

STAND. COM. REP. NO.

1409

Honolulu, Hawaii

**MAR 30 2021**

RE: S.C.R. No. 119  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-First State Legislature  
Regular Session of 2021  
State of Hawaii

Sir:

Your Committees on Health and Human Services, to which was referred S.C.R. No. 119 entitled:

"SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CHANGE ITS ELIGIBILITY CRITERIA FOR THE HOME AND COMMUNITY-BASED SERVICES MEDICAID WAIVER FOR INDIVIDUALS HAVING INTELLECTUAL OR DEVELOPMENTAL DISABILITIES, OR MENTAL ILLNESSES,"

beg leave to report as follows:

The purpose and intent of this measure is to request the Department of Health to change its eligibility criteria for the home and community-based services Medicaid waiver for individuals having intellectual or developmental disabilities, or mental illnesses.

Your Committees received testimony in support of this measure from the Hawaii Disability Rights Center. Your Committees received testimony in opposition to this measure from the Department of Health. Your Committees received comments on this measure from the State Council on Developmental Disabilities.

Your Committees find that state residents who have intellectual or developmental disabilities may receive Medicaid benefits if those residents meet the requirements for having a developmental disability under existing state law. However, the criteria for having a developmental disability pursuant to



existing law unfairly excludes from eligibility a number of individuals who would otherwise be eligible for services based on their developmental disabilities. This measure requests the Department of Health to change its eligibility criteria so that more state residents may qualify for Medicaid.

Your Committees recognize the testimony of the Department of Health, raising concerns that changing its eligibility criteria would not necessarily allow more residents to be eligible for Medicaid and that further study is needed to determine the fiscal implications of expanding coverage. Accordingly, your Committees have amended this measure by:

- (1) Replacing the request for the Department of Health to change its eligibility criteria with a request for the Department of Health Developmental Disability Division to convene a task force to study the feasibility of the Department to change its eligibility criteria; and
- (2) Replacing references to 11-88.1-1.5(a), Hawaii Administrative Rules, with 11-88.1-5(a), Hawaii Administrative Rules;
- (3) Amending its title in accordance with its amended purpose; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Health and Human Services that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 119, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 119, S.D. 1.

Respectfully submitted on  
behalf of the members of the  
Committees on Health and Human  
Services,



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JOY A. SAN BUENAVENTURA, Chair



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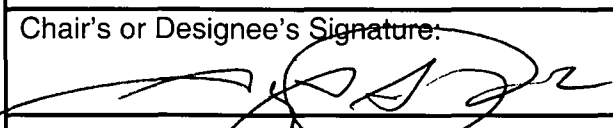
JARRETT KEOHOKALOOLE, Chair





The Senate  
Thirty-First Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Human Services**  
**HMS**

|                                                                                                                                                                                        |                          |                         |                                  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|-------------------------|----------------------------------|
| Bill / Resolution No.:*                                                                                                                                                                | Committee Referral:      | Date:                   |                                  |
| SCR 119                                                                                                                                                                                | HTH/HMS                  | 03/29/2021              |                                  |
| <input type="checkbox"/> The Committee is reconsidering its previous decision on this measure.<br>If so, then the previous decision was to: _____                                      |                          |                         |                                  |
| The Recommendation is:                                                                                                                                                                 |                          |                         |                                  |
| <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313 |                          |                         |                                  |
| Members                                                                                                                                                                                | Aye                      | Aye (WR)                | Nay                              |
| Excused                                                                                                                                                                                |                          |                         |                                  |
| SAN BUENAVENTURA, Joy A. (C)                                                                                                                                                           | /                        |                         |                                  |
| IHARA, Jr., Les (VC)                                                                                                                                                                   |                          |                         | /                                |
| ACASIO, Laura                                                                                                                                                                          | /                        |                         |                                  |
| MISALUCHA, Bennette E.                                                                                                                                                                 |                          |                         | /                                |
| FEVELLA, Kurt                                                                                                                                                                          | /                        |                         |                                  |
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| <b>TOTAL</b>                                                                                                                                                                           | 3                        |                         | 2                                |
| Recommendation:                                                                                                                                                                        |                          |                         |                                  |
| <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted                                                                                                       |                          |                         |                                  |
| Chair's or Designee's Signature:                                                                                                                                                       |                          |                         |                                  |
|                                                                                                     |                          |                         |                                  |
| Distribution:                                                                                                                                                                          |                          |                         |                                  |
| Original<br>File with Committee Report                                                                                                                                                 | Yellow<br>Clerk's Office | Pink<br>Drafting Agency | Goldenrod<br>Committee File Copy |

\*Only one measure per Record of Votes