
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:

2 (1) Assist persons who have been diagnosed with autism or

3 fetal alcohol spectrum disorder to participate in

4 their communities by providing medicaid coverage for

5 home and community-based services; and

6 (2) Establish a task force to perform a study to ensure

7 and improve access to essential services for

8 individuals with developmental or intellectual

9 disabilities.

10 SECTION 2. This Act shall be known and may be cited as

11 "Kelii's Law".

12 SECTION 3. Chapter 346, Hawaii Revised Statutes, is

13 amended by adding a new section to be appropriately designated

14 and to read as follows:

15 "§346- Autism; fetal alcohol spectrum disorder;

16 coverage; home and community-based services. (a) Beginning on

17 January 1, 2020, and notwithstanding any law to the contrary,



1 the State's medicaid managed care and fee-for-service programs
2 shall not deny coverage for home and community-based services to
3 individuals who have been diagnosed with autism or fetal alcohol
4 spectrum disorder.

5 (b) Coverage under this section shall include but not be
6 limited to coverage for:

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



1 (12) Temporary supplemental services;

2 (13) Therapeutic care;

3 (14) Transitional work services;

4 (15) Vehicle modifications; and

5 (16) Supportive housing.

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

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

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

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

19 "Therapeutic care" means services provided by licensed
20 speech pathologists, licensed 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 or fetal alcohol spectrum
10 disorder.

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

16 SECTION 6. (a) There is established within the behavioral
17 health services administration of the department of health a
18 task force to study issues relating to the accessibility and
19 utilization of essential services by the State's developmentally
20 and intellectually disabled individuals. The members of this
21 task force shall consist of:



- 1 (1) A representative from the department of health's
2 behavioral health services administration;
- 3 (2) A representative of the department of health's state
4 council on developmental disabilities;
- 5 (3) A representative of the department of health's
6 developmental disabilities division;
- 7 (4) A representative of the department of human services'
8 MedQuest division;
- 9 (5) Two members to be selected by the speaker of the house
10 of representatives;
- 11 (6) Two members to be selected by the president of the
12 senate;
- 13 (7) At least one member of a developmental or intellectual
14 disability advocacy group;
- 15 (8) Two parent-advocates to be selected by the speaker of
16 the house of representatives; and
- 17 (9) Two parent-advocates to be selected by the president
18 of the senate.
- 19 (b) The task force shall address issues relating to access
20 to essential services for the State's developmentally and
21 intellectually disabled individuals. The task force shall



1 submit a report with findings and recommendations, including
2 proposed legislation, to the legislature no later than twenty
3 days prior to the convening of the regular session of 2020. The
4 report shall address:

- 5 (1) Gaps in service;
- 6 (2) Accessibility issues, including systemic barriers to
7 access;
- 8 (3) Identification of underserved populations; and
- 9 (4) Proposed legislation to improve existing services,
10 close service gaps, and decrease barriers to essential
11 services.

12 (c) The members of the task force shall serve without
13 compensation, but shall be reimbursed for necessary expenses,
14 including travel expenses, incurred for service on the task
15 force. No member of the task force shall be made subject to
16 section 84-17, Hawaii Revised Statutes, solely because of that
17 member's participation on the task force.

18 (d) The task force shall convene no later than thirty days
19 after the effective date of this Act.



1 (e) The task force shall serve until it has accomplished
2 the objectives of this Act or twenty days prior to the convening
3 of the regular session of 2020, whichever occurs first.

4 SECTION 7. The department of health shall revert to the
5 prior system for evaluation of clients for eligibility for
6 services provided by the medicaid waiver program until all
7 service providers and recipients have been educated on the new
8 evaluation metrics or January 1, 2021, whichever occurs first.

9 SECTION 8. This Act does not affect rights and duties that
10 matured, penalties that were incurred, and proceedings that were
11 begun before its effective date.

12 SECTION 9. If any provision of this Act, or the
13 application thereof to any person or circumstance, is held
14 invalid by state or federal law, the invalidity does not affect
15 other provisions or applications of the Act that can be given
16 effect without the invalid provision or application, and to this
17 end the provisions of this Act are severable.

18 SECTION 10. New statutory material is underscored.

19 SECTION 11. This Act shall take effect on July 1, 2050;
20 provided that section 5 shall take effect upon approval of the



- 1 1115 waiver by the Centers for Medicare and Medicaid Services
- 2 submitted pursuant to section 4 of this Act.



Report Title:

Autism; Home and Community-based Services; Medicaid; Kelii's Law; Fetal Alcohol Spectrum Disorder; Task Force

Description:

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 or fetal alcohol spectrum disorder. Requires the Department of Human Services to seek a section 1115 waiver to amend the state Medicaid plan to include this coverage. Creates a task force to study issues relating to providing essential services for developmentally and intellectually disabled individuals. (SB242 HD1)

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