

# SENATE BILL REPORT

## HB 1407

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As Reported by Senate Committee On:  
Human Services, March 14, 2023  
Ways & Means, April 3, 2023

**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:** Passed House: 2/28/23, 97-0.

**Committee Activity:** Human Services: 3/09/23, 3/14/23 [DP].

Ways & Means: 3/21/23, 4/03/23 [DP].

### Brief Summary of Bill

- Provides that if a child under age 18 has been determined eligible for developmental disability services on or after the child's third birthday, the Department of Social and Health Services eligibility rules may not terminate or require redetermination of eligibility solely on the basis of the child's age.

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### SENATE COMMITTEE ON HUMAN SERVICES

**Majority Report:** Do pass.

Signed by Senators Wilson, C., Chair; Kauffman, Vice Chair; Boehnke, Ranking Member; Frame, Nguyen, Warnick and Wilson, J..

**Staff:** Delika Steele (786-7486)

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### SENATE COMMITTEE ON WAYS & MEANS

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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.*

**Majority Report:** Do pass.

Signed by Senators Rolfes, Chair; Robinson, Vice Chair, Operating & Revenue; Mullet, Vice Chair, Capital; Wilson, L., Ranking Member, Operating; Gildon, Assistant Ranking Member, Operating; Schoesler, Ranking Member, Capital; Rivers, Assistant Ranking Member, Capital; Warnick, Assistant Ranking Member, Capital; Billig, Boehnke, Braun, Conway, Dhingra, Hasegawa, Hunt, Keiser, Muzzall, Nguyen, Pedersen, Saldaña, Torres, Van De Wege, Wagoner and Wellman.

**Staff:** Maria Hovde (786-7474)

**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 (DDA) of the Department of Social and Health Services (DSHS) 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 or in institutional settings, 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 three, eligibility expires on the child's fourth birthday. Eligibility for a child determined eligible at or after age three based on developmental delays or Down syndrome expires on the child's tenth birthday.

**Summary of Bill:** DSHS 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.

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

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

**Staff Summary of Public Testimony (Human Services):** PRO: Requiring reevaluation

places a hard burden on youths and their families, particularly those from disadvantaged communities. It is time consuming and may cause lapses in receiving services. A disruption in services can put both a youth and their family in crisis. This is an unnecessary process for disabilities that don't go away. This bill will prevent those lapses and help these families.

**Persons Testifying (Human Services):** PRO: Noah Seidel, Office of Developmental Disabilities Ombuds; Diana Stadden, The Arc of WA State.

**Persons Signed In To Testify But Not Testifying (Human Services):** No one.

**Staff Summary of Public Testimony (Ways & Means):** PRO: The process to have eligibility re-determined is difficult and lengthy. It takes weeks of tracking down the necessary paperwork and compiling everything to submit to DDA. This process is really hard on the parents and takes a lot of time for case managers simply to allow clients to be eligible for the same services they had yesterday.

**Persons Testifying (Ways & Means):** PRO: Diana Stadden, The Arc of WA State.

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