

A Bill for an Act Making an Emergency Appropriation for Early Intervention Services.

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

SECTION 1. This Act is recommended by the governor for immediate passage in accordance with section 9 of article VII of the Constitution of the State of Hawaii.

SECTION 2. Although funds were appropriated to the department of health for the family health services division for the period beginning July 1, 2004, and ending June 30, 2005, a critical need for further funding exists based on an April 16, 2004 federal court stipulation for step-down plan and termination of the revised consent decree between the State of Hawaii and the plaintiff class in *Felix v. Lingle*, Civil No. 93-00367. Pursuant to this stipulation, the department of health must continue to carry out its statutory obligations to the plaintiff class, provide services as mandated by the Individuals with Disabilities Education Act, maintain a system of care for the plaintiff class, and assure that eligible children will receive specified services in a consistent and timely manner.

The department of health provides early intervention services for children age 0-3 years with a developmental delay or biological/environmental risk, as mandated by Individuals with Disabilities Education Act, part C. The department must ensure that eligible children and their families receive the Individuals with Disabilities Education Act, part C mandated services identified on their individual family support plan.

Existing funds will be expended before the end of this fiscal year. This is due to the need to provide early intervention services required by the stipulation for step-down plan and termination of the revised consent decree; an increased number of children eligible for and in need of early intervention services because of a developmental delay or biological risk; an increased number of children to be referred for early intervention services due to regulations in the Child Abuse Prevention and Treatment Act; the Individuals with Disabilities Education Act, part C requirement for early intervention services to be provided in the family's natural environment of home and community settings; the additional cost to transition children from fee-for-service to purchase-of-service early intervention providers; and the additional cost to ensure that all children referred for early intervention services receive a multi-disciplinary comprehensive developmental evaluation as required by Individuals with Disabilities Education Act, part C.

The purpose of this Act is to increase the authorized special fund appropriation for early intervention services by \$981,719 for the family health services division of the department of health for fiscal year 2004-2005 to ensure compliance with the stipulation for step-down plan and termination of the revised consent decree in Civil No. 93-00367, filed April 16, 2004.

SECTION 3. The General Appropriations Act of 2003, Act 200, Session Laws of Hawaii 2003, Part II, section 3, item E.13, as amended by the Supplemental Appropriations Act of 2004, Act 41, Session Laws of Hawaii 2004, is amended to read as follows:

“13. HTH-595 – Health Resources Administration			
		32.00*	27.00*
Operating	HTH	3,653,656A	3,375,877A
		2.00*	2.00*
	HTH	52,842,603B	52,998,860B
			<u>53,980,579B</u>
		6.50*	6.50*
	HTH	817,504N	817,362N
Investment Capital	HTH	750,000C	3,220,000C”

SECTION 4. The sum appropriated shall be expended by the department of health for the purposes of this Act.

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 6. This Act shall take effect upon its approval.

(Approved April 15, 2005.)