

HOUSE BILL REPORT

2SHB 2008

As Passed House:
February 11, 2022

Title: An act relating to eliminating the use of intelligence quotient scores in determining eligibility for programs and services for individuals with developmental disabilities.

Brief Description: Eliminating the use of intelligence quotient scores in determining eligibility for programs and services for individuals with developmental disabilities.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Taylor, Fitzgibbon, Peterson, Ramel, Santos, Sells, Shewmake, Valdez, Ryu, Macri, Berg, Bateman, Ormsby, Frame, Davis, Lekanoff and Pollet).

Brief History:

Committee Activity:

Housing, Human Services & Veterans: 1/25/22, 1/28/22 [DPS];
Appropriations: 2/4/22, 2/5/22 [DP2S(w/o sub HHSV)].

Floor Activity:

Passed House: 2/11/22, 68-28.

Brief Summary of Second Substitute Bill

- Prohibits the Department of Social and Health Services (DSHS) from using intelligence quotient (IQ) scores in determining eligibility for programs and services for individuals with developmental disabilities beginning July 1, 2025.
- Directs the DSHS, beginning July 1, 2025, and when funding and capacity exist to enroll additional individuals in paid programs and services offered by the Developmental Disabilities Administration (DDA), to prioritize individuals who were determined eligible for paid DDA services but were not receiving them as of June 30, 2025.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

HOUSE COMMITTEE ON HOUSING, HUMAN SERVICES & VETERANS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 6 members: Representatives Peterson, Chair; Taylor, Vice Chair; Bateman, Chopp, Donaghy and Leavitt.

Minority Report: Without recommendation. Signed by 2 members: Representatives Caldier, Ranking Minority Member; Gilday, Assistant Ranking Minority Member.

Staff: Serena Dolly (786-7150).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Housing, Human Services & Veterans. Signed by 30 members: Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Caldier, Chandler, Chopp, Cody, Dolan, Fitzgibbon, Frame, Hansen, Harris, Hoff, Jacobsen, Johnson, J., Lekanoff, Pollet, Rude, Ryu, Senn, Springer, Steele, Stonier, Sullivan and Tharinger.

Minority Report: Without recommendation. Signed by 3 members: Representatives Boehnke, Dye and Schmick.

Staff: Mary Mulholland (786-7391).

Background:

The Developmental Disabilities Administration (DDA) is a division of the Department of Social and Health Services (DSHS) that assists persons with developmental disabilities and their families to obtain services and support based on individual preferences, capabilities, and needs. People served by the DDA live in the community, in residential habilitation centers, and in institutional settings.

Eligibility for DDA services depends on whether a person has a qualified developmental disability, has a functional need, and meets certain income and asset standards. The services provided are designed to promote everyday activities, routines, and relationships common to most people, and include housing, medical care, personal care, and job training.

To qualify for DDA services, a person must have an intellectual disability, cerebral palsy, epilepsy, autism, or another neurological or other condition similar to an intellectual disability or require treatment similar to that required for individuals with intellectual disabilities. The disability must:

- have originated before the person turned eighteen;
- be expected to continue indefinitely; and
- result in substantial limitations.

The DDA may not use intelligence quotient (IQ) scores as the sole determinant of developmental disability.

Not all individuals who qualify for DDA services are eligible for paid DDA services, and not all individuals who are eligible for paid DDA services receive them. The number of individuals receiving paid DDA services is limited by funding. Individuals who qualify for DDA services but are not receiving them are known as being on the no-paid services caseload. As of February 1, 2022, a total of 10,671 individuals were on the no-paid services caseload.

Summary of Second Substitute Bill:

The DSHS may not use IQ scores in determining eligibility for any developmental disability–related programs or services beginning July 1, 2025. The DSHS must maintain eligibility for persons previously determined eligible based in whole or in part on IQ score and may not require such persons to meet any new eligibility requirements in response to the discontinuation of the use of IQ scores. An IQ score may be used to establish a presumption of eligibility. The DSHS may continue using a diagnosis from qualifying diagnosticians and adaptive functioning assessments to determine eligibility and substantial limitation.

Beginning July 1, 2025, when the DSHS has capacity and funding to enroll additional individuals in paid DDA services, it must prioritize individuals who were determined eligible for paid services but were not receiving them as of June 30, 2025.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on February 9, 2022.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed. However, the bill is null and void unless funded in the budget.

Staff Summary of Public Testimony (Housing, Human Services & Veterans):

(In support) The IQ scores are an outdated and antiquated measure based on racist and eugenic ideas. The IQ scores are not a good measure of support needs and are weighted too heavily in determining eligibility for services. Eligibility should be based on functional assessment and diagnosis. People can have very high IQ scores but need help with daily needs, such as bathing and dressing. People with borderline IQ scores are denied services they need. The state needs to build and fund systems that serve people with developmental

disabilities. The IQ scores act as a budget gatekeeper that prevents people from accessing needed services. Fetal alcohol syndrome should be included in the definition of developmental disability.

(Opposed) There are lots of questions about how this bill will impact people currently receiving services. People currently receiving services need to be able to weigh in on any changes to eligibility criteria.

(Other) This bill may create unintended consequences. It is already difficult to qualify for services. The IQ scores should be allowed as a presumptive determination for services.

Staff Summary of Public Testimony (Appropriations):

(In support) The use of intelligence quotient (IQ) scores is not necessary for DDA eligibility determinations because individuals must already show that they have support needs. The IQ standard causes harm to an already under-resourced community.

(Opposed) None.

Persons Testifying (Housing, Human Services & Veterans): (In support) Representative Jamila Taylor, prime sponsor; Ramona Hattendorf, The Arc of King County; Ros Damm and Ivanova Smith, People First of Washington; Jennifer Wisdahl; Robert Wardell; Adana Protonentis, Washington State Developmental Disabilities Council; Emily Fung and Ky Ly, Open Doors for Multicultural Families; Ayen Elmi, Washington Multicultural Services Link; and Adrienne Stuart, Washington State Developmental Disabilities Council.

(Opposed) Kelley Nesbitt.

(Other) Ashley Greenberg, Northwest Justice Project; and Darya Farivar, Disability Rights Washington.

Persons Testifying (Appropriations): Adrienne Stuart, Washington State Developmental Disabilities Council.

Persons Signed In To Testify But Not Testifying (Housing, Human Services & Veterans): None.

Persons Signed In To Testify But Not Testifying (Appropriations): None.