

Chapter 388-823 WAC

DEVELOPMENTAL DISABILITIES ADMINISTRATION INTAKE AND ELIGIBILITY DETERMINATION

WAC			
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	AUTISM	388-823-0040	What is a developmental disability? [Statutory Authority: RCW 71A.10.020, 71A.12.030, 71A.12.050, 71A.12.070, 71A.16.020, 71A.16.030, 71A.16.040, 71A.16.050, and chapters 71A.10, 71A.12, and 71A.16 RCW. WSR 05-12-130, § 388-823-0040, filed 6/1/05, effective 7/2/05.] Repealed by WSR 14-12-046, filed 5/29/14, effective 7/1/14. Statutory Authority: RCW 71A.12.030, 71A.12.120 and 74.08.090.
388-823-0500	How do I show that I have autism as an eligible condition?	388-823-0060	How do I apply to become a client of DDD? [Statutory Authority: RCW 71A.10.020, 71A.12.030, 71A.12.050, 71A.12.070, 71A.16.020, 71A.16.030, 71A.16.040, 71A.16.050, and chapters 71A.10, 71A.12, and 71A.16 RCW. WSR 05-12-130, § 388-823-0060, filed 6/1/05, effective 7/2/05.] Repealed by WSR 14-12-046, filed 5/29/14, effective 7/1/14. Statutory Authority: RCW 71A.12.030, 71A.12.120 and 74.08.090.
388-823-0510	If I have autism, how do I meet the definition of substantial limitations?	388-823-0070	Who can apply for an eligibility determination? [Statutory Authority: RCW 71A.10.020, 71A.12.030, 71A.12.050, 71A.12.070, 71A.16.020, 71A.16.030, 71A.16.040, 71A.16.050, and chapters 71A.10, 71A.12, and 71A.16 RCW. WSR 05-12-130, § 388-823-0070, filed 6/1/05, effective 7/2/05.] Repealed by WSR 14-12-046, filed 5/29/14, effective 7/1/14. Statutory Authority: RCW 71A.12.030, 71A.12.120 and 74.08.090.
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388-823-0110	Who is responsible for obtaining the documentation needed to make this eligibility determination? [Statutory Authority: RCW 71A.10.020, 71A.12.030, 71A.12.050, 71A.12.070, 71A.16.020, 71A.16.030, 71A.16.040, 71A.16.050, and chapters 71A.10, 71A.12, and 71A.16 RCW. WSR 05-12-130, § 388-823-0110, filed 6/1/05, effective 7/2/05.] Repealed by WSR 14-12-046, filed 5/29/14, effective 7/1/14. Statutory Authority: RCW 71A.12.030, 71A.12.120 and 74.08.090.	388-823-0230	If I have more than one FSIQ score, what criteria will DDD use to select the FSIQ score for determining eligibility? [Statutory Authority: RCW 71A.10.020, 71A.12.030, 71A.12.050, 71A.12.070, 71A.16.020, 71A.16.030, 71A.16.040, 71A.16.050, and chapters 71A.10, 71A.12, and 71A.16 RCW. WSR 05-12-130, § 388-823-0230, filed 6/1/05, effective 7/2/05.] Repealed by WSR 14-12-046, filed 5/29/14, effective 7/1/14. Statutory Authority: RCW 71A.12.030, 71A.12.120 and 74.08.090.
388-823-0120	Will my diagnosis of a developmental disability qualify me for DDD eligibility? [Statutory Authority: RCW 71A.10.020, 71A.12.030, 71A.12.050, 71A.12.070, 71A.16.020, 71A.16.030, 71A.16.040, 71A.16.050, and chapters 71A.10, 71A.12, and 71A.16 RCW. WSR 05-12-130, § 388-823-0120, filed 6/1/05, effective 7/2/05.] Repealed by WSR 14-12-046, filed 5/29/14, effective 7/1/14. Statutory Authority: RCW 71A.12.030, 71A.12.120 and 74.08.090.	388-823-0320	What evidence do I need of my need for direct physical assistance with activities of daily living? [Statutory Authority: RCW 71A.10.020, 71A.12.030, 71A.12.050, 71A.12.070, 71A.16.020, 71A.16.030, 71A.16.040, 71A.16.050, and chapters 71A.10, 71A.12, and 71A.16 RCW. WSR 05-12-130, § 388-823-0320, filed 6/1/05, effective 7/2/05.] Repealed by WSR 14-12-046, filed 5/29/14, effective 7/1/14. Statutory Authority: RCW 71A.12.030, 71A.12.120 and 74.08.090.
388-823-0130	Can I be eligible for DDD if my disability occurs on or after my eighteenth birthday? [Statutory Authority: RCW 71A.10.020, 71A.12.030, 71A.12.050, 71A.12.070, 71A.16.020, 71A.16.030, 71A.16.040, 71A.16.050, and chapters 71A.10, 71A.12, and 71A.16 RCW. WSR 05-12-130, § 388-823-0130, filed 6/1/05, effective 7/2/05.] Repealed by WSR 14-12-046, filed 5/29/14, effective 7/1/14. Statutory Authority: RCW 71A.12.030, 71A.12.120 and 74.08.090.	388-823-0330	How can I document my need for direct physical assistance? [Statutory Authority: RCW 71A.10.020, 71A.12.030, 71A.12.050, 71A.12.070, 71A.16.020, 71A.16.030, 71A.16.040, 71A.16.050, and chapters 71A.10, 71A.12, and 71A.16 RCW. WSR 05-12-130, § 388-823-0330, filed 6/1/05, effective 7/2/05.] Repealed by WSR 14-12-046, filed 5/29/14, effective 7/1/14. Statutory Authority: RCW 71A.12.030, 71A.12.120 and 74.08.090.
388-823-0140	What if I do not have written evidence that my disability began before my eighteenth birthday? [Statutory Authority: RCW 71A.10.020, 71A.12.030, 71A.12.050, 71A.12.070, 71A.16.020, 71A.16.030, 71A.16.040, 71A.16.050, and chapters 71A.10, 71A.12, and 71A.16 RCW. WSR 05-12-130, § 388-823-0140, filed 6/1/05, effective 7/2/05.] Repealed by WSR 14-12-046, filed 5/29/14, effective 7/1/14. Statutory Authority: RCW 71A.12.030, 71A.12.120 and 74.08.090.	388-823-0420	What evidence do I need to substitute adaptive functioning limitations for the eligible conditions of epilepsy, autism and other conditions similar to mental retardation? [Statutory Authority: RCW 71A.10.020, 71A.12.030, 71A.12.050, 71A.12.070, 71A.16.020, 71A.16.030, 71A.16.040, 71A.16.050, and chapters 71A.10, 71A.12, and 71A.16 RCW. WSR 05-12-130, § 388-823-0420, filed 6/1/05, effective 7/2/05.] Repealed by WSR 14-12-046, filed 5/29/14, effective 7/1/14. Statutory Authority: RCW 71A.12.030, 71A.12.120 and 74.08.090.
388-823-0150	Which rules define a developmental disability if I am a child under the age of six years? [Statutory Authority: RCW 71A.10.020, 71A.12.030, 71A.12.050, 71A.12.070, 71A.16.020, 71A.16.030, 71A.16.040, 71A.16.050, and chapters 71A.10, 71A.12, and 71A.16 RCW. WSR 05-12-130, § 388-823-0150, filed 6/1/05, effective 7/2/05.] Repealed by WSR 14-12-046, filed 5/29/14, effective 7/1/14. Statutory Authority: RCW 71A.12.030, 71A.12.120 and 74.08.090.	388-823-0515	What evidence do I need to substantiate adaptive functioning limitations for the condition of autism? [Statutory Authority: RCW 71A.10.020, 71A.12.030, 71A.12.050, 71A.12.070, 71A.16.020, 71A.16.030, 71A.16.040, 71A.16.050, and chapters 71A.10, 71A.12, and 71A.16 RCW. WSR 05-12-130, § 388-823-0515, filed 6/1/05, effective 7/2/05.] Repealed by WSR 14-12-046, filed 5/29/14, effective 7/1/14. Statutory Authority: RCW 71A.12.030, 71A.12.120 and 74.08.090.
388-823-0160	Which rules define a developmental disability if I am age six through nine? [Statutory Authority: RCW 71A.10.020, 71A.12.030, 71A.12.050, 71A.12.070, 71A.16.020, 71A.16.030, 71A.16.040, 71A.16.050, and chapters 71A.10, 71A.12, and 71A.16 RCW. WSR 05-12-130, § 388-823-0160, filed 6/1/05, effective 7/2/05.] Repealed by WSR 14-12-046, filed 5/29/14, effective 7/1/14. Statutory Authority: RCW 71A.12.030, 71A.12.120 and 74.08.090.	388-823-0615	What evidence do I need to substantiate adaptive functioning limitations for another neurological condition? [Statutory Authority: RCW 71A.10.020, 71A.12.030, 71A.12.050, 71A.12.070, 71A.16.020, 71A.16.030, 71A.16.040, 71A.16.050, and chapters 71A.10, 71A.12, and 71A.16 RCW. WSR 05-12-130, § 388-823-0615, filed 6/1/05, effective 7/2/05.] Repealed by WSR 14-12-046, filed 5/29/14, effective 7/1/14. Statutory Authority: RCW 71A.12.030, 71A.12.120 and 74.08.090.
388-823-0170	Which rules define a developmental disability if I am age ten or older? [Statutory Authority: RCW 71A.10.020, 71A.12.030, 71A.12.050, 71A.12.070, 71A.16.020, 71A.16.030, 71A.16.040, 71A.16.050, and chapters 71A.10, 71A.12, and 71A.16 RCW. WSR 05-12-130, § 388-823-0170, filed 6/1/05, effective 7/2/05.] Repealed by WSR 14-12-046, filed 5/29/14, effective 7/1/14. Statutory Authority: RCW 71A.12.030, 71A.12.120 and 74.08.090.	388-823-0700	How do I meet the definition for an "other condition" similar to mental retardation? [Statutory Authority: RCW 71A.10.020, 71A.12.030, 71A.12.050, 71A.12.070, 71A.16.020, 71A.16.030, 71A.16.040, 71A.16.050, and chapters 71A.10, 71A.12, and 71A.16 RCW. WSR 05-12-130, § 388-823-0700, filed 6/1/05, effective 7/2/05.] Repealed by WSR 14-12-046, filed 5/29/14, effective 7/1/14. Statutory Authority: RCW 71A.12.030, 71A.12.120 and 74.08.090.
388-823-0215	What evidence do I need of my FSIQ? [Statutory Authority: RCW 71A.10.020, 71A.12.030, 71A.12.050, 71A.12.070, 71A.16.020, 71A.16.030, 71A.16.040, 71A.16.050, and chapters 71A.10, 71A.12, and 71A.16 RCW. WSR 05-12-130, § 388-823-0215, filed 6/1/05, effective 7/2/05.] Repealed by WSR 14-12-046, filed 5/29/14, effective 7/1/14. Statutory Authority: RCW 71A.12.030, 71A.12.120 and 74.08.090.	388-823-0710	What evidence do I need to meet the definition of substantial limitations for an "other condition" similar to mental retardation? [Statutory Authority: RCW 71A.10.020, 71A.12.030, 71A.12.050, 71A.12.070, 71A.16.020, 71A.16.030, 71A.16.040, 71A.16.050, and chapters 71A.10, 71A.12, and 71A.16 RCW. WSR 05-12-130, § 388-823-0710, filed 6/1/05, effective 7/2/05.] Repealed by WSR 14-12-046, filed 5/29/14, effective 7/1/14. Statutory Authority: RCW 71A.12.030, 71A.12.120 and 74.08.090.
388-823-0220	If am too intellectually impaired to complete a standardized IQ test, how do I meet the criteria under mental retardation? [Statutory Authority: RCW 71A.10.020, 71A.12.030, 71A.12.050, 71A.12.070, 71A.16.020, 71A.16.030, 71A.16.040, 71A.16.050, and chapters 71A.10, 71A.12, and 71A.16 RCW. WSR 05-12-130, § 388-823-0220, filed 6/1/05, effective 7/2/05.] Repealed by WSR 14-12-046, filed 5/29/14, effective 7/1/14. Stat-	388-823-0800	Which eligible developmental disability conditions apply at what age? [Statutory Authority: RCW 71A.10.020, 71A.12.030, 71A.12.050, 71A.12.070, 71A.16.020, 71A.16.030, 71A.16.040, 71A.16.050, and chapters 71A.10, 71A.12, and 71A.16 RCW. WSR 05-12-130, § 388-823-0800, filed 6/1/05, effective 7/2/05.]

Repealed by WSR 14-12-046, filed 5/29/14, effective 7/1/14. Statutory Authority: RCW 71A.12.030, 71A.12.120 and 74.08.090.

- 388-823-0810 If I am a child under age ten, what evidence do I need to meet the definition for an "other condition" similar to mental retardation? [Statutory Authority: RCW 71A.10.020, 71A.12.030, 71A.12.050, 71A.12.070, 71A.16.020, 71A.16.030, 71A.16.040, 71A.16.050, and chapters 71A.10, 71A.12, and 71A.16 RCW. WSR 05-12-130, § 388-823-0810, filed 6/1/05, effective 7/2/05.] Repealed by WSR 14-12-046, filed 5/29/14, effective 7/1/14. Statutory Authority: RCW 71A.12.030, 71A.12.120 and 74.08.090.
- 388-823-0820 If I am a child under age ten with an eligible condition under the medically intensive program, Down syndrome, or a diagnosed condition that is too severe for developmental testing, how do I meet the definition of substantial limitations to adaptive functioning? [Statutory Authority: RCW 71A.10.020, 71A.12.030, 71A.12.050, 71A.12.070, 71A.16.020, 71A.16.030, 71A.16.040, 71A.16.050, and chapters 71A.10, 71A.12, and 71A.16 RCW. WSR 05-12-130, § 388-823-0820, filed 6/1/05, effective 7/2/05.] Repealed by WSR 14-12-046, filed 5/29/14, effective 7/1/14. Statutory Authority: RCW 71A.12.030, 71A.12.120 and 74.08.090.
- 388-823-0830 If I am a child under age ten with an eligible condition based on developmental delays, how do I meet the definition of substantial limitations to adaptive functioning? [Statutory Authority: RCW 71A.10.020, 71A.12.030, 71A.12.050, 71A.12.070, 71A.16.020, 71A.16.030, 71A.16.040, 71A.16.050, and chapters 71A.10, 71A.12, and 71A.16 RCW. WSR 05-12-130, § 388-823-0830, filed 6/1/05, effective 7/2/05.] Repealed by WSR 14-12-046, filed 5/29/14, effective 7/1/14. Statutory Authority: RCW 71A.12.030, 71A.12.120 and 74.08.090.
- 388-823-0840 If I am a child under age ten, how many areas of developmental delays meet the definition of substantial limitations to adaptive functioning? [Statutory Authority: RCW 71A.10.020, 71A.12.030, 71A.12.050, 71A.12.070, 71A.16.020, 71A.16.030, 71A.16.040, 71A.16.050, and chapters 71A.10, 71A.12, and 71A.16 RCW. WSR 05-12-130, § 388-823-0840, filed 6/1/05, effective 7/2/05.] Repealed by WSR 14-12-046, filed 5/29/14, effective 7/1/14. Statutory Authority: RCW 71A.12.030, 71A.12.120 and 74.08.090.
- 388-823-0850 What developmental evaluations or assessments will be acceptable for determining developmental delay? [Statutory Authority: RCW 71A.10.020, 71A.12.030, 71A.12.050, 71A.12.070, 71A.16.020, 71A.16.030, 71A.16.040, 71A.16.050, and chapters 71A.10, 71A.12, and 71A.16 RCW. WSR 05-12-130, § 388-823-0850, filed 6/1/05, effective 7/2/05.] Repealed by WSR 14-12-046, filed 5/29/14, effective 7/1/14. Statutory Authority: RCW 71A.12.030, 71A.12.120 and 74.08.090.
- 388-823-0900 What are the qualifying scores for inventory of client and agency planning broad independence for each age? [Statutory Authority: RCW 71A.10.020, 71A.12.030, 71A.12.050, 71A.12.070, 71A.16.020, 71A.16.030, 71A.16.040, 71A.16.050, and chapters 71A.10, 71A.12, and 71A.16 RCW. WSR 05-12-130, § 388-823-0900, filed 6/1/05, effective 7/2/05.] Repealed by WSR 14-12-046, filed 5/29/14, effective 7/1/14. Statutory Authority: RCW 71A.12.030, 71A.12.120 and 74.08.090.
- 388-823-1040 What happens if I do not reapply for eligibility before my eligibility expiration date? [Statutory Authority: RCW 71A.10.020, 71A.12.030, 71A.12.050, 71A.12.070, 71A.16.020, 71A.16.030, 71A.16.040, 71A.16.050, and chapters 71A.10, 71A.12, and 71A.16 RCW. WSR 05-12-130, § 388-823-1040, filed 6/1/05, effective 7/2/05.] Repealed by WSR 14-12-046, filed 5/29/14, effective 7/1/14. Statutory Authority: RCW 71A.12.030, 71A.12.120 and 74.08.090.
- 388-823-1050 What happens if I do not respond to a request for information to review my eligibility? [Statutory Authority: RCW 71A.10.020, 71A.12.030, 71A.12.050, 71A.12.070, 71A.16.020, 71A.16.030, 71A.16.040, 71A.16.050, and chapters 71A.10, 71A.12, and 71A.16 RCW. WSR 05-12-130, § 388-823-1050, filed 6/1/05, effective 7/2/05.] Repealed by WSR 14-12-046, filed 5/29/14, effective 7/1/14. Statutory Authority: RCW 71A.12.030, 71A.12.120 and 74.08.090.

APPLYING FOR A DEVELOPMENTAL DISABILITIES ADMINISTRATION ELIGIBILITY DETERMINATION

WAC 388-823-0010 Definitions. The following definitions apply to this chapter:

"ABAS-II" means adaptive behavior assessment system-second edition, which is a comprehensive, norm-referenced assessment of adaptive behavior and skills of individuals from birth through age 89.

"CAS" means the DAS-Naglieri cognitive assessment system, a clinical instrument for assessing intelligence based on a battery of cognitive tasks. The test is used for children ages five through seventeen years eleven months.

"Client" means a person with a developmental disability as defined in chapter 388-823 WAC who is currently eligible and active with the developmental disabilities administration (DDA).

"C-TONI" means the comprehensive test of nonverbal intelligence, a battery of six subtests, designed to measure different aspects of nonverbal intellectual abilities from ages six to eighteen years eleven months.

"DAS" means differential ability scales, which is a cognitive abilities battery for children and adolescents at least age two years, six months but under age eighteen.

"DDA" means the developmental disabilities administration, an administration within department of social and health services.

"Department" means the department of social and health services.

"Documentation" means written information that provides support for certain claims, such as diagnoses, test scores, or residency for the purpose of establishing DDA eligibility.

"DSM-IV-TR" means the diagnostic and statistical manual of mental disorders, fourth edition, text revision.

"DSM-5" means the diagnostic and statistical manual of mental disorders, fifth edition.

"Eligible" means that DDA has determined that you have a condition that meets all of the requirements for a developmental disability as set forth in this chapter.

"ESIT" means early support for infants and toddlers, a program administered by the department of early learning.

"Expiration date" means a specific date that your eligibility as a client of DDA and all services paid by DDA will stop.

"FSIQ" means the full scale intelligence quotient which is a broad measure of intelligence achieved through one of the standardized intelligence tests included in these rules. Any standard error of measurement value will not be taken into consideration when making a determination for DDA eligibility.

"Functional limitation" means a reduced ability or lack of ability to perform an action or activity in the manner or within the range considered to be normal.

"ICAP" means the inventory for client and agency planning. This is a standardized assessment of functional ability. The adaptive behavior section of the ICAP assesses daily living skills and the applicant awareness of when to perform these skills. The goal is to get a snapshot of his/her ability.

"K-ABC" means Kaufman assessment battery for children, which is a clinical instrument for assessing intellectual development. It is an individually administered test of intelligence and achievement for children at least age two years, six months but under age twelve years, six months. The K-ABC comprises four global scales, each yielding standard scores. A special nonverbal scale is provided for children at least age four years but under age twelve years, six months.

"Leiter-R" means Leiter international performance scale - revised, which is an untimed, individually administered test of nonverbal cognitive ability for individuals at least age two years but under age twenty-one years.

"MPC" means medicaid personal care and is the provision of medically necessary personal care tasks as defined in chapter 388-106 WAC.

"Necessary supplemental accommodation representative" means an individual who receives copies of DDA planned action notices (PANs) and other department correspondence in order to help a client understand the documents and exercise the client's rights. A necessary supplemental accommodation representative is identified by a client of DDA when the client does not have a legal guardian and the client is requesting or receiving DDA services.

"Nonverbal" means that you do not possess sufficient verbal skills to complete a standard intellectual test.

"NSA" means necessary supplemental accommodations, which are services provided to you if you have a mental, neurological, physical, or sensory impairment or other problems that prevent you from getting program benefits in the same way that an unimpaired person would get them.

"Review" means DDA must determine that a current client of DDA still meets all of the requirements for a developmental disability as set forth in this chapter.

"RHC" means a residential habilitation center operated by the DDA.

"SIB-R" means the scale of independent behavior-revised which is an adaptive behavior assessment derived from quality standardization and norming. It can be administered as a questionnaire or as a carefully structured interview, with special materials to aid the interview process.

"SOLA" means a state operated living alternative residential service for adults operated by DDA.

"Stanford-Binet" is a battery of fifteen subtests measuring intelligence for individuals at least age two years but under age twenty-three years.

"Termination" means an action taken by DDA that stops your DDA eligibility and services paid by DDA. If your DDA eligibility is terminated your DDA authorized services will also be terminated. If you remain eligible for MPC and you are under the age of eighteen DDA will continue to authorize this service. If you are eighteen or older medicaid personal care will be authorized by the aging and long-term support administration.

"VABS" means Vineland adaptive behavior scales, which is an assessment to measure adaptive behavior in children from birth but under age eighteen years, nine months and in adults with low functioning in four separate domains: Communication, daily living skills, socialization, and motor skills.

"Wechsler" means the Wechsler intelligence scale, which is an individually administered measure of an individual's

capacity for intelligent behavior. There are three Wechsler intelligence scales, dependent upon the age of the individual:

- Wechsler preschool and primary scale of intelligence for children at least age three years but under age seven years;
- Wechsler intelligence scale for children at least age six years but under age sixteen years; and
- Wechsler adult intelligence scale for individuals at least age sixteen years but under age seventy-four years.

"WJ III(r)" means the Woodcock-Johnson(r) III, a test which is designed to provide a co-normed set of tests for measuring general intellectual ability, specific cognitive abilities, scholastic aptitude, oral language, and academic achievement. The WJ III(r) is used for ages two and up.

[Statutory Authority: RCW 71A.12.030, 71A.12.120 and 74.08.090. WSR 14-12-046, § 388-823-0010, filed 5/29/14, effective 7/1/14. Statutory Authority: RCW 71A.10.020, 71A.12.030, 71A.12.050, 71A.12.070, 71A.16.020, 71A.16.030, 71A.16.040, 71A.16.050, and chapters 71A.10, 71A.12, and 71A.16 RCW. WSR 05-12-130, § 388-823-0010, filed 6/1/05, effective 7/2/05.]

WAC 388-823-0015 How does the state of Washington define developmental disability? The state of Washington defines developmental disability in RCW 71A.10.020(5).

(1) To qualify for DDA you must have a diagnosed condition of intellectual disability, cerebral palsy, epilepsy, autism, or another neurological or other condition found by DDA to be closely related to intellectual disability or requiring treatment similar to that required for individuals with intellectual disability which:

- (a) Originates prior to age eighteen;
- (b) Is expected to continue indefinitely; and
- (c) Results in substantial limitations.

(2) In addition to the requirements listed in subsection (1) of this section, you must meet the other requirements contained in this chapter.

[Statutory Authority: RCW 74.08.090 and 34.05.353 (1)(c). WSR 15-01-021, § 388-823-0015, filed 12/5/14, effective 1/5/15. Statutory Authority: RCW 71A.12.030, 71A.12.120 and 74.08.090. WSR 14-12-046, § 388-823-0015, filed 5/29/14, effective 7/1/14.]

WAC 388-823-0020 How do I become a client of the developmental disabilities administration? You become a client of the developmental disabilities administration (DDA) if you apply for eligibility with DDA and DDA determines that you meet all eligibility criteria required to establish a developmental disability as defined in this chapter.

(1) You apply to become a client of DDA by calling the regional DDA office or a local DDA office and requesting a DDA eligibility packet be sent to you. You may also download and print the eligibility packet at <http://dshs.wa.gov/ddd/eligible.shtml>.

(2) You must complete and return the required forms, along with all supporting documentation that you have, to address any disability indicated in the eligibility packet.

[Statutory Authority: RCW 71A.12.030, 71A.12.120 and 74.08.090. WSR 14-12-046, § 388-823-0020, filed 5/29/14, effective 7/1/14. Statutory Authority: RCW 71A.10.020, 71A.12.030, 71A.12.050, 71A.12.070, 71A.16.020, 71A.16.030, 71A.16.040, 71A.16.050, and chapters 71A.10, 71A.12, and 71A.16 RCW. WSR 05-12-130, § 388-823-0020, filed 6/1/05, effective 7/2/05.]

WAC 388-823-0025 Who can apply for DDA eligibility determination? (1) You must be a resident of the state of Washington, as described in WAC 388-823-0050, to apply for an eligibility determination.

(2) The following individuals can apply for DDA eligibility:

(a) If a court has not appointed the child as his own decision maker, a parent or legal representative must apply on behalf of a child under the age of eighteen years;

(b) If there is a legal guardian of an applicant age eighteen years or older, the legal guardian must apply on behalf of the adult applicant; or

(c) If there is no legal guardian of an adult applicant age eighteen years or older, the adult applicant can apply on his/her own behalf.

(3) A request for eligibility determination requires the signature of the applicant or their legal representative. With the consent of the applicant, any person, agency, or advocate may assist with the application process.

[Statutory Authority: RCW 71A.12.030, 71A.12.120 and 74.08.090. WSR 14-12-046, § 388-823-0025, filed 5/29/14, effective 7/1/14.]

WAC 388-823-0050 For DDA eligibility, who is considered to be a resident of the state of Washington? (1) You must live in the state of Washington to apply or continue to be a client of DDA. If you are a child under the age of eighteen, your primary custodian or legal guardian must also live in the state of Washington. Proof that you live in the state of Washington may include documentation such as a lease agreement, school records, or mail addressed to you. Such documentation will not be considered proof of residency if you have been denied medicaid or other benefits due to failure to meet residency requirements under WAC 388-468-0005.

(2) DDA will not process your request for determination of eligibility or will terminate your eligibility if you do not live in the state of Washington.

[Statutory Authority: RCW 71A.12.030, 71A.12.120 and 74.08.090. WSR 14-12-046, § 388-823-0050, filed 5/29/14, effective 7/1/14. Statutory Authority: RCW 71A.10.020, 71A.12.030, 71A.12.050, 71A.12.070, 71A.16.020, 71A.16.030, 71A.16.040, 71A.16.050, and chapters 71A.10, 71A.12, and 71A.16 RCW. WSR 05-12-130, § 388-823-0050, filed 6/1/05, effective 7/2/05.]

WAC 388-823-0055 Who is responsible for obtaining the documentation needed to make my eligibility determination? You are responsible to provide all of the information required by DDA to make a determination.

(1) If you provide DDA with a signed consent form and the sources for obtaining the documentation DDA may be able to assist you in obtaining records. Evidence required to make an eligibility determination includes, but is not limited to:

(a) School psychologist and/or licensed psychologist evaluations and reports,

(b) Evidence of medical diagnoses by a licensed physician,

(c) Cognitive and adaptive skills test results and accompanying reports, and

(d) Mental health records.

(12/5/14)

(2) DDA will not pay for the purchase of diagnostic assessments, intelligence quotient (IQ) testing, or adaptive skills testing.

(3) If DDA determines that you have a qualifying condition and your records do not include an adaptive skills assessment per WAC 388-823-0710 administered within the past thirty-six months, DDA may administer the inventory of client and agency planning (ICAP) to determine your level of adaptive functioning to meet the substantial limitation requirement. DDA will administer the ICAP at no expense to you.

[Statutory Authority: RCW 71A.12.030, 71A.12.120 and 74.08.090. WSR 14-12-046, § 388-823-0055, filed 5/29/14, effective 7/1/14.]

WAC 388-823-0075 What if I do not have written evidence that my disability began before my eighteenth birthday? (1) If there is no documentation available about your early developmental history, educational history, illnesses, or injuries, DDA may accept verbal information from your family or others who knew you prior to the age of eighteen to verify that your disability began prior to age eighteen. The information must be specific and reliable, and it cannot substitute for documentation that could be obtained with reasonable diligence.

(2) Additional evidence of your eligible condition and the resulting substantial limitations is still required.

[Statutory Authority: RCW 71A.12.030, 71A.12.120 and 74.08.090. WSR 14-12-046, § 388-823-0075, filed 5/29/14, effective 7/1/14.]

WAC 388-823-0080 How does DDA determine whether I meet eligibility criteria? DDA determines if you meet eligibility criteria as defined in this chapter by reviewing all information that has been submitted.

[Statutory Authority: RCW 71A.12.030, 71A.12.120 and 74.08.090. WSR 14-12-046, § 388-823-0080, filed 5/29/14, effective 7/1/14. Statutory Authority: RCW 71A.10.020, 71A.12.030, 71A.12.050, 71A.12.070, 71A.16.020, 71A.16.030, 71A.16.040, 71A.16.050, and chapters 71A.10, 71A.12, and 71A.16 RCW. WSR 05-12-130, § 388-823-0080, filed 6/1/05, effective 7/2/05.]

WAC 388-823-0090 How long will it take to complete a determination of my eligibility? DDA has thirty days from receipt of the final piece of documentation to make the determination of eligibility.

(1) If DDA has received all requested documentation and it is sufficient to establish eligibility, DDA will make a determination of eligibility and send you written notice of eligibility.

(2) If DDA has received all requested documentation but it is insufficient to establish eligibility, DDA will make a determination of ineligibility and send you written notice of denial of eligibility.

(3) If DDA has insufficient information to determine you eligible and has not received all of the requested documentation, DDA may deny your eligibility after ninety days from the date of application. Rules governing reapplying for eligibility are in WAC 388-823-1080.

[Statutory Authority: RCW 71A.12.030, 71A.12.120 and 74.08.090. WSR 14-12-046, § 388-823-0090, filed 5/29/14, effective 7/1/14. Statutory Authority: RCW 71A.10.020, 71A.12.030, 71A.12.050, 71A.12.070, 71A.16.020, 71A.16.030, 71A.16.040, 71A.16.050, and chapters 71A.10,

71A.12, and 71A.16 RCW. WSR 05-12-130, § 388-823-0090, filed 6/1/05, effective 7/2/05.]

WAC 388-823-0100 What is the effective date of my eligibility determination? (1) If DDA receives sufficient information to substantiate your DDA eligibility, the effective date of your eligibility as a DDA client is the date of receipt of the final piece of documentation.

(2) DDA services cannot begin before the effective date of your DDA eligibility.

[Statutory Authority: RCW 71A.12.030, 71A.12.120 and 74.08.090. WSR 14-12-046, § 388-823-0100, filed 5/29/14, effective 7/1/14. Statutory Authority: RCW 71A.10.020, 71A.12.030, 71A.12.050, 71A.12.070, 71A.16.020, 71A.16.030, 71A.16.040, 71A.16.050, and chapters 71A.10, 71A.12, and 71A.16 RCW. WSR 05-12-130, § 388-823-0100, filed 6/1/05, effective 7/2/05.]

WAC 388-823-0105 How will DDA notify me of the results of my eligibility determination? DDA will send you written notification of the final determination of your eligibility per WAC 388-825-100.

(1) If you are not eligible, the written notice will explain why you are not eligible, explain your appeal rights to this decision, and provide you with an administrative hearing request form.

(2) If you are eligible, the written notice will include:

(a) Your eligibility condition(s);

(b) The effective date of your eligibility;

(c) The expiration date or review date of your eligibility, if applicable; and

(d) The name and phone number of your DDA primary contact.

[Statutory Authority: RCW 71A.12.030, 71A.12.120 and 74.08.090. WSR 14-12-046, § 388-823-0105, filed 5/29/14, effective 7/1/14. Statutory Authority: RCW 71A.10.020, 71A.12.030, 71A.12.050, 71A.12.070, 71A.16.020, 71A.16.030, 71A.16.040, 71A.16.050, and chapters 71A.10, 71A.12, and 71A.16 RCW. WSR 05-12-130, § 388-823-0105, filed 6/1/05, effective 7/2/05.]

WAC 388-823-0115 If I am eligible to be a client of DDA, will I receive DDA services? If DDA determines that you are eligible to be a client of DDA, your access to services as a DDA client depends on your meeting eligibility requirements for the specific service. DDA paid services are described in WAC 388-825-057.

[Statutory Authority: RCW 71A.12.030, 71A.12.120 and 74.08.090. WSR 14-12-046, § 388-823-0115, filed 5/29/14, effective 7/1/14.]

DETERMINATION OF ELIGIBILITY

INTELLECTUAL DISABILITY

WAC 388-823-0200 How do I show that I have intellectual disability as an eligible condition? In order to be considered for eligibility under the condition of intellectual disability you must be age four or older and have a diagnosis of mental retardation as specified in the DSM-IV-TR or intellectual disability as specified in the DSM-5. This diagnosis must meet the following criteria:

(1) The diagnosis must be made by a licensed psychologist, or be a finding of intellectual disability by a Washington certified school psychologist or other school psychologist

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certified by the National Association of School Psychologists.

(2) An acceptable diagnostic report includes documentation of all three diagnostic criteria specified in the DSM-IV-TR or DSM-5.

[Statutory Authority: RCW 71A.12.030, 71A.12.120 and 74.08.090. WSR 14-12-046, § 388-823-0200, filed 5/29/14, effective 7/1/14. Statutory Authority: RCW 71A.10.020, 71A.12.030, 71A.12.050, 71A.12.070, 71A.16.020, 71A.16.030, 71A.16.040, 71A.16.050, and chapters 71A.10, 71A.12, and 71A.16 RCW. WSR 05-12-130, § 388-823-0200, filed 6/1/05, effective 7/2/05.]

WAC 388-823-0210 If I have intellectual disability, how do I meet the definition of substantial limitations? If you have an eligible condition of intellectual disability, in order to meet the definition of substantial limitations you must have:

(1) Documentation of a full-scale intelligence quotient (FSIQ) score of more than two standard deviations below the mean per WAC 388-823-0720, and subject to all of WAC 388-823-0720 and 388-823-0730, and

(2) Documentation of an adaptive skills test score of more than two standard deviations below the mean as described in WAC 388-823-0740 and subject to all of WAC 388-823-0740 and 388-823-0750.

[Statutory Authority: RCW 74.08.090 and 34.05.353 (1)(c). WSR 15-01-021, § 388-823-0210, filed 12/5/14, effective 1/5/15. Statutory Authority: RCW 71A.12.030, 71A.12.120 and 74.08.090. WSR 14-12-046, § 388-823-0210, filed 5/29/14, effective 7/1/14. Statutory Authority: RCW 71A.10.020, 71A.12.030, 71A.12.050, 71A.12.070, 71A.16.020, 71A.16.030, 71A.16.040, 71A.16.050, and chapters 71A.10, 71A.12, and 71A.16 RCW. WSR 05-12-130, § 388-823-0210, filed 6/1/05, effective 7/2/05.]

CEREBRAL PALSY

WAC 388-823-0300 How do I show that I have cerebral palsy as an eligible condition? In order to be considered for eligibility under the condition of cerebral palsy you must be age four or older and have a diagnosis by a licensed physician of cerebral palsy or similar brain damage which causes, quadriplegia, hemiplegia, or diplegia, with evidence of onset prior to age three.

[Statutory Authority: RCW 71A.12.030, 71A.12.120 and 74.08.090. WSR 14-12-046, § 388-823-0300, filed 5/29/14, effective 7/1/14. Statutory Authority: RCW 71A.10.020, 71A.12.030, 71A.12.050, 71A.12.070, 71A.16.020, 71A.16.030, 71A.16.040, 71A.16.050, and chapters 71A.10, 71A.12, and 71A.16 RCW. WSR 05-12-130, § 388-823-0300, filed 6/1/05, effective 7/2/05.]

WAC 388-823-0310 If I have cerebral palsy, how do I meet the definition of substantial limitations? If you have an eligible condition of cerebral palsy, in order to meet the definition of substantial limitations, you must demonstrate the need for direct physical assistance, per WAC 388-823-0760, with two or more of the following activities as a result of your condition:

(1) Toileting;

(2) Bathing;

(3) Eating;

(4) Dressing;

(5) Mobility; or

(6) Communication.

[Statutory Authority: RCW 71A.12.030, 71A.12.120 and 74.08.090. WSR 14-12-046, § 388-823-0310, filed 5/29/14, effective 7/1/14. Statutory Authority: RCW 71A.10.020, 71A.12.030, 71A.12.050, 71A.12.070, 71A.16.020, 71A.16.030, 71A.16.040, 71A.16.050, and chapters 71A.10, 71A.12, and 71A.16 RCW. WSR 05-12-130, § 388-823-0310, filed 6/1/05, effective 7/2/05.]

EPILEPSY

WAC 388-823-0400 How do I show that I have epilepsy as an eligible condition? In order to be considered for eligibility under the condition of epilepsy you must be age four or older and have a diagnosis of epilepsy or a neurological condition that produces seizures.

(1) You must show evidence that your epilepsy or seizure disorder originated prior to age eighteen and is expected to continue indefinitely.

(2) The diagnosis must be made by a board certified neurologist and be supported with documentation of medical history with neurological testing.

(3) You must provide confirmation from your physician or neurologist that your seizures are currently uncontrolled and ongoing or recurring and cannot be controlled by medication.

[Statutory Authority: RCW 71A.12.030, 71A.12.120 and 74.08.090. WSR 14-12-046, § 388-823-0400, filed 5/29/14, effective 7/1/14. Statutory Authority: RCW 71A.10.020, 71A.12.030, 71A.12.050, 71A.12.070, 71A.16.020, 71A.16.030, 71A.16.040, 71A.16.050, and chapters 71A.10, 71A.12, and 71A.16 RCW. WSR 05-12-130, § 388-823-0400, filed 6/1/05, effective 7/2/05.]

WAC 388-823-0410 If I have epilepsy, how do I meet the definition of substantial limitations? If you have an eligible condition of epilepsy, in order to meet the definition of substantial limitations, you must have documentation of an adaptive skills test score that reflects your daily functioning of more than two standard deviations below the mean as described in WAC 388-823-0740 and subject to all of WAC 388-823-0740 and 388-823-0750.

[Statutory Authority: RCW 71A.12.030, 71A.12.120 and 74.08.090. WSR 14-12-046, § 388-823-0410, filed 5/29/14, effective 7/1/14. Statutory Authority: RCW 71A.10.020, 71A.12.030, 71A.12.050, 71A.12.070, 71A.16.020, 71A.16.030, 71A.16.040, 71A.16.050, and chapters 71A.10, 71A.12, and 71A.16 RCW. WSR 05-12-130, § 388-823-0410, filed 6/1/05, effective 7/2/05.]

AUTISM

WAC 388-823-0500 How do I show that I have autism as an eligible condition? In order to be considered for eligibility under the condition of autism you must be age four or older and have a diagnosis by a qualified professional which meets the conditions in subsection (1) or (2) of this section, as well as subsections (3), (4), and (5) of this section:

(1) Autistic disorder 299.00 per the diagnostic and statistical manual of mental disorders, fourth edition, text revision (DSM-IV-TR), or

(2) Autism spectrum disorder 299.00 per the diagnostic and statistical manual of mental disorders, fifth edition (DSM-5), with a severity level of 2 or 3 in both columns of the severity level scale.

(3) The condition is expected to continue indefinitely with evidence of onset before age three.

(12/5/14)

(4) An acceptable diagnostic report includes documentation of all diagnostic criteria specified in the DSM-IV-TR or DSM-5.

(5) DDA will accept a diagnosis from any of the following professionals:

(a) Board certified neurologist;

(b) Board certified psychiatrist;

(c) Licensed psychologist;

(d) Advanced registered nurse practitioner (ARNP) associated with an autism center or developmental center; or

(e) Board certified developmental and behavioral pediatrician.

[Statutory Authority: RCW 71A.12.030, 71A.12.120 and 74.08.090. WSR 14-12-046, § 388-823-0500, filed 5/29/14, effective 7/1/14. Statutory Authority: RCW 71A.10.020, 71A.12.030, 71A.12.050, 71A.12.070, 71A.16.020, 71A.16.030, 71A.16.040, 71A.16.050, and chapters 71A.10, 71A.12, and 71A.16 RCW. WSR 05-12-130, § 388-823-0500, filed 6/1/05, effective 7/2/05.]

WAC 388-823-0510 If I have autism, how do I meet the definition of substantial limitations? If you have an eligible condition of autism, in order to meet the definition of substantial limitations you must meet the criteria in subsections (1) and (2) in this section:

(1) Documentation of an adaptive skills test score of more than two standard deviations below the mean as described in WAC 388-823-0740 and subject to all of WAC 388-823-0740 and 388-823-0750, and

(2) If your diagnosis is autism spectrum disorder per the DSM-5, documentation of a FSIQ of more than one standard deviation below the mean as described in WAC 388-823-0720 and subject to all of WAC 388-823-0720 and 388-823-0730.

(a) If you have a FSIQ score of one standard deviation below the mean or higher as described in WAC 388-823-0720, you may present additional documentation described in subitem (i) or (ii) in this subsection, signed by the diagnosing professional, which shows that you meet the criteria for autistic disorder 299.00 per the DSM-IV-TR:

(i) A completed autistic disorder confirmation form (available from DDA), or

(ii) Other documentation that provides the same information as required on the autistic disorder confirmation form.

(b) If you are unable to complete a FSIQ test, you may provide a statement by the diagnosing professional that your condition is so severe that you are unable to demonstrate the minimal skills required to complete testing.

[Statutory Authority: RCW 71A.12.030, 71A.12.120 and 74.08.090. WSR 14-12-046, § 388-823-0510, filed 5/29/14, effective 7/1/14. Statutory Authority: RCW 71A.10.020, 71A.12.030, 71A.12.050, 71A.12.070, 71A.16.020, 71A.16.030, 71A.16.040, 71A.16.050, and chapters 71A.10, 71A.12, and 71A.16 RCW. WSR 05-12-130, § 388-823-0510, filed 6/1/05, effective 7/2/05.]

ANOTHER NEUROLOGICAL OR OTHER CONDITION SIMILAR TO INTELLECTUAL DISABILITY

WAC 388-823-0600 How do I show that I have another neurological or other condition similar to intellectual disability? In order to be considered for eligibility under the category of another neurological or other condition

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similar to intellectual disability you must meet one of the three criteria below:

(1) You are age four or older and have a diagnosis by a licensed physician of a neurological or chromosomal disorder that is known by reputable authorities to cause intellectual and adaptive skills deficits. Your condition meets all of the following:

- (a) Originated before age eighteen;
- (b) Is expected to continue indefinitely without improvement;
- (c) Is other than intellectual disability, autism, cerebral palsy, or epilepsy;
- (d) Is not attributable to nor is itself a mental illness, or emotional, social, or behavior disorder; and
- (e) Has resulted in substantial functional limitations.

(2) You are under the age of eighteen and are eligible for DSHS-paid in-home nursing through the medically intensive children program defined in WAC 182-551-3000.

(3) You are under the age of ten and have one or more developmental delays.

[Statutory Authority: RCW 71A.12.030, 71A.12.120 and 74.08.090. WSR 14-12-046, § 388-823-0600, filed 5/29/14, effective 7/1/14. Statutory Authority: RCW 71A.10.020, 71A.12.030, 71A.12.050, 71A.12.070, 71A.16.020, 71A.16.030, 71A.16.040, 71A.16.050, and chapters 71A.10, 71A.12, and 71A.16 RCW. WSR 05-12-130, § 388-823-0600, filed 6/1/05, effective 7/2/05.]

WAC 388-823-0610 If I have another neurological or other condition similar to intellectual disability, how do I meet the definition of substantial limitations? If you have an eligible condition of another neurological or other condition similar to intellectual disability, in order to meet the definition of substantial limitations you must have impairments in both intellectual abilities and adaptive skills which are separate from any impairment due to an unrelated mental illness, or emotional, social or behavioral disorder.

(1) For WAC 388-823-0600(1) evidence of substantial functional limitations requires documentation of (a) and (b) below:

(a) For impairment in intellectual abilities, either sub-item (i) or (ii) or (iii) below:

(i) A FSIQ score of more than 1.5 standard deviations below the mean as described in WAC 388-823-0720 and subject to all of WAC 388-823-0720 and WAC 388-823-0730; or

(ii) If you are under the age of twenty, significant academic delays defined as delays of more than two standard deviations below the mean at the time of testing in both broad reading and broad mathematics; or

(iii) A statement by a licensed physician, a licensed psychologist, or a school psychologist that your condition is so severe that you are unable to demonstrate the minimal skills required to complete testing for a FSIQ.

(b) For impairment in adaptive skills, a score of more than two standard deviations below the mean per WAC 388-823-0740 and subject to all of WAC 388-823-0740 and WAC 388-823-0750.

(2) For WAC 388-823-0600(2) you do not need additional evidence of your substantial functional limitations if your eligible condition is solely due to your eligibility and

participation in the medically intensive children program offered through DDA and defined in WAC 182-551-3000.

(3) For WAC 388-823-0600(3) evidence of substantial functional limitations requires documentation of (a) or (b) or (c) below:

(a) You are under the age of three and have one or more developmental delays per WAC 388-823-0770, or

(b) You are under the age of three and meet the ESIT eligibility requirements, or

(c) You are under the age of ten and have three or more developmental delays per WAC 388-823-0770.

[Statutory Authority: RCW 71A.12.030, 71A.12.120 and 74.08.090. WSR 14-12-046, § 388-823-0610, filed 5/29/14, effective 7/1/14. Statutory Authority: RCW 71A.10.020, 71A.12.030, 71A.12.050, 71A.12.070, 71A.16.020, 71A.16.030, 71A.16.040, 71A.16.050, and chapters 71A.10, 71A.12, and 71A.16 RCW. WSR 05-12-130, § 388-823-0610, filed 6/1/05, effective 7/2/05.]

EVIDENCE VERIFICATION REQUIREMENTS

WAC 388-823-0720 What evidence do I need of my FSIQ? Evidence of a qualifying FSIQ is derived from one of the tests listed in the table below.

Assessment	Qualifying score at more than 2 standard deviations	Qualifying score at more than 1.5 standard deviations	Qualifying score at more than 1 standard deviation
Stanford-Binet 4th edition or earlier editions	67 or less	75 or less	83 or less
Stanford-Binet 5th edition	69 or less	77 or less	84 or less
Wechsler intelligence scales (Wechsler)	69 or less	77 or less	84 or less
Differential abilities scale (DAS)	69 or less	77 or less	84 or less
Kaufman assessment battery for children (K-ABC)	69 or less	77 or less	84 or less
Das-Naglieri cognitive assessment system (CAS)	69 or less	77 or less	84 or less
Woodcock-Johnson-III test of cognitive abilities (WJ III(r))	69 or less	77 or less	84 or less

(1) The test must be administered by a licensed psychologist or Washington certified school psychologist or other school psychologist certified by the National Association of School Psychologists.

(2) The FSIQ score cannot be attributable to mental illness or other psychiatric condition occurring at any age; or other illness or injury occurring after age eighteen:

(a) If you are dually diagnosed with a qualifying condition and mental illness, other psychiatric condition, or other illness or injury, you must provide acceptable documentation that your intellectual impairment, measured by a FSIQ test, would meet the requirements for DDA eligibility without the influence of the mental illness, other psychiatric condition, or other illness or injury.

(b) "Acceptable documentation" means written reports or statements that are directly related to the subject at issue, reasonable in light of all the evidence, and from a source of appropriate authority. The determination of whether a document is acceptable is made by DDA.

(c) If no documentation is provided or DDA determines that the documentation is not acceptable DDA will deny eligibility. The determination may be challenged through an administrative appeal.

(3) If you have a vision impairment that prevents completion of the performance portion of the IQ test, the administering professional may estimate an FSIQ using only the verbal IQ score of the appropriate Wechsler.

(4) If you have a significant hearing impairment, English is not your primary language, or you are nonverbal your FSIQ may be estimated using one of the tests shown in the table below.

Assessment	Qualifying score at more than 2 standard deviations	Qualifying score at 1.5 or more standard deviations	Qualifying score more than 1 standard deviation
Wechsler intelligence scales (WISC, WAIS)	69 or less on the performance scale, or, on both the perceptual reasoning index and processing speed index	77 or less on the performance scale, or, on both the perceptual reasoning index and the processing speed index	84 or less on the performance scale, or, on both the perceptual reasoning index and the processing speed index
Leiter international performance scale-revised (Leiter-R)	69 or less	77 or less	84 or less
Comprehensive test of nonverbal intelligence (C-TONI)	69 or less on full scale (NVIQ)	77 or less on full scale (NVIQ)	84 or less on full scale (NVIQ)

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Assessment	Qualifying score at more than 2 standard deviations	Qualifying score at 1.5 or more standard deviations	Qualifying score more than 1 standard deviation
Kaufman assessment battery for children (K-ABC)	Nonverbal scale index of 69 or less	Nonverbal scale index of 77 or less	Nonverbal scale index of 84 or less

(5) If you are over the age of nineteen at the time of your determination you must have a valid FSIQ obtained at age thirteen or older.

[Statutory Authority: RCW 71A.12.030, 71A.12.120 and 74.08.090. WSR 14-12-046, § 388-823-0720, filed 5/29/14, effective 7/1/14.]

WAC 388-823-0730 If I have more than one FSIQ score, what criteria will DDA use to select the FSIQ for determining eligibility? (1) If you have more than one FSIQ, DDA will review the pattern of FSIQ scores.

(a) If the variation among these scores is no more than five points, DDA will accept the score obtained closest to but below age eighteen.

(b) If there are differences among the FSIQ scores of more than five points, DDA will review the pattern and attempt to determine reasons for the fluctuations to ensure that the most reliable and accurate FSIQ score is used. DDA will use the most current FSIQ obtained below age eighteen, provided the FSIQ is a result of your developmental disability.

(2) DDA will exclude any FSIQ score attributable to a condition or impairment that began on or after your eighteenth birthday.

[Statutory Authority: RCW 71A.12.030, 71A.12.120 and 74.08.090. WSR 14-12-046, § 388-823-0730, filed 5/29/14, effective 7/1/14.]

WAC 388-823-0740 What evidence do I need of my adaptive skills limitations? (1) Evidence of substantial limitations of adaptive functioning requires a qualifying score completed in the past thirty-six months on one of the tests shown in the table below:

Assessment	Qualifying Score
Vineland adaptive behavior scales (VABS)	An adaptive behavior composite score of 69 or less
Scales of independent behavior - Revised (SIB-R)	A broad independence standard score of 69 or less
Adaptive behavior assessment system - Second edition (ABAD-II)	An adaptive behavior composite score of 69 or less
Inventory for client and agency planning (ICAP)	A broad independence standard score of 69 or less

(a) Tests must be administered and scored by professionals who have a background in individual assessment, human development and behavior, and tests and measurements, as well as an understanding of individuals with disabilities.

(b) Tests must be administered following the instructions for the specific test used.

(c) Department staff or designee contracted with DDA must administer the ICAP.

(d) DDA will administer or arrange for the administration of the ICAP only if results from one of the other acceptable tests are not available.

(2) The adaptive test score cannot be a result of an unrelated mental illness or other psychiatric condition occurring at any age; or other illness or injury occurring after age eighteen.

(a) If you are dually diagnosed with a qualifying condition and mental illness, other psychiatric condition, or other illness or injury, you must provide acceptable documentation that your adaptive functioning impairment, measured by an adaptive skills test, would meet the requirements for DDA eligibility without the influence of the mental illness, other psychiatric condition, or other illness or injury.

(b) "Acceptable documentation" means written reports or statements that are directly related to the subject at issue, reasonable in light of all the evidence, and from a source of appropriate authority. The determination of whether a document is acceptable is made by DDA.

(c) If no documentation is provided or DDA determines that the documentation is not acceptable DDA will deny eligibility. The determination may be challenged through an administrative appeal.

[Statutory Authority: RCW 71A.12.030, 71A.12.120 and 74.08.090. WSR 14-12-046, § 388-823-0740, filed 5/29/14, effective 7/1/14.]

WAC 388-823-0750 If I have more than one adaptive test score, what criteria will DDA use to select the adaptive test for determining eligibility? If you have more than one adaptive test score during the thirty-six months prior to your determination, DDA will accept the test score obtained closest to the date of review or application providing it is a valid score and reflects adaptive functioning due to your developmental disability.

[Statutory Authority: RCW 71A.12.030, 71A.12.120 and 74.08.090. WSR 14-12-046, § 388-823-0750, filed 5/29/14, effective 7/1/14.]

WAC 388-823-0760 What evidence do I need to show my need for direct physical assistance? (1) The need for direct physical assistance with activities of daily living is due to your impaired motor control and means:

(a) You need the presence and physical assistance of another person on a daily basis to be able to communicate and be understood by any other person.

(i) If you are able to communicate through a communication device you will be considered independent in communication.

(ii) You must require more than "setting up" of the communication device.

(b) You need direct physical assistance from another person on a daily basis with toileting, bathing, eating, dressing, or mobility.

(i) You require more than "setting up" the task to enable you to perform the task independently.

(ii) You must require direct physical assistance for more than transferring in and out of wheelchair, in and out of the bath or shower, and/or on and off of the toilet.

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(iii) Your ability to be mobile is your ability to move yourself from place to place, not your ability to walk. For instance, if you can transfer in and out of a wheelchair and are independently mobile in a wheelchair, you do not meet the requirement for direct physical assistance with mobility.

(2) Any of the following can be used as documentation of your direct physical assistance needs:

(a) The comprehensive assessment reporting evaluation (CARE) tool or other department assessments that measure direct assistance needs in the areas specified above;

(b) Assessments and reports from educational or health-care professionals that are current and consistent with your current functioning;

(c) In the absence of professional reports or assessments, DDA may document its own observation of your direct assistance needs along with reported information by family and others familiar with you.

[Statutory Authority: RCW 71A.12.030, 71A.12.120 and 74.08.090. WSR 14-12-046, § 388-823-0760, filed 5/29/14, effective 7/1/14.]

WAC 388-823-0770 What evidence do I need of developmental delays? (1) Evidence of substantial functional limitations requires developmental delays of at least 1.5 standard deviations or twenty-five percent or more of the chronological age in one or more of the following developmental areas based on an assessment current within the past 12 months:

(a) Physical skills (fine or gross motor);

(b) Self help/adaptive skills;

(c) Expressive or receptive communication, including American sign language;

(d) Social/emotional skills; and

(e) Cognitive, academic, or problem solving skills.

(2) The number of areas in which you are required to have delays to meet the evidence is specific to your age.

(3) Tools used to determine developmental delays must be diagnostic assessments that are designed to measure the developmental areas in subsection (1) of this section and are appropriate to the age of the child being tested.

(4) The assessment must be administered by one of the following professionals qualified to administer the assessment of developmental areas:

(a) Licensed physician;

(b) Licensed psychologist or certified school psychologist;

(c) Speech language pathologist;

(d) Audiologist;

(e) Registered occupational therapist;

(f) Licensed physical therapist;

(g) Registered nurse;

(h) Certified teacher;

(i) Masters level social worker; or

(j) Orientation and mobility specialist.

[Statutory Authority: RCW 71A.12.030, 71A.12.120 and 74.08.090. WSR 14-12-046, § 388-823-0770, filed 5/29/14, effective 7/1/14.]

INVENTORY FOR CLIENT AND AGENCY PLANNING (ICAP)

WAC 388-823-0910 What is the purpose of ICAP? The purpose of the ICAP is to assess your adaptive skills in

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the areas of motor skills, personal living skills, social and communication skills, and community living skills.

[Statutory Authority: RCW 71A.10.020, 71A.12.030, 71A.12.050, 71A.12.070, 71A.16.020, 71A.16.030, 71A.16.040, 71A.16.050, and chapters 71A.10, 71A.12, and 71A.16 RCW. WSR 05-12-130, § 388-823-0910, filed 6/1/05, effective 7/2/05.]

WAC 388-823-0920 What sections of the ICAP does DDA or a designee contracted with DDA complete and score? (1) DDA or a designee contracted with DDA completes the adaptive behavior portion of the ICAP.

(2) There is a computer generated broad independence score of your motor skills, personal living skills, social and communication skills, and community living skills, based on your age.

[Statutory Authority: RCW 71A.12.030, 71A.12.120 and 74.08.090. WSR 14-12-046, § 388-823-0920, filed 5/29/14, effective 7/1/14. Statutory Authority: RCW 71A.10.020, 71A.12.030, 71A.12.050, 71A.12.070, 71A.16.020, 71A.16.030, 71A.16.040, 71A.16.050, and chapters 71A.10, 71A.12, and 71A.16 RCW. WSR 05-12-130, § 388-823-0920, filed 6/1/05, effective 7/2/05.]

WAC 388-823-0930 How does DDA or a designee contracted with DDA administer the ICAP? (1) DDA or a designee contracted with DDA completes the adaptive section of the ICAP by interviewing a qualified respondent who has known you for at least three months and who sees you on a day-to-day basis. You cannot be the respondent for your own ICAP.

(2) DDA or a designee contracted with DDA will choose the respondent and may interview more than one respondent to ensure that information is complete and accurate.

(3) DDA or a designee contracted with DDA will ask you to demonstrate some of the skills in order to evaluate what skills you are able to perform. DDA or a designee contracted with DDA cannot administer the ICAP if no respondent is identified and available.

[Statutory Authority: RCW 71A.12.030, 71A.12.120 and 74.08.090. WSR 14-12-046, § 388-823-0930, filed 5/29/14, effective 7/1/14. Statutory Authority: RCW 71A.10.020, 71A.12.030, 71A.12.050, 71A.12.070, 71A.16.020, 71A.16.030, 71A.16.040, 71A.16.050, and chapters 71A.10, 71A.12, and 71A.16 RCW. WSR 05-12-130, § 388-823-0930, filed 6/1/05, effective 7/2/05.]

WAC 388-823-0940 What happens if DDA or a designee contracted with DDA cannot identify a qualified respondent? If you and DDA or a designee contracted with DDA cannot identify a qualified respondent for the ICAP, DDA or a designee contracted with DDA will not be able to administer the ICAP or determine you eligible under any conditions that require an ICAP.

[Statutory Authority: RCW 71A.12.030, 71A.12.120 and 74.08.090. WSR 14-12-046, § 388-823-0940, filed 5/29/14, effective 7/1/14. Statutory Authority: RCW 71A.10.020, 71A.12.030, 71A.12.050, 71A.12.070, 71A.16.020, 71A.16.030, 71A.16.040, 71A.16.050, and chapters 71A.10, 71A.12, and 71A.16 RCW. WSR 05-12-130, § 388-823-0940, filed 6/1/05, effective 7/2/05.]

ELIGIBILITY EXPIRATION, REVIEWS, AND REAPPLICATION

WAC 388-823-1000 Once I become an eligible DDA client, is there a time limit to my eligibility? While DDA

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has the authority to review your eligibility at any time, your eligibility as a DDA client will expire or have required reviews as indicated in WAC 388-823-1005 and 388-823-1010.

[Statutory Authority: RCW 71A.12.030, 71A.12.120 and 74.08.090. WSR 14-12-046, § 388-823-1000, filed 5/29/14, effective 7/1/14. Statutory Authority: RCW 71A.10.020, 71A.12.030, 71A.12.050, 71A.12.070, 71A.16.020, 71A.16.030, 71A.16.040, 71A.16.050, and chapters 71A.10, 71A.12, and 71A.16 RCW. WSR 05-12-130, § 388-823-1000, filed 6/1/05, effective 7/2/05.]

WAC 388-823-1005 When does my eligibility as a DDA client expire? (1) If you are determined eligible prior to age three, your eligibility expires on your fourth birthday.

(2) If you are determined eligible at age three but under age ten under developmental delays or Down syndrome your eligibility expires on your tenth birthday.

(3) If you are determined eligible under another neurological or other condition similar to intellectual disability and have used academic delays as evidence of your substantial limitations, your eligibility expires on your twentieth birthday.

(4) If your eligibility determination is based solely on your need for nursing through the medically intensive children program, your eligibility expires when you are no longer eligible for the program or your eighteenth birthday, whichever comes first.

(5) DDA will notify you at least six months before your eligibility expiration date.

(6) If your eligibility expires you must reapply in order to maintain eligibility with DDA.

(7) If you fail to reapply before your expiration date or if DDA receives your reapplication less than sixty days prior your expiration date and DDA does not have sufficient time to make an eligibility determination by the date of expiration, DDA eligibility will expire and your DDA paid services will stop.

(a) If DDA determines you eligible after your eligibility expires, your eligibility will be reinstated on the date that DDA determines you eligible pursuant to WAC 388-823-0100.

(b) If DDA determines you eligible after your eligibility expires, your eligibility will not be retroactive to the expiration date.

(8) This expiration of eligibility takes effect even if DDA is unable to locate you to provide written notification that eligibility is expiring.

(9) There is no appeal right to eligibility expiration.

[Statutory Authority: RCW 71A.12.030, 71A.12.120 and 74.08.090. WSR 14-12-046, § 388-823-1005, filed 5/29/14, effective 7/1/14. Statutory Authority: RCW 71A.10.020, 71A.12.030, 71A.12.050, 71A.12.070, 71A.16.020, 71A.16.030, 71A.16.040, 71A.16.050, and chapters 71A.10, 71A.12, and 71A.16 RCW. WSR 05-12-130, § 388-823-1005, filed 6/1/05, effective 7/2/05.]

WAC 388-823-1010 When will DDA review my eligibility to determine if I continue to meet the eligibility requirements for DDA? (1) DDA will review your eligibility at age nineteen with termination occurring no sooner than your twentieth birthday if your most current eligibility determination was at sixteen or younger under intellectual disability

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ity, cerebral palsy, epilepsy, autism, or another neurological or other condition similar to intellectual disability.

(2) DDA will review your eligibility prior to the initial authorization of any paid service from DDA when you are not currently receiving paid services and you are age nineteen or older and your most current eligibility determination was made prior to June 1, 2005.

(3) DDA will review your eligibility if DDA discovers:

(a) Your eligibility determination was made in error; or

(b) The evidence used to make your most recent eligibility determination appears to be insufficient, in error, or fraudulent; or

(c) New diagnostic information becomes available that does not support your current eligibility determination.

(4) If DDA requires additional information to make a determination of eligibility during a review and you do not respond to the request for additional information, DDA will terminate your eligibility and any DDA services you are receiving either:

(a) On your twentieth birthday if the review is because you will be turning twenty; or

(b) Ninety days after DDA requests the information if the review is because you have requested a paid service.

[Statutory Authority: RCW 71A.12.030, 71A.12.120 and 74.08.090. WSR 14-12-046, § 388-823-1010, filed 5/29/14, effective 7/1/14. Statutory Authority: RCW 71A.12.030, 71A.12.040, and 74.08.090. WSR 14-07-028, § 388-823-1010, filed 3/10/14, effective 4/10/14. Statutory Authority: RCW 71A.10.020, 71A.12.030, 71A.12.050, 71A.12.070, 71A.16.020, 71A.16.030, 71A.16.040, 71A.16.050, and chapters 71A.10, 71A.12, and 71A.16 RCW. WSR 05-12-130, § 388-823-1010, filed 6/1/05, effective 7/2/05.]

WAC 388-823-1015 What is the definition of "DDA paid services" in WAC 388-823-1010(2)? Authorization of a paid service within the last ninety days as evidenced by a social services authorization in the DSHS payment system, a county authorization for day program services, a DDA individual service plan approving a DDA service or program, residence in a SOLA, RHC, or ICF/ID, or documentation of DDA approval of your absence from DDA paid services for more than ninety days with available funding for your planned return to services.

[Statutory Authority: RCW 71A.12.030, 71A.12.120 and 74.08.090. WSR 14-12-046, § 388-823-1015, filed 5/29/14, effective 7/1/14. Statutory Authority: RCW 71A.10.020, 71A.12.030, 71A.12.050, 71A.12.070, 71A.16.020, 71A.16.030, 71A.16.040, 71A.16.050, and chapters 71A.10, 71A.12, and 71A.16 RCW. WSR 05-12-130, § 388-823-1015, filed 6/1/05, effective 7/2/05.]

WAC 388-823-1020 Can DDA terminate my eligibility if I no longer am a resident of the state of Washington? DDA will terminate your eligibility if you lose residency in the state of Washington as defined in WAC 388-823-0050.

[Statutory Authority: RCW 71A.12.030, 71A.12.120 and 74.08.090. WSR 14-12-046, § 388-823-1020, filed 5/29/14, effective 7/1/14. Statutory Authority: RCW 71A.10.020, 71A.12.030, 71A.12.050, 71A.12.070, 71A.16.020, 71A.16.030, 71A.16.040, 71A.16.050, and chapters 71A.10, 71A.12, and 71A.16 RCW. WSR 05-12-130, § 388-823-1020, filed 6/1/05, effective 7/2/05.]

WAC 388-823-1030 How will I know that my eligibility is expiring or is due for review? If your eligibility has a required expiration or review date, DDA will send you prior written notification with reapplication or review information.

[Statutory Authority: RCW 71A.12.030, 71A.12.120 and 74.08.090. WSR 14-12-046, § 388-823-1030, filed 5/29/14, effective 7/1/14. Statutory Authority: RCW 71A.10.020, 71A.12.030, 71A.12.050, 71A.12.070, 71A.16.020, 71A.16.030, 71A.16.040, 71A.16.050, and chapters 71A.10, 71A.12, and 71A.16 RCW. WSR 05-12-130, § 388-823-1030, filed 6/1/05, effective 7/2/05.]

WAC 388-823-1060 How will DDA notify me of its decision? DDA will notify you and your legal representative or one other responsible party in writing of its determination of eligibility, ineligibility, or expiration of eligibility per WAC 388-825-100.

[Statutory Authority: RCW 71A.12.030, 71A.12.120 and 74.08.090. WSR 14-12-046, § 388-823-1060, filed 5/29/14, effective 7/1/14. Statutory Authority: RCW 71A.10.020, 71A.12.030, 71A.12.050, 71A.12.070, 71A.16.020, 71A.16.030, 71A.16.040, 71A.16.050, and chapters 71A.10, 71A.12, and 71A.16 RCW. WSR 05-12-130, § 388-823-1060, filed 6/1/05, effective 7/2/05.]

WAC 388-823-1070 What are my appeal rights to a department decision that I am not eligible to be a client of DDA? Your appeal rights to a department decision that you are not eligible to be a DDA client because you do not meet the requirements for a developmental disability as outlined in chapter 388-823 WAC, are limited to those described in WAC 388-825-120 through 388-825-165.

[Statutory Authority: RCW 71A.12.030, 71A.12.120 and 74.08.090. WSR 14-12-046, § 388-823-1070, filed 5/29/14, effective 7/1/14. Statutory Authority: RCW 71A.10.020, 71A.12.030, 71A.12.050, 71A.12.070, 71A.16.020, 71A.16.030, 71A.16.040, 71A.16.050, and chapters 71A.10, 71A.12, and 71A.16 RCW. WSR 05-12-130, § 388-823-1070, filed 6/1/05, effective 7/2/05.]

WAC 388-823-1080 If DDA decides that I do not meet the requirements for eligibility, can I reapply for another decision? If DDA decides that you do not meet the requirements for eligibility, as defined in this chapter, DDA will only accept a new application if:

(1) Your eligibility was terminated because DDA could not locate you and you have subsequently contacted DDA;

(2) Your eligibility was terminated because you lost residency in the state of Washington and you have reestablished residency;

(3) You have additional or new information relevant to the determination that DDA did not review for the previous determination of eligibility.

(a) The only acceptable new information considered is diagnostic information, FSIQ tests, or adaptive skills tests.

(b) DDA will only accept adaptive skills tests as new information if you provide evidence that your prior scores were invalid or if you provide evidence of a loss of functioning related to your qualifying condition.

(c) DDA will not administer an ICAP if you have a previous, valid ICAP or adaptive skills test score that is current within the past thirty-six months.

[Statutory Authority: RCW 71A.12.030, 71A.12.120 and 74.08.090. WSR 14-12-046, § 388-823-1080, filed 5/29/14, effective 7/1/14. Statutory Authority: RCW 71A.10.020, 71A.12.030, 71A.12.050, 71A.12.070, 71A.16.020, 71A.16.030, 71A.16.040, 71A.16.050, and chapters 71A.10,

71A.12, and 71A.16 RCW. WSR 05-12-130, § 388-823-1080, filed 6/1/05, effective 7/2/05.]

WAC 388-823-1090 If I am already eligible, how do these new rules affect me? If you are an eligible DDA client on the effective date of these rules, you continue to be an eligible DDA client but you are subject to the expiration and required eligibility reviews per WAC 388-823-1000 through 388-823-1030.

[Statutory Authority: RCW 71A.12.030, 71A.12.120 and 74.08.090. WSR 14-12-046, § 388-823-1090, filed 5/29/14, effective 7/1/14. Statutory Authority: RCW 71A.10.020, 71A.12.030, 71A.12.050, 71A.12.070, 71A.16.020, 71A.16.030, 71A.16.040, 71A.16.050, and chapters 71A.10, 71A.12, and 71A.16 RCW. WSR 05-12-130, § 388-823-1090, filed 6/1/05, effective 7/2/05.]

WAC 388-823-1095 What are my rights as a DDA client? As a DDA client, you have the following rights:

- (1) The right to be free from any kind of abuse or punishment (verbal, mental, physical, and/or sexual); or being sent to a place by yourself, if you do not choose to be alone;
- (2) The right to appeal any decision by DDA that denies, reduces, or terminates your eligibility, your services or your choice of provider;
- (3) The right to receive only those services you agree to;
- (4) The right to meet with and talk privately with your friends and family;
- (5) The right to personal privacy and confidentiality of your personal and other records;
- (6) The right to choose activities, schedules, and health care that meet your needs;
- (7) The right to be free from discrimination because of your race, color, creed, national origin, religion, sex, age, disability, marital status, gender identity, or sexual orientation;
- (8) The right to set your own rules in your home and to know what rules your providers have when you are living in their house or working in their facility;
- (9) The right to request information regarding services that may be available from DDA;
- (10) The right to know what your doctor wants you to do or take and to help plan how that will happen;
- (11) The right to be free from unnecessary medication, restraints and restrictions;
- (12) The right to vote and help people get elected to office;
- (13) The right to complain and not to have someone "get even";
- (14) The right to have your provider listen to your concerns including those about the behavior of other people where you live;
- (15) The right to receive help from an advocate;
- (16) The right to manage your money or choose other persons to assist you;
- (17) The right to be part of the community;
- (18) The right to make choices about your life;
- (19) The right to wear your clothes and hair the way you want;
- (20) The right to work and be paid for the work you do; and
- (21) The right to decide whether or not to participate in research after the research has been explained to you, and

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after you or your guardian gives written consent for you to participate in the research.

[Statutory Authority: RCW 71A.12.030, 71A.12.120 and 74.08.090. WSR 14-12-046, § 388-823-1095, filed 5/29/14, effective 7/1/14. Statutory Authority: RCW 71A.10.020, 71A.12.030, 71A.12.050, 71A.12.070, 71A.16.020, 71A.16.030, 71A.16.040, 71A.16.050, and chapters 71A.10, 71A.12, and 71A.16 RCW. WSR 05-12-130, § 388-823-1095, filed 6/1/05, effective 7/2/05.]

WAC 388-823-1100 How do I complain to DDA about my services or treatment? If you have a complaint or grievance about your services or treatment, follow these steps in this order:

(1) First, contact your case resource manager or social worker by phone, in writing, e-mail, or in person and explain your problem.

(2) If you are not happy with the results from speaking with your case resource manager or social worker, you may ask to speak with their supervisor.

(3) If steps (1) and (2) do not solve your problem, you submit your complaint in writing to the regional office.

(4) If you do not reach a solution with the regional office, you can request that your complaint be forwarded to the DDA headquarters in Olympia.

[Statutory Authority: RCW 71A.12.030, 71A.12.120 and 74.08.090. WSR 14-12-046, § 388-823-1100, filed 5/29/14, effective 7/1/14. Statutory Authority: RCW 71A.10.020, 71A.12.030, 71A.12.050, 71A.12.070, 71A.16.020, 71A.16.030, 71A.16.040, 71A.16.050, and chapters 71A.10, 71A.12, and 71A.16 RCW. WSR 05-12-130, § 388-823-1100, filed 6/1/05, effective 7/2/05.]