

Chapter 71A.16 RCW
ELIGIBILITY FOR SERVICES

Sections

- 71A.16.010 Referral for services—Admittance to residential habilitation centers—Expiration of subsections.
- 71A.16.020 Eligibility for services—Rules.
- 71A.16.030 Determination of eligibility for services—Application.
- 71A.16.040 Determination of eligibility—Notice—Rules for redetermination.
- 71A.16.050 Determination of eligibility—Assessment—Determination of appropriate services—Availability of services.

RCW 71A.16.010 Referral for services—Admittance to residential habilitation centers—Expiration of subsections. (1) It is the intention of the legislature in this chapter to establish a single point of referral for persons with developmental disabilities and their families so that they may have a place of entry and continuing contact for services authorized under this title to persons with developmental disabilities. Eligible persons with developmental disabilities, whether they live in the community or residential habilitation centers, should have the opportunity to choose where they live.

(2) Until June 30, 2003, and subject to subsection (3) of this section, if there is a vacancy in a residential habilitation center, the department shall offer admittance to the center to any eligible adult, or eligible adolescent on an exceptional case-by-case basis, with developmental disabilities if his or her assessed needs require the funded level of resources that are provided by the center.

(3) The department shall not offer a person admittance to a residential habilitation center under subsection (2) of this section unless the department also offers the person appropriate community support services listed in RCW 71A.12.040.

(4) Community support services offered under subsection (3) of this section may only be offered using funds specifically designated for this purpose in the state operating budget. When these funds are exhausted, the department may not offer admittance to a residential habilitation center, or community support services under this section.

(5) Nothing in this section shall be construed to create an entitlement to state services for persons with developmental disabilities.

(6) Subsections (2) through (6) of this section expire June 30, 2003. [1998 c 216 s 3; 1988 c 176 s 401.]

Effective date—1998 c 216: See note following RCW 71A.10.020.

RCW 71A.16.020 Eligibility for services—Rules. (1) A person is eligible for services under this title if the secretary finds that the person has a developmental disability as defined in RCW 71A.10.020.

(2) The secretary may adopt rules further defining and implementing the criteria in the definition of "developmental disability" under RCW 71A.10.020. Beginning July 1, 2025, the administration may not use intelligence quotient scores as a

determinant of developmental disability. The administration shall maintain eligibility for the administration's services for any persons determined eligible after the age of 18 who were determined eligible using an intelligence quotient score under criteria in place prior to July 1, 2025. The administration shall not disenroll any client upon review at 18 years old who is determined to be eligible based on standards in place prior to or after July 1, 2025. [2022 c 277 s 3; 1988 c 176 s 402.]

Findings—2022 c 277: See note following RCW 71A.10.020.

RCW 71A.16.030 Determination of eligibility for services—Application. (1) The secretary shall establish a single procedure for persons to apply for a determination of eligibility for services provided to persons with developmental disabilities.

(2) An application may be submitted by a person with a developmental disability, by the legal representative of a person with a developmental disability, or by any other person who is authorized by rule of the secretary to submit an application. [2020 c 312 s 733; 1998 c 216 s 4; 1988 c 176 s 403.]

Effective dates—2020 c 312: See note following RCW 11.130.915.

Effective date—1998 c 216: See note following RCW 71A.10.020.

RCW 71A.16.040 Determination of eligibility—Notice—Rules for redetermination. (1) On receipt of an application for services submitted under RCW 71A.16.030, the secretary in a timely manner shall make a written determination as to whether the applicant is eligible for services provided under this title for persons with developmental disabilities.

(2) The secretary shall give notice of the secretary's determination on eligibility to the person who submitted the application and to the applicant, if the applicant is a person other than the person who submitted the application for services. The notice shall also include a statement advising the recipient of the right to an adjudicative proceeding under RCW 71A.10.050 and the right to judicial review of the secretary's final decision.

(3) The secretary may establish rules for redetermination of eligibility for services under this title; however, the rules may not terminate or require redetermination of eligibility for a child under the age of 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. [2023 c 207 s 1; 1989 c 175 s 141; 1988 c 176 s 404.]

Effective date—1989 c 175: See note following RCW 34.05.010.

RCW 71A.16.050 Determination of eligibility—Assessment—Determination of appropriate services—Availability of services. The determination made under this chapter is only as to whether a person is eligible for services. After the secretary has determined under this chapter that a person is eligible for services, the individual may request an assessment for eligibility for medicaid programs and

specific services administered by the developmental disabilities administration. The secretary shall make a determination as to what services are appropriate for the person. The secretary shall prioritize services to medicaid eligible clients. Services may be made available to nonmedicaid eligible clients based on available funding. Services available through the state medicaid plan must be provided to those individuals who meet the eligibility criteria. The department shall establish and maintain a service request list database for individuals who are found to be eligible and have an assessed and unmet need for programs and services offered under a home and community-based services waiver, but the provision of a specific service would exceed the biennially budgeted capacity. [2014 c 139 s 3; 1988 c 176 s 405.]

Finding—Intent—2014 c 139: "In conjunction with recent findings from the Washington state auditor's office, the legislature finds that there are thousands of state citizens who have been determined eligible for services through the department of social and health services' developmental disability administration. For those who have asked for help but are waiting for services, families may experience financial or emotional hardships. The legislature intends to clarify and make transparent the process for accessing publicly funded services for individuals with developmental disabilities and their families. The legislature intends to significantly reduce the number of eligible individuals who are waiting for services by funding additional slots and by implementing new programs that better utilize federal funding partnerships." [2014 c 139 s 1.]

Program development—Implementation—2014 c 139: "The department of social and health services shall develop and implement a medicaid program to replace the individual and family services program for medicaid-eligible clients no later than May 1, 2015. The new medicaid program must offer services that closely resemble the services offered in fiscal year 2014 through the individual and family services program. To the extent possible, the department shall expand the client caseload on the medicaid program replacing the individual and family services program. The department is authorized in fiscal year 2015 to use general fund—state dollars previously provided for the individual and family services program to cover the cost of increasing the number of clients served in the new medicaid program." [2014 c 139 s 4.]

Program funding—2014 c 139: "By June 30, 2017, if additional federal funds through the community first choice option are attained, then the department of social and health services shall increase the number served on the medicaid program replacing the individual and family services program by at least four thousand, and increase by at least one thousand clients receiving services on the home and community-based services basic plus waiver. For both of these programs, the department of social and health services shall expend [expand] the client caseload beginning June 30, 2015." [2014 c 139 s 5.]