
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 or fetal alcohol spectrum
3 disorder to participate in their communities by providing
4 medicaid coverage for home and 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; fetal alcohol spectrum disorder;
11 coverage; home and community-based services. (a) Beginning on
12 January 1, 2020, and notwithstanding any law to the contrary,
13 the State's medicaid managed care and fee-for-service programs
14 shall not deny coverage for home and community-based services to
15 individuals who have been diagnosed with autism or fetal alcohol
16 spectrum disorder.



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

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



1 (16) Supportive housing.

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

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

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

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

15 "Therapeutic care" means services provided by licensed
16 speech pathologists, licensed occupational therapists, licensed
17 social workers, licensed clinical social workers, or licensed
18 physical therapists."

19 SECTION 4. The department of human services shall seek a
20 waiver pursuant to section 1115 of the Social Security Act,
21 title 42 United States Code section 1315, and other approvals



1 from the Centers for Medicare and Medicaid Services that may be
2 necessary to amend the state medicaid plan to provide home and
3 community-based services for medicaid-eligible individuals who
4 have been diagnosed with autism or fetal alcohol spectrum
5 disorder.

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

11 SECTION 6. This Act does not affect rights and duties that
12 matured, penalties that were incurred, and proceedings that were
13 begun before its effective date.

14 SECTION 7. If any provision of this Act, or the
15 application thereof to any person or circumstance, is held
16 invalid by state or federal law, the invalidity does not affect
17 other provisions or applications of the Act that can be given
18 effect without the invalid provision or application, and to this
19 end the provisions of this Act are severable.

20 SECTION 8. New statutory material is underscored.



1 SECTION 9. This Act shall take effect on July 1, 2050;
2 provided that section 5 shall take effect upon approval of the
3 1115 waiver by the Centers for Medicare and Medicaid Services
4 submitted pursuant to section 4 of this Act.



S.B. NO. 242
S.D. 2

Report Title:

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

Description:

Beginning 1/1/2020, 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 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. Effective 7/1/2050. (SD2)

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