

ACT 133

H.B. NO. 2862

A Bill for an Act Relating to Services for Developmental Disabilities.

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

SECTION 1. Section 333F-1, Hawaii Revised Statutes, is amended by amending the definition of “individualized service plan” to read:

““Individualized service plan” means the written plan required by section 333F-6[.] that is developed by the individual, with the input of family, friends, and other persons identified by the individual as being important to the planning process. The plan shall be a written description of what is important to the person, how any issue of health or safety shall be addressed, and what needs to happen to support the person in the person’s desired life.”

SECTION 2. Section 333F-2, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The department shall develop, lead, administer, coordinate, monitor, evaluate, and set direction for a comprehensive system of supports and services for persons with developmental disabilities or mental retardation within the limits of state or federal resources allocated or available for the purposes of this chapter. The department shall administer or may provide available supports and services based on a client-centered plan, which resulted from client choices and decision-making that allowed and respected client self-determination.

The department’s responsibility for persons with developmental disabilities or mental retardation shall be under one administrative unit for the purpose of coordination, monitoring, evaluation, and delivery of services. Not later than June 30, [1998,] 1999, all programs and services falling under this chapter shall be provided in the community, including services presently provided at Waimano training school and hospital. When the private sector does not provide or is not able to provide the services, the department shall provide the services. Clients at Waimano training school and hospital shall be placed into community-based programs provided appropriate support services are available.

The department shall convene a panel not later than August 1, 1995, to create a plan to provide services in the community and to ensure that the transition of Waimano training school and hospital residents to the community will be client-centered, taking into consideration the health, safety, and happiness of the residents and the concerns of their families. The panel shall consist of but not be limited to consumers, families, representatives from the private sector, employees and employee representatives, professionals, representatives of the University of Hawaii affiliate program, and representatives of the state planning council on developmental disabilities.”

SECTION 3. Section 333F-7, Hawaii Revised Statutes, is amended to read as follows:

“§333F-7 Provision of services. [Based upon the individualized service plan, the department, as may be required, shall refer the person to services provided

by the department under this chapter, to services provided under other federal or state laws, or to services provided by appropriately licensed private agencies.] The department shall:

- (1) Assist the individual to develop, with the help of family and friends if necessary, an individualized service plan;
- (2) Identify the amount of dollars available to the individual to effectuate the individualized service plan; and
- (3) Allow consumers to direct the expenditure of the identified funds.”

SECTION 4. Section 333F-8, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Persons with developmental disabilities or mental retardation shall have the following rights:

- (1) To receive the least restrictive, individually appropriate services, including a program of activities outside the residence in accordance with the person’s individualized service plan;
- (2) To reside in the least restrictive, individually appropriate residential alternative located as close as possible to the person’s home community within the State;
- (3) To the extent it is individually appropriate as decided after due consideration afforded the preferences of the person with developmental disabilities or mental retardation, to:
 - (A) Interact with persons without disabilities in a nontreatment, nonservice-oriented setting;
 - (B) Live with, or in close proximity to, persons without disabilities; and
 - (C) Live in a setting which closely approximates those conditions available to persons without disabilities of the same age;
- (4) To reasonable access to review medical, service, and treatment files and to be informed of diagnoses;
- (5) To [participate in the development of the individualized service plan, if able to participate, or to be represented by a parent, guardian, or other representative as appropriate;] develop a plan with the input of family and friends that identifies the supports needed to accomplish the plan rather than purchase a program;
- (6) To [receive a copy of the person’s individualized service plan; and] control, with the help of family and friends as necessary, an identified amount of dollars to accomplish the plan;
- (7) To direct the provision of resources, both paid and unpaid, that will assist an individual with a disability to live a life in the community rich in community association and contribution;
- (8) To a valued role in the community through employment, participation in community activities, volunteering, including being accountable for spending public dollars in ways that are life enhancing; and
- [(7)] (9) To privacy and confidentiality, to the extent possible, in connection with services provided to the person.”

SECTION 5. Act 189, Session Laws of Hawaii 1995, is amended by amending section 26 to read as follows:

“SECTION 26. This Act shall take effect upon its approval, except that sections 1, 2, 13, 14, 15, 16, 17, 18, 19, and 20 shall take effect on June 30, [1998.]

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1999. The provision of case management services¹ as required under section 4 of this Act¹ shall take effect on June 30, 1996.’’

SECTION 6. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 7. This Act shall take effect on June 29, 1998.

(Approved June 24, 1998.)

Note

1. Prior to amendment “;” appeared here.