

House Concurrent Resolution No. 84

of the 2019 Regular Legislative Session

By the Honorable Representative Franklin Foil

Office for Citizens with Developmental Disabilities

Prepared by Louisiana Department of Health

Julie Foster Hagan, OCDD Assistant Secretary

Response to HCR 84

October 2019



Contents

Contents.....	1
Executive Summary	2
Section 1.0 Background.....	2
1.1 Louisiana Revised Statutes: Definition of Developmental Disability.....	2
1.2 Louisiana Revised Statutes: Definition of Autism Spectrum Disorders	3
1.3 Louisiana Revised Statutes Identification Cards Information	3
Section 2.0 States with Certification Cards Legislation.....	4
2.1 Table of States with Certification.....	4
2.2 State by State Analysis	5
.....2.3 Online Identification Tool Analysis	7
Section 3: Conclusion	9

Executive Summary

House Concurrent Resolution No. 84 of 2019 Regular Legislative Session by Representative Franklin Foil urges the Louisiana Department of Health to study the feasibility of issuing a certification card denoting that a person has been medically diagnosed with autism spectrum disorder. LDH was asked to consider the following in its study:

- (1) The need for inclusion on the certification card of certain information including but not limited to:
 - a. The name of the person to whom the certification card is registered with a corresponding card number
 - b. Emergency contact information for the cardholder
 - c. Information necessary to indicate that the cardholder has an autism spectrum disorder diagnosis
 - d. Information necessary to indicate that the cardholder has an autism spectrum diagnosis, which is a medical condition that may impair an individual ability to communicate, may interfere with his ability to understand directions and respond, and may cause agitation when the individual is touched or approached closely
 - e. Information necessary to explain that certain behaviors are a result of an autism spectrum disorder diagnosis, and are not an intentional refusal to cooperate or intentional defiance.
 - f. A reference to a website or local organization that can provide more information about an autism spectrum disorder diagnosis
- (2) The inclusion of an official seal on the card.
- (3) The cost for the initial issuance of the card as well as the cost for a replacement card.

This report provides detailed information on the areas requested for inclusion and recommendations related to the HCR 84.

1.0 BACKGROUND

1.1 Louisiana Revised Statutes Definition of Developmental Disability (La. R.S. 28:451.2)

La. R.S. 451.2 (11) "Developmental disability" means either:

- (a) A severe, chronic disability of a person that:
 - (i) Is attributable to an intellectual or physical impairment or combination of intellectual and physical impairments.
 - (ii) Is manifested before the person reaches age twenty-two.
 - (iii) Is likely to continue indefinitely.
 - (iv) Results in substantial functional limitations in three or more of the following areas of major life activity:
 - (aa) Self-care.
 - (bb) Receptive and expressive language.
 - (cc) Learning.
 - (dd) Mobility.
 - (ee) Self-direction.
 - (ff) Capacity for independent living.
 - (gg) Economic self-sufficiency.

- (v) Is not attributed solely to mental illness.
- (vi) Reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of lifelong or extended duration and are individually planned and coordinated.

(b) A substantial developmental delay or specific congenital or acquired condition in a person from birth through age nine which, without services and support, has a high probability of resulting in those criteria in Subparagraph (a) of this Paragraph later in life that may be considered to be a developmental disability.

1.2 Louisiana Revised Statutes Definition of Autism Spectrum Disorders (22:1050 G.(3)):

(3) "Autism spectrum disorders" means any of the pervasive developmental disorders as defined by the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM), including Autistic Disorder, Asperger's Disorder, and Pervasive Developmental Disorder Not Otherwise Specified.

(4) "Diagnosis of autism spectrum disorders" means medically necessary assessment, evaluations, or tests to diagnose whether an individual has one of the autism spectrum disorders.

1.3 Louisiana Revised Statutes Identification Cards Information (40:1321 et seq.):

Pursuant to **La. R.S. 40:1321 A.**, "Any Louisiana resident may obtain a special identification card from the office of motor vehicles within the Department of Public Safety and Corrections, hereinafter referred to as "OMV". The identifying information and documents of identification required to obtain a special identification card shall be the same as those required to obtain a Louisiana driver's license, as stated in R.S. 32:409.1. However, if the applicant is seventeen years of age, the signature of the custodial parent or guardian shall not be required, provided the applicant has the necessary identifying information and documents."

La. R. S. 40:1321 E.(1) provides as follows for specifications as to a special identification card: "Each special identification card shall be similar in size, shape, and design to the Louisiana driver's license, and shall include a picture of the person to whom the card is issued. Each special identification card shall clearly state that it does not enable the person to whom it is issued to operate a motor vehicle. Beginning January 1, 2000, and thereafter, special identification cards issued pursuant to this Section to applicants less than twenty-one years of age shall contain a highly visible distinctive color to clearly indicate that the card has been issued to an applicant less than twenty-one years of age."

La. R.S. 40:1321 E (2) provides for the record to contain Emergency Contact Information: Beginning January 1, 2007, the office of motor vehicles of the Department of Public Safety and Corrections shall provide for a method by which an applicant has the option of including emergency contact information in the operating record of the special identification card to which law enforcement and emergency personnel will have access.

La. R.S. 40:1321 R (1) and (2) provide for the accommodation information/identification and rulemaking authority for such identification cards:

- (1) Upon request of an applicant for a special identification card who needs accommodation, a designation that the applicant needs accommodation shall be exhibited on the special

identification card, upon presentation of a statement from a qualified medical professional licensed in Louisiana or any other state or territory of the United States verifying the medical reason, including any mental, physical, or developmental disability, the applicant needs accommodation as established by administrative rule. No additional fee shall be charged to include such designation.

- (2) The deputy secretary of the Department of Public Safety and Corrections, public safety services, shall promulgate rules and regulations to implement this Subsection, including a waiver of liability for the release of any medical information. Such rules shall be effective no later than July 1, 2018. Notwithstanding the provisions of R.S. 49:968(B)(12), the senate and house committees on transportation, highways and public works shall have oversight of the adoption of rules and regulations required by this Subsection.

In order to handle the identification card through the Department of Public Safety, they may need to create a specific endorsement code for the list of Restrictions and Endorsements identifying the cardholder as an individual who has autism and may have difficulty with social communication and interaction, restricted interests, and repetitive behaviors. Such a designation would go across or under their picture or where other types of endorsements are placed on the picture identification cards, for instance where the deaf/hard of hearing code is placed.

2.0 States with Certification/ID Cards Legislation:

2.1 Table of States with Certification/ID Card Legislation

STATES WITH CERTIFICATION/ID CARD LEGISLATION						
• State	Legislation	Enacted	Dept Issuer	Cost	ID Type	
• Alabama	2014-344	2014	Dept. of Public Health	\$10	Information Card	
• New York	MHL § 13.43*	2019	Office for People with Developmental Disabilities	To be Set by Commissioner (Free)	Information Card	
• Florida	Florida Statutes § 322.051	2017	Dept. of Highway Safety and Motor Vehicles	\$25.00 (Issuance Fee) + \$1.00 (endorsement)	Picture ID Endorsement	
• Illinois	15 ILCS 335/4A-1	2017	Secretary of State	Free	Identification Card	
• Georgia	Unknown	unknown	Georgia Department of Driver's Services	\$5.00	Picture ID Endorsement for medically diagnosed developmental disabilities	
• Virginia/	SB 367	2014 VA 2019 DC	Dept. of Motor Vehicles	Cost is equal to state issued ID	ID Cards or Driver's	

STATES WITH CERTIFICATION/ID CARD LEGISLATION						
• State	Legislation	Enacted	Dept Issuer	Cost	ID Type	
• Washington DC					licenses with DD endorsement (voluntary)	
• Ohio	ORC 3304.23	2018	Ohio Dept. of Public Safety	No Cost	Database with opt-in registry for those with medically diagnosed communication disability or DD that impairs communication	
• Minnesota	Chapter 3 HB 6 Article 3 Section 75 Amends Minn Stat 171.07	Effective 7/1/2020	Minnesota Department of Public Safety	\$0.50	Picture ID Endorsement	

2.2 State by State Analysis

- Alabama ACT 2014-344 (2014)
 - Alabama passed legislation in 2014 authorizing the Alabama Department of Health to issue identification cards to citizens with autism. The cards are an information card that gives person’s name, contact information in case of emergency.
 - The cards have a statement on the front of the card informing first responders and law enforcement that the person is on the autism spectrum and may not respond well to touch, and may not be able to understand verbal commands.
 - The card is voluntary, and the cost of the card is \$10.
- New York MHL§13.43 (2019)
 - New York passed legislation that authorizes the Office for People with Developmental Disabilities to issue identification cards for citizens with medically diagnosed developmental disabilities.
 - The cards have information about how the person may respond in stressful situations, and informs the first responder that the person has a disability that could be affecting their response. The back of the card contains any information provided, such as the name and phone number of an emergency contact.
 - The card is voluntary, and the cost is to be set by the Commissioner. At this time there is no cost for the card.

- Florida Statutes § 322.051 (2017)
 - The Florida Department of Highway Safety and Motor Vehicles has created a designation to identify an individual as having a developmental disability on their state issued picture ID card.
 - A “D” is put as an endorsement on the ID. To receive the designation the disability must be medically diagnosed, and the application must come with a certification from a doctor about the disability.
 - The designation is voluntary, and the cost of the ID card is \$25.00 for a state ID, and a \$1.00 fee for the endorsement.
- Illinois 15 ILCS 335/4A-1 (2017)
 - Illinois enacted legislation in 2017 authorized the Illinois Secretary of State to issue identification cards to citizens with disabilities that may affect their interactions with police.
 - The identification card can be given to first responders along with a picture ID to help first responders and law enforcement deal with the situation appropriately.
 - The card is voluntary, and is free.
- Georgia
 - Georgia Department of Driver’s services is authorized to issue picture IDs with an endorsement for a medically diagnosed developmental disability.
 - The endorsement is voluntary, and the cost is \$5.00.
- Virginia (SB 367)/Washington D.C.
 - In 2014 (Virginia) and 2019 (Washington, DC) legislation was introduced the allow the Department of Motor Vehicles to issue state ID cards, or driver’s licenses, with an endorsement that indicates that the person has a developmental disability.
 - This endorsement is a number, rather than the letter “D” as it is in other states, to avoid stigma.
 - The cost is equal to a state issued ID, and the endorsement is voluntary.
- Ohio (ORC 3304.23)
 - In 2018 Ohio created a database that is an opt-in registry for those with medically diagnosed communications disabilities, or a developmental disability that may impair communication, and that is entered into the LEADS (Law Enforcement Automated Data System). The ID number, driver’s license number, and any car license plates that the person drives, or regularly rides in are entered into the database.
 - When an officer runs the ID number, driver’s license number, or license plate a notification comes up that says the person may have communication disabilities. It does not specifically state the disability, and it relies on the officers to use their training to handle the situation appropriately.
 - There is no cost to entering the database, and a person can opt out at any time. The Ohio Department of Public Safety administers the program.
- Minnesota
 - Autism Spectrum or Mental Health Designator Reference: Laws of Minnesota 2019, Chapter 3, HF 6, Article 3, section 75; Amends Minn. Stat. § 171.07 Effective: July 1, 2020 or upon completion of necessary programming to FastDS; whichever is earlier
What you need to know:
 - Upon written request by an applicant for a driver’s license or identification card DVS will include an autism spectrum or mental health identifier on the credential • The request for the identifier must be made at the time the photograph or electronically produced image is taken

- No specific medical information will be contained on the driver's license or identification card

2.3 Online Identification Tools Analysis

Individuals and their families can utilize many different types of Autism IDs and various Identification items that are available through individual sellers on the internet. Those listed in the chart below are a small sample of items available:

Privately Obtained Ids	Type	Website	Costs
Autism ID Card	card	http://autismidcard.com/	\$2.00 - \$10.00
Custom Seat Belt Alerts are available through online retailers	i.e. Non-Verbal Autism Non-Verbal Autism •May not respond •May be unaware of danger •May resist help	https://www.etsy.com/listing/465865485/autism-awareness-seat-belt-cover-autism?ref=internal_similar_listing_bot-12	\$12
ID Cards	Id Cards	https://www.dummies.com/health/sample-emergency-id-card-for-a-person-with-autism/	
ID Cards	ID Cards	https://www.etsy.com/listing/558352524/i-have-autism-card-id-card-links-to-live?gpla=1&gao=1&&utm_source=bing&utm_medium=cpc&utm_campaign=shopping_us_all&utm_custom1=6f7a5e94-6c25-4f99-82a3-35394e3dbb7d&utm_content=bing_352249546_13117_17535417471_81982385898173_pla-4585581965884302:pla-4585581965884302_c_558352524&msclkid=b039be10df891f8d0e2be3538cafbfd9	\$4.50

These items can be individualized to meet a specific need an individual or family may encounter as indicated below:

- Medical Alert/Seat Belt covers can be individualized to provide additional information which can also be used to alert first responders and bystanders to the specific needs of an individual.
 - The Medical Alert Seat Belt can clearly display the individual's name and any allergies or conditions he or she may have for first responders in those crucial moments.

- When purchasing these alerts, one is able to include very specific information for the individual, including their name, and a list of medical conditions, i.e. Autism, Non-Verbal, Down Syndrome, etc.
- ID card Websites also allow for added customization to include helpful information specific to the individual cardholder. Cards can contain specific identifying information on the front and helpful tips for dealing with the specific individual on the back. For example:

My name is _____ and I have autism, which causes me to behave in unexpected ways. Please contact one of the people listed here: (List names and phone numbers for two or three people.)

On the back of the card, you can include information on autism and offer tips with dealing with the person with autism, such as that in the following table:

Autism Information

I may:

Please help by:

Not understand what you say

Not shouting

Appear deaf

Speaking slowly and softly

Suddenly move away from you

Using concrete terms

Have difficulty speaking

Giving me time to respond

Flap my hands or rock

Explaining before doing

Not understand legal issues

Employing visual aids for communication when possible

Be overly sensitive to shiny objects, sounds, touch, or smells

Making no sudden movements and warning me first if you must touch me

Section 3: Conclusion

Based on the research included in this report, LDH is proposing that it is not feasible to issue a certification card denoting that a person has been medically diagnosed with autism spectrum disorder from the Department. There are no current processes in place, within the Department of Health, for which this activity could be included. There are activities in other departments, such as the Department of Motor Vehicles, which allow for designation of a disability. Additionally, there are other low cost alternatives that families can access to provide for much of the information requested in this study.

The Office for Citizens with Developmental Disabilities recommends allowing individuals the choice of utilizing identifying options currently available to them through the online sellers for an “Autism ID Card” or another such online Identification tool.

Should legislation be necessary, in an effort to be cost effective, the Office for Citizens with Developmental Disabilities would propose utilizing the Louisiana Identification Card and policies already in place through the Louisiana Revised Statutes found at 40:1321 et seq. with the inclusion of a “Medically Diagnosed Autism Spectrum Disorder” endorsement.

In the case where LDH is required to issue an “Autism ID Card,” a new program would need to be established. With the establishment of such a program, comes the substantial costs associated with creating and sustaining said program which would involve determining who is eligible to receive an “autism card” as well as the processing of the card itself.

Louisiana Department of Health

628 North Fourth Street, Baton Rouge, Louisiana 70802

(225) 342-9500

www.ldh.la.gov



www.facebook.com/LaHealthDept



www.twitter.com/LADeptHealth