



# EXPEDITED RULE MAKING

**CR-105 (June 2004)**  
(Implements RCW 34.05.353)  
**EXPEDITED RULE MAKING ONLY**

Agency: Department of Social and Health Services, Developmental Disabilities Administration

Title of rule and other identifying information: (Describe Subject)

Portions of Chapter 388-823 WAC DIVISION OF DEVELOPMENTAL DISABILITIES INTAKE AND DETERMINATION OF DEVELOPMENTAL DISABILITIES

### NOTICE

**THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO**

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Agency: Department of Social and Health Services  
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**AND RECEIVED BY**           October 7, 2014          

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

The proposed changes are housekeeping related to WAC 388-823-0015 correcting a statutory reference and WAC 388-823-0210 correcting a WAC reference. These changes do not affect policy or eligibility.

Reasons supporting proposal: See above.

Statutory authority for adoption:  
RCW 74.08.090, 34.05.353(1)(c)

Statute being implemented:  
RCW 74.08.090, 34.05.353(1)(c)

Is rule necessary because of a:

Federal Law?  Yes  No  
Federal Court Decision?  Yes  No  
State Court Decision?  Yes  No

If yes, CITATION:

### CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: July 24, 2014**

**TIME: 4:19 PM**

**WSR 14-16-018**

DATE  
July 23, 2014

NAME (TYPE OR PRINT)  
Katherine Vasquez

SIGNATURE

TITLE  
DSHS Rules Coordinator

**Name of proponent: (person or organization):** Department of Social and Health Services

- Private
- Public
- Governmental

**Name of agency personnel responsible for:**

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Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None

AMENDATORY SECTION (Amending WSR 14-12-046, filed 5/29/14, effective 7/1/14)

**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(4))~~) 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.

AMENDATORY SECTION (Amending WSR 14-12-046, filed 5/29/14, effective 7/1/14)

**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 (~~(388-823-0710)~~) 388-823-0740 and subject to all of WAC 388-823-0740 and 388-823-0750.