

JAN 25 2023

A BILL FOR AN ACT

RELATING TO THE DEPARTMENT OF HEALTH.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the med-QUEST
2 division of the department of human services works in
3 partnership with the developmental disabilities division of the
4 department of health and with stakeholders to design a waiver
5 that meets the needs of Hawaii residents having intellectual and
6 developmental disabilities. The legislature notes that both
7 divisions ensure that the waiver is implemented in compliance
8 with all waiver requirements, federal and state laws, and waiver
9 standards. Individuals who are eligible for services from the
10 developmental disabilities division, are medicaid eligible, and
11 meet the level of care criteria can apply for the medicaid
12 intellectual or developmental disability waiver, otherwise known
13 as the home and community-based services medicaid waiver for
14 individuals with intellectual and developmental disabilities.

15 The legislature acknowledges, however, that under the
16 current administrative rules of the developmental disabilities
17 division of the department of health, individuals are deemed



1 ineligible for the medicaid intellectual or developmental
2 disability waiver if the individual's impairments are due to any
3 of several specified conditions, including dementia, mental
4 illness, emotional disorders, substance abuse, sensory
5 impairment, learning disabilities, attention deficit
6 hyperactivity disorder, spinal cord injuries, or neuromuscular
7 disorders. The legislature believes that the current
8 administrative rules unfairly deny eligibility to an individual
9 who also has an eligible condition, including cerebral palsy;
10 epilepsy; autism spectrum disorder (ASD); or a neurological
11 condition, central nervous system disorder, or chromosomal
12 disorder that results in impairment in both general intellectual
13 functioning and adaptive behavior. The legislature also finds
14 that according to an article published in the National Library
15 of Medicine, emotion regulation difficulties, anxiety, and
16 depression are often co-occurring in individuals having ASD.

17 Accordingly, the purpose of this Act is to require the
18 developmental disabilities division of the department of health
19 to amend its eligibility criteria for the home and
20 community-based services medicaid waiver to include individuals



1 having an intellectual or a developmental disability and a
2 comorbid mental illness.

3 SECTION 2. (a) The developmental disabilities division of
4 the department of health shall adopt rules pursuant to
5 chapter 91, Hawaii Revised Statutes, to amend its eligibility
6 criteria for the home and community-based services medicaid
7 waiver to include individuals having an intellectual or a
8 developmental disability and a comorbid mental illness.

9 (b) The developmental disabilities division of the
10 department of health shall submit a report of the status of the
11 department's adoption of rules pursuant to subsection (a),
12 including any proposed legislation, to the legislature no later
13 than twenty days prior to the convening of the regular session
14 of 2024.

15 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY:

Kurt Zerbe



S.B. NO. 1615

Report Title:

DOH; Developmental Disabilities Division; Home and Community-Based Services Medicaid Waiver; Eligibility Criteria; Rulemaking

Description:

Requires the Developmental Disabilities Division of the Department of Health to amend its eligibility criteria for the home and community-based services Medicaid waiver to include individuals having an intellectual or a developmental disability and a comorbid mental illness.

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