

ACT 201

H.B. NO. 3248-76

A Bill for an Act Relating to Amendments to the Developmental Disabilities Law.

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

SECTION 1. Section 333E-2, Hawaii Revised Statutes, is amended to read as follows:

“Sec. 333E-2 Developmental disabilities, definitions. For the purposes of this chapter, ‘developmental disabilities’ includes a disability of a person attributable to mental retardation, cerebral palsy, epilepsy, autism, or other condition of a person found to be closely related to mental retardation because such condition results in similar impairment of general intellectual functioning or adaptive behavior to that of mentally retarded persons or requires treatment and services similar to those required for such persons, or is attributable to dyslexia resulting from such a disability, and which disability originates before such person attains age eighteen and which has continued or can be expected to continue indefinitely and which constitutes a substantial handicap to such person’s ability to function normally in society.”

SECTION 2. Section 333E-3, Hawaii Revised Statutes, is amended to read as follows:

“Sec. 333E-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 placed in the Department of Health for administrative purposes only and assigned the following responsibilities:

(1) Planning. The state council shall:

(A) Develop, prepare, adopt, and periodically review and advise, 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) Identify services duplicated by departments and private agencies and coordinate and assist in the elimination of unnecessary duplication.
 - (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. Identify gaps in services to the developmentally disabled and coordinate responsibilities of various public or private agencies for such missing services.
 - (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) Monitor, evaluate and approve implementation plans of the various public and private agencies for the developmentally disabled.
 - (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, the legislature, and all concerned department heads 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, the legislature, and all concerned department heads 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 chapter.
- (6) Rules. The council shall adopt, amend, and repeal rules under chapter 91, necessary for the implementation of this chapter.”

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring.*

SECTION 4. This Act shall take effect upon its approval.

(Approved June 4, 1976.)

*Edited accordingly.