

ALASKA STATE LEGISLATURE

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REPRESENTATIVE STEVE THOMPSON DISTRICT 3

MEMORANDUM

To: Representative Bob Lynn, Chairman, and House State Affairs' Committee Members
House State Affairs Committee

From: Representative Steve Thompson

Date: March 6, 2014

Re: HB 232- "Disability Designation on ID License". Answers to Questions from House State Affairs' Committee Members from hearing on Tuesday, March 4, 2014.

Questions/Answers from House State Affairs Committee:

1. What would medical professional include as a disability? Can you provide some examples?

This is a voluntary designation on a driver's license and in order to receive the disability designation the applicant must apply for the designation through the DMV and also be seen by a licensed physician, physician's assistant, advanced nurse practitioner or licensed psychologist. As such, the medical professional ultimately would be the one to make the determination on whether the applicant (i.e. patient) would qualify for a disability designation. Some examples of disabilities that may qualify for this designation are attached (Appendix A).

2. Would there be a database so an emergency/law enforcement responder would know what disability a person may have?

No database would be kept on disabilities a person may have as this may violate the Privacy Rule of the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

<http://www.hhs.gov/ocr/privacy/hipaa/understanding/summary/privacysummary.pdf>

3. Have other states done this? How many? How has it worked?

To date it appears that 2 other states have a driver's license with a disability designation:

The State of Illinois under (15 ILCS 335/) Illinois Identification Card Act, issues an "Illinois Person with a Disability Identification Card" which "may be used for identification purposes in any lawful situation by the person to whom it was issued." (See Appendix B)

The State of Virginia just passed a driver's license and special card designations law on 3/04/14. It will become effective January 1, 2015.

At this time there is no documentation on how well this system is working in other states.

4. Since Governor's Council on Disabilities & Special Ed wouldn't be the training consult, what entity would be?

Currently, we are in discussion with several entities to find a best fit.

5. Are there any other employees within the departments involved that wouldn't need this training due to minimal interaction with the public, outside of court system?

It is unknown at this time whether there are other employees within departments that would not need this training due to minimal interaction with the public.

6. Is there any way to have another type of identification so that the state wouldn't have to become involved?

Another type of identification has not been brought to our attention that would accomplish the goals set forth in this bill.

7. Can training be provided through departments rather than through legislation?

Many departments already provide trainings and have agreed that if needed, adding a segment about hidden disabilities would not be onerous or with any fiscal impact to the state. (See Fiscal Notes: Alaska Court System [HB232-ACS-TRC-03-03-14], Division of Public Health [HB232-DHSS-EP-02-28-14], Division of Senior and Disabilities Services HB232-DHSS-GCDSE-02-28-14], Department of Public Safety [HB232-DPS-TA-02-28-14], Department of Public Safety [HB232-DPS-TEB-02-28-14].

8. What training is already being done for hidden disabilities?

Trainings already in progress are expounded upon in the analysis sections of the fiscal notes identified above.

9. How will a police officer know what type of disability a person has from the designation on the ID card?

Police officers have been trained to note abnormalities in behaviors. Trainings are already taking place that address disabilities and the ways to approach these types of situations. However, further discussion will ensue to determine whether trainings specifically address hidden disabilities.

If you have further questions, please direct them to my aide, Lynette Bergh. She can be reached at 465-4941 or lynette.bergh@akleg.gov

Appendix A

SOME disabilities considered hidden disabilities:

ADHD
Epilepsy
Major depression
Anxiety disorders
Fibromyalgia
Metabolic syndrome
Allergies
Food allergies
Migraines
Arachnoiditis
Fructose malabsorption
Multiple Sclerosis
Asperger Syndrome
Hereditary Fructose Intolerance
Multiple Chemical Sensitivity
Asthma
Hyperhidrosis
Narcolepsy
Autism
Hypertension
Personality disorders
Bipolar disorder
Inflammatory bowel disease
Primary immunodeficiency
Brain injuries
Interstitial cystitis
Psychiatric disabilities
Irritable Bowel Syndrome
Reflex Sympathetic Dystrophy
Chronic fatigue syndrome
Lactose Intolerance
Repetitive stress injuries
Chronic pain
Lupus
Rheumatoid arthritis
Circadian rhythm sleep disorders
Lyme Disease
Schizophrenia
Scleroderma
Celiac Disease
Ulcerative Colitis
Sjögren's syndrome
Crohn's disease
Temporomandibular joint disorder
Depression
Transverse Myelitis
Diabetes

(15 ILCS 335/) Illinois Identification Card Act

(b) The Secretary of State shall issue a special Illinois Identification Card, which shall be known as an Illinois Person with a Disability Identification Card, to any natural person who is a resident of the State of Illinois, who is a person with a disability as defined in Section 4A of this Act, who applies for such card, or renewal thereof. No Illinois Person with a Disability Identification Card shall be issued to any person who holds a valid foreign state identification card, license, or permit unless the person first surrenders to the Secretary of State the valid foreign state identification card, license, or permit. The Secretary of State shall charge no fee to issue such card. The card shall be prepared and supplied by the Secretary of State, and shall include a photograph and signature or mark of the applicant, a designation indicating that the card is an Illinois Person with a Disability Identification Card, and shall include a comprehensible designation of the type and classification of the applicant's disability as set out in Section 4A of this Act. However, the Secretary of State may provide by rule for the issuance of Illinois Person with a Disability Identification Cards without photographs if the applicant has a bona fide religious objection to being photographed or to the display of his or her photograph. If the applicant so requests, the card shall include a description of the applicant's disability and any information about the applicant's disability or medical history which the Secretary determines would be helpful to the applicant in securing emergency medical care. If a mark is used in lieu of a signature, such mark shall be affixed to the card in the presence of two witnesses who attest to the authenticity of the mark. The Illinois Person with a Disability Identification Card may be used for identification purposes in any lawful situation by the person to whom it was issued.

The Illinois Person with a Disability Identification Card may be used as adequate documentation of disability in lieu of a physician's determination of disability, a determination of disability from a physician assistant who has been delegated the authority to make this determination by his or her supervising physician, a determination of disability from an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes the advanced practice nurse to make this determination, or any other documentation of disability whenever any State law requires that a disabled person provide such documentation of disability, however an Illinois Person with a Disability Identification Card shall not qualify the cardholder to participate in any program or to receive any benefit which is not available to all persons with like disabilities. Notwithstanding any other provisions of law, an Illinois Person with a Disability Identification Card, or evidence that the Secretary of State has issued an Illinois Person with a Disability Identification Card, shall not be used by any person other than the person named on such card to prove that the person named on such card is a disabled person or for any other purpose unless the card is used for the benefit of the person named on such card, and the person named on such card consents to such use at the time the card is so used.