

JAN 18 2019

A BILL FOR AN ACT

RELATING TO HEALTH.

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

1 SECTION 1. The purpose of this Act is to assist persons
2 who have been diagnosed with autism to participate in their
3 communities by providing medicaid coverage for home and
4 community-based services.

5 SECTION 2. This Act shall be known and may be cited as
6 "Kelii's Law".

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

10 "§346- Autism; coverage; home and community-based
11 services. (a) Beginning on January 1, 2020, and
12 notwithstanding any law to the contrary, the State's medicaid
13 managed care and fee-for service programs shall not deny
14 coverage for home and community-based services to individuals
15 who have been diagnosed with autism.

16 (b) Coverage under this section shall include, but not be
17 limited to coverage for:



- 1 (1) Assistive technology;
- 2 (2) Career planning, including vocational assessment and
- 3 job placement services;
- 4 (3) Community transition services;
- 5 (4) Day habilitation;
- 6 (5) Family support;
- 7 (6) Home modifications;
- 8 (7) Nutritional consultation;
- 9 (8) Residential habilitation;
- 10 (9) Respite care;
- 11 (10) Specialized skill development, including behavioral
- 12 specialist, community support, and systematic skill
- 13 building services;
- 14 (11) Supported employment, including extended employment
- 15 supports and intensive job coaching;
- 16 (12) Temporary supplemental services;
- 17 (13) Therapeutic care;
- 18 (14) Transitional work services;
- 19 (15) Vehicle modifications;
- 20 (16) Supportive housing; and



1 (17) Access to the medicaid early and periodic screening,
2 diagnosis and treatment program for eligible
3 individuals under the age of twenty-one.

4 (c) Services covered pursuant to this section shall be
5 consistent with all federal and state privacy, security, and
6 confidentiality laws.

7 (d) Notwithstanding any other law to the contrary, the
8 provisions of this section shall comply with the applicable
9 federal requirements related to utilization, coverage, and
10 reimbursement for services provided to individuals who have been
11 diagnosed with autism.

12 (e) As used in this section, unless the context clearly
13 requires otherwise:

14 "Autism" means autism spectrum disorder, which is a
15 neurodevelopmental disorder, as defined by the most recent
16 edition of the Diagnostic and Statistical Manual of Mental
17 Disorders.

18 "Therapeutic care" means services provided by licensed
19 speech pathologists, licensed psychiatrists, licensed
20 psychologists, registered occupational therapists, licensed



1 social workers, licensed clinical social workers, or licensed
2 physical therapists."

3 SECTION 4. The department of human services shall seek a
4 waiver pursuant to section 1115 of the Social Security Act,
5 title 42 United States Code section 1315, and other approvals
6 from the Centers for Medicare and Medicaid Services that may be
7 necessary to amend the state medicaid plan to provide home and
8 community-based services for medicaid eligible individuals who
9 have been diagnosed with autism.

10 SECTION 5. The provision of home and community-based
11 services for individuals diagnosed with autism as required by
12 this Act shall apply to all plans issued under medicaid managed
13 care and fee-for-service programs in the State.

14 SECTION 6. This Act does not affect rights and duties that
15 matured, penalties that were incurred, and proceedings that were
16 begun before its effective date.

17 SECTION 7. If any provision of this Act, or the
18 application thereof to any person or circumstance, is held
19 invalid by state or federal law, the invalidity does not affect
20 other provisions or applications of the Act that can be given



S.B. NO. 242

1 effect without the invalid provision or application, and to this
2 end the provisions of this Act are severable.

3 SECTION 8. New statutory material is underscored.

4 SECTION 9. This Act shall take effect upon its approval;
5 provided that section 5 shall take effect upon approval of the
6 1115 waiver by the Centers for Medicare and Medicaid Services
7 submitted pursuant to section 4 of this Act.

8

INTRODUCED BY:

John Hubbard

Mark
Yusuf Ali
El Niene
Ross E. P.

Stacy

[Signature]

Paul N. [Signature]

Rebecca H. Baker

Kelani Eglish

Breene [Signature]

[Signature]



S.B. NO. 242

Report Title:

Autism; Home and Community-based Services; Medicaid; Kelii's Law

Description:

Beginning January 1, 2020, requires the State's medicaid managed care and fee-for service programs to provide coverage for home and community-based services for individuals diagnosed as having autism. Requires the Department of Human Services to seek a section 1115 waiver to amend the state Medicaid plan to include this coverage.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

