement a program for providing
 18 home- and community-based services to at-risk individuals with
 19 intellectual or developmental disabilities who do not meet
 20 medicaid's institutional level of care criteria for home-and



1 community-based services. Individuals eligible for services
2 under this program shall:

3 (1) Have been diagnosed with an intellectual or
4 developmental disability;

5 (2) Have been found through a functional assessment to be
6 at risk of deteriorating to the institutional level of
7 care;

8 (3) Are ineligible for other medicaid waiver programs for
9 individuals with intellectual or developmental
10 disabilities; and

11 (4) Reside in his or her own home; provided that
12 individuals who reside in a community shelter may
13 receive at-risk services that are appropriate for
14 their living environment as determined by _____ ;
15 provided further that services under this section
16 shall not be provided to individuals already residing
17 in a care facility, including but not limited to a
18 care home, foster home, hospital, nursing facility, or
19 hospice facility.

20 (b) Eligibility shall be assessed annually to determine
21 whether ongoing at-risk services are medically necessary."



1 SECTION 4. No later than June 30, 2021, the department of
2 human services shall seek approval from the Centers for Medicare
3 and Medicaid Services to provide coverage for home- and
4 community-based services for medicaid eligible individuals with
5 intellectual or developmental disabilities who are at risk for
6 institutionalization.

7 SECTION 5. There is appropriated out of the general
8 revenues of the State of Hawaii the sum of \$ or so
9 much thereof as may be necessary for fiscal year 2020-2021 for
10 the department of human services to establish and implement a
11 program for providing home- and community-based services to at-
12 risk individuals with intellectual or developmental
13 disabilities; provided that the sum appropriated shall be in
14 addition to the base budget of the department of human services.

15 The sum appropriated shall be expended by the department of
16 human services for the purposes of this Act.

17 SECTION 6. This Act does not affect rights and duties that
18 matured, penalties that were incurred, and proceedings that were
19 begun before its effective date.

20 SECTION 7. If any provision of this Act, or the
21 application thereof to any person or circumstance, is held



1 invalid, the invalidity does not affect other provisions or
2 applications of the Act that can be given effect without the
3 invalid provision or application, and to this end the provisions
4 of this Act are severable.

5 SECTION 8. New statutory material is underscored.

6 SECTION 9. This Act shall take effect on December 31,
7 2059.



Report Title:

DHS; Intellectual Disabilities; Developmental Disabilities;
Home- and Community-Based Services; Medicaid; Keli's Law;
Appropriation

Description:

Requires DHS, upon approval from the Centers for Medicare and Medicaid Services, to establish and implement a program for providing home- and community-based services to at-risk individuals having intellectual or developmental disabilities who meet certain criteria. Seeks approval, no later than June 30, 2021, from the Centers for Medicare and Medicaid Services to provide coverage for services established under the program. Appropriates funds. Effective December 31, 2019. (HD2)

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