



STATE OF HAWAII  
DEPARTMENT OF EDUCATION  
KA 'OIHANA HO'ONA'AUAO  
P.O. BOX 2360  
HONOLULU, HAWAII 96804

**Date:** 02/01/2024

**Time:** 09:00 AM

**Location:** 329 VIA VIDEOCONFERENCE

**Committee:** Human Services

**Department:** Education

**Person Testifying:** Keith T. Hayashi, Superintendent of Education

**Title of Bill:** HB 2217 RELATING TO HEALTH.

**Purpose of Bill:** Requires the Departments of Health, Human Services, and Education to research any rules, policies, and state plan amendments that are necessary to ensure that clinically appropriate treatments and services for individuals twenty-six years of age or younger with autism spectrum disorder or fetal alcohol spectrum disorder are considered covered benefits under the State's medicaid program. Appropriates funds.

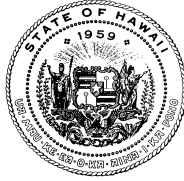
**Department's Position:**

The Hawaii State Department of Education (Department) supports HB 2217, which requires the departments of Health, Human Services, and Education to research any rules, policies, and state plan amendments that are necessary to ensure that clinically appropriate treatments and services for individuals twenty-six years of age or younger with autism spectrum disorder or fetal alcohol spectrum disorder are considered covered benefits under the State's Medicaid program.

The Department stands ready to research the rules and policies of applicable state special education services and programs that support the continuation of behavioral services as covered benefits under the State's Medicaid program for individuals twenty-six years of age or younger with autism spectrum disorder or fetal alcohol spectrum disorders.

Thank you for the opportunity to provide testimony on this measure.





STATE OF HAWAII  
DEPARTMENT OF HEALTH  
KA 'OIHANA OLAKINO  
P. O. Box 3378  
Honolulu, HI 96801-3378  
doh.testimony@doh.hawaii.gov

**Testimony in SUPPORT of HB2217  
RELATING TO HEALTH**

REPRESENTATIVE LISA MARTEN, CHAIR  
HOUSE COMMITTEE ON HUMAN SERVICES

**Hearing:** 2/1/24  
Conference Room 329  
9:00AM

1 **Fiscal Implications:** Undetermined

2 **Department Position:** The Department of Health supports HB 2217 and provides the following  
3 comments on this measure.

4 **Department Testimony:** The Developmental Disabilities Division (DDD) provides the following  
5 testimony on behalf of the Department of Health.

6 The Department appreciates the intent to research clinically appropriate treatments and  
7 services for children and youth as they transition to adulthood. DOH provides comments and  
8 recommends amendments to HB 2217 which asks the Departments of Health, Human Services,  
9 and Education to prepare for the extension of behavioral modification services for individuals  
10 twenty-six years or younger with autism spectrum disorder (ASD) or fetal alcohol syndrome  
11 disorder (FASD). The Department notes that there may be other services and supports that may  
12 be necessary to address the needs of individuals in these populations, and behavior  
13 modification alone may not encompass the potential range of clinically appropriate treatments  
14 and services. Intensive behavioral therapies for either ASD or FASD should be recommended  
15 under certain circumstances but are not appropriate in every situation.

16 The Department of Health defers to the Department of Human Services on needed  
17 appropriations to carry out this research.

1 **Offered Amendments:**

2 SECTION 1 on Lines 10-13 strike: ~~“to prepare for the extension of behavioral~~  
3 ~~modification services” ...~~

4 Replace this language with: “research the most appropriate services and how they can  
5 be covered under Medicaid State Plan or Medicaid 1915 (c) waiver amendments” ...

6 Thank you for the opportunity to testify on this measure.



**STATE OF HAWAII**  
STATE COUNCIL  
ON DEVELOPMENTAL DISABILITIES  
1010 RICHARDS STREET, Room 122  
HONOLULU, HAWAII 96813  
TELEPHONE: (808) 586-8100 FAX: (808) 586-7543  
February 1, 2024

The Honorable Representative Lisa Marten, Chair  
House Committee on Human Services  
The Thirty-Second Legislature  
State Capitol  
State of Hawai'i  
Honolulu, Hawai'i 96813

Dear Representative Marten and Committee Members:

SUBJECT: HB2217 RELATING TO HEALTH

The Hawaii State Council on Developmental Disabilities **SUPPORTS HB2217**, which appropriates funds to increase the funding for applied behavioral analysis services for persons with autism.

HB 2217 proposes to expand access to Applied Behavior Analysis (ABA) therapy for individuals above the age of 22. The Hawaii State Council on Developmental Disabilities supports this initiative, as it recognizes the effectiveness of ABA therapy in aiding individuals with Autism and/or Fetal Alcohol Spectrum Disorder (FASD) in their daily lives.

Individuals with Autism and/or FASD often face challenges during the transition from school to community and work environments. This transition period can be particularly daunting, requiring adapting to new experiences and social norms. ABA therapy has been demonstrated to benefit individuals above the age of 22, assisting them in better acclimating to these new environments.

The Hawaii State Council on Developmental Disabilities underscores the importance of providing ABA therapy beyond the typical age threshold, as it aligns with the evolving needs of individuals with developmental disabilities. By supporting access to ABA therapy for individuals after the age of 22, we can facilitate smoother transitions and enhance their quality of life as they integrate into our communities and workplaces.

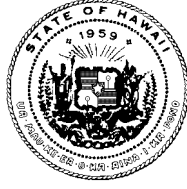
The Council defers to the Department of Human Services for any substantive changes or appropriation recommendations.

Thank you for the opportunity to submit testimony in **support of HB2217**.

Sincerely,

Daintry Bartoldus  
Executive Administrator

JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA



CATHY BETTS  
DIRECTOR  
KA LUNA HO'OKELE

JOSEPH CAMPOS II  
DEPUTY DIRECTOR  
KA HOPE LUNA HO'OKELE

STATE OF HAWAII  
KA MOKU'ĀINA O HAWAI'I  
**DEPARTMENT OF HUMAN SERVICES**  
KA 'OIHANA MĀLAMA LAWELAWE KANAKA  
Office of the Director  
P. O. Box 339  
Honolulu, Hawaii 96809-0339

TRISTA SPEER  
DEPUTY DIRECTOR  
KA HOPE LUNA HO'OKELE

January 31, 2024

To: The Honorable Representative Lisa Marten, Chair  
House Committee on Human Services

FROM: Cathy Betts, Director

SUBJECT: **HB 2217 – RELATING TO HEALTH.**

Hearing: February 1, 2024, 9:00 a.m.  
Conference Room 329, State Capitol & Video Conference

**DEPARTMENT'S POSITION:** The Department of Human Services (DHS) appreciates the intent of this bill, offers comments, and proposes amendments. DHS also supports the measure as long as it does not reduce or replace the priorities identified in the Governor's budget.

**PURPOSE:** The purpose of this bill is to prepare for the extension of behavioral modification services for individuals twenty-six years of age or younger with autism spectrum disorder (ASD) or fetal alcohol spectrum disorder (FASD). Appropriates funds.

The Department appreciates the measure's intent to have the Departments of Human Services, Health, and Education to research clinically appropriate treatments to prepare for the extension of behavioral modification services for individuals twenty-six years or younger with ASD or FASD. It can be very challenging for families with children and youth with ASD or FASD to access appropriate services as the children transition to adulthood. However, we note that there are likely other clinically appropriate services and supports other than behavioral modification services that may be needed to address the needs of individuals in these

populations. Additionally, clinically appropriate services are different for individuals with ASD compared with FASD. For example, intensive behavioral therapies, such as Applied Behavioral Analysis, are appropriate for many children with ASD but not for children with FASD. For these reasons, we offer the suggested amendments:

- Replace the purpose in SECTION 1, lines 10-13, to read as follows:

"The purpose of this Act is to research the most appropriate services for individuals twenty-six years of age or younger with autism spectrum disorder or fetal alcohol spectrum disorder and how services may be covered under Medicaid State Plan or Medicaid 1915(c) waiver amendments."

- Amend Section 2, page 1, lines 14- page 2, line 3, as follows:

SECTION 2. The department of health, department of human services, and department of education shall research any rules, policies, Medicaid and state plan amendments or waivers that are necessary to ensure that provide clinically appropriate treatments and services for individuals twenty-six years of age of or younger with autism spectrum disorder or fetal alcohol spectrum disorder are covered under the following programs:

- Insert a new paragraph after Section 2, paragraph (3), on page 2, line 11:

"The departments shall make recommendations on any policy actions or funding that may be needed to implement the recommended rule, policy, Medicaid state plan amendment or waivers."

DHS estimates that such research will need to be conducted by consultants with subject matter expertise and cost \$300,000 (\$150,000 A funds/\$150,000 N funds).

Thank you for the opportunity to testify on this measure.



## DISABILITY AND COMMUNICATION ACCESS BOARD

1010 Richards Street, Room 118 • Honolulu, Hawaii 96813  
Ph. (808) 586-8121 (V) • TTY (808) 586-8162 • Fax (808) 586-8129

February 1, 2024

### TESTIMONY TO THE HOUSE COMMITTEE ON HUMAN SERVICES

#### House Bill 2217 – Relating to Health

The Disability and Communication Access Board (DCAB) supports the intent of House Bill 2217 – Relating to Health.

This bill would require the Department of Health and Department of Human Services to 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 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 state Medicaid plan to provide reimbursements for medically necessary services, including applied behavior analysis services to Medicaid-eligible individuals over the age of twenty-one diagnosed with autism spectrum disorder.

The State currently has a "gap group" of individuals with intellectual or developmental disabilities who do not qualify for services under the Developmental Disabilities Division and are above the age of twenty-one. If these individuals with intellectual or developmental disabilities only have Med-QUEST coverage they are unable to receive needed behavioral analysis services. This measure will ensure that individuals over the age of twenty-one will be able to access medically necessary services.

Thank you for the opportunity to provide testimony on this bill.

Respectfully submitted,

KIRBY L. SHAW  
Executive Director





## **HB2217 Medicaid Options for FASD and Autism**

### COMMITTEE ON HUMAN SERVICES

Rep. Lisa Marten, Chair

Rep. Terez Amato, Vice Chair

Thursday, Feb 1, 2024: 9:00: Room 329 Videoconference

### **Hawaii Substance Abuse Coalition Supports HB2217:**

*ALOHA CHAIR, VICE CHAIR, AND DISTINGUISHED COMMITTEE MEMBERS. My name is Alan Johnson. I am the current chair of the Hawaii Substance Abuse Coalition (HSAC), a statewide organization for substance use disorder and co-occurring mental health disorder treatment and prevention agencies and recovery-oriented services.*

HSAC supports that individuals twenty-six years of age or younger with autism spectrum disorder or fetal alcohol spectrum disorder are covered under the following:

- (1) The early and periodic screening, diagnostic, and treatment benefit under the State's Medicaid program;
- (2) Any applicable state special education services and programs; and
- (3) The Medicaid section 1915(c) home and community-based services waiver for individuals with intellectual and developmental disabilities.

FASD is a problem in Hawaii and efforts can be made to prevent this devastating condition as well as to treat children and adults that would increase their functioning:

- Understand the disorder and reshape some of our interventions to change a child's behavior and improve functionality.
- Reduce the prevalence of FASD.
- Empower care givers to help FASD people reach their full potential.
- Address stigma by educating our communities to understand the complexities of this disability while promoting a more inclusive culture.
- Greatly improve upon outcomes through measurement brought about by Medicaid funding.
- Reduce childhood trauma by increasing supports for high-risk families, building resilience, and improving access to treatment.

**Working together, we can join the growing number of states that claim to be a “FASD-Informed State.”**

We appreciate the opportunity to provide testimony and are available for questions.



**HB-2217**

Submitted on: 1/30/2024 5:25:51 PM

Testimony for HUS on 2/1/2024 9:00:00 AM

| <b>Submitted By</b> | <b>Organization</b>             | <b>Testifier Position</b> | <b>Testify</b>    |
|---------------------|---------------------------------|---------------------------|-------------------|
| Louis Erteschik     | Hawaii Disability Rights Center | Support                   | Remotely Via Zoom |

Comments:

EPSDT is a great program that helps children on Medicaid access necessary services. However, it ends when the child turns 21. The problem is that sometimes they need to be able to continue to receive those therapies and yet even though they are still medically necessary, they may not be covered by other existing programs. That may be particularly true for conditions such as autism spectrum disorder or fetal alcohol spectrum disorder, which at times may fall into a "gap group". This Bill would explore ways to provide a continuity of services and we feel that is very important.



Committee on Human Services

Thursday, February 1, 2024

9:00 am

VIA VIDEOCONFERENCE

Conference Room 329

State Capitol

415 South Beretania Street

**SUPPORT HB2217 RELATING TO HEALTH**

Chair Marten, Vice Chair Amato, and Members of the Committee:

On behalf of the Hawai'i Association for Behavior Analysis (HABA) we thank you for the opportunity to submit testimony in **strong support** of HB2217, which requires the Departments of Health, Human Services, and Education to research any rules, policies, and state plan amendments that are necessary to ensure that clinically appropriate treatments and services for individuals twenty-six years of age or younger with autism spectrum disorder or fetal alcohol spectrum disorder are considered covered benefits under the State's Medicaid program.

HABA supports creating access to medically necessary services across the lifespan. In our state, Med-QUEST beneficiaries under the age of 21 with an autism diagnosis can access their medically necessary services through their private health plan; however, **when they turn 21, as a QUEST beneficiary they lose access to therapy**. This bill would create parity for QUEST beneficiaries, as those with private insurance are already covered across the lifespan.

There is a robust body of literature available supporting ABA which includes both clinical research applications for evidence-based treatment with adults as well as published generally accepted standards of care for coverage of ABA.

The Council of Autism Service Providers (CASP) is a nonprofit organization that publishes the generally accepted standards of care for medically necessary ABA—[Applied Behavior Analysis: Treatment of Autism Spectrum Disorder Practice Guidelines for Healthcare Funders and Managers](#) in its second edition published in 2020 notes "Treatment should be based on the clinical needs of the individual and not constrained by age [...] ABA is effective across the life span. Research has not established an age limit beyond which ABA is ineffective" (p. 18). It is worth noting that the CASP practice guidelines include a *selected bibliography*, not a comprehensive list of available research and the bibliography has not been updated since its original publication in 2014 (the selected bibliography includes 15 studies, three of which focus on adults). Research, including randomized control trials and meta-analyses, have demonstrated the effectiveness of behavioral intervention for adults and many of these studies are housed by the National Library of Medicine.

In 2014, the nonprofit organization, Autism New Jersey, published a report titled [Insurance Coverage of Applied Behavior Analysis for Adults with Autism: A Review of the Evidence](#). In this report, the authors concluded "The robust empirical support for ABA-based interventions for children with autism

combined with the effectiveness of focused ABA-based interventions for adults with autism make a compelling argument to require insurance coverage of ABA-based interventions for adults with autism” (p.7).

In 2015, the National Autism Center published the [National Standards Project, Phase 2: Addressing the need for evidence-based practice guidelines for autism spectrum disorder](#). This report reviewed research findings for adults age 22+ and found that there was a body of research available for behavioral intervention (ABA) with adults to conclude that ABA is the only established intervention meeting the criteria for evidence-based intervention.

The ABA Coding Coalition’s publication, [Model Coverage Policy for Adaptive Behavior Services](#) originally published in 2020 and revised in 2022, includes model health insurance coverage policy and a bibliography of research examples including adults and other neurodevelopmental conditions.

Other states, including New Mexico and New York have successfully structured Medicaid coverage, with approved state plan amendments, for ABA for adults without an age cap.

Extending coverage of ABA services to Medicaid eligible adults 21-26 years of age would be a significant step forward and would greatly benefit our community by creating access to needed behavioral health services and addressing this health equity issue for a vulnerable population.

Mahalo,



Kristen Koba-Burd, BCBA, LBA, CDP  
Legislative Chair  
Hawai'i Association for Behavior Analysis

**LATE**

COMMITTEE ON HUMAN SERVICES

Rep. Lisa Marten, Chair

Rep. Terez Amato, Vice Chair

Rep. Della Au Belatti  
Rep. Greggor Ilagan  
Rep. Bertrand Kobayashi

Rep. Jenna Takenouchi  
Rep. Scott Y. Nishimoto  
Rep. Diamond Garcia

AMENDED NOTICE OF HEARING

DATE: Thursday, February 1, 2024  
TIME: 9:00 a.m.  
PLACE: VIA VIDEOCONFERENCE  
Conference Room 329  
State Capitol  
415 South Beretania Street

January 31st, 2024  
RE: HB2217

Dear Chair Lisa Marten and Committee on Human Services,

This bill relating to health extends the services on the ASD spectrum from 21 to 26. Hawaii Autism Foundation is in favor of this bill extending coverage for those on the spectrum, and we have some suggested amendments.

As written the bill would only seem to support applied behavioral therapy (ABA). Increasing services to families and individuals with ASD is worthwhile. However, recent studies show that ASD disorders are not necessarily intellectual or behavioral in nature, but rather primarily affect motor and movement coordination. Until ABA is adjusted based on these new findings, it is neither the only nor the most effective method for helping those on the spectrum. Hawaii Autism Foundation recommends expanding this bill to include physical therapy, occupational therapy, speech therapy, augmented and alternative communication (AAC), and social skill programs.

Sincerely,

Julianne King  
Board President  
Hawaii Autism Foundation



**LATE**

**LATE**

**HB-2217**

Submitted on: 1/31/2024 7:39:16 PM

Testimony for HUS on 2/1/2024 9:00:00 AM

| Submitted By     | Organization   | Testifier Position | Testify                |
|------------------|--|--------------------|------------------------|
| Kenichi Yabusaki | Hawaii Fetal Alcohol Spectrum Disorders Action Group | Support            | Written Testimony Only |

Comments:

Aloha Chair Representative Marten and Members of the Health and Human Services Committee:

I fully support HB2217 and urge you to pass this important Bill which will support those individuals affected by Autism Spectrum Disorders (ASD) and Fetal Alcohol Spectrum Disorders (FASD) by increasing the age limit to twenty-six years of age from the current twenty-two years of age to receive much-needed Medicaid services. In the case of FASD, many individuals due to misdiagnosis find they have this condition well into adulthood. Those affected by a developmental disability like Autism and/or FASD are gifted as much as those deemed "Normal". To ignore helping those mentioned above so they can reach their full potential is to ignore their Civil Rights as members of our society. Those with ASD and FASD are through no fault of their own, but via genetics and exposure to alcohol in utero. Society must support them by all means possible and increasing the age for receiving services can make all the difference between failure and success. It is our responsibility to support them via the passage of HB2217. Thank you for your thumbs-up votes.

Kenichi Yabusaki, Ph.D.

Hawaii FASD Action Group



**LATE**

TO: Representative Lisa Marten, Chair  
And members of the Committee on Health and Human Services

FROM: Ann S. Yabusaki, Ph.D., LMFT  
Member, Board of Directors  
Hawaii Fetal Alcohol Spectrum Disorders (FASD) Action Group

**LATE**

**RE: In Support of HB 2217 Relating to health**

I am writing on behalf of the Hawaii FASD Action Group to voice support of the recognition that people affected by FASD need intensive therapies and assistance with case management services to help them transition to adulthood. Because many function many years below their chronological age, assisting them until at least 26 years of age under Medicaid coverage would be a great help.

FASD is a life-long, irreversible brain condition. It would be ideal to have the Departments of Human Services, Education, and Health explore the extension of coverage for people affected by FASD and their families. The help from additional providers under EPSDT would help caregivers time to set up additional help to support their loved ones affected by FASD.

Thank you for hearing this bill and permitting testimony.

*Ann S. Yabusaki*

**LATE**

**HB-2217**

Submitted on: 1/31/2024 9:01:11 AM

Testimony for HUS on 2/1/2024 9:00:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Testify</b>       |
|---------------------|---------------------|---------------------------|----------------------|
| Linda Elento        | Individual          | Comments                  | Remotely Via<br>Zoom |

Comments:

Refer also to HB2712 testiomy.