



RULE-MAKING ORDER EMERGENCY RULE ONLY

CR-103E (December 2017) (Implements RCW 34.05.350 and 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: March 14, 2022

TIME: 10:08 AM

WSR 22-07-039

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

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) 3/16/2022

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes
 - No
- If Yes, explain:

Purpose: WAC 388-823-0510 - DDA is clarifying from whom it accepts a written statement indicating a person's autism prevents the person from completing a full-scale intellectual quotient (FSIQ) test.

Citation of rules affected by this order:

- New:
- Repealed:
- Amended: WAC 388-823-0510
- Suspended:

Statutory authority for adoption: RCW 71A.12.030, RCW 71A.12.120

Other authority:

EMERGENCY RULE

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding: This emergency rule expands the list of professionals qualified to provide a written statement that a person's autism prevents them from completing FSIQ testing. This change prevents disruption in service for DDA clients whose statement from a professional does not meet currently enacted requirements. A more comprehensive list of qualified professionals assists applicants for DDA services. This change reduces the potential impact to hospitals, law enforcement agencies, and behavioral health institutes by preserving the person's current living situation in the community. DDA eligibility and access to DDA services support both the client and the care system by providing predictable, stable services. Enacting this emergency rule prevents potential harm brought by disruption to services, or inability to access services.

This is the second emergency filing on this section. This subsequent filing is necessary to keep the amendments in effect until DDA can complete the permanent rulemaking process. The department filed a CR 101 preproposal under WSR 21-24-017.

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____

Recently enacted state statutes: New ____ Amended ____ Repealed ____

The number of sections adopted at the request of a nongovernmental entity:

New ____ Amended ____ Repealed ____

The number of sections adopted on the agency's own initiative:


New ____ Amended 1 Repealed ____

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New ____ Amended 1 Repealed ____

The number of sections adopted using:

Negotiated rule making: New ____ Amended ____ Repealed ____
Pilot rule making: New ____ Amended ____ Repealed ____
Other alternative rule making: New ____ Amended 1 Repealed ____

Date Adopted: March 11, 2022	Signature: 
Name: Katherine I. Vasquez	
Title: Rules Coordinator	

WAC 388-823-0510 What constitutes substantial limitation due to autism? (1) To establish substantial limitation due to autistic disorder diagnosed under the DSM-IV-TR, you must have an adaptive skills test score 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 WAC 388-823-0750.

(2) To establish substantial limitation due to autism spectrum disorder diagnosed under the DSM-5 you must:

(a) Have an adaptive-skills test score more than two standard deviations below the mean as described in WAC 388-823-0740 and subject to WAC 388-823-0740 and WAC 388-823-0750; and

(b) Have either:

(i) A full-scale intellectual quotient (FSIQ) score more than one standard deviation below the mean as described in WAC 388-823-0720 and subject to WAC 388-823-0720 and WAC 388-823-0730; or

(ii) A ~~((written))~~ signed statement from a ~~((professional))~~ professional qualified ~~((to administer intellectual tests stating))~~ that your autism prevents you from completing ((the)) FSIQ testing.
"Qualified professional" means:

(A) Board-certified neurologist;

(B) Board-certified psychiatrist;

(C) Licensed psychologist;

(D) Licensed physician associated with an autism center, developmental center, or center of excellence; or

(E) Board-certified developmental and behavioral pediatrician.