

SENATE BILL REPORT

SHB 1258

As Reported by Senate Committee On:
Law & Justice, March 29, 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: Passed House: 3/01/17, 97-1.

Committee Activity: Law & Justice: 3/22/17, 3/29/17 [DP].

Brief Summary of Bill

- Requires the Department of Health, with others, 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, subject to the availability of amounts appropriated for this purpose.
- Requires the Criminal Justice Training Commission, 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, subject to the availability of amounts appropriated for this purpose.
- Requires the Adjutant General through the Enhanced 911 coordinator with others, 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, subject to the availability of amounts appropriated for this purpose.

SENATE COMMITTEE ON LAW & JUSTICE

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.

Majority Report: Do pass.

Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel, Darneille, Frockt and Wilson.

Staff: Melissa Burke-Cain (786-7755)

Background: Department of Health. The Department of Health (DOH) sets minimum standards and establishing training for emergency medical service providers such as first responders, paramedics, and emergency medical technicians (EMT). 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 (WSP), among others.

Summary of Bill: The name of the act is the Travis Alert Act.

Subject to the availability of amounts appropriated for this specific purpose, the DOH, 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 develop a best practices training program for emergency fire and medical service providers responding to incidents to reduce potential harm or injury to persons with disabilities present at the scene and promote the safety of all persons. The training program must include the following:

- a checklist of disabilities;
- symptoms of such disabilities; and
- to recognize when a person may have a specific disability and act quickly and appropriately to reduce safety risks to everyone at the scene.

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 to situations in which persons with disabilities are present at an emergency scene.

Subject to the availability of amounts appropriated for this specific purpose, the Criminal Justice Training Commission, in collaboration with the 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.

Subject to the availability of amounts appropriated for this specific purpose, the Adjutant General, through the 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 attention.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which the bill is passed.

Staff Summary of Public Testimony: PRO: This idea behind this bill came as a request from the mother of a child with autism who was concerned about her child's safety. The concept was to train first responders to be able to access information from the Enhanced 911 system about persons with special needs who they may encounter at emergency scenes. There are many common emergency situations where it would be helpful to have information and training about how best to serve persons who have a disability. For example, a person who is hearing impaired may not be able to follow law enforcement instructions or answer questions leading to a mistaken decision that the person is intentionally uncooperative. A driver with diabetes whose medication is not working correctly could be mistaken for someone under the influence when lifesaving emergency medical services are needed. It would be very helpful for firefighters at a house fire to know in advance that an elderly person on oxygen or with limited mobility lives there. There have been police-involved

shootings because a first responder did not know how to recognize the signs that a person's atypical response or escalation is related to a disability. A positive encounter with an officer who has skills to communicate and apply best practices with a person who has a disability and feels frightened or threatened could be the difference between an escalation and a simply solved problem. Privacy of medical information included in the system could be addressed so that misuse of information doesn't occur; disability status can be verified with a process like that used by the Department of Licensing to validate applications for disability placards. First responders are not expected to become experts in every type of disability, but just to be provided with some additional training about special needs persons who may be present at an accident scene.

Persons Testifying: PRO: Representative McCabe, Prime Sponsor; Preston Dwoskin, private citizen; Ivanova Smith, People First of Washington; Noah Seidel, Self Advocates in Leadership; Diana Stadden, the ARC of Washington State; Jonathan Pfeil, private citizen; Corina Pfeil, private citizen; Travis King, private citizen; Threasa King, private citizen.

Persons Signed In To Testify But Not Testifying: No one.