

SENATE BILL REPORT

SB 6422

AS OF JANUARY 31, 1994

Brief Description: Changing the definition of developmental disability.

SPONSORS: 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

SENATE COMMITTEE ON HEALTH & HUMAN SERVICES

Staff: Don Sloma (786-7319)

Hearing Dates: February 1, 1994

BACKGROUND:

Under current law, the state finances and operates or contracts for the operation of various community and institutional programs for persons with developmental disabilities. Eligibility for the programs includes persons whose disability occurs before age 18, is expected to last indefinitely, constitutes a substantial handicap and is attributable to mental retardation, cerebral palsy, epilepsy, autism, or other neurological condition or other condition found to be related to mental retardation or which requires treatment similar to that required for mental retardation.

Under this definition, persons with multiple sclerosis, fetal alcohol syndrome, fetal alcohol effect, certain severe physical impairments resulting from birth defects or trauma, but which do not affect intelligence, and others are not eligible as developmentally disabled persons.

For many years, persons representing these groups and state and national advocacy organizations have recommended expanding the definition of developmental disability and restructuring it in a way that distinguishes between levels of functional limitation, regardless of medical diagnosis or intellectual ability.

SUMMARY:

The definition of "developmental disability" is altered to expand eligibility for state developmental disability programs to any person with a severe, chronic disability which is manifest before a person's twenty-second birthday, is likely to continue indefinitely, results in substantial functional limitations in at least three named areas of major life activity, and reflects the person's need for a combination or

sequence of special, interdisciplinary, care, treatment or other services.

When applied to infants or young children, developmental disability means individuals from birth up to and including the age of five who have substantial developmental delay or special congenital or acquired conditions with a high probability of resulting in developmental disabilities.

The change in definition reflects a national movement to redefine developmental disabilities less in terms of specific illnesses or intelligence levels and more in terms of functional limitations, regardless of particular medical diagnosis or intelligence scores.

The change in definition expands access to available programs for people with developmental disabilities to several groups who cannot claim eligibility under current law. These include persons whose illnesses manifest after their eighteenth, but before their twenty-second birthday, those with fetal alcohol syndrome, those with muscular dystrophy, and people with extreme physical disabilities whose intellectual capability may not be seriously compromised. Under the new definition, some people with mild retardation who are now eligible might become ineligible.

Finally, the change in definition as it applies to young children means that many more children with fetal alcohol effect, psychosis, hearing impairments, AIDS, drug effects, low birthweight and other conditions which threaten their early development will be eligible for developmental disability services than are now eligible.

Appropriation: none

Revenue: none

Fiscal Note: requested January 21, 1994