

Honolulu, Hawaii

MAR 03 2023

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

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Second State Legislature  
Regular Session of 2023  
State of Hawaii

Sir:

Your Committees on Commerce and Consumer Protection and Ways and Means, to which was referred S.B. No. 1473, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require the Department of Health and Department of Human Services to:
  - (A) 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
  - (B) Apply for any necessary approvals from the 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 individuals aged twenty-one and older with neurodevelopmental disorders, including autism spectrum disorder; and



- (2) Appropriate an unspecified amount to the Department of Human Services for the development and adoption of the aforementioned rules, policies, and plan amendments.

Your Committees received testimony in support of this measure from the State Council on Developmental Disabilities, Hawai'i Association for Behavior Analysis, Hawaii Disability Rights Center, Hawaii Fetal Alcohol Spectrum Disorders (FASD) Action Group, and ten individuals. Your Committees received comments on this measure from the Department of Human Services and Department of Health.

Your Committees find that state Medicaid program beneficiaries diagnosed with autism spectrum disorder no longer receive coverage for medically necessary services after age twenty-one. The state Medicaid program also does not cover medically necessary services for individuals with other neurodevelopmental disorders, regardless of an individual's age. Your Committees further find that an individual's clinical needs, rather than the individual's age, should guide treatment, and private insurance providers cover medically necessary services for an individual with autism spectrum disorder across the individual's lifespan. Therefore, to ensure health care parity for state Medicaid program beneficiaries, this measure requires the Department of Health and Department of Human Services to take necessary actions to ensure the state Medicaid program covers medically necessary services for any individual with a neurodevelopmental disorder across the individual's lifespan.

Your Committees have amended this measure by:

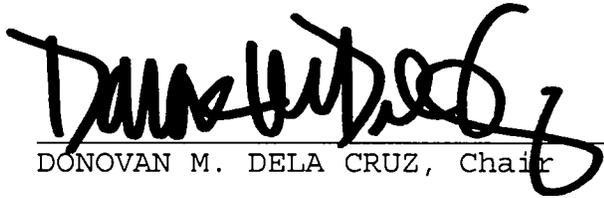
- (1) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Commerce and Consumer Protection and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1473, S.D. 1, as amended



herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 1473, S.D. 2.

Respectfully submitted on behalf of the members of the Committees on Commerce and Consumer Protection and Ways and Means,

  
DONOVAN M. DELA CRUZ, Chair

  
JARRETT KEOHOKALOLE, Chair





