



# DISABILITY AND COMMUNICATION ACCESS BOARD

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## MINUTES

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### Legislative Committee Meeting

Location: Virtual Location Via Zoom  
Date: February 4, 2022  
Time: 12:00 p.m.

PRESENT: Dean Georgiev, Chairperson; Anthony Akamine, Rosanna Daniel-Kanetake, Violet Horvath, Board Members; Kristine Pagano, Bryan Mick, Sue Radcliffe, Staff

GUEST: Peter Fritz

I. Chairperson Dean Georgiev called the meeting to order at 12:00 p.m.

II. Introductions

Committee members, staff and guest introduced themselves.

III. Statement from the Public and Written Testimonies Submitted

There were no written testimonies submitted.

IV. DCAB Legislative Procedures

A. Review of DCAB Legislative Position Statements and Determine Subject Matter Categories for the 31<sup>st</sup> Legislature, 2022 Bills

Chairperson Dean Georgiev read the ten subject categories for position statements which were essentially identical to the categories used in the 2021 Legislative Session.

- Parking for Persons with Disabilities
- Nondiscrimination Against Persons with Disabilities/Civil Rights
- Communication Access
- Service and Other Animals for Persons with Disabilities
- Building Code, Design, and Facility Access
- Community Based Services and Employment for Persons with Disabilities
- Transportation and Mobility
- Emergency Preparedness
- Administration
- Other

B. Determining Types of Positions to take on Bills

Chairperson Dean Georgiev read the various positions categories:

- Support – DCAB supports the bill’s subject matter without suggesting changes. Requires written testimony.
- Support Intent – DCAB supports the concept of the bill and suggests changes. Requires written testimony.
- Oppose – DCAB is against the concept of the bill and suggests amendments to the bill. Requires written testimony.
- No Position – Comments – DCAB staff understands and empathizes with the intent of the bill and offers comments about how to amend the bill. Requires written testimony.
- Monitor – DCAB staff tracks the bill and if necessary, brings to the Committee when the bill may have an impact on the disability community. No written testimony required.

The subject matter categories and position statements were adopted by the Committee with the caveat that they may be amended by the Committee in the future (M/S/P Horvath/Akamine). Guest Peter Fritz suggest two additional subject matter categories, taxation and accessible technology.

V. DCAB Legislative Positions Relating to 31<sup>st</sup> Legislature, 2022 Bills

Bryan Mick reported that the position statements were identical to the positions the Committee adopted in 2021 with the exception of the following:

- Support legislation to increase the minimum number of parking spaces for persons with disabilities or study the issue.
- Support legislation to maintain or increase captioning provisions in movie theaters; [oppose efforts to reduce requirements established in the law].
- Support legislation to provide a tax credit or deduction or to exempt or reduce general excise tax on the sale of mobility enhancing equipment or durable medical equipment, hearing aids, prosthetic devices, and prescription drugs sold pursuant to a doctor’s prescription when the basis for the acquisition of the item is due to a person’s disability.

The 2022 Legislative Position Statements were adopted (M/S/P Akamine/Horvath).

Bryan Mick asked that the Committee take a few bills out of order as they relate directly to DCAB. After the bills are reviewed, the Committee will discuss the list of bills. Any bills not reviewed today will be continued to February 8, 2022.

House Bill 1448, Relating to Traffic Fines: Authorizes the respective counties to impose and collect fines for violations of the Statewide Traffic Code, in addition to the fines imposed by the State under Chapter 291C, HRS.

Staff recommended opposing this bill as it would create different maximum fines in each county which would require DCAB’s parking administrative rules be amended to specify a unique sign for each county. If the Legislature wishes to increase fines, it should be at the State level.

The motion to **OPPOSE** HB 1448 was adopted (M/S/P Akamine/Horvath).

House Bill 2153, Relating to Funding for Parking for Disabled Persons: Creates an accessible parking special account within the disability and communication access board special fund. Increases the state vehicle registration fee by \$1, to be deposited into the accessible parking special account. Requires all costs associated with the statewide parking program for persons

with disabilities to be appropriated from the accessible parking special account beginning July 1, 2023. Companion Bill: Senate Bill 3121.

This is an administration bill. The motion to **SUPPORT** HB 2153 was adopted (M/S/P Akamine/Horvath).

Senate Bill 2540, Relating to Parking for Persons with Disabilities: Requires private businesses selling goods and services to the public, including retail malls and shopping centers, to provide a minimum of 6 per cent of its parking spaces for persons with disabilities. Imposes a penalty for failure to comply. Convenes a task force to review expanding eligibility requirements for disability parking permits.

Staff recommended supporting this bill. It would require Americans with Disabilities Act Title III entities to provide six percent of the total parking spaces as accessible. The bills also require DCAB to convene a task force to study if parking permit eligibility requirements should be expanded to include among other things developmental disabilities. Staff suggest the task force to review the required number of van accessible spaces and electric vehicle reserved spaces.

The motion to **SUPPORT** SB 2540 was adopted (M/S/P Horvath/Akamine).

Senate Bill 3121, Relating to Funding for Parking for Disabled Persons: Creates an accessible parking special account within the disability and communication access board special fund. Increases the state vehicle registration fee by \$1, to be deposited into the accessible parking special account. Requires all costs associated with the statewide parking program for persons with disabilities to be appropriated from the accessible parking special account beginning July 1, 2023.

This is an administration bill. The motion to **SUPPORT** SB 3121 was adopted (M/S/P Akamine/Horvath).

House Bill 1419, Relating to Electronic Information Technology: Requires the office of enterprise technology services to develop, publish, and periodically update electronic information technology disability access standards to be implemented by state entities.

The motion to **SUPPORT** HB 1419 was adopted (M/S/P Horvath/Akamine).

Senate Bill 2144, Relating to Electronic Information Technology Accessibility for Persons with Disabilities: Requires that all electronic information technology developed, purchased, used, or provided by a state entity be made accessible to persons with disabilities. Requires the Office of Enterprise Technology Services, in consultation with the Disability and Communication Access Board and a working group comprising stakeholders, to develop and publish electronic information technology accessibility standards to be implemented by all state entities. Requires review and amendment of the standards every three years after the date of publication, or as needed, to reflect advances or changes in information technology.

The motion to **SUPPORT** SB 2144 was adopted (M/S/P Akamine/Horvath).

House Bill 1600, Relating to the State Budget: Adjusts and requests appropriations for fiscal biennium 2021-2023 funding requirements for operations and capital improvement projects of Executive Branch agencies and programs.

This is part of the Governor's package. Staff will monitor the bill. The state budget bill does not include funding for the Communication Access Specialist position.

Senate Bill 2176, Relating to the State Budget: Adjusts and requests appropriations for fiscal biennium 2021-2023 funding requirements for operations and capital improvement projects of Executive Branch agencies and programs.

This is part of the Governor's package. Staff will monitor the bill. The state budget bill does not include funding for the Communication Access Specialist position.

Senate Bill 2381, Relating to Technology Access for Individuals with Disabilities: Declares the policy of the State that electronic information technology developed, purchased, or provided by the State shall be accessible to and usable by individuals with disabilities equivalent to access and use by individuals without disabilities. Requires the Disability and Communication Access Board to develop, review, and revise electronic information technology disability access standards. Requires all state entities to incorporate the disability access standards into their development and procurement policies and processes within a specific timeframe.

Staff recommended supporting the intent of this bill with comments. DCAB does not have the staff capacity to develop an electronic information technology disability access standards and is not the proper agency to enforce procurement or development standards.

The motion to **SUPPORT INTENT** of SB 2381 was adopted (M/S/P Akamine/Horvath).

The Committee resumed with the list of bills noted in the packet.

### **Parking for Persons with Disabilities**

House Bill 1575, Relating to Physician Assistants: Expands the scope of practice for physician assistants. Requires a sampling of medical records, rather than all medical records, to be reviewed when physician assistants prescribe controlled substances.

House Bill 1575 has a similar bill, Senate Bill 2445.

Senate Bill 2445, Relating to Physician Assistants: Expands the authorized scope of practice for physician assistants.

Staff did not have a recommendation for the two bills. It would allow physician assistants to sign the certificate of disability section on the parking permit application forms. The medical community was in favor of these bills as there is a shortage of medical doctors in the State. Committee member Violet Horvath commented that she thinks DCAB should support this bill.

The motion to **SUPPORT** HB 1575 and SB 2445 was adopted (M/S/P Horvath/Akamine).

Chairperson Dean Georgiev recessed the meeting at 1:02 p.m. and announced it would reconvene on February 8, 2022 at 12:00 p.m. The Zoom link will be posted on the DCAB website.

Chairperson Dean Georgiev called the meeting to order at 12:01 p.m. on February 8, 2022. Present: Anthony Akamine, Rosanna Daniel-Kanetake, Violet Horvath, Board members.

### **Non-discrimination Against Persons with Disabilities/Civil Rights**

House Bill 1509, Relating to Law Enforcement: Prohibits the issuance of warrants, including no-knock warrants, that permit entry by an officer to a house, store, or other building without first audibly declaring the officer's office and business. Requires law enforcement officers serving an arrest warrant at a house or a search warrant at a house, store, or other building to audibly

declare the officer's office and business and wait at least thirty seconds for compliance before entry. Requires officers serving a warrant to do so while wearing an authorized uniform and activated body-worn video camera.

Senate Bill 2576, Relating to Law Enforcement: Prohibits the issuance of warrants, including no-knock warrants, that permit entry by an officer to a house, store, or other building without first audibly declaring the officer's office and business. Requires law enforcement officers serving an arrest warrant at a house or a search warrant at a house, store, or other building to audibly declare the officer's office and business and wait at least thirty seconds for compliance before entry. Requires officers serving a warrant to do so while wearing an authorized uniform and activated body-worn video camera.

Staff commented the two bills does not consider people who are deaf, hard of hearing, and people with mobility disabilities to hear the officer's voice or able to open the door on time.

The motion to **MONITOR** HB 1509 and SB 2576 was adopted (M/S/P Akamine/Daniel-Kanetake; No-Horvath).

House Bill 1955, Relating to Discrimination: Establishes provisions relating to civil remedies for discriminatory reporting to a law enforcement officer. Provides that a person who summons or reports to a law enforcement officer, without reason to suspect a crime, offense, or imminent danger has occurred or is occurring, because of that person's belief or perception involving a member of a protected class shall be civilly liable.

This bill makes someone civilly liable if the only reason they report someone to a law enforcement officer is their belief or perception about a protected class. Discussion ensued about if this bill was primarily dealing with race and not disability related. Committee member Violet Horvath said there are instances of persons who have multiple sclerosis or traumatic brain injury and encounter discrimination.

The motion to **SUPPORT** HB 1955 was adopted (M/S/P Horvath/Akamine; No-Georgiev).

House Bill 2369, Relating to the Model State Right-to Repair Law: Requires original equipment manufacturers of digital electronic equipment to make documentation, parts, and tools available to independent repair providers and owners for the purposes of diagnosis, maintenance, and repair on fair and reasonable terms.

Staff commented this is not directly disability related but would impact assistive devices. The motion to **MONITOR** HB 2369 was adopted (M/S/P Akamine/Horvath).

Senate Bill 2323, Relating to Policing: Requires officers serving a warrant to declare the officer's office and business and wait thirty seconds before entry into a house, store, or other building, subject to certain circumstances. Requires officers serving a warrant issued by a district court to do so in an authorized uniform and wear and use a body-worn video camera.

This bill is similar to the other bills in requiring an officer to audibly announce their presence and wait thirty seconds.

The motion to **MONITOR** SB 2323 was adopted (M/S/P Akamine/Horvath).

Senate Bill 2624, Relating to Health: Requires the Department of Health to implement a telehealth pilot project and publish an evaluation report on the telehealth pilot project outcomes. Exempts the telehealth pilot project from the Hawaii Public Procurement Code for a period of twelve months. Clarifies that the period of performance of all procurements made during this

temporary exemption shall not exceed the term of the telehealth pilot project. Requires the Department of Health to implement and administer a rural healthcare pilot project to provide physicians serving selected rural areas with an availability fee and reimbursements for certain expenses.

Committee member Violet Horvath mentioned she has been using telehealth since the pandemic started and agrees that people with disabilities especially in rural areas, struggle to access telehealth.

The motion to **SUPPORT** SB 2624 was adopted (M/S/P Horvath/Akamine).

### **Communication Access**

House Bill 1418, Relating to Broadband Service Infrastructure: Defines broadband equity. Clarifies the Hawaii Broadband and Digital Equity Office's duties to promote and support digital equity and broadband deployment.

Senate Bill 2076, Relating to Broadband Service Infrastructure: Defines broadband equity. Clarifies the Hawaii Broadband and Digital Equity Office's duties to promote and support digital equity and broadband deployment.

Staff suggested supporting the bills. While not focused on people with disabilities, the lack of broadband has a negative impact on people with disabilities including their ability to use telehealth. Guest Peter Fritz commented that there are many broadband bills, most of them looking to expand broadband in underserved areas. Guest Peter Fritz thinks the bills should specifically look to increase access and remove barriers to broadband for people with disabilities regardless of where they live. Committee member Violet Horvath agreed and said whenever a board or agency talks about digital equity, they need to include people with disabilities.

The motion to **SUPPORT WITH COMMENTS** HB 1418 and SB 2076 was adopted (M/S/P Horvath/Daniel-Kanetake).

House Bill 1487, Relating to the Hawaii Tourism Authority: Requires the HTA to create educational videos, educational audio recordings, and supplementary informative paper material to be provided and distributed on incoming commercial flights.

Staff commented that all materials should be available in alternate and accessible formats.

The motion to **MONITOR WITH COMMENTS** HB 1487 was adopted (M/S/P Horvath/Akamine).

House Bill 1782, Relating to Broadband Service Infrastructure: Allows an electric utility to own, operate, lease, plan, construct, install, maintain, and/or replace broadband facilities, including middle mile infrastructure, to help facilitate the development of and investment in broadband facilities and services to rural, unserved, underserved, and urban communities throughout the State.

Staff is recommending support. Guest Peter Fritz commented that electric utilities are able to provide broadband service using their existing infrastructure, so this is a valuable way to try and provide broadband to underserved areas as the cable companies often do not currently service them.

The motion to **SUPPORT** HB 1782 was adopted (M/S/P Horvath/Daniel-Kanetake).

House Bill 1892, Relating to the Department of Health: Requires the Department of Health to provide to elderly residents free wireless broadband internet access in parking lots adjoining Department of Health buildings in each county. Appropriates moneys.

Discussion ensued regarding the security of this and if the other broadband bills addressed the issue of lack of broadband access.

The motion to **MONITOR** HB 1892 was adopted (M/S/P Horvath/Akamine).

House Bill 2386, Relating to Elections: Requires the Office of Elections to prepare a digital voter registration guide to be posted on its website. Requires the Office of Elections to mail a notice with each ballot notifying voters that a voter information guide may be found on its website. Makes an appropriation.

Senate Bill 3226, Relating to Elections: Requires the Office of Elections to prepare a digital voter registration guide to be posted on its website. Requires the Office of Elections to mail a notice with each ballot notifying voters that a voter information guide may be found on its website. Makes an appropriation.

Staff would like to comment that the information must be accessible and available in alternate formats.

The motion to **COMMENT** on HB 2386 and SB 3226 was adopted (M/S/P Horvath/Daniel-Kanetake; Abstain-Akamine).

Senate Bill 2208, Relating to Tourism: Requires the Hawaii Tourism Authority, in collaboration with the Department of Land and Natural Resources, to implement and administer tourism related initiatives that are designed to educate visitors on the State's protected areas and wildlife, including public service announcement videos to be shown by transportation companies. Requires aircraft and vessel passengers to complete "Promise to Preserve and Protect Hawaii's Environment" declaration forms. Requires transportation companies to distribute and collect declaration forms for delivery to the Department of Land and Natural Resources.

Staff commented that these materials need to be accessible and available in alternate formats. The motion to **COMMENT** on SB 2208 was adopted (M/S/P Akamine/Horvath).

The Committee took three bills, HB 2498, SB 2748 and SB 2038 out of order as they are scheduled for hearings this week.

House Bill 2498, Relating to the Individuals with Disabilities Education Act: Requires the Department of Health to submit a request, as allowed by federal code, to the United States Department of Education to allow parents of children with a disability to continue receiving early intervention services after the child turns three years of age and until the child enters kindergarten.

Senate Bill 2748, Relating to the Individuals with Disabilities Education Act: Requires the Department of Health to submit a request, as allowed by federal code, to the United States Department of Education to allow parents of children with a disability to continue receiving early intervention services after the child turns three years of age and until the child enters kindergarten.

Staff noted that the Special Education Advisory Council (SEAC) and the Office of Early Learning has concerns. Guest Peter Fritz commented that many parents have been advocating for this bill for several years. Committee member Violet Horvath commented that she attended many meetings about this issue, and she thinks there is a gap of children that this bill would assist.

The motion to **SUPPORT** HB 2498 and SB 2748 was adopted (M/S/P Horvath/Daniel-Kanetake).

SB 2038 - Relating to Early Learning: Requires that each neighbor island county is represented on the early learning board without term limits, subject to removal and replacement by the mayor of the respective counties.

Staff did not list this bill for consideration, but it changes the early learning board's one term limited seat from the Hawaii Council of Mayor to four seats, one from each county, without term limits. Guest Peter Fritz commented that the neighbor islands are unrepresented on the board and the term limits often negatively impacts the board when one seat becomes vacant.

The motion to **SUPPORT** SB 2038 was adopted (M/S/P Horvath/Daniel-Kanetake).

### **Service and Other Animals**

House Bill 1944, Relating to Service Animals: Requires that a disclaimer be provided by sellers or providers of emotional support animals or certificates, identifications, tags, vests, leashes, and harnesses for emotional support animals that the animal is not a service animal. Establishes penalties.

Senate Bill 2438, Relating to Service Animals: Requires that a disclaimer be provided by sellers or providers of emotional support animals or certificates, identifications, tags, vests, leashes, and harnesses for emotional support animals that the animal is not a service animal. Establishes penalties.

Staff recommended supporting the intent, while noting that in practice the seller often does not know the buyer is obtaining an emotional support animal (ESA). What the trigger will be and how this will be enforced is unclear. Guest Peter Fritz commented that this bill was copied from a California bill that went into effect last year, and anything which helps to reduce abuse of ESAs or service animals is a positive step.

The motion to **SUPPORT** HB 1944 and SB 2438 was adopted (M/S/P Horvath/Akamine).

House Bill 2271, Relating to Assistance Animals: Defines "assistance animal" for purposes of the State's fair housing laws. Clarifies the type of verification a person with a disability must provide to request an assistance animal as a reasonable housing accommodation.

Staff suggested supporting the intent and mentioned that the Hawaii Civil Rights Commission supported this bill while suggesting amendments to the verification section as the current wording conflicts with existing law.

The motion to **SUPPORT THE INTENT** of HB 2271 was adopted (M/S/P Horvath/Daniel-Kanetake).

House Bill 2319, Relating to Service Animals: Requires the department of agriculture to be responsible for all neighbor island inspection permit fees for service animals that are located in the State and are being transported for release at Kona, Kahului, or Lihue airports.



Staff recommended supporting the bill. The bill would remove the financial barrier.

The motion to **SUPPORT** HB 2319 was adopted (M/S/P Horvath/Akamine).

Chairperson Dean Georgiev recessed the meeting at 1:02 p.m. and announced it would reconvene February 10, 2022 at 12:00 p.m. The Zoom link will be posted on the DCAB website.

Chairperson Dean Georgiev called the meeting back to order at 12:01 p.m. on February 10, 2022. Present: Anthony Akamine, Rosanna Daniel-Kanetake, Violet Horvath, Board members. The Committee took three bills, HB 1897, HB 2026, SB 2143 out of order.

House Bill 1897, Relating to Sunshine Law: Requires all boards to livestream meetings and archive the recordings online. Requires a board to identify each item on its meeting agenda as an item for action or an item for discussion and allow for oral testimony after each agenda item. Amends time frame requirements for the posting of board meeting minutes and board packets. Requires board meeting minutes and board packets to be posted online.

House Bill 2026, Relating to Chapter 92, Hawaii Revised Statutes: Adds definitions for "board business" and "informal gatherings." Specifies that a board may prepare and circulate amongst members a statement on a position previously adopted for purposes of submission to the legislature when notice by the legislature is insufficient to interact in any other permitted manner. Outlines when board packets must be available to interested persons. Requires the application of the sunshine law to all adjudicatory functions concerning land use.

Senate Bill 2143, Relating to Board Meetings: Requires each state board to make its board packets publicly available prior to the board's meeting.

HB 2026 and SB 2143 require board packets to be available twenty-four hours prior to a meeting. Guest Peter Fritz commented that these bills will increase the number of meetings being posted as a recording which would not be accessible to someone who is deaf, and the bill does not specify what happens if a board packet is not available, or not available in an accessible format, twenty four hours prior to the meeting.

The motion to **COMMENT** on HB 1897 was adopted (M/S/P Horvath/Akamine).

Senate Bill 2981, Relating to Broadband: Makes an appropriation to expand access to broadband in the State.

The motion to **SUPPORT** SB 2981 was adopted (M/S/P Horvath/Akamine).

Senate Bill 3212, Relating to Telecommunication: Requires the Office of Enterprise Technology Services to establish a working group to conduct a study to identify state office buildings that can provide equitable telecommunication access to allow residents of the counties of Hawaii, Kauai, and Maui, and rural areas of the City and County of Honolulu, including residents with disabilities, to participate remotely in legislative hearings. Requires a report to the Legislature. Dissolves the working group on 6/30/2023.

The motion to **SUPPORT** SB 3212 was adopted (M/S/P Akamine/Horvath).

Senate Bill 3341, Relating to the Hawaii Broadband and Digital Equity Office: Amends the Hawaii Broadband and Digital Equity Office's duties, including requiring the office to prioritize the access to broadband in rural areas of the State.

The motion to **SUPPORT WITH COMMENTS** SB 3341 was adopted (M/S/P Akamine/Horvath).

Senate Bill 2002, Relating to Fair Housing Reasonable Accommodations: Codifies the administrative rule definition of "assistance animal." Clarifies the type of verification an individual may provide to substantiate a reasonable accommodation request for a specific assistance animal. Specifies that possession of a vest or other distinguishing animal garment, tag, or registration document commonly purchased online and purporting to identify an animal as a service animal or assistance animal does not constitute valid verification of a disability-related need for an assistance animal.

The motion to **SUPPORT** SB 2002 was adopted (M/S/P Akamine/Daniel-Kanetake).

Senate Bill 2429, Relating to Service Animals: Requires a tenant to disclose to a landlord their ownership of a service animal. Provides for a penalty for a tenant's failure to disclose.

The motion to **OPPOSE** SB 2429 was adopted (M/S/P Akamine/Horvath).

### **Building Code, Design, and Facility Access**

Senate Bill 2425, Relating to Accessibility: Requires a retail establishment with an employee toilet facility to allow a customer suffering from an eligible medical condition to use that restroom during normal business hours, under certain conditions. Exempts a retail establishment and employees from civil liability in allowing an eligible customer to use an employee toilet facility. Establishes fines.

Senate Bill 2913, Relating to Accessibility: Requires a retail establishment with an employee toilet facility to allow a customer suffering from an eligible medical condition to use that restroom during normal business hours, under certain conditions. Exempts a retail establishment and employees from civil liability in allowing an eligible customer to use an employee toilet facility. Establishes fines.

Staff mentioned that during a hearing it was suggested that DCAB be responsible to enforce this statute. Staff recommended supporting the intent of the bill while commenting DCAB is not an enforcement agency. The Department of Commerce and Consumer Affairs (DCCA) might be the appropriate agency. The Committee debated the feasibility of this bill and commented that establishments providing more accessible public restrooms would be preferable. Guest Peter Fritz commented this bill is based on other states and it really is a bill to provide businesses an exemption from liability.

The motion to **SUPPORT** SB 2425 and SB 2913 was adopted (M/S/P Horvath/Akamine).

Senate Bill 2493, Relating to Planning: Requires counties to affirmatively further fair housing and conduct certain assessments to combat discrimination and overcome patterns of segregation. Requires counties to amend their general plans to accommodate housing-related policies adopted pursuant to this Act.

Committee member Violet Horvath commented that this seems aspirational to a large degree. The motion to **SUPPORT** SB 2493 was adopted (M/S/P Horvath/Akamine).

Senate Bill 2530, Relating to the Department of Health: Requires the Department of Health to adopt rules requiring any property having more than one food establishment on the property to make available to customers restroom facilities or toilets, or both, and handwashing sinks.

The motion to **SUPPORT** SB 2530 was adopted (M/S/P Horvath/Akamine).

## **Community Based Services and Employment**

### **House Bill 1406, Relating to Improving Access to Psychiatric Care for Medicaid Patients:**

Specifies that coverage for telehealth under the State's medicaid managed care and fee-for-service programs includes psychiatric services delivered via telehealth through a behavioral health care manager who is present in a primary health care provider's office.

Committee member Violet Horvath explained that Medicaid does not currently cover psychiatric services if done via telehealth.

The motion to **SUPPORT** HB 1406 was adopted (M/S/P Horvath/Akamine).

**House Bill 1506, Relating to Family Leave:** Requires the department of labor and industrial relations to establish and administer a family leave insurance program. Provides family leave insurance benefits and extends the period of family leave to sixteen weeks for businesses that employ one or more employees who meet the hourly qualifications. Appropriates funds.

Guest Peter Fritz said that this seemed to cover smaller businesses that are not covered under current federal law. Committee member Violet Horvath expressed concern on how this would be funded.

The motion to **SUPPORT THE INTENT** of HB 1506 was adopted (M/S/P Horvath/Akamine).

**House Bill 1622, Relating to the Employment of Persons with Disabilities:** Establishes Employment First as a state policy for persons with disabilities. Requires state and county agencies to implement Employment First in hiring and in all programs and services administered or funded by the State or counties. Applies Employment First principles to Medicaid home- and community-based waiver programs.

**House Bill 1787, Relating to Persons with Disabilities:** Establishes employment first as a state policy with respect to persons with disabilities. Requires state and county agencies to implement this policy in hiring and all programs and services administered or funded by the State or counties. Applies employment first principles to medicaid home- and community-based waiver programs.

**Senate Bill 2875, Relating to Persons with Disabilities:** Establishes employment first as a state policy with respect to persons with disabilities. Requires state and county agencies to implement this policy in hiring and all programs and services administered or funded by the State or counties. Applies employment first principles to Medicaid home- and community-based waiver programs.

The motion to **SUPPORT** HB 1622, HB 1787, SB 2875 was adopted (M/S/P Horvath/Daniel-Kanetake).

**House Bill 1634, Relating to Telehealth:** Prohibits health insurers, mutual benefit societies, and health maintenance organizations from excluding coverage of a service solely because the service is provided through telehealth and not through face-to-face contact. Requires parity between telehealth services and face-to-face services for purposes of deductibles, copayments, coinsurance, benefit limits, and utilization reviews.

The motion to **SUPPORT** HB 1634 was adopted (M/S/P Horvath/Akamine).

House Bill 1665, Relating to Health: Establishes a core state behavioral health crisis services system. Provides for the designation of 1 or more crisis hotline centers to provide crisis intervention services and crisis care coordination to individuals accessing the suicide prevention and behavioral health crisis hotline. Requires the Department of Health to provide to crisis callers onsite response services using mobile crisis teams. Requires the State to fund treatment for crisis receiving and stabilization services related to 988 calls.

The motion to **SUPPORT** HB 1665 was adopted (M/S/P Horvath/Akamine).

House Bill 1708, Relating to Access to Behavioral Health Services: Allows for standard telephone contacts for telehealth purposes related to behavior health services.

Senate Bill 2645, Relating to Access to Behavioral Health: Allows for standard telephone contacts for telehealth purposes related to behavior health services.

The motion to **SUPPORT** HB 1708 and SB 2645 was adopted (M/S/P Horvath/Akamine).

House Bill 1752, Relating to Housing: Part I prohibits negative advertising relating to source of income for available rental units and provides potential tenants with remedies against a landlord for a violation of the prohibition. Part II requires the Hawaii public housing authority to adopt rules without regard to chapter 91, Hawaii Revised Statutes, to establish specified incentives for landlords who participate in the tenant-based assistance housing choice voucher program under section 8 of the United States Housing Act of 1937. Part III requires that the Hawaii public housing authority adopt rules to establish a maximum of fifteen days after receipt of an owner's or landlord's inspection request as a reasonable time within which to inspect a dwelling unit for lease under the section 8 housing choice voucher program.

The motion to **MONITOR** HB 1752 was adopted (M/S/P Akamine/ Daniel-Kanetake).

House Bill 1773, Relating to Health: Appropriates moneys to extend Medicaid postpartum coverage to twelve months following the end of pregnancy.

Senate Bill 2634, Relating to Health: Appropriates moneys to extend Medicaid postpartum coverage to twelve months following the end of pregnancy.

Senate Bill 2746, Relating to Health: Appropriates moneys to extend Medicaid postpartum coverage to twelve months following the end of pregnancy.

The motion to **SUPPORT** HB 1773, SB 2634, and SB 2746 was adopted (M/S/P Horvath/Akamine).

Chairperson Dean Georgiev recessed the meeting at 1:01 p.m. and announced it would reconvene February 14, 2022 at 12:00 p.m. The Zoom link will be posted on the DCAB website.

Chairperson Dean Georgiev called the meeting back to order at 12:04 pm on February 14, 2022. Present: Rosanna Daniel-Kanetake, Violet Horvath, Board members.

House Bill 1945, Relating to the Neighbor Islands Blind and Visually Impaired Service Pilot Program: Requires the Department of Human Services to establish a neighbor islands blind and visually impaired service pilot program that provides training and other services to blind or visually impaired individuals residing on the neighbor islands. Requires the Department of Human Services to report to the Legislature before the Regular Session of 2025. Appropriates funds. Repeals 06/30/2025.

Senate Bill 2437, Relating to the Neighbor Islands Blind and Visually Impaired Service Pilot Program: Requires the Department of Human Services to establish a neighbor islands blind and visually impaired service pilot program that provides training and other services to blind or visually impaired individuals residing on the neighbor islands. Requires the Department of Human Services to report to the Legislature before the Regular Session of 2025. Appropriates funds. Repeals 06/30/2025.

The motion to **SUPPORT** HB 1945 and SB 2437 was adopted (M/S/P Horvath/Daniel-Kanetake).

House Bill 1980, Relating to Telephonic Services: Permits, but does not require, Medicaid, insurance providers, and health maintenance organizations to cover telephonic behavioral health services under certain circumstances. Clarifies that telephonic services do not constitute telehealth.

Committee member Violet Horvath stated that she supports the bill but would like to comment that it should require them to cover, not permit.

The motion to **SUPPORT WITH COMMENTS** HB 1980 was adopted (M/S/P Horvath/Daniel-Kanetake).

House Bill 2155, Relating to Fees: Amends the marriage license statute to support the Hawaii Birth Defects Program, modernization of the vital statistics system, operating costs of marriage license agents, and spouse and child abuse programs of the department of human services and of the judiciary.

Senate Bill 3123, Relating to Fees: Amends the marriage license statute to support the Hawaii Birth Defects Program, modernization of the vital statistics system, operating costs of marriage license agents, and spouse and child abuse programs of the department of human services and of the judiciary.

The motion to **SUPPORT** HB 2155 and SB 3123 was adopted (M/S/P Horvath/Daniel-Kanetake).

Senate Bill 2019, Relating to Behavioral Health Services: Requires the Department of Health to establish 9-8-8 call centers that meet certain minimum requirements and to adopt administrative rules. Requires the Department of Health to establish crisis response teams that meet certain requirements. Creates funding mechanisms for crisis and intervention services. Establishes a 9-8-8 fee to fund the services created by this Act. Establishes a board to oversee and implement the services created by this Act. Requires the Department of Health to set a timeline to accomplish the services created by this Act. Establishes the 9-8-8 special fund.

The motion to **SUPPORT** SB 2019 was adopted (M/S/P Horvath/Daniel-Kanetake).

Senate Bill 2022, Relating to Hearing and Vision Program: Amends the hearing and vision program statute to increase the early identification of children with hearing or vision loss, by establishing consistent protocols for hearing and vision screening and follow-up, screener training, and data collection for quality improvement.

The motion to **SUPPORT** SB 2022 was adopted (M/S/P Horvath/Daniel-Kanetake).

Senate Bill 2024, Relating to Newborn Hearing Screening: Requires diagnostic audiologic evaluation results of newborn hearing screening evaluations, and infants whose hearing status changes, to be provided to the Department of Health.

The motion to **SUPPORT** SB 2024 was adopted (M/S/P Horvath/Daniel-Kanetake).

Senate Bill 2029, Relating to Parkinson's Disease Research: Establishes the Parkinson's Disease Research Collection Database to be administered by the Department of Health.

The motion to **SUPPORT** SB 2029 was adopted (M/S/P Horvath/Daniel-Kanetake).

Board member Anthony Akamine joined the meeting at 12:10 p.m.

Senate Bill 2034, Relating to Health: Requires assessment of patients who are subject to emergency hospitalization, diagnosed with a mental illness or severe substance use disorder, and found to be lacking decisional capacity to determine if a surrogate or guardian needs to be appointed to make appropriate health care decisions for the patient.

The Committee debated that while the bill is well intentioned, it could open the door for abuse and civil rights violations and if disability laws are impacted.

The motion to **SUPPORT THE INTENT WITH COMMENTS** of SB 2034 was adopted (M/S/P Horvath/Daniel-Kanetake).

Senate Bill 2073, Relating to Telehealth: Allows for standard telephone contacts for telehealth purposes.

The motion to **SUPPORT** SB 2073 was adopted (M/S/P Horvath/Akamine).

House Bill 2145, Relating to Kupuna Care Program: Incorporates the kupuna caregivers program into the kupuna care program and adds services for care recipients, caregivers, and employed caregivers.

Senate Bill 3113, Relating to Kupuna Care Program: Incorporates the kupuna caregivers program into the kupuna care program and adds services for care recipients, caregivers, and employed caregivers.

The motion to **SUPPORT** HB 2145 and SB 3113 was adopted (M/S/P Horvath/Daniel-Kanetake).

Senate Bill 2314, Relating to Rental Discrimination: Prohibits discrimination, including in advertisements for rental property, in rental transactions based on participation in a section 8 housing choice program or any permanent supportive housing program or requirements related to participation in these housing assistance programs. Appropriates funds.

Senate Bill 2902, Relating to Rental Discrimination: Prohibits discrimination, including in advertisements for rental property, in rental transactions based on participation in a section 8 housing choice program or any permanent supportive housing program or requirements related to participation in these housing assistance programs.

Senate Bill 2399, Relating to Rental Discrimination: Prohibits discrimination in rental transactions based on participation in any government rental assistance program, including low-income housing assistance under the United States Housing Act of 1937, 42 U.S.C. § 1437f, as amended.

Senate Bill 2468, Relating to Housing Discrimination: Allows counties to prohibit discrimination against renters based on their source of income.

The motion to **MONITOR** SB 2314/SB 2902/SB 2399/SB 2468 was adopted (M/S/P Horvath/Daniel-Kanetake).

Senate Bill 2439, Relating to Hearing Aids: Requires health insurance policies and contracts issued after 12/31/22 to provide coverage for the cost of hearing aids at a minimum of \$1,500 per hearing aid for each hearing-impaired ear every thirty-six months in their base plans.

Staff explained that the original draft of the bill was at a minimum \$1,500 per hearing aid, and the bill was amended at its first hearing with language as “medically necessary.” Guest Peter Fritz said the idea of establishing a specific amount was one of the recommendations in the 2014 Auditor’s report and opting to use the term “medically necessary” would create a loophole that would be used to deny coverage.

The motion to **SUPPORT WITH COMMENTS** SB 2439 was adopted (M/S/P Horvath/Akamine).

Senate Bill 2241, Relating to Medical Care for Minors: Permits minors to consent to medical care related to the diagnosis or treatment of HIV or the prevention of HIV. Provides that a minor, under certain circumstances, shall not be liable for payment for treatment or prevention of HIV. Authorizes physician assistants, in addition to physicians and advanced practice registered nurses, to render medical care and services to minors.

House Bill 1675, Relating to Medical Care for Minors: Permits minors to consent to medical care and services related to the diagnosis, treatment, or prevention of HIV. Specifies that a minor, under certain circumstances, shall not be liable for payment associated with the diagnosis, treatment, or prevention of HIV. Authorizes physician assistants, in addition to physicians and advanced practice registered nurses, to render such medical care and services to minors.

Chairperson Dean Georgiev said he was worried how this is balanced with parental rights.

The motion to **SUPPORT** HB 1675 and SB 2241 was adopted (M/S/P Horvath/Akamine; No-Georgiev).

Senate Bill 2455, Relating to Cannabis: Legalizes, regulates, and taxes cannabis and manufactured cannabis products for responsible, adult use. Exempts sales of cannabis and manufactured cannabis products for medical use from the general excise tax. Clarifies that qualifying out-of-state patients have the same rights and privileges under the medical cannabis law. Allows qualifying out-of-state patients to cultivate medical cannabis.

Staff suggested DCAB support the exemption. The Committee debated if this was disability related and guest Peter Fritz said it might not be necessary as medicine is already exempt.

The motion to **MONITOR** SB 2455 was adopted (M/S/P Akamine/Horvath).

Senate Bill 2467, Relating to Mental Health Screening: Requires that one annual mental health screening be included in health insurance coverage for diagnosis and treatment of mental disorders.

Senate Bill 2585, Relating to Health Insurance: Requires all insurers in the state, including medicaid managed care programs, to cover annual mental health wellness examinations beginning 1/1/2023.

The motion to **SUPPORT** SB 2467 and SB 2585 was adopted (M/S/P Horvath/Daniel-Kanetake).

Senate Bill 2647, Relating to Fetal Alcohol Spectrum Disorders: Establishes a temporary fetal alcohol spectrum disorders task force within the Department of Health for administrative purposes. Requires a report to the Legislature. Establishes the fetal alcohol spectrum disorders special fund, to be administered by the Department of Human Services, and which shall consist of federal funds and interest earned on those funds.

The motion to **SUPPORT** SB 2647 was adopted (M/S/P Horvath/Akamine).

Senate Bill 3234, Relating to Health: Recognizes and formalizes the Prevent Suicide Hawaii Task Force to implement its strategic plan to reduce suicide in Hawaii by twenty-five per cent by 2025. Appropriates funds to the Department of Health's Emergency Medical Services and Injunction System Branch to support the branch operations to prevent or reduce suicide in the State.

The motion to **MONITOR** SB 3234 was adopted (M/S/P Horvath/Akamine).

Senate Bill 3253, Relating to Mental Health: Removes the "imminent" requirement from the standard for emergency mental health examinations and requires mental health workers to consider a person's history of mental illness in determining whether the person requires an emergency mental health examination.

The motion to **MONITOR** SB 3253 was adopted (M/S/P Akamine/Horvath).

Senate Bill 3356, Relating to Cannabis: Authorizes the Department of Health to approve in-vehicle receipt of medical cannabis and medical cannabis products on or near the premises of dispensaries under certain conditions.

Staff explained that this was temporarily allowed during the COVID-19 pandemic, however the bill would make it a permanent option. The motion to **SUPPORT** SB 3356 was adopted (M/S/P Horvath/Akamine).

SCR 1 - Urging the Department of Education to Develop and Implement a Program to Recruit and Employ Qualified Blind Persons to Serve as Orientation and Mobility Instructors, and in Other Positions, as Teachers of Visually Impaired Students:

Chairperson Dean Georgiev explained that there are two types of national certifications, but the DOE only accepts the one that is for sighted instructors. They ought to accept the National Blindness Professional Certification Board.

The motion to **SUPPORT** SCR 1 was adopted (M/S/P Horvath/Daniel-Kanetake; Abstain-Akamine).

Chairperson Dean Georgiev recessed the meeting at 1:05 p.m. and announced it would reconvene February 15, 2022, at 3:00 p.m. The Zoom link will be posted on the DCAB website.

Chairperson Dean Georgiev called the meeting back to order at 3:00 p.m on February 15, 2022. Present: Anthony Akamine, Rosanna Daniel-Kanetake, Violet Horvath, Board members.

House Bill 1429, Relating to Renewal of Drivers Licenses: Allows for the renewal of driver's licenses online or by electronic or digital means.



Senate Bill 2105, Relating to Renewal of Drivers Licenses: Allows for the renewal of driver's licenses online or by electronic or digital means.

The motion to **SUPPORT THE INTENT WITH COMMENTS** of HB 1429 and SB 2105 was adopted (M/S/P Horvath/Akamine).

Senate Bill 2158, Relating to the use of Sirens by Emergency Vehicles: Allows emergency response vehicles to not use sirens if the siren is not reasonably necessary under the circumstances.

Committee member Anthony Akamine commented concerns that this was unfair to someone with a visual impairment who cannot see the lights to warn them an emergency vehicle is approaching. Chairperson Dean Georgiev commented that sirens can actually be confusing and a well trained blind person uses the sound of vehicles to know when it is or is not safe to cross a street. Committee member Violet Horvath said that a lack of sirens would seem to pose a danger to anyone who might not be as attentive as they should be, for example, anyone looking down at their phone. Committee member Rosanna Daniel-Kanetake added that this bill arose from complaints about sirens blaring late at night when people are trying to sleep, and the streets are relatively empty.

The motion to **MONITOR** SB 2158 was adopted (M/S/P Akamine/Horvath).

Senate Bill 3361, Relating to Airports: Establishes the Airport Advisory Working Group in the Department of Transportation to advise on airport design and construction projects to prioritize user experience while reflecting local culture, environment, and the history of Hawaii.

Staff recommended support with comments to amend the bill to prioritize the experience of disabled travelers.

The motion to **SUPPORT** SB 3361 was adopted (M/S/P Akamine/Horvath).

### **Administration**

House Bill 1542, Relating to Legislative Access Through Remote Testimony: Requires each house of the legislature to establish by its rule, procedures that enables the legislature to use remote testimony at legislative committee hearings, enable the public to present oral testimony at legislative committee hearings through remote testimony, and accommodate persons with disabilities through remote testimony. Defines "remote testimony."

Senate Bill 2436, Relating to Legislative Access Through Remote Testimony: Requires each house of the legislature to establish by its rule, procedures that enables the legislature to use remote testimony at legislative committee hearings, enable the public to present oral testimony at legislative committee hearings through remote testimony, and accommodate persons with disabilities through remote testimony. Defines "remote testimony."

The motion to **SUPPORT** HB 1542 and SB 2436 was adopted (M/S/P Akamine/Daniel-Kanetake).

Senate Bill 2197, Relating to Temporary Disability Insurance: Prohibits the denial of temporary disability benefits based on the amount of sick leave credits accrued prior to disability.

The motion to **SUPPORT** SB 2197 was adopted (M/S/P Akamine/Horvath).

Senate Bill 2205, Relating to Suicide Prevention: Creates a task force to develop and implement a plan to utilize the 988 calling code of the National Suicide and Mental Health Lifeline. Makes an appropriation.

The motion to **SUPPORT** SB 2205 was adopted (M/S/P Horvath/Akamine).

Senate Bill 2404, Relating to Remote Access to Legislative Committee Hearings: Requires each house of the State Legislature to establish procedures that enable the Legislature to live broadcast all legislative committee hearings via the Internet; enable the public to present oral testimony remotely at legislative committee hearings by use of interactive conference technology; and enable the Legislature to electronically record legislative committee hearings and make the recordings accessible to the public. Defines interactive conference technology.

The motion to **SUPPORT** SB 2404 was adopted (M/S/P Horvath/Daniel-Kanetake).

Senate Bill 2492, Relating to Paid Sick Leave: Requires employers to provide a minimum amount of paid sick leave to employees to be used to care for themselves or a family member who is ill or needs medical care and supplemental paid sick leave to employees under certain public health emergency conditions.

The motion to **SUPPORT** SB 2492 was adopted (M/S/P Akamine/Horvath).

Senate Bill 2708, Relating to the Hawaii Employer-Union Health Benefits Trust Fund: Amends the definition of "employee-beneficiary" to include the surviving unmarried adult child of a deceased retired member if the child is incapable of self-support due to a mental or physical incapacity that existed prior to the unmarried child's reaching the age of nineteen years.

The motion to **SUPPORT** SB 2708 was adopted (M/S/P Horvath/Akamine).

Senate Bill 2831, Relating to Employee Leave: Requires temporary disability insurance to provide extended coverage to an employee who has a preterm birth requiring the newborn baby to stay in a neonatal intensive care unit or birth requiring the newborn baby to stay in a neonatal intensive care unit for more than eight weeks, provided the employee provides kangaroo care to or expresses breast milk for the newborn. Requires family leave to be extended for an employee who has a preterm birth requiring the newborn baby to stay in a neonatal intensive care unit or birth requiring the newborn baby to stay in a neonatal intensive care unit for more than eight weeks, provided the employee provides kangaroo care to or expresses breast milk for the newborn. Requires the Department of Health to amend the Hawaii Administrative Rules to include neonatal care as related condition where the phrase "pregnancy, childbirth, or other related condition" is used.

The motion to **SUPPORT** SB 2831 was adopted (M/S/P Akamine/ Daniel-Kanetake).

Senate Bill 3316, Relating to Family Leave: Provides employees with up to eight weeks of paid family leave during the first year after birth of the individual's child, adoption of a child by the individual, or placement of a child with the individual through foster care, and eight weeks of paid family leave to care for the individual's family member with a serious health condition during any benefit year, paid through an employer-based private insurance program currently used to provide for temporary disability benefits. Repeals chapter 398, Hawaii Revised Statutes. Appropriates funds to the Department of Labor and Industrial Relations.

The motion to **SUPPORT** SB 3316 was adopted (M/S/P Horvath/Akamine).

## **Other**

Senate Bill 2111, Relating to Public Notices: Allows government agencies to publish public notices on an official website as an alternative to a newspaper.

Committee member Violet Horvath said public notices should be published in the newspaper and official website.

The motion to **OPPOSE WITH COMMENTS** SB 2111 was adopted (M/S/P Akamine/Horvath).

House Bill 1914, Relating to Sensory Rooms: Requires the department of education to construct and implement sensory rooms for children diagnosed with autism spectrum disorder in all public schools. Appropriates funds for the planning, design, and construction of the sensory rooms. Appropriates funds for special education teachers to staff the sensory rooms.

The motion to **SUPPORT** HB 1914 was adopted (M/S/P Horvath/Daniel-Kanetake).

House Bill 2401, Relating to Quality Schools: Establishes a shortage differential salary incentive program within the department of education to provide shortage differential pay for teachers working in special education, hard-to-staff locations, and Hawaiian immersion positions. Provides automatic step increases in teacher salaries for each year of satisfactory service completed by public school teachers. Increases the amount of time available to teachers for planning, preparation, and collaboration.

The motion to **SUPPORT** HB 2401 was adopted (M/S/P Horvath/Akamine).

House Bill 2289, Relating to Disability Awareness: Designates the month of October as "Disability Awareness Month: Employment, Enrichment, and Inclusion" in recognition of the employment challenges and successes of persons with disabilities in the State.

The motion to **SUPPORT** HB 2289 was adopted (M/S/P Horvath/Akamine).

Senate Bill 2281, Relating to Psychology: Establishes licensure requirements for school psychologists to be administered by the Board of Psychology. Requires all school psychologists to be licensed by July 1, 2025. Increases the composition of the Board of Psychology to include two school psychologists.

The motion to **SUPPORT** SB 2281 was adopted (M/S/P Daniel-Kanetake/Horvath).

Senate Bill 2551, Relating to School Campuses: Requires the Department of Education, State Public Charter School Commission, and each county's police commission to create a memorandum of understanding and other governing protocols, with input and collaboration from child development and justice experts, to provide clear guidelines on student discipline and police on campus.

The motion to **SUPPORT** SB 2551 was adopted (M/S/P Horvath/Daniel-Kanetake).

Senate Bill 2822, Relating to Asthma: Requires the Department of Education to offer optional asthma education courses to students and provide mandatory asthma training to teachers and other department employees who interact with students.

The motion to **SUPPORT** SB 2822 was adopted (M/S/P Horvath/Akamine).

Senate Bill 2919, Relating to Disability Health Disparity: Requires the Department of Human Services to submit a report focused on the health disparities experienced by individuals with disabilities in Hawaii before Regular Session of 2023.

The motion to **SUPPORT** SB 2919 was adopted (M/S/P Horvath/Akamine).

VI. Open Forum

There were no concerns brought up under Open Forum.

VII. Announcement of Next Meeting

The next meeting will be scheduled sometime after cross over.

VIII. Adjournment

The meeting adjourned at 4:03 p.m.

NOTE: All votes were unanimous unless otherwise noted.

Respectfully submitted,

/s/

BRYAN K. MICK