



STATE OF HAWAII
DEPARTMENT OF HEALTH
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Testimony in OPPOSITION to HB 381
RELATING TO HEALTH

REPRESENTATIVE JOHN MIZUNO, CHAIR
HOUSE COMMITTEE ON HEALTH

Hearing Date: January 31, 2019 Room Number: 329
9:30 A.M.

1 **Department Testimony:** The Department of Health opposes this measure to specify eligible
2 condition in the statutory definition of “developmental disabilities” in HRS § 333F-1. Adding a
3 list of eligible conditions could serve to exclude other conditions in the Diagnostic and Statistical
4 Manual, Fifth Edition (DSM 5) that could make an individual eligible for DDD services.

5 The current statutory definition adequately addresses any developmental disability where the
6 individual has the functional limitations to benefit from DDD services. It is consistent with the
7 federal definition found in the Developmental Disabilities Assistance and Bill of Rights Act of
8 2000, Public Law 106–402 (DD Act), which does not list specific conditions and refers to the
9 functional limitations of an individual.

10 Published by the American Psychiatric Association, DSM-5 serves as the principal authority for
11 psychiatric diagnoses used by clinicians and researchers to diagnose and classify mental
12 disorders. There are many disorders listed in DSM-5 that could potentially result in a finding of
13 eligibility for DDD services. This was the precise reason Congress eliminated listing eligible
14 conditions in the DD Act, and why they are not included in the State’s current statutory
15 definition.

16 Thank you for the opportunity to testify.

DAVID Y. IGE
GOVERNOR



PANKAJ BHANOT
DIRECTOR

CATHY BETTS
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
P. O. Box 339
Honolulu, Hawaii 96809-0339

January 30, 2019

TO: The Honorable Representative John M. Mizuno, Chair
House Committee on Health

FROM: Pankaj Bhanot, Director

SUBJECT: **HB 381 – RELATING TO HEALTH**

Hearing: Thursday, January 31, 9:30 a.m.
Conference Room 329, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) appreciates the intent and provides comments. DHS is concerned that the proposal to list specific eligible conditions in the definition of developmental disabilities in section 333F-1, Hawaii Revised Statutes (HRS), as the enumeration of eligible conditions could result in the exclusion of other conditions under the definition. Exclusion of other conditions may not align with eligibility requirements under the Intellectual and Developmental Disabilities (I/DD) 1915(c) waiver program.

PURPOSE: The purpose of this bill is to describe the conditions eligible for inclusion under the definition of developmental disabilities.

DHS currently covers specialized services for individuals with developmental disabilities through the I/DD 1915(c) waiver operated in partnership with the Developmental Disabilities Division (DDD) at the Department of Health (DOH). Eligibility for waiver services is tied to the federal definition of developmental disabilities, which is based on the functional limitations rather than specific conditions.

The federal definition is a broad definition used for waiver eligibility. The enumeration of specific eligible conditions under this bill would not expand eligibility for waiver

services. Under federal rules, functionality is still a requirement and cannot be changed by state law. If the I/DD 1915(c) waiver was changed to reflect the changes in this bill, then the result would be to restrict eligibility into the waiver program rather than expand it because only individuals with the conditions listed in the bill would be eligible.

The current statutory definition, however, does allow for any developmental disability where the individual has the functional limitations to benefit from waiver services, and it is consistent with federal rules.

Thank you for the opportunity to testify.

HB-381

Submitted on: 1/30/2019 11:16:28 AM

Testimony for HLT on 1/31/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	O`ahu County Committee on Legislative Priorities of the Democratic Party of Hawai`i	Support	No

Comments:

HB-381

Submitted on: 1/29/2019 5:53:24 PM

Testimony for HLT on 1/31/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Louis Erteschik	Hawaii Disability Rights Center	Comments	Yes

Comments:

We have been advocating for several years that there needs to be a program for children born with fetal alcohol syndrome. They truly fall into a gap group. Under the current definitions in the law, they are not regarded as "mentally ill" or "intellectually disabled". Yet, they exhibit genuine symptoms that may overlap with some of these other diagnoses and they have real needs. The current approach in the state is focused mostly on educating women about the dangers of consuming alcohol while pregnant. While laudible, this is highly insufficient and ineffective.

These people need services. This bill is a good beginning point for a discussion. That said, we must point out that classifying fetal alcohol syndrome as a developmental disability may not, in and of itself, accomplish that goal. Under the current DD rules there are adaptive functioning requirements and intellectual testing standards that must be met to establish eligibility. In our experience, many of these people will be deemed to be too high functioning to qualify for DD services. In that case, they will still not receive any assistance. In our view, it may be better to establish a separate program designed to serve this population.

We see this a work in progress and look forward to working with the Committee to refine this proposal as the session progresses.

HB-381

Submitted on: 1/30/2019 11:58:01 AM

Testimony for HLT on 1/31/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Julie Yurie Takishima-Lacasa	Hawai'i Psychological Association	Support	No

Comments:



HAWAII SUBSTANCE ABUSE COALITION

HB381 Codifies FASD and Other Disorders

COMMITTEE ON HEALTH:

- Representative Mizuno, Chair; Representative Kobayashi, Vice Chair
- Wednesday, Jan. 31, 2019: 9:30 pm
- Conference Room 329

Hawaii Substance Abuse Coalition Supports HB381:

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 almost 40 non-profit alcohol and drug treatment and prevention agencies.

There are significant and increasingly improved interventions that are available for Fetal Alcohol Spectrum Disorder and other disorders. Codifying as development disabilities will help to facilitate the implementation of programs to treat this disorder so that people impacted can be productive and achieve improved wellness.

FASD is a brain-based disorder. When school personnel understands the disorder and reshape some of their interventions, the child's behavior changes.

Approximately 18,900 live births occur each year in Hawaii. Individuals with FASD are at high risk of entering the correctional system. In 2015 there were 7,400 detainees in state and federal prisons in Hawaii. Interventions can help people develop new learning and coping skills to help them improve functioning.

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

HB-381

Submitted on: 1/29/2019 8:21:58 PM

Testimony for HLT on 1/31/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
adriane abe-nishimura	Individual	Support	No

Comments:

HB-381

Submitted on: 1/30/2019 8:09:35 AM

Testimony for HLT on 1/31/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Joelle Branch	Individual	Support	No

Comments:

Aloha and Mahalo to the committee for this opportunity to express my support for bill HB 381. My name is Joelle Branch and as a parent who struggled to get help for my autistic son, this bill would alleviate the similar struggle for all families going forward. My son had 3 psychiatric admissions at Queen's Kekela due to the behavioral challenges that autism can present. On top of this he has always been developmentally delayed which presented a shock as well as despair to our family when we needed help and were advised he was denied services from DD. He would spend half the year of 2017 in a psych ward as we had no supports to bring him home. The challenge we faced when applying for DD was they denied him stating he should go to behavioral health and behavioral health stated he should go to DD. Our family became a hot potato until I was able to meet advocates who helped and pushed for our family to get services for my son. My son was finally deemed eligible for services with DD beginning March 2018. This is a struggle I wish on no family and for this reason I ask for your support to help other families obtain the services they need. Its already hard life trying to care for a child who was born with an affliction, please support our families by allowing us access to services through bill HB381. Mahalo Joelle Branch

HB-381

Submitted on: 1/29/2019 3:02:40 PM

Testimony for HLT on 1/31/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kenichi Yabusaki	Individual	Support	Yes

Comments:

Aloha Representative Mizuno and Members of the Health Committee:

I strongly urge consideration of amending the definition of developmental disabilities as stated and defined by the introduction of HB381. The passage of HB381 will ensure that all individuals with developmental disabilities such as fetal alcohol spectrum disorders (FASD) be considered on par with conditions such as autism. Thank you for your consideration.

K. Ken Yabusaki, Ph.D.

HB-381

Submitted on: 1/30/2019 2:32:00 PM

Testimony for HLT on 1/31/2019 9:30:00 AM

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

Comments:

I am writing in support of HB381. Codifying FASD as a developmental disability reminds people of FASD as an issue to be considered. When 1 in 20 first grade children are affected by FASD and many are misdiagnosed or missed diagnosed, we have a problem. My hope is that by codifying FASD, we bring recognition and a reminder that FASD is diagnosable and treatment should be based on this diagnosis. Too many people are receiving inappropriate interventions because of accurate diagnosis. Thank you.

Sincerely,

Ann S. Yabusaki, Ph.D., MFT