

# HOUSE BILL REPORT

## HB 1407

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### As Passed Legislature

**Title:** An act relating to maintaining eligibility for developmental disability services.

**Brief Description:** Maintaining eligibility for developmental disability services.

**Sponsors:** Representatives Taylor, Senn, Simmons, Stonier, Jacobsen, Bateman, Lekanoff, Peterson, Ramel, Macri, Pollet, Reed and Doglio.

**Brief History:**

**Committee Activity:**

Human Services, Youth, & Early Learning: 1/25/23, 2/3/23 [DP];  
Appropriations: 2/16/23, 2/21/23 [DP].

**Floor Activity:**

Passed House: 2/28/23, 97-0.  
Passed Senate: 4/12/23, 49-0.  
Passed Legislature.

**Brief Summary of Bill**

- Provides that the rules determining eligibility for developmental disability services may not terminate or require redetermination of eligibility for a child under age 18 based solely on the child's age if the child has been determined to be eligible for services on or after the child's third birthday.

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### HOUSE COMMITTEE ON HUMAN SERVICES, YOUTH, & EARLY LEARNING

**Majority Report:** Do pass. Signed by 11 members: Representatives Senn, Chair; Cortes, Vice Chair; Taylor, Vice Chair; Eslick, Ranking Minority Member; Couture, Assistant Ranking Minority Member; Callan, Dent, Goodman, Ortiz-Self, Rule and Walsh.

**Staff:** Omeara Harrington (786-7136).

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*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.*

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## HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** Do pass. Signed by 31 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; Berg, Chandler, Chopp, Connors, Couture, Davis, Dye, Fitzgibbon, Hansen, Harris, Lekanoff, Pollet, Riccelli, Rude, Ryu, Sandlin, Schmick, Senn, Simmons, Slatter, Springer, Steele, Stonier and Tharinger.

**Staff:** Bryan Way (786-7311).

### **Background:**

A developmental disability is a disability that:

- is attributable to intellectual disability, cerebral palsy, epilepsy, autism, or a neurological condition or other condition that is closely related to an intellectual disability or that requires treatment similar to an intellectual disability;
- originates before age 18 and is expected to continue indefinitely; and
- constitutes a substantial limitation to the individual.

The Developmental Disabilities Administration of the Department of Social and Health Services (DDA) assists individuals with developmental disabilities and their families to obtain services and support based on individual preferences, capabilities, and needs. While some DDA clients live in residential habilitation centers, an institutional setting, most clients live in the community. Eligibility for DDA services depends on whether the client has a qualifying developmental disability, has a functional need, and meets certain income and asset standards.

If a child is determined to be eligible for DDA services before age 3, eligibility expires on the child's fourth birthday. Eligibility for a child determined eligible at or after age 3 based on developmental delays or Down Syndrome expires on the child's tenth birthday.

### **Summary of Bill:**

The Department of Social and Health Services rulemaking authority relating to redetermination of eligibility for developmental disability services is modified to provide that rules may not terminate or require redetermination of eligibility for a child under age 18 based solely on the child's age if the child has been determined to be eligible for services on or after the child's third birthday.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony (Human Services, Youth, & Early Learning):**

(In support) People have to go through many barriers to receive developmental disabilities services. If a person has developmental disabilities at a young age, the disability will continue indefinitely. The current policy serves as a means to screen people out when they have already been determined to need services. Many parents have had frustrating firsthand experiences with having to have their child with developmental disabilities reevaluated at age 10. There is a lot of paperwork, booklets to fill out, and paperwork for teachers to fill out. The end result is the same; the child is still a client. Many parents have dropped out of the workforce to care for children. The services they rely on have a significant impact on families. Services include things like respite care, which give parents a break and allow a child to gain social skills through interacting with a trained adult, and assistive technologies, like electronic tablets with communication software. These are things that would be devastating to lose. The eligibility process is onerous and can take up to a year. Reevaluation at age 10 is not a necessary step and is a harmful barrier to services. Early intervention is important, and the current rule disrupts that intervention, leaving the chances higher that people will end up dependent on services for the rest of their lives. The current policy hits Latino families particularly hard.

(Opposed) None.

**Staff Summary of Public Testimony (Appropriations):**

(In support) The reevaluation process at age 10 requires the parent to fill out forms, obtain a new evaluation, and communicate with the DDA, resulting in significant financial and time burdens.

(Opposed) None.

**Persons Testifying (Human Services, Youth, & Early Learning):** Representative Jamila Taylor, prime sponsor; Diana Stadden, Stacy Dym, and Diana Stadden, The Arc of Washington State; Ramona Hattendorf, The Arc of King County; and Andrew Hanson, Walla Walla Valley Disability Network.

**Persons Testifying (Appropriations):** Diana Stadden, The Arc of Washington State.

**Persons Signed In To Testify But Not Testifying (Human Services, Youth, & Early Learning):** None.

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