
SENATE BILL 6422

State of Washington

53rd Legislature

1994 Regular Session

By Senators Erwin, Talmadge, Winsley, Moyer, Wojahn, Hochstatter, Prentice, Nelson, Quigley, Deccio, Hargrove, Franklin, McAuliffe, Fraser, L. Smith, Williams, Roach, Pelz, Bluechel, Sellar, West, Oke, Bauer, Owen, Anderson, Sutherland, M. Rasmussen and Ludwig

Read first time 01/21/94. Referred to Committee on Health & Human Services.

1 AN ACT Relating to the definition of developmental disability; and
2 amending RCW 71A.10.020.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 71A.10.020 and 1988 c 176 s 102 are each amended to
5 read as follows:

6 As used in this title, the following terms have the meanings
7 indicated unless the context clearly requires otherwise.

8 (1) "Department" means the department of social and health
9 services.

10 (2) "Developmental disability" means a (~~disability attributable to~~
11 ~~mental retardation, cerebral palsy, epilepsy, autism, or another~~
12 ~~neurological or other condition of an individual found by the secretary~~
13 ~~to be closely related to mental retardation or to require treatment~~
14 ~~similar to that required for individuals with mental retardation, which~~
15 ~~disability originates before the individual attains age eighteen, which~~
16 ~~has continued or can be expected to continue indefinitely, and which~~
17 ~~constitutes a substantial handicap to the individual. By January 1,~~
18 ~~1989, the department shall promulgate rules which define neurological~~
19 ~~or other conditions in a way that is not limited to intelligence~~

1 ~~quotient scores as the sole determinate [determinant] of these~~
2 ~~conditions, and notify the legislature of this action))~~ severe, chronic
3 disability of a person that:

4 (a) Is attributable to a mental or physical impairment or
5 combination of mental and physical impairments;

6 (b) Is manifested before the person attains age twenty-two;

7 (c) Is likely to continue indefinitely;

8 (d) Results in substantial functional limitations in three or more
9 of the following areas of major life activity: (i) Self-care, (ii)
10 receptive and expressive language, (iii) learning, (iv) mobility, (v)
11 self-direction, (vi) capacity for independent living, and (vii)
12 economic self-sufficiency; and

13 (e) Reflects the person's need for a combination and sequence of
14 special, interdisciplinary, or generic care, treatment, or other
15 services that are of lifelong or extended duration and are individually
16 planned and coordinated; except that the term, when applied to infants
17 and young children means individuals from birth to age five, inclusive,
18 who have substantial developmental delay or specific congenital or
19 acquired conditions with a high probability of resulting in
20 developmental disabilities if services are not provided.

21 (3) "Eligible person" means a person who has been found by the
22 secretary under RCW 71A.16.040 to be eligible for services.

23 (4) "Habilitative services" means those services provided by
24 program personnel to assist persons in acquiring and maintaining life
25 skills and to raise their levels of physical, mental, social, and
26 vocational functioning. Habilitative services include education,
27 training for employment, and therapy.

28 (5) "Legal representative" means a parent of a person who is under
29 eighteen years of age, a person's legal guardian, a person's limited
30 guardian when the subject matter is within the scope of the limited
31 guardianship, a person's attorney at law, a person's attorney in fact,
32 or any other person who is authorized by law to act for another person.

33 (6) "Notice" or "notification" of an action of the secretary means
34 notice in compliance with RCW 71A.10.060.

35 (7) "Residential habilitation center" means a state-operated
36 facility for persons with developmental disabilities governed by
37 chapter 71A.20 RCW.

38 (8) "Secretary" means the secretary of social and health services
39 or the secretary's designee.

1 (9) "Service" or "services" means services provided by state or
2 local government to carry out this title.

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