

**ACT 18**

S.B. NO. 2340

**A Bill for an Act Making an Emergency Appropriation to the Department of Health for Early Intervention Services.**

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

**SECTION 1.** This Act is recommended by the governor for immediate passage in accordance with section 9 of article VII of the Constitution of the State of Hawaii.

**SECTION 2.** Although funds were appropriated to the department of health for early intervention services for the period beginning July 1, 2005 and ending June 30, 2006, the department of health has a critical need for additional funds.

On May 31, 2005, the State of Hawaii was deemed in compliance with the Felix Consent Decree, marking the end of federal court oversight for services, including early intervention services. The department of health must continue to carry out its obligations to provide early intervention services for children age zero to three years with a developmental delay or biological or environmental risk, as mandated by part C of the Individuals with Disabilities Education Improvement Act

of 2004 (P.L. 108-446), sections 321-351 to 321-357, Hawaii Revised Statutes, and the Hawaii early intervention state plan. The department must ensure that eligible children and their families receive the services mandated by part C of the Individuals with Disabilities Education Improvement Act of 2004 that are identified on their individual family support plans.

Existing funds will be expended before the end of this fiscal year, due to increased costs for early intervention purchase-of-service programs to evaluate additional children and serve them in 'natural environments' as required by the Individuals with Disabilities Education Improvement Act of 2004. These purchase-of-service programs are providing an increased number of multi-disciplinary comprehensive developmental evaluations of a child's cognitive, physical, communication, social or emotional, and adaptive development, as required by part C of the Individuals with Disabilities Education Improvement Act of 2004, P.L. 108-446, due to an increased number of children referred by public health nurses and healthy start programs. To serve more children, current programs have expanded and three new purchase-of-service programs in windward, central, and leeward Oahu have been added. These programs serve additional children who previously received therapy services from fee-for-service providers and care coordination from early intervention section, early childhood services programs, public health nurses, or healthy start; and additional children under age three years who are confirmed victims of child abuse or neglect, as required by the Child Abuse Prevention and Treatment Act and the Individuals with Disabilities Education Improvement Act of 2004. The Individuals with Disabilities Education Improvement Act of 2004 also requires a family-centered but more costly approach of providing services in 'natural environments' or community-based settings, such as at families' homes, community pre-schools, and parks which increases travel time for service providers to reach the 'natural environment', and necessitates a smaller caseload, an increased number of providers, and results in increased costs per child.

The purpose of this Act is to increase the authorized general fund appropriation by \$3,200,928, for early intervention services in the department of health for fiscal year 2005-2006.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$3,200,928, or so much thereof as may be necessary, for fiscal year 2005-2006 to carry out the purposes of this Act.

SECTION 4. The sum appropriated shall be expended by the department of health.

SECTION 5. This Act shall take effect upon its approval.

(Approved April 24, 2006.)