
HOUSE BILL 2008

State of Washington

67th Legislature

2022 Regular Session

By Representatives Taylor, Fitzgibbon, Peterson, Ramel, Santos, Sells, Shewmake, Valdez, Ryu, Macri, Berg, Bateman, Ormsby, Frame, Davis, Lekanoff, and Pollet

Read first time 01/17/22. Referred to Committee on Housing, Human Services & Veterans.

1 AN ACT Relating to eliminating the use of intelligence quotient
2 scores in determining eligibility for programs and services for
3 individuals with developmental disabilities; amending RCW 71A.16.020;
4 reenacting and amending RCW 71A.10.020; adding a new section to
5 chapter 71A.10 RCW; and creating a new section.

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

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

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 71A.10
2 RCW to read as follows:

3 (1) By December 1, 2023, the department shall submit a report to
4 the appropriate committees of the legislature with an assessment of
5 the alternatives to using intelligence quotient scores in determining
6 eligibility for programs and services for individuals with
7 developmental disabilities and a plan to discontinue the use of
8 intelligence quotient scores.

9 (2) Beginning July 1, 2025, the department may not use
10 intelligence quotient scores in determining eligibility for
11 developmental disability-related services for any programs or
12 services for individuals with developmental disabilities.

13 **Sec. 3.** RCW 71A.10.020 and 2014 c 139 s 2 are each reenacted and
14 amended to read as follows:

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

17 (1) "Assessment" means an evaluation is provided by the
18 department to determine:

19 (a) If the individual meets functional and financial criteria for
20 medicaid services; and

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

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

25 (3) "Crisis stabilization services" means services provided to
26 persons with developmental disabilities who are experiencing
27 behaviors that jeopardize the safety and stability of their current
28 living situation. Crisis stabilization services include:

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

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

35 (4) "Department" means the department of social and health
36 services.

37 (5) "Developmental disability" means a disability attributable to
38 intellectual disability, cerebral palsy, epilepsy, autism, or another
39 neurological or other condition of an individual found by the

1 secretary to be closely related to an intellectual disability or to
2 require treatment similar to that required for individuals with
3 intellectual disabilities, which disability originates before the
4 individual attains age eighteen, which has continued or can be
5 expected to continue indefinitely, and which constitutes a
6 substantial limitation to the individual. By (~~(January 1, 1989)~~) June
7 30, 2025, the department shall promulgate rules which define
8 neurological or other conditions in a way that (~~(is not limited to)~~)
9 does not include intelligence quotient scores as (~~(the sole)~~) a
10 determinant of these conditions, and notify the legislature of this
11 action.

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

14 (7) "Habilitative services" means those services provided by
15 program personnel to assist persons in acquiring and maintaining life
16 skills and to raise their levels of physical, mental, social, and
17 vocational functioning. Habilitative services include education,
18 training for employment, and therapy.

19 (8) "Legal representative" means a parent of a person who is
20 under eighteen years of age, a person's legal guardian, a person's
21 limited guardian when the subject matter is within the scope of the
22 limited guardianship, a person's attorney-at-law, a person's
23 attorney-in-fact, or any other person who is authorized by law to act
24 for another person.

25 (9) "Notice" or "notification" of an action of the secretary
26 means notice in compliance with RCW 71A.10.060.

27 (10) "Residential habilitation center" means a state-operated
28 facility for persons with developmental disabilities governed by
29 chapter 71A.20 RCW.

30 (11) "Respite services" means relief for families and other
31 caregivers of people with disabilities, typically not to exceed
32 ninety days, to include both in-home and out-of-home respite care on
33 an hourly and daily basis, including twenty-four hour care for
34 several consecutive days. Respite care workers provide supervision,
35 companionship, and personal care services temporarily replacing those
36 provided by the primary caregiver of the person with disabilities.
37 Respite care may include other services needed by the client,
38 including medical care which must be provided by a licensed health
39 care practitioner.

1 (12) "Secretary" means the secretary of social and health
2 services or the secretary's designee.

3 (13) "Service" or "services" means services provided by state or
4 local government to carry out this title.

5 (14) "Service request list" means a list of eligible persons who
6 have received an assessment for service determination and their
7 assessment shows that they meet the eligibility requirements for the
8 requested service but were denied access due to funding limits.

9 (15) "State-operated living alternative" means programs for
10 community residential services which may include assistance with
11 activities of daily living, behavioral, habilitative, interpersonal,
12 protective, medical, nursing, and mobility supports to individuals
13 who have been assessed by the department as meeting state and federal
14 requirements for eligibility in home and community-based waiver
15 programs for individuals with developmental disabilities. State-
16 operated living alternatives are operated and staffed with state
17 employees.

18 (16) "Supported living" means community residential services and
19 housing which may include assistance with activities of daily living,
20 behavioral, habilitative, interpersonal, protective, medical,
21 nursing, and mobility supports provided to individuals with
22 disabilities who have been assessed by the department as meeting
23 state and federal requirements for eligibility in home and community-
24 based waiver programs for individuals with developmental
25 disabilities. Supported living services are provided under contracts
26 with private agencies or with individuals who are not state
27 employees.

28 (17) "Vacancy" means an opening at a residential habilitation
29 center, which when filled, would not require the center to exceed its
30 biennially budgeted capacity.

31 **Sec. 4.** RCW 71A.16.020 and 1988 c 176 s 402 are each amended to
32 read as follows:

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

36 (2) The secretary may adopt rules further defining and
37 implementing the criteria in the definition of "developmental
38 disability" under RCW 71A.10.020(~~((2))~~). Beginning July 1, 2025, the

1 criteria may not include the use of intelligence quotient scores as a
2 determinant of developmental disability.

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