

STATE OF HAWAII
DEPARTMENT OF HEALTH
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Honolulu, HI 96801-3378
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**Testimony in SUPPORT of HB2358
DEVELOPMENTAL DISABILITIES**

REPRESENTATIVE DEE MORIKAWA
HOUSE COMMITTEE ON HUMAN SERVICES

Hearing Date: FEBRUARY 4, 2016 Room Number: 329

1 **Fiscal Implications:** The fiscal impact of amending the definition of “developmental
2 disabilities” in Chapter 333F, HRS, is expected to be minimal based on review of applications
3 and eligibility determinations for state developmental disabilities services for children 0-9 years
4 during FY2015 to FY2016.

5 **Department Testimony:** The Hawaii State Department of Health strongly supports this
6 Administration Bill.

7 Pursuant to HCR 17 (2014), the Department of Health, Developmental Disabilities Division
8 (DDD) convened a Task Force to review the statutory definition of "developmental disabilities."
9 The current definition for eligibility for DDD services requires individuals to have an intellectual
10 or developmental disability, and have substantial functional limitations in three or more areas of
11 major life activity: self-care, receptive and expressive language, learning, mobility, self-
12 direction, capacity for independent living, and economic sufficiency. Because infants and young
13 children, by definition, have different abilities than older children and adults in major life
14 activities, and any major limitations may not be fully manifested at this stage of their lives,
15 measuring functional limitations in these areas is very difficult.

16 Because of this finding, the task force recommended that the definition of “developmental
17 disabilities” in Chapter 333F, HRS, be amended to “An individual from birth to age nine who
18 has a substantial developmental delay or specific congenital or acquired condition may be
19 considered to have a developmental disability without meeting three or more of the criteria
20 described above, if the individual, without services and supports, has a high probability of

1 meeting those criteria later in life.” This bill’s proposed amendment will align the definition of
2 “developmental disabilities” with the definitions in the federal Developmental Disabilities
3 Assistance and Bill of Rights Act of 2000 (P.L. 106-402) and Chapter 333E, HRS. Thank you
4 for the opportunity to testify.

5



STATE OF HAWAII
STATE COUNCIL
ON DEVELOPMENTAL DISABILITIES
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TELEPHONE: (808) 586-8100 FAX: (808) 586-7543
February 4, 2016

The Honorable Dee Morikawa, Chair
House Committee on Human Services
Twenty-Eighth Legislature
State Capitol
State of Hawaii
Honolulu, Hawaii 96813

Dear Representative Morikawa and Members of the Committee:

SUBJECT: HB 2358 – Relating to Developmental Disabilities

The State Council on Developmental Disabilities (DD) **STRONGLY SUPPORTS HB 2358**. The bill amends the definition of "developmental disabilities" in Section 333F-1, Hawaii Revised Statutes, to include children from birth to age 9 who have substantial developmental delay or specific congenital or acquired condition and without services and supports, has a high probability of meeting criteria for DD later in life.

The Council was part of a Task Force that was convened by the Department of Health (DOH) DD Division pursuant to House Concurrent Resolution (HCR) 17 HD1 SD1, Session Laws of Hawaii, 2014. HCR 17 HD1 SD1 requested that the DOH DD Division establish a Task Force to review Hawaii's statutory definition of "developmental disabilities." In its review of Hawaii's current statutory definition of DD, the Task Force found that the Federal definition of "developmental disability" was amended in 2000 (P.L. 106-402 - DD Assistance and Bill of Rights Act of 2000, October 30, 2000) to include infants and young with a substantial developmental delay or specific congenital or acquired condition.

The current Federal definition under the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (DD Act) PL 106-402 Sec. 102 defines "developmental disability" as follows:

DEVELOPMENTAL DISABILITY.—

(A) IN GENERAL.—The term "developmental disability" means a severe, chronic disability of an individual that—

- (i) is attributable to a mental or physical impairment or combination of mental and physical impairments;
- (ii) is manifested before the individual attains age 22;
- (iii) is likely to continue indefinitely;

- (iv) results in substantial functional limitations in 3 or more of the following areas of major life activity:
 - (I) Self-care.
 - (II) Receptive and expressive language.
 - (III) Learning.
 - (IV) Mobility.
 - (V) Self-direction.
 - (VI) Capacity for independent living.
 - (VII) Economic self-sufficiency; and
 - (v) reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated.
- (B) INFANTS AND YOUNG CHILDREN.—An individual from birth to age 9, inclusive, who has a substantial developmental delay or specific congenital or acquired condition, may be considered to have a developmental disability without meeting 3 or more of the criteria described in clauses (i) through (v) of subparagraph (A) if the individual, without services and supports, has a high probability of meeting those criteria later in life.

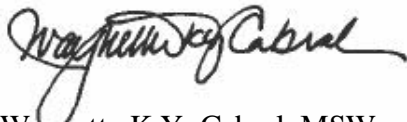
The Task Force in its list of recommendations identified amending the definition of DD in Section 333F-1 as a top priority. HB 2358 amends the definition of DD in Section 333F-1 according to the definition in the Federal law with one exception. The term “inclusive” is not included on Page 3, line 6, after “age nine.” The Council does not know what legal implications there may be if the term “inclusive” is not part of the definition. Should there be legal implications, the Council recommends that the bill be amended to include the term “inclusive.”

The passage of HB 2358 would:

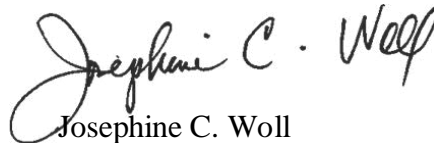
- 1) Align Section 333F-1 with Chapter 333E, HRS, and the current Federal definition;
- 2) Clarify that infants and young children may be considered to have a developmental disability without meeting the Federal functional criteria; and
- 3) Enable DOH DD Division to serve infants and young children through early intervention and supports.

Thank you for the opportunity to submit testimony in **strong support of HB 2358.**

Sincerely,



Waynette K.Y. Cabral, MSW
Executive Administrator



Josephine C. Woll
Chair



LATE

February 4, 2016

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To: Representative Dee Morikawa, Chair
Representative Bertrand Kobayashi, Vice Chair
House Committee on Human Services

From: Deborah Zysman, Executive Director
Hawaii Children's Action Network

Re: **HB 2358, Relating to Developmental Disabilities – Support
Hawaii State Capitol, Room 329 – February 4, 2016, 8:30 A.M.**

On behalf of Hawaii Children's Action Network (HCAN), formerly Good Beginnings Alliance, we are writing in support of the intent of HB1780, Relating to Education HB 2358, Relating to Developmental Disabilities.

HCAN is committed to improving lives and being a strong voice advocating for Hawai'i's children. Last fall, HCAN convened input in person and online from more than 50 organizations and individuals that came forward to support or express interest for a number of issues affecting children and families in our state that resulted in the compilation of 2016 Hawai'i Children's Policy Agenda, which can be accessed at <http://www.hawaiican.org/2016policyagenda>.

We support changing the definition of "Developmental Disability" as proposed in HB2358, which would amend HRS § 333F-1, to include children from birth to age 9 who have substantial developmental delay or specific congenital or acquired condition and without services and supports as a high probability of meeting criteria for developmental disabilities later in life. This bill is a priority of the State's Council on Developmental Disabilities to bring the state into accord with the federal definition.

For these reasons, HCAN respectfully requests that members of the Committee pass this bill.

Ms. Dee Morikawa
House Committee on Human Services
H.B. 2358

LATE

Thursday, February 4, 2016, 8:30am
Conference Room 329

My name is Kristi Kobayashi and I am testifying in favor of HB 2358 relating to the amendment of the definition of “developmental disabilities” for children birth to age 9. 3

As a second year social work student at UH Manoa, I have had the privilege of spending the past year at Easter Seals Hawaii Kailua Early Intervention Program as a practicum student. As a practicum student, I have worked with children from birth to age 3 with varying levels of developmental delay.

I have seen the impact Early Intervention can have on developmental delay and believe the proposed amendment in the definition of “developmental disability” in HB 2358 will protect more children with developmental disabilities from falling through the cracks.

With a more inclusive definition of “developmental disability,” more families will qualify for necessary financial support and children will get better social, emotional, and educational supports at an earlier age.

Parents want their children to grow up to be independent and contributing members of society. By amending the definition and getting services for children early on, those with developmental disabilities will have better outcomes.

In closing, I am in support of HB 2358 to amend the definition of “developmental disabilities” because I believe this will not only help children with developmental disabilities and their families get better support services, but it will also help society as a whole in the long run.

Kristi Kobayashi
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