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# SENATE RESOLUTION

REQUESTING THE DEPARTMENT OF HEALTH AND DEPARTMENT OF HUMAN SERVICES TO JOINTLY REVIEW ANY RESEARCH REGARDING APPLIED BEHAVIORAL ANALYSIS FOR ADULTS; AND TO 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,  
29 that the Department of Health and Department of Human Services  
30 are requested to jointly review any research regarding Applied  
31 Behavior Analysis for adults; and to develop and adopt all  
32 rules, policies, and plan amendments necessary to ensure that  
33 the State Medicaid program covers medically-needed services,  
34 including Applied Behavior Analysis services, for individuals  
35 aged twenty-one and older with neurodevelopmental disorders,  
36 including autism spectrum 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  
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1 BE IT FURTHER RESOLVED that certified copies of this  
2 Resolution be transmitted to the Director of Health and Director  
3 of Human Services.

