



DISABILITY AND COMMUNICATION ACCESS BOARD

1010 Richards Street, Rm. 118 • Honolulu, Hawai'i 96813
Ph. (808) 586-8121 (V) • Fax (808) 586-8129 • (808) 586-8129 TTY

NOTICE OF MEETING

Disability and Communication Access Board

Legislative Committee Meeting

February 24, 2023

12:00 p.m. – 1:00 p.m.

AGENDA

The Disability and Communication Access Board will be meeting remotely using interactive conference technology. The public is welcome to participate as follows.

Public In-Person Meeting Location

Kamamalu Building
1010 Richards Street, Room 118
Honolulu, HI 96813

Participate Virtually via Zoom

Click on the link below or copy and paste it into your browser window:
<https://zoom.us/j/93248453549> and enter Meeting ID: 932 4845 3549

To join by phone

Dial 1 669 444 917 and enter Meeting ID: 932 4845 3549

Public Testimony

Testimony or comments presented by members of the public during Legislative Committee meetings shall be limited to two minutes per agenda item. In compliance with the Americans with Disabilities Act, a reasonable amount of additional time shall be afforded to persons with a communication disability to present testimony or comments, if needed. Any person who needs additional time to present testimony or comments is encouraged to contact the DCAB office in advance of the meeting. This rule shall be placed at the beginning of all Legislative Committee meeting agendas.

Members of the public may present comment or testimony during Legislative Committee meetings on each agenda item. Public comment or testimony, if any, shall be presented on each agenda item before the Legislative Committee deliberates on the item. After all public comment or testimony is presented, the Legislative Committee shall deliberate on the agenda item without further comment or testimony from the public unless further public comment or testimony is requested by the Legislative Committee.

Written Testimony -To ensure the public as well as its Board members receive such testimony in a timely manner, written testimony should be submitted 24 hours prior to the scheduled meeting date and time. Any written testimony submitted after such time cannot be guaranteed to be distributed in time for the meeting. Written testimony may be submitted by one of the methods listed below:

- By email to: dcab@doh.hawaii.gov
- By U.S. Postal Mail:
Kirby Shaw, Disability and Communication Access Board, 1010 Richards Street,
Room 118, Honolulu, HI 96813
- By facsimile to: (808) 586-8129

AGENDA

- I. Call to Order
Review Remote Meeting Procedures
 - This meeting is being recorded.
 - A quorum of Committee members is required to be visible on screen.
 - Raise hand to speak unless called upon.
 - Identify yourself before speaking.
- II. Introductions
- III. Statement from Public and Written Testimonies Submitted
- IV. Approval of Legislative Committee Meeting Minutes of February 10, 2023
- V. Approval of Legislative Committee Meeting Minutes of February 17, 2023
- VI. DCAB Legislative Positions Relating to 32nd Legislature, 2023 Bills
 - A. [Senate Bill 609 SD1](#), Relating to Hearing Aids. Requires health insurance policies and contracts issued on or after 01/01/2024 to provide coverage for the cost of hearing aids at a minimum of an unspecified amount per hearing aid for each hearing-impaired ear every thirty-six months. Effective 12/31/2050.
 - B. [Senate Bill 1076 SD1/House Bill 1476](#), Relating to Elections. Requires the Office of Elections to prepare a digital voter information guide. Requires the Office of Elections to post the guide on its website in compliance with certain accessibility standards. Requires the Office of Elections to mail each ballot with a notice that states a voter information guide may be found on its website. Appropriates funds.
 - C. [House Bill 794 HD1](#), 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.

- D. [Senate Bill 1564 Relating to Public Records.](#) Allows a requestor of a public record to receive the public record in the format of their choice; provided that the format that is being requested is available.
- E. [House Bill 240/Senate Bill 1128, Relating to Health Care Services.](#) Exempts gross proceeds from medical services provided by physicians and advanced practice registered nurses acting in the capacity of a primary care provider from the general excise tax. Effective 1/1/2024.
- F. [House Bill 241/Senate Bill 1126, Relating to Taxation.](#) Amends the income tax credit for expenses for household and dependent care services necessary for gainful employment by increasing the taxpayer's applicable percentage of employment-related expenses and dollar limit on amounts creditable that constitute the tax credit. Requires the department of taxation to make annual adjustments for inflation to the adjusted gross income thresholds and dollar limits on amounts creditable. Applies to taxable years beginning after 12/31/22.
- G. [House Bill 378 HD1/Senate Bill 983, Relating to Controlled Substances.](#) Requires the registration and registration renewal for methadone clinics and substance use disorder services clinics to be deemed a clinic and for the handling of controlled substances to be contingent upon its location being at least 750 feet away from a school. Gives methadone clinics and substance use disorder services clinics one year from the effective date of this Act to comply with this Act.
- H. [House Bill 712, Relating to Recordings of Public Meetings.](#) Encourages boards to maintain any electronic audio or visual recording of a board meeting as a public record on the board's website regardless of whether the written minutes of the meeting have been posted. Amends the information that must be included as part of the written minutes of board meetings. Requires boards to provide the state archives with a copy of any electronic audio or visual recording of a board meeting before removing the recording from the board's website. Effective 10/1/2023.
- I. [House Bill 907 HD2, Relating to Telehealth.](#) Authorizes reimbursement of telehealth services provided by way of an interactive telecommunications system be reimbursed. Effective 6/30/3000.
- J. [House Bill 963 HD1/Senate Bill 829 SD1, Relating to Broadband.](#) Appropriates general fund moneys that are required to match federal moneys for broadband programs. Appropriates moneys received by the State from the federal Infrastructure Investment and Jobs Act for the broadband equity, access, and deployment program.
- K. [Senate Bill 881 SD1, Relating to Homelessness.](#) Authorizes the issuance of general obligation bonds to the Hawai'i Public Housing Authority for the development and construction of permanent supportive housing for certain vulnerable individuals. Requires the Hawai'i Housing Finance and Development Corporation to consider any available federal low-income housing tax credits needed for construction of permanent supportive housing units.

- L. [Senate Bill 317 SD1](#), Relating to Audiology and Speech-Language Pathology Interstate Compact. Establishes provisions relating to the Audiology and Speech-Language Pathology Interstate Compact to facilitate interstate practice of audiology and speech-language pathology.
- M. [Senate Bill 1170](#), Relating to Affordable Housing Credits. Requires the counties to issue affordable housing credits for affordable housing units that are constructed pursuant to chapter 201H, Hawai'i Revised Statutes. Repeals on June 30, 2031.
- N. [Senate Bill 50/House Bill 326](#), Relating to Plastic Straws. Prohibits the distribution, sale, and provision of plastic straws, except for those who request single-use plastic straws for medical reasons. Establishes a fine for violators. Takes effect 1/1/2024.
- O. [House Bill 897 HD1/Senate Bill 713](#), Relating to Health. Establishes a task force to review policy issues and opportunities relating to the navigation, access, and coverage of medicaid services by individuals with autism or fetal alcohol spectrum disorder and make a recommendation on whether a waiver or other approval from the Centers for Medicare and Medicaid Services is necessary to ensure accessibility of certain services for individuals with autism or fetal alcohol spectrum disorder.
- P. [House Bill 900/Senate Bill 714](#), Relating to the Fetal Alcohol Spectrum Disorders. 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. Establishes a temporary fetal alcohol spectrum disorders task force within the department of health for administrative purposes. Requires a report to the legislature.
- Q. [House Bill 1440/Senate Bill 1595](#), Relating to the Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act. Adopts the Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act. Repeals the superseded Uniform Guardianship and Protective Proceedings Act.
- R. [House Bill 107/Senate Bill 217](#), Relating to Renewal of Driver's Licenses. Authorizes the renewal of driver's licenses online or by electronic or digital means.
- S. [House Bill 40](#), Relating to the General Fund. Provides a tax credit to taxpayers and makes deposits to the emergency and budget reserve fund and other post-employment benefits trust fund pursuant to article VII, section 6, of the Hawai'i State Constitution. Appropriates funds.
- T. [House Bill 300/Senate Bill 354](#), Relating to the State Budget. Appropriates funds for the operating and capital improvement budget of the Executive Branch for fiscal years 2023-2024 and 2024-2025.
- U. [House Bill 545/Senate Bill 1196 SD1](#), Relating to Boards and Commissions. Clarifies that board and commission holdover members shall not hold office beyond the end of the second regular legislative session following the

expiration of the member's term of office regardless of any conflicting statutes.

VII. Open Forum: Public comment on issues not on the agenda for consideration for the Board's agenda at the next meeting.

VIII. Next Meeting

VIII. Adjournment

If you have a disability and require an auxiliary aid or service or other accommodation to participate in the meeting, please contact Scott Castor at (808) 586-8121 or email, dcab@doh.hawaii.gov. Requests made as early as possible will allow adequate time to fulfill your request.

Upon request, this notice is available in alternate formats.

The agenda and meeting materials for this meeting are also available for inspection at DCAB's office located at 1010 Richards Street, Room 118, Honolulu, Hawaii 96813 and on DCAB's website at: <https://health.hawaii.gov/dcab/dcab-agendas-and-minutes/>.



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MINUTES

Legislative Committee Meeting

Location: 1010 Richards Street, #118 and via Zoom
Date: February 24, 2023
Time: 12:00 p.m.

PRESENT: Dean Georgiev, Chairperson; Anthony Akamine, Violet Horvath, Committee Members; Kirby Shaw, Bryan Mick, Curtis Motoyama, Staff

ABSENT: Rosanna Daniel-Kanetake, Committee Member

GUESTS: Peter Fritz, Courtney Olayan, Donald Sakamoto

I. Chairperson Dean Georgiev called the meeting to order at 12:09 p.m.

II. The attendees introduced themselves.

III. Statement from Public.

Guest Peter Fritz stated (1) if additional resources are needed for legislative tasks, DCAB should assign more staff and (2) when discussing bills go straight to the issue.

IV. The February 10, 2023 Legislative Committee meeting minutes were approved as circulated (M/S/P Akamine/Horvath).

V. The February 17, 2023 Legislative Committee meeting minutes were approved as circulated (M/S/P Akamine/Horvath).

VI. The Committee voted on the following bills:

A. Senate Bill 609 SD1, Relating to Hearing Aids. Requires health insurance policies and contracts issued on or after 01/01/2024 to provide coverage for the cost of hearing aids at a minimum of an unspecified amount per hearing aid for each hearing-impaired ear every thirty-six months. Effective 12/31/2050.

Guest Peter Fritz commented that the \$1,500 amount was determined years ago by the Deaf and Blind Task Force and recommended looking at past testimony for information about the dollar amount.

MOTION: **SUPPORT** (M/S/P Horvath/Akamine)

B. Senate Bill 1076 SD1/House Bill 1476, Relating to Elections. Requires the Office of Elections to prepare a digital voter information guide. Requires the Office of Elections to post the guide on its website in compliance with certain

accessibility standards. Requires the Office of Elections to mail each ballot with a notice that states a voter information guide may be found on its website. Appropriates funds.

MOTION: **SUPPORT WITH COMMENT** (M/S/P Horvath/Akamine)

- C. [House Bill 794 HD1](#), 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.

MOTION: **SUPPORT** (M/S/P Akamine/Horvath)

- D. [House Bill 378 HD1/Senate Bill 983](#), Relating to Controlled Substances. Requires the registration and registration renewal for methadone clinics and substance use disorder services clinics to be deemed a clinic and for the handling of controlled substances to be contingent upon its location being at least 750 feet away from a school. Gives methadone clinics and substance use disorder services clinics one year from the effective date of this Act to comply with this Act.

Guest Peter Fritz commented that DCAB is not an enforcement agency and recommended that the Department of the Attorney General should be consulted for legal guidance.

Kirby Shaw mentioned that this bill would violate Title II of the ADA and Section 504 of the Rehabilitation Act.

MOTION: **COMMENT TO CONSULT THE DEPARTMENT OF THE ATTORNEY GENERAL AND REFER TO THE NINTH CIRCUIT DECISION** (M/S/P Akamine/Horvath)

- E. [House Bill 712](#), Relating to Recordings of Public Meetings. Encourages boards to maintain any electronic audio or visual recording of a board meeting as a public record on the board's website regardless of whether the written minutes of the meeting have been posted. Amends the information that must be included as part of the written minutes of board meetings. Requires boards to provide the state archives with a copy of any electronic audio or visual recording of a board meeting before removing the recording from the board's website. Effective 10/1/2023.

Guest Peter Fritz commented that links to recordings that are posted in minutes should be accessible.

MOTION: **COMMENT THAT AUDIO AND VISUAL RECORDINGS MUST BE ACCESSIBLE TO PEOPLE WITH DISABILITIES** (M/S/P Horvath/Akamine)

- F. [House Bill 907 HD2](#), Relating to Telehealth. Authorizes reimbursement of telehealth services provided by way of an interactive telecommunications system be reimbursed. Effective 6/30/3000.

MOTION: **SUPPORT** (M/S/P Horvath/Akamine)

- G. [House Bill 963 HD1/Senate Bill 829 SD1](#), Relating to Broadband. Appropriates general fund moneys that are required to match federal moneys for broadband programs. Appropriates moneys received by the State from the federal Infrastructure Investment and Jobs Act for the broadband equity, access, and deployment program.

MOTION: **SUPPORT** (M/S/P Horvath/Akamine)

- H. [Senate Bill 881 SD1](#), Relating to Homelessness. Authorizes the issuance of general obligation bonds to the Hawai'i Public Housing Authority for the development and construction of permanent supportive housing for certain vulnerable individuals. Requires the Hawai'i Housing Finance and Development Corporation to consider any available federal low-income housing tax credits needed for construction of permanent supportive housing units.

MOTION: **SUPPORT WITH COMMENT TO EXCEED FEDERAL ACCESSIBILITY GUIDELINES** (M/S/P Horvath/Akamine)

- I. [House Bill 897 HD1/Senate Bill 713](#), Relating to Health. Establishes a task force to review policy issues and opportunities relating to the navigation, access, and coverage of medicaid services by individuals with autism or fetal alcohol spectrum disorder and make a recommendation on whether a waiver or other approval from the Centers for Medicare and Medicaid Services is necessary to ensure accessibility of certain services for individuals with autism or fetal alcohol spectrum disorder.

MOTION: **SUPPORT INTENT WITH COMMENT TO BROADEN THE BILL TO INCLUDE PEOPLE WITH OTHER DISABILITIES** (M/S/P Horvath/Akamine)

- VII. There was no public comment on issues not on the agenda for consideration for the Committee's agenda at the next meeting.
- VIII. The next Committee meeting is scheduled for March 3, 2023 beginning at 12:00 p.m. and ending at 1:00 p.m.
- IX. Chairperson Dean Georgiev recessed the meeting at 12:59 p.m.

NOTE: All votes were unanimous unless otherwise noted.

Respectfully submitted,



CURTIS S. MOTOYAMA