

**STATE OF HAWAII**  
**DEPARTMENT OF HEALTH**  
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**Testimony in SUPPORT of SB2887 S.D. 1**  
**DEVELOPMENTAL DISABILITIES**

SENATOR JILL N. TOKUDA, CHAIR  
SENATE COMMITTEE ON WAYS & MEANS

Hearing Date: FEBRUARY 23, 2016      Room Number: 211

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

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

Pursuant to House Concurrent Resolution 17 (2014), the Department of Health, Developmental Disabilities Division (DDD) established a Task Force to review the statutory definition of "developmental disabilities." The current definition for eligibility for DDD services requires individuals to have an intellectual or developmental disability, and have substantial functional limitations in *three or more areas of major life activity*: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and economic sufficiency.

Because infants and young children, by definition, have different abilities than older children and adults in major life activities, and any major limitations generally are not fully manifested at this stage of their lives, measuring functional limitations in these areas is very difficult. Based on this finding, the Task Force recommended that the definition of “developmental disabilities” in Chapter 333F, HRS, be amended for infants and young children to the language in S.B. No. 2887. S.D.1. This will align the definition of “developmental disabilities” with the definitions in

1 the federal Developmental Disabilities Assistance and Bill of Rights Act of 2000 (P.L. 106-402)  
2 and Chapter 333E, HRS.

3 DDD further suggests the following formatting change in the SB2887:

4 "(6) An individual from birth to age nine who has a substantial developmental delay or  
5 specific congenital or acquired condition may be considered to have a developmental  
6 disability without meeting three or more of the criteria described above, if the  
7 individual, without services and supports, has a high probability of meeting those  
8 criteria later in life."

9 Thank you for the opportunity to testify.



**STATE OF HAWAII**  
STATE COUNCIL  
ON DEVELOPMENTAL DISABILITIES  
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February 23, 2016

The Honorable Jill N. Tokuda, Chair  
Senate Committee on Ways and Means  
Twenty-Eighth Legislature  
State Capitol  
State of Hawaii  
Honolulu, Hawaii 96813

Dear Senator Tokuda and Members of the Committee:

SUBJECT: SB 2887 SD1– Relating to Developmental Disabilities

The State Council on Developmental Disabilities (DD) **STRONGLY SUPPORTS SB 2887 SD1**. 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 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.

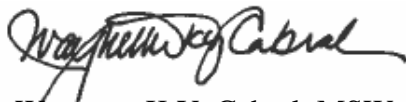
The Council was part of a Task Force that was convened by DOH DD Division pursuant to House Concurrent Resolution (HCR) 17 HD1 SD1, Session Laws of Hawaii, 2014. HCR 17 HD1 SD1 requested that DOH DD Division establish a Task Force to review Hawaii's statutory definition of "developmental disabilities." 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 Task Force in its list of recommendations identified amending the definition of DD in Section 333F-1 as a top priority.


The passage of SB 2887 SD1 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 SB 2887 SD1.**

Sincerely,

  
Waynette K.Y. Cabral, MSW  
Executive Administrator

  
Josephine C. Woll  
Chair



## DISABILITY AND COMMUNICATION ACCESS BOARD

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February 23, 2016

### TESTIMONY TO THE SENATE COMMITTEE ON WAYS AND MEANS

#### Senate Bill 2887, SD1 – Relating to Developmental Disabilities

The Disability and Communication Access Board (DCAB) supports Senate Bill 2887, SD1 Relating to Developmental Disabilities. This bill amends the definition of “developmental disabilities” in section 333F-1, Hawaii Revised Statutes, to include children from birth to age nine who have substantial delay or specific congenital or acquired condition and without services and supports, have a high probability of meeting criteria for developmental disabilities later in life.

This bill allows for early intervention services and supports to be made available to children from birth to age nine in order to deter any additional delays that may occur to cause the child to meet the definition of “developmental disabilities” later in life. It also aligns state law with the current federal law for “developmental disabilities” and is consistent with recommendations set forth by the task force convened by the Department of Health to review Hawaii’s statutory definition for “developmental disabilities” pursuant to House Concurrent Resolution 17 adopted by the Hawaii State Legislature in 2014.

We defer to the Department of Health regarding any fiscal impact amending the definition will have on service provision.

Thank you for the opportunity to provide testimony in support of this bill.

Respectfully submitted,

BARBARA FISCHLOWITZ-LEONG  
Chairperson  
Legislative Committee

FRANCINE WAI  
Executive Director



**S E A C**  
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**February 23, 2016**

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Ms. Jasmine Williams

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Amanda Kaahanui, Staff  
Susan Rocco, Staff

Senator Jill N. Tokuda, Chair

Committee on Education

State Capitol

Honolulu, HI 96813

RE: SB 2887, SD 1 - Relating to Developmental Disabilities

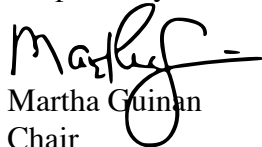
Dear Chair Tokuda and Members of the Committee,

The Special Education Advisory Council (SEAC), Hawaii's State Advisory Panel under the Individuals with Disabilities Education Act (IDEA), **strongly supports** SB 2887, SD 1 that amends the definition of "developmental disabilities" in section 333F-1, Hawaii Revised Statutes, to include children from birth to age nine who have a substantial developmental delay or specific congenital or acquired condition and without services and supports, have a high probability of meeting criteria for developmental disabilities later in life.

This bill will enable the Department of Health's Developmental Disabilities Division to serve these children and their families through early intervention and supports. Research shows that children with developmental delays have better academic, social and behavioral outcomes when they receive appropriate services at an early age.

Thank you for the opportunity to provide testimony on this important legislation. If you have questions or concerns, please contact me.

Respectfully,

  
Martha Guinan  
Chair