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HOUSE BILL 1407

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State of Washington

68th Legislature

2023 Regular Session

By Representative Taylor

1 AN ACT Relating to maintaining eligibility for developmental  
2 disability services; and amending RCW 71A.16.040.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 71A.16.040 and 1989 c 175 s 141 are each amended to  
5 read as follows:

6 (1) On receipt of an application for services submitted under RCW  
7 71A.16.030, the secretary in a timely manner shall make a written  
8 determination as to whether the applicant is eligible for services  
9 provided under this title for persons with developmental  
10 disabilities.

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

18 (3) The secretary may establish rules for redetermination of  
19 eligibility for services under this title; however, the rules may not  
20 terminate or require redetermination of eligibility for a child under  
21 the age of 18 based solely on the child's age if the child has been

1 determined to be eligible for services on or after the child's third  
2 birthday.

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