



STATE OF HAWAII
DEPARTMENT OF HEALTH
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Testimony COMMENTING on SCR226 – SR201
URGING THE MED-QUEST DIVISION OF THE DEPARTMENT OF HUMAN SERVICES
AND DEVELOPMENTAL DISABILITIES DIVISION OF THE DEPARTMENT OF HEALTH
TO AMEND THE ELIGIBILITY CRITERIA FOR THE MEDICAID 1915 (C)
HOME AND COMMUNITY-BASED SERVICES WAIVER

SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES
SENATOR JOY A. SAN BUENAVENTURA, CHAIR

SENATE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION
SENATOR JARRETT KEOHOKALO, CHAIR

Hearing Date: April 1, 2025; 10:02 am Room Number: 229

1 **Department Position:** The Department of Health (“Department”) offers COMMENTS on
2 SCR226 – SR201.

3 **Department Testimony:** The Developmental Disabilities Division (DDD) provides the following
4 testimony on behalf of the Department.

5 SCR226 – SR201 urges the Department of Human Services, Med-QUEST Division (MQD) and
6 DDD to amend its eligibility criteria for the Medicaid 1915(c) Home and Community-Based
7 Services (HCBS) waiver to include individuals with an intellectual or a developmental disability
8 (I/DD) and a comorbid mental illness. The Department does not believe this measure is needed
9 as DDD already provides services for eligible individuals in Hawaii who have an I/DD and a
10 comorbid mental illness, and this is reflected in both the relevant statute and administrative
11 rule.

1 The Department is committed to ensuring quality services and systems of support are provided
2 for individuals with I/DD who also have a comorbid mental illness. The DDD is the operating
3 agency for the 1915(c) HCBS waiver on behalf of MQD, which is authorized under Section
4 1915(c) of the Social Security Act. The eligibility criteria for the 1915(c) HCBS waiver are
5 enumerated in Hawaii Revised Statutes (HRS) §333F-1 and Hawaii Administrative Rules
6 (HAR) §11-88.1-5, which already include eligibility for individuals with I/DD and a comorbid
7 mental illness. The eligibility criteria require I/DD as the primary cause of functional
8 impairment, and the presence of secondary or comorbid conditions, such as mental illness, are
9 currently allowed by the statute and administrative rule governing eligibility. Having co-
10 occurring conditions does not exclude an individual from DDD eligibility. HAR §11-88.1-5(a)(3)
11 states: "The mental or physical impairment or combination of mental and physical impairments
12 cannot be *primarily* from dementia, mental illness, emotional disorders, substance abuse,
13 sensory impairment, learning disabilities, attention deficit hyperactivity disorder, spinal cord
14 injuries, or neuromuscular disorders."

15 In fact, a large percentage of DDD's population does have co-occurring mental illnesses, such as
16 bipolar illnesses, schizophrenia and other thought disorders, anxiety, depression, and trauma
17 disorders. Nationally, it is estimated that between 35% and 40% of individuals receiving HCBS
18 for I/DD also have a co-occurring mental illness. In DDD's 1915(c) Waiver for Individuals with
19 I/DD, approximately 25% of the population has a co-occurring mental health diagnosis, and it is
20 felt this is an underestimate of actual prevalence due to the challenges in diagnosing people
21 with I/DD who have a co-occurring mental illness. This often results in "diagnostic
22 overshadowing" when an individual's mental health concerns are attributed to the individual's
23 primary diagnosis of intellectual disability rather than to a concurrent psychiatric disorder. In
24 fact, research suggests that people with I/DD have higher incidences of mental health
25 conditions than people without I/DD.

1 The Department notes that while the DDD is tasked with operating the 1915(c) HCBS waiver,
2 the DDD does not determine eligibility criteria for or make eligibility determinations for the
3 Medicaid 1915(c) HCBS waiver. Individuals eligible for the DDD may apply to receive services
4 through the waiver if they are deemed eligible for the waiver by MQD.

5 We ask you to consider our comments in your deliberations of this measure. Thank you for the
6 opportunity to testify.



**STATE OF HAWAII
KA MOKU'ĀINA O HAWAII
STATE COUNCIL ON DEVELOPMENTAL DISABILITIES
'A'UNIKE MOKU'ĀPUNI NO KA NĀ KĀWAI KULA**

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April 1, 2025

The Honorable Senator Joy A. San Buenaventura, Chair
Senate Committee on Health and Human Services
The Honorable Senator Jarrett Keohokalole, Chair
Senate Committee on Commerce and Consumer Protection
The Thirty-Third Legislature
State Capitol
State of Hawai'i
Honolulu, Hawai'i 96813

Dear Senator San Buenaventura, Senator Keohokalole, and Committee Members:

SUBJECT: SCR226/SR201 URGING THE MED-QUEST DIVISION OF THE DEPARTMENT OF HUMAN SERVICES AND DEVELOPMENTAL DISABILITIES DIVISION OF THE DEPARTMENT OF HEALTH TO AMEND THE ELIGIBILITY CRITERIA FOR THE MEDICAID 1915(C) HOME AND COMMUNITY-BASED SERVICES WAIVER.

The Hawai'i State Council on Developmental Disabilities respectfully submits **in support on SCR226/SR201**, which is urging the Med-Quest Division of the Department of Human Services and Developmental Disabilities Division of the Department of Health to amend the eligibility criteria for the Medicaid 1915(C) home and community-based services waiver.

The Hawaii State Council on Developmental Disabilities supports SCR226. The resolution seeks to address barriers individuals with developmental disabilities face in accessing critical Home and Community-Based Services (HCBS) under the Medicaid 1915(c) Waiver. These services are essential for supporting independence, safety, and quality of life in the least restrictive settings.

However, we respectfully urge the Committees to ensure that any amendment to eligibility criteria be done with full transparency and stakeholder input. We further recommend that the existing Hawaii Administrative Rules (HAR), which are inclusive and consistent with the intent of the DD Act, not be altered to accommodate internal or administrative preferences.

The current HAR language was developed through robust community input and reflects a comprehensive understanding of the diverse needs of Hawaii's I/DD community.

We caution against any effort to narrow or reinterpret eligibility language in a way that could exclude individuals from necessary services. Rather than adjusting HAR to align with internal practice, efforts should focus on ensuring that Administrative Rules align with the existing law and rule, thereby upholding both federal and state mandates to provide person-centered services.

Thank you for the opportunity to submit testimony in **support of SCR226/SR201**.

Sincerely,

A handwritten signature in blue ink that reads "Daintry Bartoldus".

Daintry Bartoldus
Executive Administrator

SR-201

Submitted on: 3/27/2025 8:35:11 PM

Testimony for HHS on 4/1/2025 10:02:00 AM

Submitted By	Organization	Testifier Position	Testify
Louis Erteschik	Testifying for Hawaii Disability Rights Center	Support	Remotely Via Zoom

Comments:

We have long supported this concept as one way to break down the barriers that exist at the Department of Health between the Developmental Disabilities Division and the Adult Mental Health Division. For years we have seen finger pointing and bureaucratic resistance to individuals who are dually diagnosed. The DD Division tells these people they are not eligible and they should apply at AMHD. AMHD in turn declines such individuals and refers them to DD. So, while they may potentially be eligible for services from both Divisions, in reality they end up getting served by neither. This is an untenable situation and to the extent that DD or AMHD “blame” these restrictions on the requirements of the Medicaid Waiver system, this could be a viable solution.

We would note as a factual matter that the excluded diagnoses referenced on page 1 lines 21 and 22 are in fact no longer excluded from the DD waiver. For years we maintained that the Administrative Rules that govern DD eligibility were in conflict with the definition of DD found in 333F Hawaii Revised Statutes. Recently, the Department of Health agreed and issued a Memorandum directing that these diagnoses would no longer be automatically excluded.

Mahalo for your support.



Iron Workers Stabilization Fund

T. George Paris
Managing Director

April 1, 2025

10:02 AM

Senate Committee on Health & Human Services and Senate Committee Commerce &
Consumer Protection
CR 229 & Videoconference

Re: SCR226/SR201 Related to Med-Quest- Testimony in Support

Chairs San Buenaventura, Jarret Keohokalole, Vice-Chairs and members of the committees,

The Ironworkers Stabilization Fund is in support of the resolution SCR226/SR201 urging the Med-QUEST Division of the Department of Human Services and the Developmental Disabilities Division of the Department of Health to amend the eligibility criteria for the Medicaid 1915(c) Home and Community-Based Services Waiver.

This resolution addresses a critical need within our community. The current eligibility criteria often create unnecessary barriers for individuals with developmental disabilities and those requiring long-term care to access essential home and community-based services. These services are vital for promoting independence, improving quality of life, and allowing individuals to remain in their homes and communities, rather than requiring institutionalization.

T. George Paris
Managing Director

To: Senator Joy A. San Buenaventura, Chair
Senator Henry J.C. Aquino, Vice Chair
Senate Committee on Health and Human Services

Senator Jarrett Keohokalole, Chair
Senator Carol Fukunaga, Chair
Senate Committee on Commerce and Consumer Protection



From: Chevelle Davis, MPH - Director of Early Childhood & Health Policy
Hawai'i Children's Action Network Speaks!

Subject: SCR226/SR201 URGING THE MED-QUEST DIVISION OF THE DEPARTMENT OF HUMAN SERVICES AND DEVELOPMENTAL DISABILITIES DIVISION OF THE DEPARTMENT OF HEALTH TO AMEND THE ELIGIBILITY CRITERIA FOR THE MEDICAID 1915(C) HOME AND COMMUNITY-BASED SERVICES WAIVER.

Hearing: Tuesday, April 1, 2025, at 10:02 AM, Conference Room 229

POSITION: STRONG SUPPORT

Aloha e Chairs San Buenaventura and Keohokalole, Vice Chairs Aquino and Fukunaga, and Members of the committees:

Mahalo for the opportunity to provide testimony in **STRONG SUPPORT of SCR226/SR201**, which urges the Med-QUEST Division of the Department of Human Services and the Developmental Disabilities Division of the Department of Health to amend the eligibility criteria for the Medicaid 1915(c) Home and Community-Based Services (HCBS) Waiver.

The Medicaid 1915(c) HCBS Waiver is a critical program that enables individuals with disabilities to receive care and support services in their homes and communities rather than in institutional settings. However, the current eligibility criteria present significant barriers to many families who require these essential services but do not meet the restrictive qualifications.

The Need for Change

1. **Expanding Access to At-Risk Families:** Many children and individuals with disabilities who require home and community-based care fall just outside the current eligibility thresholds. By amending the criteria, we can prevent unnecessary institutionalization and ensure that more families receive the support they need.
2. **Enhancing Health Equity:** Families with lower incomes or those residing in underserved communities often face disproportionate challenges in accessing services. Revising the eligibility requirements would align with Hawai'i's commitment to health equity, ensuring that all individuals, regardless of socioeconomic status, can access vital HCBS services.

3. **Promoting Family and Community Well-Being:** Keeping individuals in their homes and communities not only improves their quality of life but also supports family caregivers, who often provide unpaid care at great personal cost. Strengthening the Medicaid HCBS Waiver program would alleviate financial and emotional burdens on these families.
4. **Aligning with Best Practices:** Other states have successfully expanded their HCBS waiver eligibility criteria to serve more individuals in need. Hawai'i should follow suit to ensure our residents receive the highest standard of care while maximizing available federal funding.

HCAN Speaks! urges the passage of **SCR226/SR201** to prompt necessary changes to the Medicaid 1915(c) HCBS Waiver eligibility criteria. This amendment would provide essential support to children and individuals with disabilities, allowing them to remain in their homes and communities with dignity and care. By taking this step, Hawai'i reaffirms its commitment to protecting and uplifting its most vulnerable residents.

Mahalo for the opportunity to testify in support of this resolution. We respectfully urge the committee to pass **SCR226/SR201** and help ensure a healthier and more equitable future for Hawai'i's families.