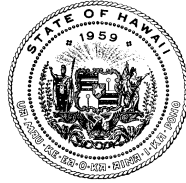


SB2887

Measure Title:	RELATING TO DEVELOPMENTAL DISABILITIES.
Report Title:	Developmental Disabilities
Description:	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 developmental disabilities later in life.
Companion:	HB2358
Package:	Governor
Current Referral:	CPH, WAM
Introducer(s):	KOUCHI (Introduced by request of another party)



STATE OF HAWAII
DEPARTMENT OF HEALTH
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**Testimony in SUPPORT of SB2887
DEVELOPMENTAL DISABILITIES**

SENATOR ROSALYN H. BAKER
SENATE COMMITTEE ON COMMERCE CONSUMER PROTECTION & HEALTH
Hearing Date: FEBRUARY 9, 2016 Room Number: 229

Fiscal Implications: The fiscal impact of amending the definition of “developmental disabilities” in Chapter 333F, HRS, is expected to be minimal based on review of 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 HCR 17 (2014), the Department of Health, Developmental Disabilities Division (DDD) convened 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 may not be fully manifested at this stage of their lives, measuring functional limitations in these areas is very difficult.

Because of this finding, the task force recommended that the definition of “developmental disabilities” in Chapter 333F, HRS, be amended to align the definition of “developmental disabilities” with the definitions in the federal Developmental Disabilities Assistance and Bill of Rights Act of 2000 (P.L. 106-402) and Chapter 333E, HRS.

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

2 "(5) Reflects the person's need for a combination and sequence of
3 special, interdisciplinary, or generic care, treatment, or other
4 services [~~which~~] that are of lifelong or extended duration and are
5 individually planned and coordinated.

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

12 Thank you for the opportunity to testify.



STATE OF HAWAII
STATE COUNCIL
ON DEVELOPMENTAL DISABILITIES
919 ALA MOANA BOULEVARD, ROOM 113
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TELEPHONE: (808) 586-8100 FAX: (808) 586-7543
February 9, 2016

The Honorable Rosalyn H. Baker, Chair
Senate Committee on Commerce, Consumer Protection,
and Health
Twenty-Eighth Legislature
State Capitol
State of Hawaii
Honolulu, Hawaii 96813

Dear Senator Baker and Members of the Committee:

SUBJECT: SB 2887 – Relating to Developmental Disabilities

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

Based on the current Federal definition of DD as noted below, the Council respectfully asks for an amendment on Page 3, lines 5-12, to move the underscored material as a separate paragraph from (5). The unscored material addresses "infants and young children" from birth to age 9, rather than the general definition of DD and as such, should not be part of (5). We are aware that the Department of Health (DOH) will also propose an amendment to address the above. The Council supports their proposed amendment.

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.

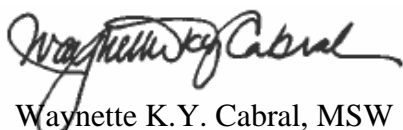
The Council was part of a Task Force that was convened by DOH DD Division pursuant to House Concurrent Resolution (HCR) 17 HD1 SD1, Session Laws of Hawaii, 2014. HCR 17 HD1 SD1 requested that DOH DD Division establish a Task Force to review Hawaii's statutory definition of "developmental disabilities." 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 would:

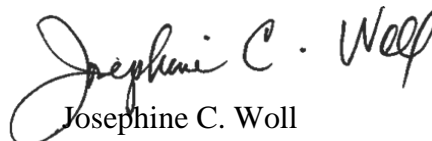
- 1) Align Section 333F-1 with Chapter 333E, HRS, and the current Federal definition;
- 2) Clarify that infants and young children may be considered to have a developmental disability without meeting the Federal functional criteria; and
- 3) Enable DOH DD Division to serve infants and young children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

Thank you for the opportunity to submit testimony in **strong support of SB 2887 with the proposed amendment.**

Sincerely,



Waynette K.Y. Cabral, MSW
Executive Administrator



Josephine C. Woll
Chair