

SENATE BILL REPORT

2SHB 2008

As of February 26, 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: Passed House: 2/11/22, 68-28.

Committee Activity: Human Services, Reentry & Rehabilitation: 2/17/22, 2/22/22 [DPA-WM, w/oRec].

Ways & Means: 2/26/22.

Brief Summary of Amended Bill

- Prohibits the Developmental Disabilities Administration from using intelligence quotient scores in eligibility determinations.

SENATE COMMITTEE ON HUMAN SERVICES, REENTRY & REHABILITATION

Majority Report: Do pass as amended and be referred to Committee on Ways & Means. Signed by Senators Wilson, C., Chair; Nguyen, Vice Chair; Saldaña and Trudeau.

Minority Report: That it be referred without recommendation. Signed by Senators Gildon, Ranking Member; Dozier and McCune.

Staff: LeighBeth Merrick (786-7445)

SENATE COMMITTEE ON WAYS & MEANS

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.

Staff: Maria Hovde (786-7474)

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 and in residential habilitation centers. 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.

An individual with 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 may qualify for DDA services. The disability must have originated before the person turned 18; be expected to continue indefinitely; and result in substantial limitations. To qualify for DDA services, an individual with an intellectual disability or similar condition must have a diagnosis by a licensed physician or psychologist and an intelligence quotient (IQ) score and adaptive functioning assessment below a certain threshold. DDA may not use IQ scores as the sole determinant of developmental disability.

Summary of Amended Bill: Beginning July 1, 2025, DDA must discontinue using IQ scores for determining an individual has a developmental disability. DDA must maintain eligibility for individuals that are determined to be eligible after the age of 18 who were previously determined eligible using an IQ score under the criteria in place prior to July 1, 2025. DDA must not disenroll any client upon their review at age 18 who is eligible based on the standards prior to or after July 1, 2025. DDA must promulgate rules to further define development disability without the use of IQ scores.

EFFECT OF HUMAN SERVICES, REENTRY & REHABILITATION COMMITTEE AMENDMENT(S):

- 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.

Appropriation: None.

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

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Second Substitute House Bill (Human Services, Reentry & Rehabilitation): *The committee recommended a different version of the bill than what was heard.* PRO: Functional eligibility for DDA services requires a medical diagnosis, an adaptive functioning assessment, and IQ score. Over the years, DDA has relied heavily on ruling out individuals because their IQ scores are too high, even though they have a medical diagnosis and adaptive functioning needs. IQ scores are a barrier to accessing DDA services and are unnecessary since clinical diagnosis and a functional assessment are already required. Accessing IQ tests require resources and put people who aren't able to access the tests at a real disadvantage. Other services for people with disabilities do not use IQ scores to determine eligibility. Eliminating IQ scores allows people to get the services that they need. Many people with Autism and Fetal Alcohol Spectrum Disorder are able to read and do math so they score okay on the IQ test, but they struggle with making every day decisions and completing daily living tasks. When individuals don't get the services they need they may end up homeless or involved in the criminal justice system. This hurts the individual and ends up costing the state more money. People thrive when they have access to the right services. IQ scores are not person-centered and are not a true measure of a person's needs. Using IQ scores is outdated and based on racist and eugenic ideals.

Persons Testifying (Human Services, Reentry & Rehabilitation): PRO: Representative Jamila Taylor, Prime Sponsor; Emily Fung, Open Doors for Multicultural Families; Adana Protonentis, Parent advocate; Ivanova Smith, Self advocate; Adrienne Stuart, Washington State Developmental Disabilities Council; Darya Farivar, Disability Rights Washington; Krista Milhofer, People First of Washington; Luke Tolley, The Arc of Spokane.

Persons Signed In To Testify But Not Testifying (Human Services, Reentry & Rehabilitation): No one.

Staff Summary of Public Testimony on Bill as Amended by Human Services, Reentry & Rehabilitation (Ways & Means): PRO: This bill lightens the burden families must face to get their children eligible for services. People with developmental disabilities must submit a clinical diagnosis and assessment for services and we are asking for this to be enough.

Persons Testifying (Ways & Means): PRO: Adrienne Stuart, Washington State Developmental Disabilities Council.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.