

**2SHB 2008** - S COMM AMD

By Committee on Human Services, Reentry & Rehabilitation

**ADOPTED 03/04/2022**

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that requiring  
4 intelligence quotient testing to determine if a person has an  
5 intellectual or developmental disability is expensive, inaccessible  
6 to marginalized communities, complicated to receive, and time  
7 consuming for families already struggling to care for their child  
8 with an intellectual or developmental disability. Further, the  
9 legislature finds that intelligence quotient testing does not  
10 accurately indicate whether a person needs support to be personally  
11 and socially productive, which is the goal of the developmental  
12 disabilities administration outlined in RCW 71A.10.015. Therefore,  
13 the legislature finds that requiring intelligence quotient testing in  
14 assessing whether a person has an intellectual or developmental  
15 disability is not an appropriate diagnostic tool and eliminating the  
16 use of intelligence quotient scores has been a goal of the  
17 legislature for more than 40 years.

18 **Sec. 2.** RCW 71A.10.020 and 2014 c 139 s 2 are each reenacted and  
19 amended to read as follows:

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

22 (1) "Administration" means the department of social and health  
23 services developmental disabilities administration.

24 (2) "Assessment" means an evaluation is provided by the  
25 department to determine:

26 (a) If the individual meets functional and financial criteria for  
27 medicaid services; and

28 (b) The individual's support needs for service determination.

1       ~~((2))~~ (3) "Community residential support services," or  
2 "community support services," and "in-home services" means one or  
3 more of the services listed in RCW 71A.12.040.

4       ~~((3))~~ (4) "Crisis stabilization services" means services  
5 provided to persons with developmental disabilities who are  
6 experiencing behaviors that jeopardize the safety and stability of  
7 their current living situation. Crisis stabilization services  
8 include:

9       (a) Temporary intensive services and supports, typically not to  
10 exceed sixty days, to prevent psychiatric hospitalization,  
11 institutional placement, or other out-of-home placement; and

12       (b) Services designed to stabilize the person and strengthen  
13 their current living situation so the person may continue to safely  
14 reside in the community during and beyond the crisis period.

15       ~~((4))~~ (5) "Department" means the department of social and  
16 health services.

17       ~~((5))~~ (6) "Developmental disability" means a disability  
18 attributable to intellectual disability, cerebral palsy, epilepsy,  
19 autism, or another neurological or other condition of an individual  
20 found by the secretary to be closely related to an intellectual  
21 disability or to require treatment similar to that required for  
22 individuals with intellectual disabilities, which disability  
23 originates before the individual attains age eighteen, which has  
24 continued or can be expected to continue indefinitely, and which  
25 constitutes a substantial limitation to the individual. By ~~((January~~  
26 ~~1, 1989))~~ June 30, 2025, the ~~((department))~~ administration shall  
27 promulgate rules ~~((which))~~ to further define ~~((neurological or other~~  
28 ~~conditions in a way that is not limited to))~~ developmental disability  
29 without the use of intelligence quotient scores ~~((as the sole~~  
30 ~~determinant of these conditions, and notify the legislature of this~~  
31 ~~action))~~.

32       ~~((6))~~ (7) "Eligible person" means a person who has been found  
33 by the secretary under RCW 71A.16.040 to be eligible for services.

34       ~~((7))~~ (8) "Habilitative services" means those services provided  
35 by program personnel to assist persons in acquiring and maintaining  
36 life skills and to raise their levels of physical, mental, social,  
37 and vocational functioning. Habilitative services include education,  
38 training for employment, and therapy.

39       ~~((8))~~ (9) "Legal representative" means a parent of a person who  
40 is under eighteen years of age, a person's legal guardian, a person's

1 limited guardian when the subject matter is within the scope of the  
2 limited guardianship, a person's attorney-at-law, a person's  
3 attorney-in-fact, or any other person who is authorized by law to act  
4 for another person.

5 ~~((9))~~ (10) "Notice" or "notification" of an action of the  
6 secretary means notice in compliance with RCW 71A.10.060.

7 ~~((10))~~ (11) "Residential habilitation center" means a state-  
8 operated facility for persons with developmental disabilities  
9 governed by chapter 71A.20 RCW.

10 ~~((11))~~ (12) "Respite services" means relief for families and  
11 other caregivers of people with disabilities, typically not to exceed  
12 ninety days, to include both in-home and out-of-home respite care on  
13 an hourly and daily basis, including twenty-four hour care for  
14 several consecutive days. Respite care workers provide supervision,  
15 companionship, and personal care services temporarily replacing those  
16 provided by the primary caregiver of the person with disabilities.  
17 Respite care may include other services needed by the client,  
18 including medical care which must be provided by a licensed health  
19 care practitioner.

20 ~~((12))~~ (13) "Secretary" means the secretary of social and  
21 health services or the secretary's designee.

22 ~~((13))~~ (14) "Service" or "services" means services provided by  
23 state or local government to carry out this title.

24 ~~((14))~~ (15) "Service request list" means a list of eligible  
25 persons who have received an assessment for service determination and  
26 their assessment shows that they meet the eligibility requirements  
27 for the requested service but were denied access due to funding  
28 limits.

29 ~~((15))~~ (16) "State-operated living alternative" means programs  
30 for community residential services which may include assistance with  
31 activities of daily living, behavioral, habilitative, interpersonal,  
32 protective, medical, nursing, and mobility supports to individuals  
33 who have been assessed by the department as meeting state and federal  
34 requirements for eligibility in home and community-based waiver  
35 programs for individuals with developmental disabilities. State-  
36 operated living alternatives are operated and staffed with state  
37 employees.

38 ~~((16))~~ (17) "Supported living" means community residential  
39 services and housing which may include assistance with activities of  
40 daily living, behavioral, habilitative, interpersonal, protective,

1 medical, nursing, and mobility supports provided to individuals with  
2 disabilities who have been assessed by the department as meeting  
3 state and federal requirements for eligibility in home and community-  
4 based waiver programs for individuals with developmental  
5 disabilities. Supported living services are provided under contracts  
6 with private agencies or with individuals who are not state  
7 employees.

8 ~~((17))~~ (18) "Vacancy" means an opening at a residential  
9 habilitation center, which when filled, would not require the center  
10 to exceed its biennially budgeted capacity.

11 **Sec. 3.** RCW 71A.16.020 and 1988 c 176 s 402 are each amended to  
12 read as follows:

13 (1) A person is eligible for services under this title if the  
14 secretary finds that the person has a developmental disability as  
15 defined in RCW 71A.10.020(~~((2))~~).

16 (2) The secretary may adopt rules further defining and  
17 implementing the criteria in the definition of "developmental  
18 disability" under RCW 71A.10.020(~~((2))~~). Beginning July 1, 2025, the  
19 administration may not use intelligence quotient scores as a  
20 determinant of developmental disability. The administration shall  
21 maintain eligibility for the administration's services for any  
22 persons determined eligible after the age of 18 who were determined  
23 eligible using an intelligence quotient score under criteria in place  
24 prior to July 1, 2025. The administration shall not disenroll any  
25 client upon review at 18 years old who is determined to be eligible  
26 based on standards in place prior to or after July 1, 2025."

**2SHB 2008** - S COMM AMD  
By Committee on Human Services, Reentry & Rehabilitation

**ADOPTED 03/04/2022**

27 On page 1, line 3 of the title, after "disabilities;" strike the  
28 remainder of the title and insert "amending RCW 71A.16.020;  
29 reenacting and amending RCW 71A.10.020; and creating a new section."

EFFECT: Removes DDA's authority to use IQ scores for presumptive  
eligibility determinations. Removes the requirement for DDA to

prioritize individuals who are on the no paid services caseload as of June 30, 2025, for new waiver spots.

--- **END** ---