

MAR 11 2022

SENATE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF HEALTH AND DEPARTMENT OF HUMAN SERVICES TO JOINTLY DEVELOP AND ADOPT ALL RULES, POLICIES, AND PLAN AMENDMENTS NECESSARY FOR THE STATE MEDICAID PROGRAM TO COVER MEDICALLY-NEEDED SERVICES, INCLUDING APPLIED BEHAVIOR ANALYSIS SERVICES, FOR INDIVIDUALS AGED TWENTY-ONE AND OLDER WITH NEURODEVELOPMENTAL DISORDERS, INCLUDING AUTISM SPECTRUM DISORDER.

1 WHEREAS, neurodevelopmental disorders are disabilities
2 associated primarily with the functioning of the neurological
3 system and brain; and
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5 WHEREAS, one neurodevelopmental disorder is autism spectrum
6 disorder, a developmental disability that can cause significant
7 social, communication, and behavioral challenges; and
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9 WHEREAS, treatments for individuals with developmental
10 disabilities, such as Applied Behavior Analysis, can improve
11 physical and mental development; and
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13 WHEREAS, Medicaid is a jointly-funded, federal-state health
14 insurance program for individuals with limited income and
15 resources who meet eligibility requirements; and
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17 WHEREAS, the Medicaid Home and Community-Based Services
18 Waiver for individuals with intellectual and developmental
19 disabilities is authorized under section 1915(c) of the federal
20 Social Security Act (section 1915(c) waiver); and
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22 WHEREAS, these services are designed to implement creative,
23 person-centered alternatives to long-term institutionalized
24 care; and
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26 WHEREAS, Hawaii's state Medicaid program, Med-QUEST, is
27 administered through the Department of Human Services in



1 partnership with the Department of Health's Developmental
2 Disabilities Division; and

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4 WHEREAS, there are reports of individuals with autism
5 spectrum disorder and other neurodevelopmental disorders who are
6 aged twenty-one and older being denied Med-QUEST coverage for
7 medically-needed autism services, including Applied Behavior
8 Analysis services; and

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10 WHEREAS, Applied Behavior Analysis services and similar
11 services should be covered by Med-QUEST for eligible individuals
12 with neurodevelopmental disorders; and

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14 WHEREAS, according to the Centers for Medicare and Medicaid
15 Services' Informational Bulletin dated July 7, 2014, individuals
16 aged twenty-one and older may continue to receive services to
17 address autism spectrum disorder through the section 1915(c)
18 waiver if a state does not elect to provide these services to
19 adults under its Medicaid state plan; and

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21 WHEREAS, this guidance also provides that states need to
22 ensure that these individuals are receiving a waiver service not
23 coverable under section 1905(a) of the federal Social Security
24 Act to ensure that they do not lose access to all Medicaid
25 services by losing waiver eligibility; now, therefore,

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27 BE IT RESOLVED by the Senate of the Thirty-first
28 Legislature of the State of Hawaii, Regular Session of 2022, the
29 House of Representatives concurring, that the Department of
30 Health and Department of Human Services are requested to jointly
31 develop and adopt all rules, policies, and plan amendments
32 necessary to ensure that the State Medicaid program covers
33 medically-needed services, including Applied Behavior Analysis
34 services, for individuals aged twenty-one and older with
35 neurodevelopmental disorders, including autism spectrum
36 disorder; and

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38 BE IT FURTHER RESOLVED that the Department of Health and
39 Department of Human Services are requested to ensure that any
40 rules, policies, and plan amendments adopted pursuant to this
41 request do not impair or limit any existing coverages; and



1 BE IT FURTHER RESOLVED that certified copies of this
2 Concurrent Resolution be transmitted to the Director of Health
3 and Director of Human Services.
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OFFERED BY:

A handwritten signature in black ink, appearing to be 'JDL', is written over a horizontal line.