

CERTIFICATION OF ENROLLMENT
SECOND SUBSTITUTE HOUSE BILL 2008

Chapter 277, Laws of 2022

67th Legislature
2022 Regular Session

DEVELOPMENTAL DISABILITIES ADMINISTRATION—USE OF INTELLIGENCE
QUOTIENT SCORES

EFFECTIVE DATE: June 9, 2022

Passed by the House March 7, 2022
Yeas 57 Nays 41

LAURIE JINKINS

**Speaker of the House of
Representatives**

Passed by the Senate March 4, 2022
Yeas 43 Nays 5

DENNY HECK

President of the Senate

Approved March 31, 2022 4:44 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE HOUSE BILL 2008** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

April 1, 2022

**Secretary of State
State of Washington**

SECOND SUBSTITUTE HOUSE BILL 2008

AS AMENDED BY THE SENATE

Passed Legislature - 2022 Regular Session

State of Washington

67th Legislature

2022 Regular Session

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

READ FIRST TIME 02/07/22.

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; and creating a new section.

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

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

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

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

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

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

9 (a) If the individual meets functional and financial criteria for
10 medicaid services; and

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

12 ~~((+2))~~ (3) "Community residential support services," or
13 "community support services," and "in-home services" means one or
14 more of the services listed in RCW 71A.12.040.

15 ~~((+3))~~ (4) "Crisis stabilization services" means services
16 provided to persons with developmental disabilities who are
17 experiencing behaviors that jeopardize the safety and stability of
18 their current living situation. Crisis stabilization services
19 include:

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

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

26 ~~((+4))~~ (5) "Department" means the department of social and
27 health services.

28 ~~((+5))~~ (6) "Developmental disability" means a disability
29 attributable to intellectual disability, cerebral palsy, epilepsy,
30 autism, or another neurological or other condition of an individual
31 found by the secretary to be closely related to an intellectual
32 disability or to require treatment similar to that required for
33 individuals with intellectual disabilities, which disability
34 originates before the individual attains age eighteen, which has
35 continued or can be expected to continue indefinitely, and which
36 constitutes a substantial limitation to the individual. By ~~((January~~
37 ~~1, 1989))~~ June 30, 2025, the ~~((department))~~ administration shall
38 promulgate rules ~~((which))~~ to further define ~~((neurological or other~~
39 ~~conditions in a way that is not limited to))~~ developmental disability
40 without the use of intelligence quotient scores ~~((as the sole~~

~~determinant of these conditions, and notify the legislature of this action)).~~

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

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

~~((+8))~~ (9) "Legal representative" means a parent of a person who is under eighteen years of age, a person's legal guardian, a person's limited guardian when the subject matter is within the scope of the limited guardianship, a person's attorney-at-law, a person's attorney-in-fact, or any other person who is authorized by law to act for another person.

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

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

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

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

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

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

1 (~~((15))~~) (16) "State-operated living alternative" means programs
2 for community residential services which may include assistance with
3 activities of daily living, behavioral, habilitative, interpersonal,
4 protective, medical, nursing, and mobility supports to individuals
5 who have been assessed by the department as meeting state and federal
6 requirements for eligibility in home and community-based waiver
7 programs for individuals with developmental disabilities. State-
8 operated living alternatives are operated and staffed with state
9 employees.

10 (~~((16))~~) (17) "Supported living" means community residential
11 services and housing which may include assistance with activities of
12 daily living, behavioral, habilitative, interpersonal, protective,
13 medical, nursing, and mobility supports provided to individuals with
14 disabilities who have been assessed by the department as meeting
15 state and federal requirements for eligibility in home and community-
16 based waiver programs for individuals with developmental
17 disabilities. Supported living services are provided under contracts
18 with private agencies or with individuals who are not state
19 employees.

20 (~~((17))~~) (18) "Vacancy" means an opening at a residential
21 habilitation center, which when filled, would not require the center
22 to exceed its biennially budgeted capacity.

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

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

28 (2) The secretary may adopt rules further defining and
29 implementing the criteria in the definition of "developmental
30 disability" under RCW 71A.10.020(~~((2))~~). Beginning July 1, 2025, the
31 administration may not use intelligence quotient scores as a
32 determinant of developmental disability. The administration shall
33 maintain eligibility for the administration's services for any
34 persons determined eligible after the age of 18 who were determined
35 eligible using an intelligence quotient score under criteria in place
36 prior to July 1, 2025. The administration shall not disenroll any
37 client upon review at 18 years old who is determined to be eligible
38 based on standards in place prior to or after July 1, 2025.

Passed by the House March 7, 2022.
Passed by the Senate March 4, 2022.
Approved by the Governor March 31, 2022.
Filed in Office of Secretary of State April 1, 2022.

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