

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**

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SECOND SUBSTITUTE HOUSE BILL 2008

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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~~

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

3       ~~((6))~~ (7) "Eligible person" means a person who has been found  
4 by the secretary under RCW 71A.16.040 to be eligible for services.

5       ~~((7))~~ (8) "Habilitative services" means those services provided  
6 by program personnel to assist persons in acquiring and maintaining  
7 life skills and to raise their levels of physical, mental, social,  
8 and vocational functioning. Habilitative services include education,  
9 training for employment, and therapy.

10       ~~((8))~~ (9) "Legal representative" means a parent of a person who  
11 is under eighteen years of age, a person's legal guardian, a person's  
12 limited guardian when the subject matter is within the scope of the  
13 limited guardianship, a person's attorney-at-law, a person's  
14 attorney-in-fact, or any other person who is authorized by law to act  
15 for another person.

16       ~~((9))~~ (10) "Notice" or "notification" of an action of the  
17 secretary means notice in compliance with RCW 71A.10.060.

18       ~~((10))~~ (11) "Residential habilitation center" means a state-  
19 operated facility for persons with developmental disabilities  
20 governed by chapter 71A.20 RCW.

21       ~~((11))~~ (12) "Respite services" means relief for families and  
22 other caregivers of people with disabilities, typically not to exceed  
23 ninety days, to include both in-home and out-of-home respite care on  
24 an hourly and daily basis, including twenty-four hour care for  
25 several consecutive days. Respite care workers provide supervision,  
26 companionship, and personal care services temporarily replacing those  
27 provided by the primary caregiver of the person with disabilities.  
28 Respite care may include other services needed by the client,  
29 including medical care which must be provided by a licensed health  
30 care practitioner.

31       ~~((12))~~ (13) "Secretary" means the secretary of social and  
32 health services or the secretary's designee.

33       ~~((13))~~ (14) "Service" or "services" means services provided by  
34 state or local government to carry out this title.

35       ~~((14))~~ (15) "Service request list" means a list of eligible  
36 persons who have received an assessment for service determination and  
37 their assessment shows that they meet the eligibility requirements  
38 for the requested service but were denied access due to funding  
39 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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