

## ACT 180

S.B. NO. 1771

A Bill for an Act Relating to Developmental Disabilities.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Chapter 333E, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 333E-1 Findings and purpose.** The legislature finds that:

- (1) The State of Hawaii has a responsibility to provide services for its developmentally disabled citizens in order to aid them in living as complete and normal lives as possible.
- (2) Several departments of the State are responsible for various services to the developmentally disabled, namely the department of health provides health services, the department of education provides educational services, and the department of social services and housing provides vocational rehabilitation and other social services.
- (3) Lack of coordination among the services and planning activities of the various departments of the State results in gaps in the spectrum of needed services, duplication of services, lack of clarity in responsibility for services, and poorly articulated inter-agency programs, thereby reducing the quality of programs for the developmentally disabled.
- (4) Because of specific mandates of the departments, it is essential that a body responsible for coordinating services and planning for the developmentally disabled be established outside the departments responsible for services.
- (5) There exists within the state department of health for administrative purposes only, a state planning council on developmental disabilities ap-

pointed by the governor and mandated by federal legislation, supported in large part by federal moneys and required by federal law to provide coordination and planning in the field of developmental disabilities.

- (6) The purpose of this chapter is to establish the state planning council on developmental disabilities as the state agency responsible for coordinating services to the developmentally disabled residents of Hawaii.

**Sec. 333E-2 Developmental disabilities, definitions.** For the purposes of this chapter, "developmental disabilities" means a severe, chronic disability of a person which:

- (1) Is attributable to a mental or physical impairment or combination of mental and physical impairments;
- (2) Is manifested before the person attains age twenty-two;
- (3) Is likely to continue indefinitely;
- (4) Results in substantial functional limitations in three or more of the following areas of major life activity; self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and economic sufficiency; and
- (5) Reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of lifelong or extended duration and are individually planned and coordinated.

**Sec. 333E-3 State planning council on developmental disabilities.** The state planning council on developmental disabilities (hereinafter referred to as the state council or the council) shall be placed in the department of health for administrative purposes only and assigned the following responsibilities:

- (1) Planning. The state council shall:
  - (A) Develop, prepare, adopt, and periodically review and revise, as necessary, the state plan for developmentally disabled (hereinafter called the state plan) in conformance with federal substantive and procedural requirements therefor. The state council shall transmit the state plan to the governor for approval, and upon approval shall be submitted to the federal government for appropriate approval. The state plan and revisions thereto shall be effective upon the governor's approval thereof. The state plan shall include establishment of goals and priorities of the State in meeting the needs of the developmentally disabled, including the establishment of priorities for the distribution of public funds for comprehensive services to the developmentally disabled within the State and other matters deemed necessary to achieve normalization of lives of the developmentally disabled. The state plan shall in addition provide for coordinated delivery and establishment of comprehensive services, facilities, and programs for the developmentally disabled.
  - (B) Review and comment upon implementation plans prepared and carried out by the various departments of the State in carrying out the state plan for the developmentally disabled.
  - (C) Review and comment upon any other state plans which affect services to the developmentally disabled.

- (2) Coordination of departments and private agencies. The council shall:
  - (A) Identify services duplicated by departments and private agencies and coordinate and assist in the elimination of unnecessary duplication.
  - (B) Encourage efficient and coordinated use of federal, state and private resources in the provision of services.
  - (C) Designate areas of responsibility for services to both public and private agencies serving developmentally disabled clients, reviewing such designations as necessary. Identify gaps in services to the developmentally disabled and coordinate responsibilities of various public or private agencies for such missing services.
  - (D) Insure that implementation planning by the various departments is effectively coordinated and that interdepartmental programs receive the full support of all departments involved.
- (3) Evaluation. The council shall:
  - (A) Monitor, evaluate and comment upon implementation plans of the various public and private agencies for the developmentally disabled.
  - (B) Monitor all ongoing projects relating to developmental disabilities of the various public and private agencies.
  - (C) Monitor deinstitutionalization of Waimano training school and hospital and that individualized habilitation plans are being implemented for each resident transferred from Waimano.
- (4) Advocacy. The council shall:
  - (A) Advocate for the needs of the developmentally disabled before the legislature and the public and to the governor.
  - (B) Act in an advisory capacity to the governor, the legislature, and all concerned department heads on all issues affecting the developmentally disabled.
  - (C) Serve as a channel for complaints by consumers of services for the developmentally disabled, following up on such complaints and taking such action as may be warranted.
- (5) Report. The council shall:
  - (A) Prepare and submit annual reports to the governor, the legislature, and all concerned department heads on the implementation of the state plan. The report presented to the legislature shall be submitted 10 days prior to the convening of the legislature.
  - (B) Prepare and submit to the United States Secretary of Health, Education and Welfare, through the governor, any periodic reports the Secretary may reasonably request.
  - (C) Prepare other reports necessary to accomplish its duties under this chapter.
- (6) Rules. The council shall adopt, amend, and repeal rules under chapter 91, necessary for the implementation of this chapter.

**Sec. 333E-4 Membership on the state council.** The state council shall consist of fifteen voting members, appointed by the governor for staggered terms in the manner prescribed by section 26-34. The members of the council shall be residents of the State. The council shall at all times include in its membership representatives of

the principal state agencies, higher education training facilities, and local agencies or nongovernmental agencies or groups concerned with services to persons with developmental disabilities in this State.

- (1) At least one-half of the membership of the council shall consist of consumer persons who:
  - (A) Are persons with developmental disabilities or their parents, or
  - (B) Immediate relatives or guardians of such persons, and who are not employees of a state agency which receives funds or provides services under the state council, or managing employees, or persons with an ownership or controlling interest of any other entity which receives funds or provides services under the state council.
- (2) Of the members of the council described in paragraph (1) of this section:
  - (A) At least one-third shall be persons with developmental disabilities, and
  - (B) At least one-third shall be immediate relatives or guardians of such person, of which at least one shall be an immediate relative or guardian of an institutionalized person with developmental disabilities.
- (3) The members of the state council shall serve without compensation, but shall be reimbursed for any actual and necessary expenses incurred in connection with the performance of their duties under this division.

**Sec. 333E-5 Officers, committees, staff.** The state council shall, by majority vote of the voting members, elect its own chairman from among the appointed members, and shall establish such committees as it deems necessary or desirable. The state council may appoint an executive secretary subject to chapters 76 and 77 who may appoint persons to such staff positions subject to chapter 76 and 77 as the council may authorize within available funds. The affirmative votes of a majority of the members of the council shall be necessary for the appointment or removal of the executive secretary.

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved June 5, 1979.)

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\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.