
A BILL FOR AN ACT

RELATING TO HEALTH.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that persons who have
2 been diagnosed with autism or fetal alcohol spectrum disorder in
3 Hawaii face difficult and profound challenges and a present
4 system of care that can be complicated to navigate. Other
5 states, such as Minnesota and Virginia, have made dedicated
6 efforts to make the coverage of medicaid services accessible to
7 persons with autism or fetal alcohol spectrum disorder. The
8 legislature finds that Hawaii needs to make a similar effort to
9 minimize the burdens that persons with autism or fetal alcohol
10 spectrum disorder experience in the navigation, access, and
11 coverage of medicaid services.

12 The purpose of this Act is to establish a joint task force
13 with department of health's behavioral health administration and
14 department of human services' med-QUEST division to review
15 policy issues and opportunities relating to the navigation,
16 access, and coverage of medicaid services by persons with autism
17 or fetal alcohol spectrum disorder.



1 SECTION 2. This Act shall be known and may be cited as
2 "Ann and Kelii's Law".

3 SECTION 3. (a) There is established jointly within the
4 department of health's behavioral health services administration
5 and the department of human services' med-QUEST division a task
6 force to review policy issues and opportunities relating to the
7 navigation, access, and coverage of medicaid services by persons
8 with autism or fetal alcohol spectrum disorder. The members of
9 the task force shall consist of:

- 10 (1) A representative from the department of health's
11 behavioral health services administration;
- 12 (2) A representative from the department of health's
13 developmental disabilities division;
- 14 (3) A representative from the department of human
15 services;
- 16 (4) A representative from the department of human
17 services' med-QUEST division;
- 18 (5) A representative from the department of health's state
19 council on developmental disabilities;
- 20 (6) At least one representative from a med-QUEST health
21 plan;



- 1 (7) A member to be selected by the chair of the house
- 2 standing committee with the primary purview over human
- 3 services;
- 4 (8) A member to be selected by the chair of the house
- 5 standing committee with the primary purview over
- 6 health and homelessness;
- 7 (9) Two members to be selected by the chair of the senate
- 8 standing committee with the primary purview over
- 9 health and human services;
- 10 (10) At least one member of a developmental or intellectual
- 11 disability advocacy group;
- 12 (11) Two parent-advocates to be selected by the speaker of
- 13 the house of representatives;
- 14 (12) Two parent-advocates to be selected by the president
- 15 of the senate; and
- 16 (13) Any additional representatives from state agencies,
- 17 stakeholders, advocates, parent-advocates, or other
- 18 individuals, as deemed necessary by the other members
- 19 of the task force.
- 20 (b) The task force shall conduct a study and submit a
- 21 report of its findings and recommendations to the legislature no



1 later than twenty days prior to the convening of the regular
2 session of 2024. The study shall include:

3 (1) Identification of all populations and sub-populations
4 with autism or fetal alcohol spectrum disorder that
5 currently, or may in the future, experience burdens in
6 the navigation, access, and coverage of medicaid
7 services;

8 (2) Recommendations for potential changes to medicaid
9 policies and rules that may increase access to home
10 and community-based services and other medicaid
11 services by improving navigation, existing service
12 delivery, coverage, and access;

13 (3) Screening tools for autism or fetal alcohol spectrum
14 disorder, considering relevant guidelines, including
15 guidelines developed in other countries such as for
16 the Canada Fetal Alcohol Spectrum Disorder Research
17 Network titled, *Fetal alcohol spectrum disorder: a*
18 *guideline for diagnosis across the lifespan* (February
19 2016), as published in the Canadian Medical
20 Association Journal;



1 (4) Recommendations for ways to improve support services
2 as part of the medicaid state plan for persons who
3 have been diagnosed with autism or fetal alcohol
4 spectrum disorder; and

5 (5) Recommendations for potential legislation, if
6 necessary.

7 (c) The task force shall also conduct an analysis and make
8 a recommendation on whether a waiver, a waiver amendment, or any
9 other necessary policy approval from the Centers for Medicare
10 and Medicaid Services may be necessary to ensure the following
11 services are accessible to persons with autism or fetal alcohol
12 spectrum disorder:

- 13 (1) Assistive technology;
- 14 (2) Career planning, including vocational assessment and
15 job placement services;
- 16 (3) Community transition services;
- 17 (4) Day habilitation;
- 18 (5) Family support;
- 19 (6) Home modifications;
- 20 (7) Nutritional consultation;
- 21 (8) Residential habilitation;



- 1 (9) Respite care;
- 2 (10) Specialized skill development, including behavioral
- 3 specialist, community support, and systematic skill
- 4 building services;
- 5 (11) Supported employment, including extended employment
- 6 supports and intensive job coaching;
- 7 (12) Temporary supplemental services;
- 8 (13) Therapeutic care;
- 9 (14) Transitional work services;
- 10 (15) Vehicle modifications; and
- 11 (16) Supportive housing.
- 12 (d) Notwithstanding any other law to the contrary, any
- 13 waiver, waiver amendment, or any other necessary policy approval
- 14 from the Centers for Medicare and Medicaid Services recommended
- 15 by the task force pursuant to this section shall comply with the
- 16 applicable federal requirements related to utilization,
- 17 coverage, and reimbursement for services provided to persons who
- 18 have been diagnosed with autism or fetal alcohol spectrum
- 19 disorder, including any federally mandated level of care or
- 20 needs-based criteria requirements.



1 (e) The members of the task force shall serve without
2 compensation, but shall be reimbursed for necessary expenses,
3 including travel expenses, incurred for service on the task
4 force.

5 (f) The task force shall convene no later than thirty days
6 after the effective date of this Act.

7 (g) The task force shall serve until it has accomplished
8 the objectives of this Act or twenty days prior to the convening
9 of the regular session of 2024, whichever occurs first.

10 (h) As used in this section, unless the context clearly
11 requires otherwise:

12 "Autism" means autism spectrum disorder, which is a
13 neurodevelopmental disorder, as defined by the most recent
14 edition of the Diagnostic and Statistical Manual of Mental
15 Disorders.

16 "Therapeutic care" means services provided by licensed
17 speech pathologists, licensed occupational therapists, licensed
18 social workers, licensed clinical social workers, or licensed
19 physical therapists.

20 SECTION 4. (a) The department of human services shall
21 seek a waiver, a waiver amendment, or any other necessary policy



1 approval from the Centers for Medicare and Medicaid Services
2 that may be necessary to provide home and community-based
3 services or other medicaid services for medicaid-eligible
4 individuals who have been diagnosed with autism or fetal alcohol
5 spectrum disorder, if recommended by the task force pursuant to
6 section 3(c) and pursuant to an appropriation pursuant to
7 paragraph (b).

8 (b) If the task force recommends a waiver, waiver
9 amendment, or any other necessary policy approval that requires
10 additional medicaid expenditures to implement, then an
11 appropriation shall be sought from the legislature that is
12 sufficient to cover the state portion of increased medicaid
13 expenditures arising from the waiver, waiver amendment, or any
14 other necessary policy approval. Any waiver, waiver amendment,
15 or other necessary policy approval shall not be implemented
16 without an appropriation.

17 SECTION 5. The provision of home and community-based
18 services and other medicaid services for individuals diagnosed
19 with autism or fetal alcohol spectrum disorder as required by
20 this Act shall apply to all plans issued under medicaid managed
21 care and fee-for-service programs in the State.



1 SECTION 6. There is appropriated out of the general
2 revenues of the State of Hawaii the sum of \$ or so
3 much thereof as may be necessary for fiscal year 2023-2024 for
4 the department of human services to procure consultant technical
5 assistance to write medicaid waivers and develop an estimated
6 budget for any recommended service and benefit coverage
7 expansions proposed by the task force established by section 3
8 of this Act.

9 The sums appropriated shall be expended by the department
10 of human services for the purposes of this Act.

11 SECTION 7. If any provision of this Act, or the
12 application thereof to any person or circumstance, is held
13 invalid by state or federal law, the invalidity does not affect
14 other provisions or applications of the Act that can be given
15 effect without the invalid provision or application, and to this
16 end the provisions of this Act are severable.



1 SECTION 8. This Act shall take effect on June 30, 3000;
2 provided that section 5 shall take effect upon approval by the
3 Centers for Medicare and Medicaid Services of any waiver, waiver
4 amendment, or necessary policy change submitted pursuant to
5 section 4 of this Act.



H.B. NO. 897 H.D. 1

Report Title:

Autism; Home and Community-based Services; Medicaid; Ann and
Kelii's Law; Fetal Alcohol Spectrum Disorder; Task Force;
Appropriation

Description:

Establishes a joint task force to review policy issues and
opportunities relating to the navigation, access, and coverage
of medicaid services by individuals with autism or fetal alcohol
spectrum disorder and make a recommendation on whether a waiver
or other approval from the Centers for Medicare and Medicaid
Services is necessary to ensure accessibility of certain
services for individuals with autism or fetal alcohol spectrum
disorder. Appropriates funds. Effective 6/30/3000. (HD1)

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not legislation or evidence of legislative intent.*

