



STATE OF HAWAII
STATE COUNCIL
ON DEVELOPMENTAL DISABILITIES
PRINCESS VICTORIA KAMAMALU BUILDING
1010 RICHARDS STREET, Room 122
HONOLULU, HAWAII 96813
TELEPHONE: (808) 586-8100 FAX: (808) 586-7543

January 31, 2019

The Honorable Representative Ling Johanson, Chair
House of Representatives Committee on Labor and Public Employment
Thirtieth Legislature
State Capitol
State of Hawai'i
Honolulu, Hawai'i 96813

Dear Representative Ling Johanson and Members of the Committee:

SUBJECT: HB 0747 - Relating to Disabled Persons

The State Council on Developmental Disabilities **SUPPORTS HB 0747**. The bill establishes employment first as a state policy with respect to disabled persons. Requires state and county agencies to implement this policy in hiring and all programs and services administered or funded by the State or counties. Applies employment first principles to Medicaid home- and community-based waiver programs.

This Home and Community Based Services (HCBS) Medicaid Waiver program started in 1983 when Hawaii created an opportunity for individuals to be supported in community settings with Medicaid funds. The program funded services for individuals to leave the institution and live in various community settings, provided services and supports for families and assisted individuals to participate in community activities.

One of the most utilized Waiver services for day activities is Adult Day Health (ADH) program. While the ADH program provides daily training and supervision, it represents a primarily center-based program with other individuals with disabilities. Once individuals are enrolled in ADH programs, there is minimal transition to employment.

Individuals with Intellectual and Developmental Disabilities (I/DD) have been under represented in the workforce due to perceptions about their ability to work, concern about the negative impact on government benefits and lack of transition support to work settings. The establishment of an employment first as a state policy would foster the expectation that individuals should work and contribute to their financial independence, encourages the employment of individuals with I/DD and provides employment services for individuals who want to work.

Thank you for the opportunity to submit testimony in **support of HB 0747**.

Sincerely,

Daintry Bartoldus
Executive Administrator

HB-747

Submitted on: 1/29/2019 6:02:34 PM

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

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

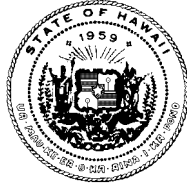
Comments:

This bill reflects an excellent policy that should be adopted and incorporated into the law. There are a lot of preconceived notions about individuals with disabilities and so people often assume they are less capable than they are. Not so long ago people thought they could not live outside of institutions and now they do, very successfully here in Hawaii. Employment is the next frontier of community integration and if we can overcome the old assumptions, more and more people will be integrated into the work environment, just as they are now integrated in their housing. Employing people with disabilities at a competitive wage is a high national and local priority.

We would be remiss if we failed to point out the lack of appropriate services available in Hawaii. The agencies that are supposed to assist them with employment do not always do so. For example, at the Division of Vocational Rehabilitation no new people are getting services. They recently entered into an Order of Selection so right now nobody is getting VR services unless they have an existing IPE. We also have a DD system that has been getting increasingly restrictive in its eligibility criteria as people who should be receiving DD services are being told they are too high functioning. In theory those who are higher functioning should be good candidates for employment but without VR services or supported employment services it makes it much harder.

In sum, while we wholeheartedly believe this bill represents an excellent policy for the state, if the legislature truly wants to encourage the competitive employment of people with disabilities we believe it should provide more resources to the Division of Vocational Rehabilitation and the Developmental Disabilities Division so that they will serve individuals with disabilities in the manner they were intended to.

DAVID Y. IGE
GOVERNOR



LATE

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 Aaron Ling Johanson, Chair
House Committee on Labor & Public Employment

FROM: Pankaj Bhanot, Director

SUBJECT: **HB 747 – RELATING TO DISABLED PERSONS**

Hearing: Thursday, January 31, 2019, 9:30 a.m.
Conference Room 309, State Capitol

DEPARTMENT’S POSITION: The Department of Human Services (DHS) appreciates the intent of this measure and provides comments. As a state agency, DHS is an equal opportunity agency and supports the employment of individuals with disabilities in integrated settings.

PURPOSE: The purpose of the bill establishes employment first as a state policy with respect to disabled persons. The bill requires state and county agencies to implement this policy in hiring and all programs and services administered or funded by the State or counties. It applies employment first principles to Medicaid home- and community-based waiver programs.

DHS currently partners with the Developmental Disabilities Division (DDD) of the Department of Health (DOH) to administer the 1915(c) Home and Community-Based Services (HCBS) Waiver for individuals with intellectual and developmental disabilities (I/DD). The I/DD waiver is implemented in compliance with all waiver requirements, federal and state laws, and waiver standards.

The bill would amend Chapter 78 of the Hawaii Revised Statutes (HRS) by adding three new definitions covering “employment first,” “integrated setting,” and “competitive

employment” as well as mandating that state and county agencies ensure that employment first is effectively implemented in hiring and in all programs and services that they administer or fund, including programs and services that help disabled persons obtain employment.

Also, the bill would amend section 346D-4, HRS, by specifying that employment first principles be practiced in the hiring of waiver program personnel and in the hiring of staff by contracted agency providers that provide services under the I/DD waiver.

Waiver program personnel are not defined in the bill. If the language is intended to reference state employees that work in the waiver program, the state adheres to Executive Order 11246 – Equal Employment Opportunity, all applicable non-discrimination laws, and is integrated.

All employment services under the HCBS waivers must be community-based in accordance with the CMS HCBS Final Rule (79 FR 2947). Under the currently approved I/DD 1915 waiver, a competitive integrated work setting is defined as a work place in the community or self-employed, where the participant receives at least minimum wage or the prevailing rate for that work, where the majority of individuals do not have disabilities, and which provides opportunities to interact with non-disabled individuals to the same extent that individuals employed in comparable positions would interact.

The CMS-approved I/DD waiver language is not identical to the proposed definitions for “employment first,” “integrated setting,” and “competitive employment” in this bill. The difference between the definitions may create a conflict with federal rules surrounding HCBS requirements. The difference in language may also create a conflict in the hiring of employees by contracted agency providers, as those provider requirements are also covered under the CMS HCBS Final Rule.

Thank you for the opportunity to provide comments on this measure.

LATE

HB-747

Submitted on: 1/30/2019 4:17:23 PM
Testimony for LAB on 1/31/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Leimomi Khan	Individual	Support	No

Comments: