

MAR 11 2022

SENATE 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
28 partnership with the Department of Health's Developmental
29 Disabilities Division; and
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1 WHEREAS, there are reports of individuals with autism
2 spectrum disorder and other neurodevelopmental disorders who are
3 aged twenty-one and older being denied Med-QUEST coverage for
4 medically-needed autism services, including Applied Behavior
5 Analysis services; and

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7 WHEREAS, Applied Behavior Analysis services and similar
8 services should be covered by Med-QUEST for eligible individuals
9 with neurodevelopmental disorders; and

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

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


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

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



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

