

JAN 17 2025

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# A BILL FOR AN ACT

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RELATING TO THE DEPARTMENT OF HEALTH.

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

1           SECTION 1. The legislature finds that the med-QUEST  
2 division of the department of human services works in  
3 partnership with the developmental disabilities division of the  
4 department of health and with stakeholders to design a waiver  
5 that meets the needs of Hawaii residents having intellectual and  
6 developmental disabilities. The legislature notes that both  
7 divisions ensure that the waiver is implemented in compliance  
8 with all waiver requirements, federal and state laws, and waiver  
9 standards. Individuals who are eligible for services from the  
10 developmental disabilities division, are medicaid eligible, and  
11 meet the level of care criteria can apply for the medicaid  
12 intellectual or developmental disability waiver, otherwise known  
13 as the home and community-based services medicaid waiver for  
14 individuals with intellectual and developmental disabilities.

15           The legislature acknowledges, however, that under the  
16 current administrative rules of the developmental disabilities  
17 division of the department of health, individuals are deemed



1 ineligible for the medicaid intellectual or developmental  
2 disability waiver if the individual's impairments are due to any  
3 of several specified conditions, including dementia, mental  
4 illness, emotional disorders, substance abuse, sensory  
5 impairment, learning disabilities, attention deficit  
6 hyperactivity disorder, spinal cord injuries, or neuromuscular  
7 disorders. The legislature believes that the current  
8 administrative rules unfairly deny eligibility to an individual  
9 who also has an eligible condition, including cerebral palsy;  
10 epilepsy; autism spectrum disorder (ASD); or a neurological  
11 condition, central nervous system disorder, or chromosomal  
12 disorder that results in impairment in both general intellectual  
13 functioning and adaptive behavior. The legislature also finds  
14 that according to an article published in the National Library  
15 of Medicine, emotion regulation difficulties, anxiety, and  
16 depression are often co-occurring in individuals having ASD.

17 Accordingly, the purpose of this Act is to require the  
18 developmental disabilities division of the department of health  
19 to amend its eligibility criteria for the home and  
20 community-based services medicaid waiver to include individuals  
21 having an intellectual or a developmental disability and a



1 comorbid mental illness; and to appropriate funds  
2 for full-time equivalent ( FTE) positions in amending  
3 and implementing the eligibility criteria.

4 SECTION 2. (a) The developmental disabilities division of  
5 the department of health shall adopt rules pursuant to  
6 chapter 91, Hawaii Revised Statutes, to amend its eligibility  
7 criteria for the home and community-based services medicaid  
8 waiver to include individuals having an intellectual or a  
9 developmental disability and a comorbid mental illness.

10 (b) No later than thirty days prior to the convening of  
11 the regular session of 2026, the developmental disabilities  
12 division of the department of health shall submit to the  
13 legislature a report of the status of the department's adoption  
14 of rules pursuant to subsection (a), including any proposed  
15 legislation.

16 SECTION 3. There is appropriated out of the general  
17 revenues of the State of Hawaii the sum of \$ or so  
18 much thereof as may be necessary for fiscal year 2025-2026 and  
19 the same sum or so much thereof as may be necessary for fiscal  
20 year 2026-2027 to implement this measure, including funding for  
21 establishing full-time equivalent ( FTE) positions.



1       The sums appropriated shall be expended by the department  
2 of health for the purposes of this Act.

3       SECTION 4. This Act does not affect rights and duties that  
4 matured, penalties that were incurred, and proceedings that were  
5 begun before its effective date.

6       SECTION 5. This Act shall take effect on July 1, 2025.

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INTRODUCED BY:

Kurt Fevello



# S.B. NO. 648

**Report Title:**

DOH; Developmental Disabilities Division; Home and Community-Based Services Medicaid Waiver; Eligibility Criteria; Rulemaking; Appropriations

**Description:**

Requires the Developmental Disabilities Division of the Department of Health to amend its eligibility criteria for the home and community-based services Medicaid waiver to include individuals having an intellectual or a developmental disability and a comorbid mental illness. Appropriates funds.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

