STAND. COM. REP. NO. 711

Honolulu, Hawaii

Fc 416, 2007

RE: H.B. No. 1466

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Fourth State Legislature Regular Session of 2007 State of Hawaii

Sir:

Your Committee on Health, to which was referred H.B. No. 1466 entitled:

"A BILL FOR AN ACT RELATING TO DEVELOPMENTAL DISABILITIES," begs leave to report as follows:

The purpose of this measure is to ensure a continuation of assistance to the developmentally disabled.

Specifically, this bill provides the Department of Health with an additional year in which to administer community residential alternatives for persons with developmental disabilities or mental retardation that require that the person live in a setting of the person's choice. If the person determines that the person can be sustained with supports, the supports are attached to the person, and adequate consideration and recognition is given to the person's safety and well-being.

The measure also provides the Department with additional time to prepare the preliminary and final reports regarding persons with developmental disabilities or mental retardation who choose to live independently in a setting of the person's choice, sustained with supports.

Your Committee received testimony in support of the measure from the State Council on Developmental Disabilities, the Disability and Communications Access Board, the Department of Health, and the Hawaii Disability Rights Center.

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Your Committee finds that Act 303, Session Laws of Hawaii 2006, requires that the community residential alternatives provided by the Department of Health as part of the supports and services of the developmental disabilities system for persons with developmental disabilities or mental retardation must be in a setting of the person's choice. Thus, Act 303 enables a disabled person to live in a home or an apartment alone or with one or two friends. Without Act 303, the person would be restricted to living in a licensed adult residential care home, an adult foster home, or a developmental disabilities domiciliary home. Act 303 is scheduled to be repealed in 2008, and unless the repeal date is extended, persons with developmental disabilities or mental retardation will no longer be able to live in a setting of the person's choice.

Your Committee finds that Act 303 reflects the Legislature's acknowledgement that a developmentally disabled person has the right to determine where the person wishes to live and with whom, as long as supports are provided, and those supports follow that person in the community. Your Committee further finds that more time is needed to assess the impacts of Act 303, and accordingly, more time is needed by the Department of Health to prepare the preliminary and final reports required under that Act.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1466 and recommends that it pass Second Reading and be referred to the Committee on Finance.

Respectfully submitted on behalf of the members of the Committee on Health,

JOSHUA B. GREEN, M.D., Chair

State of Hawaii House of Representatives The Twenty-fourth Legislature



Record of Votes of the Committee on Health

Bill/Resolution No.:	3 1466 T. FIN	Date:	2-13-	-07		
Committee Referral: HLT, FIN		The committee is reconsidering its previous decision on the measure.				
The recommendation is to: Pass, unamended		u I	☐ Pass, with amendments			
☐ Hold		Pass, with amendments, for recommittal for further consideration				
HLT Members		Ayes	Ayes (WR)	Nays	Excused	
1. GREEN, Josh, M.D. (C)		V				
2. MIZUNO, John (VC)		V				
3. BELATTI, Della Au		V				
4. BERTRAM, Joe, III						
5. CABANILLA, Rida T.I		V		7 - 1/4 (47) 1 - 1/4 (47) 1 - 1/4 (47)		
6. RHOADS, Karl		V_{-}				
7. SHIMABUKURO, Mail	le S. L.				Y_	
8. TAKAI, K. Mark						
9. TOKIOKA, James Kun		_ V				
10. AWANA, Karen Leinar	ni	V				
11. WARD, Gene, Ph.D.		V				
TOTAL		9	0	0	Z	
The recommendation is: Vice Chair's or designee's sign		did not support recommendation. committee acronym(s)				
John II. Theyo						
Distribution: Original (White) – Committee Duplicate (Yellow) – Clerk's Office						