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# A BILL FOR AN ACT

RELATING TO HEALTH.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The purpose of this Act is to assist persons  
2 who have been diagnosed with autism or fetal alcohol spectrum  
3 disorder to participate in their communities by providing  
4 medicaid coverage for home and community-based services.

5           SECTION 2. This Act shall be known and may be cited as  
6 "Kelii's Law".

7           SECTION 3. Chapter 346, Hawaii Revised Statutes, is  
8 amended by adding a new section to be appropriately designated  
9 and to read as follows:

10           "§346-           Autism; fetal alcohol spectrum disorder;  
11 coverage; home and community-based services. (a) Beginning on  
12 January 1, 2020, and notwithstanding any law to the contrary,  
13 the State's medicaid managed care and fee-for-service programs  
14 shall not deny coverage for home and community-based services to  
15 individuals who have been diagnosed with autism or fetal alcohol  
16 spectrum disorder.



1        (b) Coverage under this section shall include but not be  
2 limited to coverage for:

- 3        (1) Assistive technology;
- 4        (2) Career planning, including vocational assessment and  
5        job placement services;
- 6        (3) Community transition services;
- 7        (4) Day habilitation;
- 8        (5) Family support;
- 9        (6) Home modifications;
- 10       (7) Nutritional consultation;
- 11       (8) Residential habilitation;
- 12       (9) Respite care;
- 13       (10) Specialized skill development, including behavioral  
14       specialist, community support, and systematic skill  
15       building services;
- 16       (11) Supported employment, including extended employment  
17       supports and intensive job coaching;
- 18       (12) Temporary supplemental services;
- 19       (13) Therapeutic care;
- 20       (14) Transitional work services;
- 21       (15) Vehicle modifications; and



1       (16) Supportive housing.

2       (c) Services covered pursuant to this section shall be  
3 consistent with all federal and state privacy, security, and  
4 confidentiality laws.

5       (d) Notwithstanding any other law to the contrary, this  
6 section shall comply with the applicable federal requirements  
7 related to utilization, coverage, and reimbursement for services  
8 provided to individuals who have been diagnosed with autism.

9       (e) As used in this section, unless the context clearly  
10 requires otherwise:

11       "Autism" means autism spectrum disorder, which is a  
12 neurodevelopmental disorder, as defined by the most recent  
13 edition of the Diagnostic and Statistical Manual of Mental  
14 Disorders.

15       "Therapeutic care" means services provided by licensed  
16 speech pathologists, licensed occupational therapists, licensed  
17 social workers, licensed clinical social workers, or licensed  
18 physical therapists."

19       SECTION 4. The department of human services shall seek a  
20 waiver pursuant to section 1115 of the Social Security Act,  
21 title 42 United States Code section 1315, and other approvals



1 from the Centers for Medicare and Medicaid Services that may be  
2 necessary to amend the state medicaid plan to provide home and  
3 community-based services for medicaid-eligible individuals who  
4 have been diagnosed with autism or fetal alcohol spectrum  
5 disorder.

6 SECTION 5. The provision of home and community-based  
7 services for individuals diagnosed with autism or fetal alcohol  
8 spectrum disorder as required by this Act shall apply to all  
9 plans issued under medicaid managed care and fee-for-service  
10 programs in the State.

11 SECTION 6. The purpose of this Act is to establish a task  
12 force to perform a study to ensure and improve access to  
13 essential services for individuals with developmental or  
14 intellectual disabilities.

15 SECTION 7. (a) There is established within the behavioral  
16 health services administration of the department of health a  
17 task force to study issues relating to the accessibility and  
18 utilization of essential services by the State's developmentally  
19 and intellectually disabled individuals. The members of this  
20 task force shall consist of:



- 1 (1) A representative from the department of health's  
2 behavioral health services administration;
- 3 (2) A representative of the department of health's state  
4 council on developmental disabilities;
- 5 (3) A representative of the department of health's  
6 developmental disabilities division;
- 7 (4) A representative of the department of human services'  
8 MedQuest division;
- 9 (5) Two members to be selected by the speaker of the house  
10 of representatives;
- 11 (6) Two members to be selected by the president of the  
12 senate; and
- 13 (7) At least one member of a developmental or intellectual  
14 disability advocacy group.
- 15 (b) The task force shall address issues relating to access of  
16 essential services for the State's developmentally and  
17 intellectually disabled individuals. The task force shall  
18 submit a report with findings and recommendations, including  
19 proposed legislation, to the legislature no later than twenty  
20 days prior to the convening of the regular session of 2020. The  
21 report shall address:



- 1 (1) Gaps in service;
- 2 (2) Accessibility issues, including systemic barriers to
- 3 access;
- 4 (3) Identification of underserved populations; and
- 5 (4) Proposed legislation to improve existing services,
- 6 close service gaps, and decrease barriers to essential
- 7 services.

8 (c) The members of the task force shall serve without  
9 compensation, but shall be reimbursed for necessary expenses,  
10 including travel expenses, incurred for service on the task  
11 force. No member of the task force shall be made subject to  
12 section 84-17, Hawaii Revised Statutes, solely because of that  
13 member's participation on the task force.

14 (d) The task force shall convene no later than thirty days  
15 after the effective date of this Act.

16 (e) The task force shall serve until it has accomplished the  
17 objectives of this Act or twenty days prior to the convening of  
18 the regular session of 2020, whichever occurs first.

19 SECTION 8. This Act does not affect rights and duties that  
20 matured, penalties that were incurred, and proceedings that were  
21 begun before its effective date.



1           SECTION 9. If any provision of this Act, or the  
2 application thereof to any person or circumstance, is held  
3 invalid by state or federal law, the invalidity does not affect  
4 other provisions or applications of the Act that can be given  
5 effect without the invalid provision or application, and to this  
6 end the provisions of this Act are severable.

7           SECTION 10. New statutory material is underscored.

8           SECTION 11. This Act shall take effect on July 1, 2050;  
9 provided that section 5 shall take effect upon approval of the  
10 1115 waiver by the Centers for Medicare and Medicaid Services  
11 submitted pursuant to section 4 of this Act.



**Report Title:**

Autism; Home and Community-based Services; Medicaid; Keli's Law; Fetal Alcohol Spectrum Disorder; Developmental Disabilities; Task Force

**Description:**

Beginning 1/1/2020, requires the State's medicaid managed care and fee-for-service programs to provide coverage for home and community-based services for individuals diagnosed as having autism or fetal alcohol spectrum disorder. Requires the Department of Human Services to seek a section 1115 waiver to amend the state Medicaid plan to include this coverage. Establishes a task force in the Department of Health's Behavioral Health Services Administration to study access and service gap issues in providing essential services to the State's intellectually and developmentally disabled individuals. Effective 7/1/2020. (SD2)

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