

ACT 178

S.B. NO. 3111

A Bill for an Act Relating to Respite Care at Waimano Training School and Hospital.

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

SECTION 1. Section 333F-1, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read as follows:

“Respite care” means a service provided in a least restrictive environment for short term care to meet the needs, ranging from simple to complex, of persons with developmental disabilities or mental retardation. The purpose of respite care is to avoid, if possible, the necessity for long term institutional care or to provide relief to families and care providers.”

SECTION 2. Section 333F-2, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

- (c) Programs of the department may include, but shall not be limited to:
- (1) Early identification and evaluation of persons with developmental disabilities or mental retardation;
  - (2) Development, planning and implementation in coordination with other federal, state, and county agencies, of service programs for persons with developmental disabilities or mental retardation;
  - (3) Development and provision of service programs in the public or private sectors through chapter 42, for persons with developmental disabilities or mental retardation;
  - (4) Establishment of a continuum of comprehensive services and residential alternatives in the community so as to allow persons with developmental disabilities or mental retardation to live in the least restrictive, individually appropriate environment;
  - (5) Development and implementation of a program for single entry access by persons with developmental disabilities or mental retardation to services provided under this chapter as well as referral to and coordination with services provided in the private sector or under other federal, state, or county acts, including case management, and development of an individualized service plan by an interdisciplinary team;
  - (6) Collaborative and cooperative services with public health and other groups for programs of prevention of developmental disabilities or mental retardation;
  - (7) Informational and educational services to the general public and to lay and professional groups;

- (8) Consultative services to the judicial branch of government, to educational institutions, and to health and welfare agencies whether such agencies are public or private;
- (9) Provision of community residential alternatives for persons with developmental disabilities or mental retardation, including group homes and homes meeting ICF/MR standards; [and]
- (10) Provision of other programs, services, or facilities necessary to provide a continuum of care for persons with developmental disabilities or mental retardation[.]; and
- (11) Development and maintenance of respite services in the community for persons with developmental disabilities or mental retardation.”

SECTION 3. Section 333F-10, Hawaii Revised Statutes is amended to read as follows:

“~~[[[§333F-10]]]~~ **Standards for admission to Waimano training school and hospital.** (a) No person shall be voluntarily admitted to Waimano training school and hospital except upon recommendation of an interdisciplinary team as reflected in the person’s individualized service plan.

(b) An interdisciplinary team which recommends voluntary admission to Waimano training school and hospital shall include, but not be limited to, a physician, a clinical psychologist, and a social worker, all qualified by professional training and experience to make the diagnosis of developmental disability or mental retardation and the findings necessary to determine that admission to Waimano training school and hospital is the proper, individually appropriate placement in the least restrictive environment available. The interdisciplinary team’s evaluation shall include the administration of psychological tests and psychological evaluations as an aid in the diagnosis of developmental disability or mental retardation, and the results of such tests shall be included in the individualized service plan. The individualized service plan shall meet the requirements of section 333F-6.

(c) The director may cause the person to be admitted to Waimano training school and hospital pursuant to the person’s individualized service plan if the director determines there is no suitable alternative available which would be less restrictive than admission.

(d) The department shall orient admissions into Waimano training school and hospital for persons with severe or profound mental retardation.

(e) The director may under special circumstances provide respite care at Waimano training school and hospital, not to exceed thirty calendar days per client per year, to eligible clients in the community identified by the interdisciplinary team and whose respite care needs are documented in their individualized service plans. Respite care at Waimano training school and hospital shall be limited to individuals with developmental disabilities for whom every reasonable alternative for respite care in community settings has been exhausted and respite care is unavailable. Respite is not to be considered an admission or readmission to the institution.”

SECTION 4. The department of health shall submit an annual report to the legislature at least twenty days before the convening of any regular session. The report shall include, but not be limited to, the progress of, findings, and recommendations for: (1) the respite care program at Waimano training school and hospital, and (2) respite care programs in the community for persons with developmental disabilities or mental retardation.

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SECTION 5. New statutory material is underscored.<sup>1</sup>

SECTION 6. This Act shall take effect upon approval, and shall be repealed on June 30, 1995.

(Approved June 19, 1990.)

**Note**

1. So in original.