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# SENATE CONCURRENT RESOLUTION

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REQUESTING THE DEPARTMENT OF HEALTH AND DEPARTMENT OF HUMAN SERVICES TO JOINTLY REVIEW ANY RESEARCH REGARDING APPLIED BEHAVIORAL ANALYSIS FOR ADULTS; AND TO DEVELOP AND ADOPT ALL RULES, POLICIES, AND PLAN AMENDMENTS NECESSARY FOR THE STATE MEDICAID PROGRAM TO COVER MEDICALLY-NEEDED SERVICES, INCLUDING APPLIED BEHAVIOR ANALYSIS SERVICES, FOR INDIVIDUALS AGED TWENTY-ONE AND OLDER WITH NEURODEVELOPMENTAL DISORDERS, INCLUDING AUTISM SPECTRUM DISORDER.

1 WHEREAS, neurodevelopmental disorders are disabilities  
2 associated primarily with the functioning of the neurological  
3 system and brain; and

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5 WHEREAS, one neurodevelopmental disorder is autism spectrum  
6 disorder, a developmental disability that can cause significant  
7 social, communication, and behavioral challenges; and

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9 WHEREAS, treatments for individuals with developmental  
10 disabilities, such as Applied Behavior Analysis, can improve  
11 physical and mental development; and

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13 WHEREAS, Medicaid is a jointly-funded, federal-state health  
14 insurance program for individuals with limited income and  
15 resources who meet eligibility requirements; and

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17 WHEREAS, the Medicaid Home and Community-Based Services  
18 Waiver for individuals with intellectual and developmental  
19 disabilities is authorized under section 1915(c) of the federal  
20 Social Security Act (section 1915(c) waiver); and

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22 WHEREAS, these services are designed to implement creative,  
23 person-centered alternatives to long-term institutionalized  
24 care; and  
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1 WHEREAS, Hawaii's state Medicaid program, Med-QUEST, is  
2 administered through the Department of Human Services in  
3 partnership with the Department of Health's Developmental  
4 Disabilities Division; and

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6 WHEREAS, there are reports of individuals with autism  
7 spectrum disorder and other neurodevelopmental disorders who are  
8 aged twenty-one and older being denied Med-QUEST coverage for  
9 medically-needed autism services, including Applied Behavior  
10 Analysis services; and

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12 WHEREAS, Applied Behavior Analysis services and similar  
13 services should be covered by Med-QUEST for eligible individuals  
14 with neurodevelopmental disorders; and

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16 WHEREAS, according to the Centers for Medicare and Medicaid  
17 Services' Informational Bulletin dated July 7, 2014, individuals  
18 aged twenty-one and older may continue to receive services to  
19 address autism spectrum disorder through the section 1915(c)  
20 waiver if a state does not elect to provide these services to  
21 adults under its Medicaid state plan; and

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23 WHEREAS, this guidance also provides that states need to  
24 ensure that these individuals are receiving a waiver service not  
25 coverable under section 1905(a) of the federal Social Security  
26 Act to ensure that they do not lose access to all Medicaid  
27 services by losing waiver eligibility; now, therefore,

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29 BE IT RESOLVED by the Senate of the Thirty-first  
30 Legislature of the State of Hawaii, Regular Session of 2022, the  
31 House of Representatives concurring, that the Department of  
32 Health and Department of Human Services are requested to jointly  
33 review any research regarding Applied Behavior Analysis for  
34 adults; and to develop and adopt all rules, policies, and plan  
35 amendments necessary to ensure that the State Medicaid program  
36 covers medically-needed services, including Applied Behavior  
37 Analysis services, for individuals aged twenty-one and older  
38 with neurodevelopmental disorders, including autism spectrum  
39 disorder; and

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41 BE IT FURTHER RESOLVED that the Department of Health and  
42 Department of Human Services are requested to ensure that any



1 rules, policies, and plan amendments adopted pursuant to this  
2 request do not impair or limit any existing coverages; and  
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4 BE IT FURTHER RESOLVED that certified copies of this  
5 Concurrent Resolution be transmitted to the Director of Health  
6 and Director of Human Services.

