

# HOUSE BILL REPORT

## HB 2287

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### As Reported by House Committee On: Judiciary

**Title:** An act relating to providing notice to first responders that a person with a disability may be present at the scene of an emergency.

**Brief Description:** Concerning notice to first responders that a person with a disability may be present at the scene of an emergency.

**Sponsors:** Representatives McCabe, Appleton, Johnson, Wylie, Dye, Walsh, Dent, Wilson, Kagi, Calder, Haler, Kochmar and Senn.

#### **Brief History:**

##### **Committee Activity:**

Judiciary: 1/13/16, 2/4/16 [DPS].

#### **Brief Summary of Substitute Bill**

- Tasks the Department of Health with creating a training program to familiarize first responders with how best to handle situations in which persons with disabilities are present.
- Requires the Adjutant General to conduct an assessment of the resources necessary to display on the screens of first responders, as part of the enhanced 911 system, information submitted by persons with disabilities or their parents, guardians, or caretakers.
- Requires an assessment of how best to implement and safeguard the information in the system, what information should remain confidential, and the need to provide immunity to first responders.

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### HOUSE COMMITTEE ON JUDICIARY

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 12 members: Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Goodman, Hansen, Kirby, Klippert, Kuderer, Muri, Orwall and Stokesbary.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Staff:** Ellie Page (786-7291) and Cece Clynch (786-7195).

**Background:**

The phone number 911 is the national emergency phone number in the United States. The enhanced 911 system (E911) is the result of a 1991 voter referendum directing enhanced 911 emergency communications systems to be available statewide. The office coordinating the E911 is located within the Emergency Management Division of the Washington Military Department.

The Department of Health (DOH) is tasked with setting minimum standards and establishing training for numerous health care professionals and services, including first responders and emergency medical technicians. The Secretary of the DOH (Secretary) must prescribe procedures for certification and decertification, requirements for training curriculum, and standards for ongoing training and evaluation. The Secretary must also set minimum requirements for liability insurance to be carried by licensed services excluding public bodies.

The Adjutant General, commander of all Washington Army and Air National Guard forces, is the Director of the Military Department. The E911 Advisory Committee, established in 2010, assists the state E911 coordinator in facilitating the operation of E911. Its members are appointed by the Adjutant General and include individuals from the Washington State Association of Fire Chiefs, Washington Association of Sheriffs and Police Chiefs (WASPC), and the Washington State Patrol (WSP), among others.

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**Summary of Substitute Bill:**

"Person with a disability" is defined as "an individual who has been diagnosed with a physical, mental, emotional, intellectual, behavioral, developmental, or sensory disability."

The DOH, in collaboration with the Department of Social and Health Services (DSHS), the WSP, the WASPC, and the Superintendent of Public Instruction, must design a training program. The training program must:

- familiarize first responders with how to identify and use information indicating that a person with a disability is present;
- instruct first responders on the techniques for best handling emergency situations in a way that will maximize the safety of persons with a disability and promote the safety of all persons present;
- include a checklist of disabilities, symptoms of such disabilities, and protocols concerning particular disabilities; and
- be available to all first responder agencies in the state.

The Adjutant General, through the state E911 coordinator, and in collaboration with the DOH, the DSHS, the WSP, the WASPC, and other individuals and entities at the direction of the Adjutant General, must assess the resources necessary to immediately display to first responders as part of the E911 system information submitted by persons with disabilities, or

by their parents, guardians, or caretakers. This information could include a photo, emergency contact or phone number of the diagnosing physicians, or a family member's phone number. The assessment must also address how best to implement the system, what information should remain confidential, and the need to provide first respondents immunity from civil liability.

The name of the act is the Travis Alert Act.

**Substitute Bill Compared to Original Bill:**

The original bill requires the DOH, with others, to create a training program for first responders concerning how to best handle situations in which persons with disabilities are present. It also tasks the DOH with designing and creating a decal that can be placed on a building entrance, windshield, or license plate to provide notice to first responders that a person with a disability is present. The DOH must disseminate information regarding the availability of the decal, and parents or guardians of persons with disabilities must update the decals on a periodic basis.

In addition, under the original bill, the Adjutant General, in collaboration with others, is tasked with assessing the resources available or required to allow the display of the decal and information about the person with a disability as part of the E911 system. Persons using the E911 system must submit proof of their diagnoses, the information within the system must remain confidential, and first responders and emergency personnel and their employing agencies are immunized from liability.

The substitute bill strikes all the requirements concerning the decals, but retains the DOH created training program for first responders. Pursuant to the substitute bill, the Adjutant General, in consultation with others, must assess the resources necessary to immediately display, as part of the E911 system, information submitted by persons with disabilities, or their parents, guardians, or caretakers. This assessment must also include how best to implement the system, such as requiring persons to submit proof of their diagnoses, and an analysis of what information should remain confidential, as well as the need to immunize first responders from liability.

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**Appropriation:** None.

**Fiscal Note:** Available. New fiscal note requested on February 4, 2016.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) A training program for first responders instructing them how to approach emergency situations involving persons with disabilities, in addition to placement of the decals, could help save lives. First responders would be more likely to know, for example,

that a person with autism may be better able to answer "yes" or "no" questions as opposed to the traditional, open-ended questions asked by first responders. First responders are also more likely to be aware that persons with Down Syndrome have a high pain tolerance and could be more seriously injured than they say. The training program and decals could therefore incentivize first responders to approach emergency situations differently than standard emergency procedure prescribes.

The submission of personal information to the E911 system would allow first responders who had completed the training program to maximize the safety of persons with disabilities based on knowledge of persons' specific disabilities. If an individual has a hearing disability, for example, first responders would know to immediately request an interpreter. Information about a person's disability would also allow first responders to better understand the gravity of the emergency, even if the individual was unable to articulate the circumstances of the emergency.

(Opposed) The decal could act as a target and leave people with disabilities vulnerable to abusers, and it perpetuates the idea that people with disabilities are helpless. The decal could also create an officer safety issue if the officer sees the decal and lets his or her guard down, which is why it is more advantageous to continue developing a function within the E911 system to allow persons with disabilities to submit personal information so the first responder is aware of the specific circumstance. The decal may also encourage first responders to look for persons with an obvious disability, which could lead to them overlooking persons with less noticeable disabilities.

(Other) Amending the statute to allow for submission of personal information to the E911 system would be premature until the full review is completed as the bill requires. It is important to understand the feasibility and cost of the system. The Washington State Emergency Management Division estimates that based on the cost of a similar system in King County, to implement the bill statewide would cost a minimum of \$2.4 million and \$1.75 million annually to maintain the system.

The bill lacks a clear exemption from the Public Records Act for the sensitive information that would likely be entered by the public.

There is no indication of which agency to submit the diagnosis of a person's disability. The state and county E911 offices do not have medical professionals capable of determining whether the diagnosis qualifies under the bill.

The Emergency Management Act does not give the State Enhanced 911 Coordinator's Office authority over the county 911 call centers. Statutory amendments adding requirements for emergency dispatch and responders would, therefore, need to be incorporated into the statutory authority for the county E911 programs.

**Persons Testifying:** (In support) Representative McCabe, sponsor; Travis King; Threasa King; Tyler King; Linda King; Sarah King; Darren King; Anita Erickson; Matt Erickson; Kevin Lamb; Michael McCay; Dakoda Bauer; Bryan Bauer; Betty Mckinney; Leanne Morse; and Johnny Gallegos.

(Opposed) David Lord, Disability Rights Washington; Alexandra Hatcher, Washington State Independent Living Council; Noah Seidel, Self Advocates in Leadership; James McMahan, Washington Association of Sheriffs and Police Chiefs; and Robert Wardell, People First.

(Other) Robert Ezelle, Military Department; and Monica Alexander, Washington State Patrol.

**Persons Signed In To Testify But Not Testifying:** None.