

MAR 10 2023

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# SENATE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF HEALTH AND DEPARTMENT OF HUMAN SERVICES TO: JOINTLY REVIEW ANY RESEARCH APPLIED BEHAVIOR ANALYSIS FOR ADULTS; DEVELOP AND ADOPT RULES, POLICIES, AND PLAN AMENDMENTS NECESSARY TO ENSURE THAT THE STATE MEDICAID PROGRAM COVERS MEDICALLY NECESSARY SERVICES, INCLUDING APPLIED BEHAVIOR ANALYSIS SERVICES, FOR INDIVIDUALS AGED TWENTY-ONE AND OLDER WITH NEURODEVELOPMENTAL DISORDERS, INCLUDING AUTISM SPECTRUM DISORDER; AND APPLY FOR ANY NECESSARY APPROVALS FROM THE FEDERAL CENTERS FOR MEDICARE AND MEDICAID SERVICES TO AMEND THE STATE MEDICAID PLAN TO PROVIDE REIMBURSEMENTS FOR MEDICALLY NECESSARY SERVICES, INCLUDING APPLIED BEHAVIOR ANALYSIS SERVICES, TO MEDICAID-ELIGIBLE PERSONS OVER THE AGE OF TWENTY-ONE DIAGNOSED WITH 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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1           WHEREAS, these services are designed to implement creative,  
2 person-centered alternatives to long-term institutionalized  
3 care; and

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5           WHEREAS, Hawaii's state Medicaid program, Med-QUEST, is  
6 administered through the Department of Human Services in  
7 partnership with the Department of Health's Developmental  
8 Disabilities Division; and

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10           WHEREAS, there are reports of individuals with autism  
11 spectrum disorder and other neurodevelopmental disorders who are  
12 aged twenty-one and older being denied Med-QUEST coverage for  
13 medically necessary autism services, including applied behavior  
14 analysis services; and

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16           WHEREAS, applied behavior analysis services and similar  
17 services should be covered by Med-QUEST for eligible individuals  
18 with neurodevelopmental disorders; and

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20           WHEREAS, according to the federal Centers for Medicare and  
21 Medicaid Services' Informational Bulletin dated July 7, 2014,  
22 individuals aged twenty-one and older may continue to receive  
23 services to address autism spectrum disorder through the section  
24 1915(c) waiver if a state does not elect to provide these  
25 services to adults under its Medicaid state plan; and

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27           WHEREAS, the Informational Bulletin also provides that  
28 states need to ensure that these individuals are receiving a  
29 waiver service not coverable under section 1905(a) of the  
30 federal Social Security Act to ensure that they do not lose  
31 access to all Medicaid services by losing waiver eligibility;  
32 now, therefore,

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34           BE IT RESOLVED by the Senate of the Thirty-second  
35 Legislature of the State of Hawaii, Regular Session of 2023, the  
36 House of Representatives concurring, that the Department of  
37 Health and Department of Human Services are requested to:

- 38  
39           (1) Jointly review any research regarding applied behavior  
40 analysis for adults;  
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- 1           (2)   Develop and adopt rules, policies, and plan amendments  
2                    necessary to ensure that the State Medicaid program  
3                    covers medically necessary services, including applied  
4                    behavior analysis services, for individuals aged  
5                    twenty-one and older with neurodevelopmental  
6                    disorders, including autism spectrum disorder; and  
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- 8           (3)   Apply for any necessary approvals from the federal  
9                    Centers for Medicare and Medicaid Services to amend  
10                   the state Medicaid plan to provide reimbursements for  
11                   medically necessary services, including applied  
12                   behavior analysis services to Medicaid-eligible  
13                   persons over the age of twenty-one diagnosed with  
14                   autism spectrum disorder; and  
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16           BE IT FURTHER RESOLVED that the Department of Health and  
17 Department of Human Services are requested to ensure that any  
18 rules, policies, and plan amendments adopted pursuant to this  
19 request do not impair or limit any existing coverages; and  
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21           BE IT FURTHER RESOLVED that certified copies of this  
22 Concurrent Resolution be transmitted to the Director of Health  
23 and Director of Human Services.  
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26           OFFERED BY: \_\_\_\_\_

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