

A Bill for an Act Relating to Coordination of Services for the Developmentally Disabled.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Findings and purpose. The legislature finds that:

- (1) The State of Hawaii has a responsibility to provide services for its developmentally disabled citizens in order to aid them in living as complete and normal lives as possible.
- (2) Several departments of the State are responsible for various services to the developmentally disabled, namely the department of health provides health services, the department of education provides educational services, and the department of social services and housing provides vocational rehabilitation and other social services.
- (3) Lack of coordination among the services and planning activities of the various departments of the State results in gaps in the spectrum of needed services, duplication of services, lack of clarity and responsibility for services, and poorly articulated inter-agency programs, thereby reducing the quality of programs for the developmentally disabled.
- (4) Because of specific mandates of the departments, it is essential that a body responsible for coordinating services and planning for the developmentally disabled be established outside the departments responsible for services.
- (5) There exists within the state department of health, a state planning and advisory council on developmental disabilities appointed by the governor and mandated by federal legislation, supported in large part by federal moneys and required by federal law to provide coordination and planning in the field of developmental disabilities.
- (6) The purpose of this Act is to establish the state planning and advisory council on developmental disabilities as the state agency responsible for coordinating services to the developmentally disabled residents of Hawaii.

SECTION 2. Developmental disabilities, definition. For the purposes of this Act, "developmental disabilities" includes a disability attributable to mental retardation, cerebral palsy, epilepsy, or other neurological handicapping condition of an individual found to be closely related to mental retardation or to require treatment similar to that required by mentally retarded individuals, which disability originates before the individual attains the age of majority and has continued, or can be expected to continue indefinitely, and constitutes a substantial handicap of such individual.

SECTION 3. State planning and advisory council on developmental disabilities. The state planning and advisory council on developmental disabilities (hereinafter referred to as the state council or the council) shall be relocated to the office of the governor and assigned the following responsibilities:

(1) Planning. The state council shall:

- (A) Develop, prepare, adopt, and periodically review and revise, as necessary, the state plan for developmentally disabled (hereinafter called the state plan) in conformance with federal substantive and procedural requirements therefor. The state council shall transmit the state plan to the governor for approval, and upon approval shall be submitted to the federal government for appropriate approval. The state plan and revisions thereto shall be effective upon the governor's approval thereof. The state plan shall include establishment of goals and priorities of the State in meeting the needs of the developmentally disabled, including the establishment of priorities for the distribution of public funds for comprehensive services to the developmentally disabled within the State and other matters deemed necessary to achieve normalization of lives of the developmentally disabled. The state plan shall in addition provide for coordinated delivery and establishment of comprehensive services, facilities, and programs for the developmentally disabled.
- (B) Review, approve, and monitor implementation plans prepared and carried out by the various departments of the State in carrying out the state plan for the developmentally disabled.
- (C) Review, approve, and monitor any other state plans which affect services to the developmentally disabled.

(2) Coordination of departments and private agencies. The council shall:

- (A) Assure nonduplication of services.
- (B) Encourage efficient and coordinated use of federal, state and private resources in the provision of services.
- (C) Designate areas of responsibility for services to both public and private agencies serving developmentally disabled clients, reviewing such designations as necessary.
- (D) Insure that implementation planning by the various departments is effectively coordinated and that interdepartmental programs receive the full support of all departments involved.

(3) Evaluation. The council shall:

- (A) Approve implementation plans for the developmentally disabled, and monitor and evaluate their implementation.
- (B) Monitor all ongoing projects relating to developmental disabilities of the various public and private agencies.
- (C) Monitor decentralization of Waimano training school and hospital by insuring that each resident transferred from Waimano has an individualized program at least equal to that which he or she might be expected to receive at Waimano.

(4) Advocacy. The council shall:

- (A) Advocate for the needs of the developmentally disabled before the legislature and the public and to the governor.
- (B) Act in an advisory capacity to the governor and legislature on all issues affecting the developmentally disabled.

- (C) Serve as a channel for complaints by consumers of services for the developmentally disabled, following up on such complaints and taking such action as may be warranted.
- (5) Report. The council shall:
 - (A) Prepare and submit annual reports to the governor and the legislature on the implementation of the state plan.
 - (B) Prepare and submit to the United States Secretary of Health, Education and Welfare, through the governor, any periodic reports the Secretary may reasonably request.
 - (C) Prepare other reports necessary to accomplish its duties under this Act.
- (6) Rules. The council shall adopt, amend, and repeal rules under chapter 91, Hawaii Revised Statutes, necessary for the implementation of this Act.

SECTION 4. Membership on the state council. The state council shall consist of twenty-five voting members, appointed by the governor for staggered terms in the manner prescribed by section 26-34, Hawaii Revised Statutes. At least one-third of the members shall be consumers of services for the developmentally disabled or parents or guardians of consumers. The remaining members shall be divided approximately equally between representatives of nongovernmental organizations, or groups concerned with services for persons with developmental disabilities and representatives of state agencies providing such services. This latter group shall include the directors of health, education, and social services.

The members of the state council shall serve without compensation, but shall be reimbursed for any actual and necessary expenses incurred in connection with the performance of their duties under this division.

SECTION 5. Officers, committees, staff. The state council shall, by majority vote of the voting members, elect its own chairman from among the appointed members, and shall establish such committees as it deems necessary or desirable. The state council may appoint an executive secretary subject to chapters 76 and 77 who may appoint persons to such staff positions subject to chapters 76 and 77 as the council may authorize within available funds. The affirmative votes of a majority of the members of the council shall be necessary for the appointment or removal of the executive secretary.

SECTION 6. The functions and authority heretofore exercised by the state planning and advisory council on developmental disabilities pursuant to federal mandate of Public Law 93-517, appointed by the governor, are transferred with the state planning and advisory council on developmental disabilities in accordance with this Act. The new council shall have all of the rights and powers exercised, and all of the duties and obligations incurred by the state planning and advisory council on developmental disabilities pursuant to Public Law 93-517, and laws successor to or amendatory thereof, relating to developmental disabilities, whether the powers, duties, functions, and obligations are mentioned in or granted by any law, contract, or other document.

SECTION 7. All officers and employees whose functions are transferred by this Act shall continue to perform their duties under existing law until the transfer required by this Act is completed, and the officers and employees shall be transferred with their functions and shall continue to perform their regular duties upon their transfer, subject to this Act. No employee having tenure shall suffer any loss of salary, seniority, prior service credit, vacation, sick leave, or other employee benefit or privilege as a consequence of this Act; provided that subsequent changes in status may be made pursuant to applicable personnel laws.

An employee who does not have tenure and who may be transferred or appointed to a civil service or other position as a consequence of this Act shall be transferred or appointed without the loss of salary, seniority, prior service credit, vacation, sick leave, or other employee benefits or privileges and without the necessity of examination; provided that the employee or officer possesses the minimum qualifications for the position to which he is transferred or appointed.

In the event that an office or position held by any officer or employee having tenure is abolished, such officer or employee shall not thereby be separated from public employment, but shall remain in the employment of the State with the same pay and classification and shall be transferred to some other office or position for which such officer or employee is eligible under the personnel laws of the State as determined by the director of health in consultation with the governor.

SECTION 8. Upon the transfer of the state planning and advisory council on developmental disabilities as required by this Act, all records, equipment, files, supplies, contracts, books, papers, documents, maps, appropriations, and other real or other property theretofore made, used, acquired, or held by the state planning and advisory council on developmental disabilities in the exercise of the functions transferred shall be concurrently transferred.

SECTION 9. Any other law to the contrary notwithstanding, all moneys appropriated and unexpended before the effective date of this Act for the use of the state planning and advisory council on developmental disabilities and any programs thereunder, shall be transferred with the council.

SECTION 10. This Act shall take effect upon its approval.

(Approved June 2, 1975.)