

HOUSE BILL REPORT

SHB 1258

As Passed House:
March 1, 2017

Title: An act relating to persons with a disability present at the scene of an accident.

Brief Description: Concerning persons with a disability present at the scene of an accident.

Sponsors: House Committee on Judiciary (originally sponsored by Representatives McCabe, Orwall, Johnson, Cody, Dent, Kirby, Griffey, Van Werven, Caldier, Dye, Gregerson, Wylie, Jinkins, Haler, McBride and Muri).

Brief History:

Committee Activity:

Judiciary: 1/19/17, 2/2/17 [DPS];
Appropriations: 2/21/17 [DPS(JUDI)].

Floor Activity:

Passed House: 3/1/17, 97-1.

Brief Summary of Substitute Bill

- Requires, subject to the availability of amounts appropriated for these purposes:
 - the Department of Health, in collaboration with other entities, to review existing programs and to design a training program that will familiarize first responders with the techniques, procedures, and protocols for best handling situations in which persons with disabilities are present at the scene of an emergency;
 - the Criminal Justice Training Commission, in collaboration with others, to examine existing training programs related to law enforcement response to an emergency where a person with a disability may be present, to ensure that those programs are consistent with best practices; and
 - the Adjutant General, in collaboration with other entities, to assess, among other things, the resources necessary to immediately display to first responders as part of the Enhanced 911 system that a person with a disability may be present at the scene of an emergency.

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.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Frame, Goodman, Graves, Haler, Hansen, Kirby and Orwall.

Minority Report: Do not pass. Signed by 2 members: Representatives Klippert and Shea.

Staff: Cece Clynch (786-7195).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The substitute bill by Committee on Judiciary be substituted therefor and the substitute bill do pass. Signed by 32 members: Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist, Buys, Caldier, Cody, Condotta, Fitzgibbon, Haler, Hansen, Harris, Hudgins, Jinkins, Kagi, Lytton, Manweller, Nealey, Pettigrew, Pollet, Sawyer, Schmick, Senn, Springer, Stanford, Sullivan, Tharinger, Vick, Volz and Wilcox.

Minority Report: Do not pass. Signed by 1 member: Representative Taylor.

Staff: Linda Merelle (786-7092).

Background:

Department of Health.

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 DOH must prescribe procedures for certification and decertification, requirements for training curriculum, and standards for ongoing training and evaluation.

Criminal Justice Training Commission.

The Criminal Justice Training Commission provides basic law enforcement training and educational programs for law enforcement, corrections personnel, and other public safety professionals.

Washington Military Department and Enhanced 911.

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 E911 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 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, and the Washington State Patrol, among others.

Summary of Substitute Bill:

The name of the act is the Travis Alert Act.

Department of Health Led Review and Design Training Program.

Subject to the availability of amounts appropriated for this specific purpose, the Department of Health (DOH), in collaboration with the Department of Social and Health Services (DSHS), the state Fire Marshal's Office, the Superintendent of Public Instruction, and the Washington State Council of Fire Fighters, must review existing local training programs and training programs being used in other states and design a training program that will familiarize fire department and emergency medical service personnel with the techniques, procedures, and protocols for best handling situations in which persons with disabilities are present at the scene of an emergency in order to maximize the safety of persons with disabilities, minimize the likelihood of injury, and promote the safety of all persons.

The training program must include the following:

- a checklist of disabilities;
- symptoms of such disabilities; and
- things to do and not do relevant to a particular disability in order that responders can easily and quickly determine the specific scenario into which they are entering.

The DOH must make the training program available on its website, and include on the website a list of public and private nonprofit disability-related agencies and organizations and their contact information.

Fire departments and emergency medical service agencies must ensure their officers, employees, and agents are adequately trained in, and familiarized with, techniques, procedures, and protocols for best handling situations in which persons with disabilities are present at the scene of an emergency.

Criminal Justice Training Commission Led Examination of Training Programs.

Subject to the availability of amounts appropriated for this specific purpose, the Criminal Justice Training Commission, in collaboration with the Washington State Patrol (WSP) and others, must examine existing training programs and curricula related to law enforcement officers responding to an emergency where a person with a disability may be present, to ensure that those programs and curricula are consistent with best practices.

Military Department Led Assessment Regarding Enhanced 911.

Subject to the availability of amounts appropriated for this specific purpose, the Adjutant General, through the state Enhanced 911 (E911) coordinator, and in collaboration with the DOH, the DSHS, the WSP, the Washington Association of Sheriffs and Police Chiefs, the

Washington Council of Police and Sheriff's, state Fire Marshal's Office, a representative of a first responder organization, and other individuals and entities at the discretion of the Adjutant General, must assess the following:

- the resources necessary to immediately display via the E911 system that a person with a disability may be present at the scene of an emergency, the caller's identification, location, phone number, address, and additional information if made available;
- how to best acquire, implement, and safeguard a secure website and the information provided regarding a person with a disability;
- the information that must remain confidential under law, and how to best ensure this; and
- the need to provide immunity to various agencies, first responders, and emergency personnel.

Definitions.

"Persons with disabilities" means "individuals who have been diagnosed medically to have a physical, mental, emotional, intellectual, behavioral, developmental, or sensory disability."

Both "accident" and "emergency" mean an unforeseen combination of circumstances or a resulting situation that results in a need for assistance or relief and calls for immediate action.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony (Judiciary):

(In support) Last year this bill almost made it. Travis is 11 and has autism. His mother fears that something will happen to her and worries about what that will mean for Travis. He is a runner and drawn to water. Given his reaction to sirens, there is a fear that if there were to be a fire at his house, and the sirens weren't silenced when they got close to his house, he might run back into the fire.

Many persons and entities were involved in working on this bill. It is a special needs bill now and no longer focused just on autism. With immediate display via the Enhanced 911 system, a Travis Alert would pop up, which could provide information about him to first responders. Another example might be a diabetes alert popup, so that an officer pulling over a vehicle with a license plate that was entered into the system could ask the person whether he or she had taken insulin, instead of first assuming that the driver was under the influence.

Other states are watching this, and they may duplicate it after it is seen what Washington can do.

Travis' family wanted to come over to testify, but Interstate 90 was closed. They are heartbroken that they aren't here, but Travis has written a letter to explain how important this bill is, and how, if something bad happened, it could save lives.

Many first responders would like to have these tools. Absent these tools, first responders might not know how to respond to the chaos when an emergency situation involves someone like Travis. There are many people like Travis, and many others who have other disabilities such as being unable to walk.

One mother recently fell at home and had to have first responders come to help her. Her adult son with autism hid in his room crying. Fortunately, his sister was there and she could assist. The training and distribution of information contemplated by this bill would be helpful in this kind of situation.

The Washington State Council of Firefighters, the largest organization representing firefighters and paramedics, would like to be added to the bill.

This isn't about a flip chart of diagnoses that an officer must go through. Rather, the Department of Health is being tasked with developing protocols. There is the example of one boy who exhibited symptoms similar to autism when he was one year old. He is now nine years old and thriving, but in a crises he can go into a state of shock. Crowds and noise can cause this reaction. This bill would be very helpful.

How first responders interact with persons with disabilities is very important, and without proper training, first responders can get it wrong. For instance, a person with a physical disability may be suspected of being drunk when it is just the disability. There could be a situation in which the power goes out, and a person with disabilities might not come to the door – perhaps the person relies on an electric wheel chair.

(Opposed) None.

(Other) The best of intentions are behind this bill. Parts of this bill are supported, such as the section concerning people being able to voluntarily offer information. This seems similar to what King County is already doing. Section Two causes some concern, particularly with respect to its focus on things to do and not do depending upon the disability. People may have different symptoms although they share the same disability. Law enforcement is not focused on the why, but the what, and there is often not a lot of time. It is difficult to see how law enforcement could do this, and it may distract from the ability to help people. Law enforcement cannot be required to diagnose people at the scene. Caution should be taken with the language.

Staff Summary of Public Testimony (Appropriations):

(In support) This legislation started with a focus on autism, but after receiving thousands of emails from others with disabilities, the scope was broadened. The legislation does not create a mandate. It simply requires a review of existing training and a consideration of whether additional training is required. The cost in the fiscal note is very low, considering the lives that can be saved. If an autistic person calls 911, the dispatcher will know to tell the first responders that a person with autism is at the scene. Law enforcement or first responders will know what to do, even if the person with autism is unable to communicate. With education and training, first responders can also be more effective in searching for

someone with a disability. Most children with autism do not respond to their names. Many children with autism die in water-related injuries. First responders will get the education and training needed to help children survive and to respond to persons with disabilities. This bill will prevent future lawsuits.

(Opposed) None.

Persons Testifying (Judiciary): (In support) Representative McCabe, prime sponsor; Christopher Carter; Diana Stadden, The Arc of Washington State; Geoff Simpson, Washington State Council of Firefighters; Ryan Beckett; and Noah Seidel, Self Advocates in Leadership.

(Opposed) None.

(Other) James McMahan, Association of Sheriffs and Police Chiefs.

Persons Testifying (Appropriations): Representative McCabe, prime sponsor; Travis King; Theresa King; and Noah Seidel, Self Advocates in Leadership.

Persons Signed In To Testify But Not Testifying (Judiciary): None.

Persons Signed In To Testify But Not Testifying (Appropriations): None.