
SENATE RESOLUTION

REQUESTING THE DEPARTMENT OF HEALTH DEVELOPMENTAL DISABILITIES DIVISION TO CONVENE A TASK FORCE TO DETERMINE THE FEASIBILITY OF CHANGING ITS ELIGIBILITY CRITERIA FOR THE HOME AND COMMUNITY-BASED SERVICES MEDICAID WAIVER FOR INDIVIDUALS HAVING INTELLECTUAL OR DEVELOPMENTAL DISABILITIES, OR MENTAL ILLNESSES.

1 WHEREAS, Hawaii residents having intellectual and
2 developmental disabilities who are eligible for services from
3 the Department of Health Developmental Disabilities Division are
4 eligible for Medicaid, and if they meet the level of care
5 criteria, they may apply for the Medicaid Section 1915(c) Home
6 and Community-Based Services Waiver for Individuals with
7 Intellectual and Developmental Disabilities, otherwise known as
8 the Medicaid I/DD Waiver; and
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10 WHEREAS, the Med-QUEST Division of the Department of Human
11 Services works in partnership with the Department of Health
12 Developmental Disabilities Division and stakeholders to design
13 an appropriate waiver that meets the needs of individuals who
14 have intellectual and developmental disabilities; and
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16 WHEREAS, both divisions ensure that the waiver is
17 implemented in compliance with all waiver requirements, federal
18 and state laws, and waiver standards; and
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20 WHEREAS, pursuant to section 11-88.1-5(a), Hawaii
21 Administrative Rules, to be considered as having an
22 developmental disability, an individual must have, among other
23 factors, a diagnosis that meets the definition of an eligible
24 condition for a severe and chronic disability, including
25 cerebral palsy; epilepsy; autism spectrum disorder; or a
26 neurological condition, central nervous system disorder, or
27 chromosomal disorder that results in impairment in both general
28 intellectual functioning and adaptive behavior; and
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1 WHEREAS, pursuant to section 11-88.1-5(a)(3), Hawaii
2 Administrative Rules, an individual is ineligible for the
3 Medicaid I/DD Waiver if the individual's impairments are
4 primarily from dementia, mental illness, an emotional disorder,
5 substance abuse, sensory impairment, a learning disability,
6 attention deficit hyperactivity disorder, a spinal cord injury,
7 or a neuromuscular disorder; and
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9 WHEREAS, section 11-88.1-5(a)(3), Hawaii Administrative
10 Rules, unfairly excludes from eligibility from services a number
11 of individuals who would otherwise be eligible based on their
12 developmental disabilities; and
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14 WHEREAS, the Department of Health may amend or repeal
15 administrative rules under its purview, unless otherwise
16 prohibited by federal or state laws or agreements with federal
17 authorities; now, therefore,
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19 BE IT RESOLVED by the Senate of the Thirty-first
20 Legislature of the State of Hawaii, Regular Session of 2021,
21 that the Department of Health Developmental Disabilities
22 Division is requested convene a task force to determine the
23 feasibility of changing its eligibility criteria for the Home
24 and Community-Based Services Medicaid Waiver for Individuals
25 with Developmental Disabilities; and
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27 BE IT FURTHER RESOLVED that the task force membership is
28 requested to include the following members:
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- 30 (1) The Director of Health, or the Director's designee,
31 who is requested to serve as chairperson of the task
32 force;
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- 34 (2) The Director of Human Services, or the Director's
35 designee;
- 36
- 37 (3) The Attorney General, or the Attorney General's
38 designee; and
- 39
- 40 (4) Any other members that the Director of Health chooses
41 to designate; and
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1 BE IT FURTHER RESOLVED that the task force is requested to
2 submit a report of its findings and recommendations, including
3 any proposed legislation, to the Legislature no later than
4 twenty days prior to the convening of the Regular Session of
5 2022; and
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7 BE IT FURTHER RESOLVED that certified copies of this
8 Resolution be transmitted to the Director of Health,
9 Administrator of the Division of Developmental Disabilities,
10 Director of Human Services, and Attorney General.

