

STAND. COM. REP. NO.

1488

Honolulu, Hawaii

MAR 24 , 2023

RE: S.B. No. 1473  
S.D. 2  
H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-Second State Legislature  
Regular Session of 2023  
State of Hawaii

Sir:

Your Committees on Human Services and Health & Homelessness,  
to which was referred S.B. No. 1473, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

beg leave to report as follows:

The purpose of this measure is to:

- (1) Require and appropriate funds for the Department of Health and Department of Human Services to develop and adopt rules, polices, and plan amendments necessary to ensure the State's Medicaid program covers medically necessary services, including applied behavioral therapy, for persons twenty-one years of age or older with neurodevelopmental disorders, including autism spectrum disorder; and
- (2) Require the Department of Health and Department of Human Services to apply for any necessary approvals from the Centers for Medicare and Medicaid Services to amend the Hawaii Medicaid State Plan to provide reimbursements for these services.

Your Committees received testimony in support of this measure from the Hawaii State Council on Developmental Disabilities,

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Disability and Communication Access Board, Hawaii Disability Rights Center, Hawai'i Fetal Alcohol Spectrum Disorders FASD Action Group, Hawai'i Association for Behavioral Analysis, BAYADA Behavioral Analysis, The Council of Autism Service Providers, and numerous individuals. Your Committees received comments on this measure from the Department of Health, Department of Human Services, and one individual.

Your Committees find that there is currently a gap group of individuals with intellectual or developmental disabilities who do not qualify for services under the Department of Health's Developmental Disabilities Division and are above the age of twenty-one. If these individuals only have Med-QUEST coverage, they are unable to receive needed behavioral analysis services. Your Committees recognize that generally, applied behavioral analysis is most effective when begun at an early age. However, there is a growing body of research that supports its continued value for individuals with neurodevelopmental disabilities beyond the age of twenty-one. Your Committees also acknowledge that additional discussion into this matter is required at this time.

Accordingly, your Committees have amended this measure by:

- (1) Deleting language requiring the Department of Health and Department of Human Services to develop and adopt rules, polices, and plan amendments regarding Medicaid coverage of certain services for persons twenty-one years of age or older with neurodevelopmental disorders and seek associated approvals from the Centers for Medicare and Medicaid Services;
- (2) Inserting language requiring the Departments of Health, Human Services, and Education to research what rules, policies, and plan amendments are necessary to ensure medically necessary services, including applied behavior analysis services, for individuals twenty-six years of age or younger with neurodevelopmental disorders, including autism spectrum disorder and fetal alcohol spectrum disorders are covered under the following:
  - (A) The Early and Periodic Screening, Diagnostic, and Treatment benefit under the State's Medicaid program;

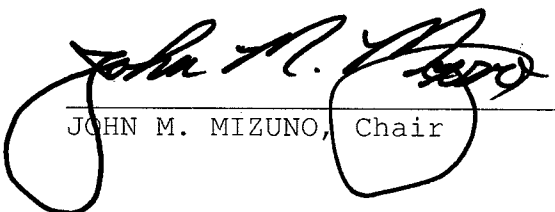


- (B) Any applicable state special education services and programs; and
- (C) The Medicaid Section 1915(c) Home and Community Based Waiver for Individuals with Intellectual and Developmental Disabilities;
- (3) Changing the appropriation to be for Fiscal Year 2023-2024 only, rather than the Fiscal Biennium 2023-2025, and amending its purpose;
- (4) Changing the effective date to July 1, 3000, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the records of votes of the members of your Committees on Human Services and Health & Homelessness that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1473, S.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1473, S.D. 2, H.D. 1, and be referred to your Committee on Finance.

Respectfully submitted on  
behalf of the members of the  
Committees on Human Services  
and Health & Homelessness,

  
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DELLA AU BELATTI, Chair

  
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JOHN M. MIZUNO, Chair





