

ACT 107

H.B. NO. 845

A Bill for an Act Relating to Infants and Toddlers.

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

SECTION 1. The legislature finds that there is an urgent and substantial need to enhance the development of infants and toddlers with special needs to minimize their potential for developmental delay, reduce the education costs to our society, minimize the likelihood of institutionalization, and enhance the capacity of families to meet the special needs of these infants and toddlers.

Case management services are also urgently needed by these families to assist them in accessing services, provide counseling and support at this time of crisis, and advocate on behalf of the needs of the infants or toddlers and their families. There is also a need to provide a statewide resource to enable the families to access information concerning available early intervention services in the community.

The purpose of this Act is to establish a statewide, comprehensive, coordinated, interdisciplinary program of early intervention services for infants and toddlers with special needs and their families by facilitating coordination of payments for early intervention services from various public and private sources, enhancing the capacity to provide quality early intervention services, and expanding and improving existing services. This Act also provides for case management services for infants and toddlers with special needs and establishes a central directory of services for this population.

SECTION 2. Chapter 321, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

**“PART . INFANTS AND TODDLERS**

**§321- Definitions.** As used in this part, unless the context requires otherwise:

“Biological risk” means prenatal, perinatal, neonatal, or early developmental events suggestive of biological insults to the developing central nervous system which increase the probability of delayed development.

“Case management” means an ongoing service of shared responsibility between families and professionals that identifies needs and assists in obtaining coordinated, appropriate services and resources.

“Delayed development” means a significant delay in one or more of the following areas of development: cognition, speech, language, physical, motor, vision, hearing, psychosocial, or self-help skills.

“Department” means the department of health.

“Director” means the director of health.

“Early intervention services” means services which:

- (1) Are provided under public supervision;
- (2) Are provided at no cost, except where federal or state law provides for a system of payments by families, including a sliding fee schedule;
- (3) Are designed to meet the developmental needs of infants and toddlers with special needs, which include but are not limited to physical development, cognitive development, and self-help skills;
- (4) Are provided by qualified professional and paraprofessional personnel;
- (5) Are provided in conformity with an individualized family support plan; and
- (6) Include but are not limited to: family support, counseling, and home visits; special instruction; speech pathology and audiology; occupational therapy; physical therapy; psychological services; case management services; medical services only for diagnostic or evaluation purposes; early identification, screening, and assessment services; and health services necessary to enable the infant or toddler to benefit from the other early intervention services.

“Environmental risk” means physical, social, or economic factors which may limit development. Environmental risk includes, but is not limited to the following conditions:

- (1) Birthweight between 1,500 and 2,500 grams, in combination with any other environmental risk factor;
- (2) Parental age less than sixteen;
- (3) Parental age between sixteen and eighteen and less than a high school education in combination with any other environmental risk factor;
- (4) Any existing physical, developmental, emotional, or psychiatric disability in a primary caregiver;
- (5) Presence of physical, developmental, emotional, or psychiatric disability in a sibling or any other family member in the home in combination with any other environmental risk factor;
- (6) Abuse of any legal or illegal substance by a primary caregiver;
- (7) Child abuse and neglect of target child or siblings;
- (8) Economically disadvantaged family in combination with any other environmental risk factor;
- (9) Single parent in combination with any other environmental risk factor; and
- (10) Incarceration of a primary caregiver in combination with any other environmental risk factor.

“Individual family support plan” means a dynamic, voluntary plan of action and support developed by families and professionals that emanates from the families’ expressions of needs and goals.

“Infants and toddlers with special needs” means infants and toddlers from birth to the age of three with delayed development, biological risk, or environmental risk.

**§321- Early intervention services for infants and toddlers with special needs.** The department may develop a statewide, coordinated, multidisciplinary program which contains a continuum of services to meet the needs of infants and toddlers with special needs. The department shall be the lead agency for the co-

ordination of federal and state funding for those programs. Pursuant to chapter 42, the department may purchase services appropriate to carry out activities under this part.

**§321- Hawaii early intervention coordinating council; establishment.**

(a) There is established within the department for administrative purposes the Hawaii early intervention coordinating council. Members shall be appointed for three year terms by the governor without the necessity of the advice and consent of the senate. The membership of the council shall consist of fifteen members selected from the following:

- (1) At least three parents of infants, toddlers, or children under the age of seven with special needs;
- (2) At least three public or private providers of early intervention services;
- (3) At least one representative from the legislature;
- (4) At least one person involved in personnel preparation;
- (5) At least one member representing the department of education;
- (6) At least one member representing the department of human services;
- (7) At least one member representing the office of children and youth; and
- (8) Other members representing private or public agencies involved in or interested in the payment for or provision of services to infants and toddlers with special needs and their families.

Any vacancy on the council shall be filled in the same manner in which the original position was filled.

(b) The council shall elect its officers, and eight members shall constitute a quorum. Members shall serve without compensation but shall be reimbursed for expenses, including travel expenses, necessary for the performance of their duties.

(c) The council shall meet at least quarterly and in such places as it deems necessary: The meetings shall be publicly announced, and be open and accessible to the general public.

(d) The council shall perform the following functions:

- (1) Advise and assist the director in the identification of the sources of fiscal and other support for services for early intervention programs, assignment of financial responsibility to the appropriate agency, and the promotion of the interagency agreements;
- (2) Advise and assist the department in the preparation of applications and amendments thereto; and
- (3) Prepare and submit an annual report to the governor on the status of early intervention programs for infants and toddlers with special needs and their families within the State.

**§321- Rules.** The director, in consultation with the council, private agencies, users of services under this part, and other interested parties, may adopt rules pursuant to chapter 91 to carry out the purposes of this part."

SECTION 3. This Act shall take effect on July 1, 1989.

(Approved May 31, 1989.)