

I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2015 (FIRST) REGULAR SESSION

Bill No. 70-33 (COR)

Introduced by:

N.B. Underwood, Ph.D.
R.J. Respicio

AN ACT TO *AMEND* SECTION 41105 OF CHAPTER 41, ARTICLE 1 OF 17
GUAM CODE ANNOTATED, RELATIVE TO THE CREATION OF A
REGISTRY FOR INDIVIDUALS WITH DISABILITIES.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. **Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that
3 several laws had been enacted to improve services for individuals with disabilities.
4 These laws including, the establishment of the Department of Integrated Services for
5 Individuals with Disabilities (DISID) seek to improve the quality of life for
6 individuals with disabilities regardless of age, gender, race, and income.

7 *I Liheslaturan Guåhan* further finds that there is a need to better enhance the
8 current systems in place to effectively address the needs of individuals with disabilities
9 in emergency situations or in situations where immediate action is performed by law
10 enforcement personnel and first responders. *I Liheslaturan Guåhan* recognizes that
11 community support for individuals with disabilities includes treatment that is fair,
12 respectful and mindful of specific needs of these individuals especially during
13 interactions with law enforcement personnel and first responders. The ability of law
14 enforcement personnel and first responders to understand certain characteristics and
15 requirements of these individuals will not only allow them to interact appropriately

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1 with individuals with disabilities, but will ensure that access to the critical need(s) of
2 the individual with the disability are addressed in a timely manner.

3 Therefore, it is the intent of *I Liheslaturan Guahan* to promote communication
4 between law enforcement personnel, first responders and individuals with disabilities
5 and their families and to further improve services to individuals with disabilities by
6 creating a registry managed through the DISID.

7 **Section 2. Section 41105 of Chapter 41, Article 1 of 17 Guam Code**
8 **Annotated is hereby amended to read as follows:**

9 §41105. Other Programs/Services.

10 (a) DISID will review annually the needs for new systems, or improvement of
11 existing systems. DISID shall create and advocate for the expansion of programs and
12 services and other systems as required to implement the services necessary for persons
13 with disabilities.

14 (b) Individuals with Disability Registry.

15 (1) Definitions

16 (i) “Confidential Information” means any and all non-public, medical, financial
17 and personal information in whatever form (written, oral, visual or electronic)
18 possessed or obtained by either party. Confidential Information shall include all
19 information which (i) either party has labeled in writing as confidential, (ii) is
20 identified at the time of disclosure as confidential, (iii) is commonly regarded as
21 confidential in the health care industry, or (iv) is Protected Health Information as
22 defined by Health Insurance Portability Accountability Act.

23 (ii) “First Responders” means those individuals who in the early stages of an
24 incident are responsible for the protection and preservation of life, property, evidence,
25 and the environment, including emergency response providers as defined in Section 2
26 of the Homeland Security Act of 2002 (6 U.S.C. 101), as well as emergency

1 management, public health, clinical care, public works, and other skilled support
2 personnel (such as equipment operators) that provide immediate support services
3 during prevention, response, and recovery operations. First Responder Homeland
4 Security Act of 2002 refers to “Emergency response providers”, and includes, federal,
5 state, and local government emergency public safety, law enforcement, emergency
6 response, emergency medical, and related personnel, agencies, and authorities.

7 (2) DISID *shall* create a program entitled the “Individuals with Disabilities
8 Registry” herein referred to as “Registry”.

9 (i) The Registry *shall* contain confidential information about a registered
10 individual with a disability to capture information such as full description,
11 routine/favorite attractions, communication and other special needs as well as
12 emergency contact information. The confidential information *shall* only be used for
13 the purposes of the Registry and may only be disclosed to authorized individuals to
14 maintain the integrity of the information. Any other disclosure may occur at the
15 authorization by the person filling out the registration;

16 (ii) The Registry *shall* be voluntary and the individual with a disability, parents
17 of the individual with a disability under the age of eighteen (18) or legal guardian may
18 file registrations with DISID. An option to attach a picture (face only similar to an ID,
19 passport, or school picture) may be permitted. The Registry application form may be
20 available at the office of DISID or on-line for convenience or mailed as requested;

21 (iii) Once the registration has been received and processed, DISID *shall*
22 officially respond by mail or email no less than seven (7) days from the date of the
23 submission of the registration. An identification card *shall* be issued which may
24 accompany the individual with a disability at all times. The individual with a
25 disability, parents of the individual with a disability under the age of eighteen (18), or
26 legal guardian when updating information may also use the identification card.

1 (2) Authorization. DISID is hereby authorized to enter into a Memorandum of
2 Understanding with government agencies and departments who employ *First*
3 *Responders* to provide information based on the Registry to be used as a method to
4 assist *First Responders* in emergency situations involving an individual with a
5 disability and *shall* make the necessary provisions to implement this program to
6 ensure that vital information is available so that access to the critical needs of the
7 individual with a disability are immediately addressed.

8 (3) Information Provided. DISID *shall* provide the information based on the
9 Registry to the government agencies and departments that employ *First Responders*
10 no later than forty-eight (48) hours after receipt of the registration.

11 **Section 3. Appropriation.** The amount of One Hundred Fifty Thousand
12 Dollars (\$150,000) is hereby appropriated from the General Fund to the Department
13 of Integrated Services for Individuals with Disabilities to be used solely for the
14 creation and implementation of the Individuals with Disabilities Registry.

15 **Section 4. Effective Date.** The effective date of implementation for the
16 Individuals with Disabilities Registry is January 1, 2016.

17 **Section 5. Severability.** If any provision of this Act or its application to any
18 person or circumstance is held invalid, the invalidity *shall not* affect other provisions
19 or applications of this Act which can be given effect without the invalid provision or
20 application and to this end the provisions of this Act are severable.