

Attn: Assembly Committee of Growth and Infrastructure

From: Directors of Disability Council's for Nevada and Potentially Impacted Constituents

Nevada Statewide Independent Living Council, Executive Director, Dawn Lyons
Nevada Governor's Council on Developmental Disabilities, Executive Director, Catherine Nielsen

Susan Beckett, Person who is Deaf/Hard of Hearing, Child of Deaf Adult, Sibling of Deaf Adult

RE: AB 161

AB 161 (combined with AB 133) as written would allow for persons with disabilities to add a designation on their driver's license to signify they are deaf/hard of hearing/speech impaired or have a disability that impairs the person's ability communicate including autism and other developmental disabilities.

Existing law authorizes the Department of Motor Vehicles to adopt regulations establishing a program for the imprinting of a symbol or other indicator of a medical condition on a driver's license. Beyond interacting with emergency response personnel, should an individual need to show their ID for other purposes, this information would be readily viewable by anyone who views that ID.

In Nevada, businesses have a right to refuse service to anyone. By placing a label in plain sight, this patron's protected health information is no longer protected. Should a business owner choose to refuse service to that individual, they can and they will.

As of right now, this designation would be voluntary. There are certain medical conditions that do not have voluntary reporting needs, such as epilepsy and visual impairments. This reporting is mandatory for medical providers to report an individual who has a cognitive or medically impairing disability to the Department of Motor Vehicles. It's only a short step before it is then mandatory to report all medical conditions that could impair a person's ability to communicate even if it does not impair their cognitive ability.

The intent behind this bill is to decrease negative interactions with police and first responders but to also allow the individual the right to disclose their disability to the people they choose. By placing a symbol or other indicator of a medical condition on a driver's license, concerns arise about the unintentional discrimination that may take place. Equal access to services and supports is the end goal.

Accessibility refers to the design of environments, products, and services that facilitate access for people with communication impairments and other disabilities to the same level of independence and privacy as anyone else.

The ADA provides a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities, that requires State and local governments to communicate as effectively with people who are deaf, hard of hearing, speech impaired, or who have other communication impairing disabilities, as someone without.

Nevada is an at-will state. It is not required that a potential applicants disclose their disability when applying for potential employment. However, many employers require a driver's license, or a government issued ID for employment. Should this symbol be placed on their ID, the applicant is forced to disclose their disability.

Should a patron enter an establishment that is age restricted and they view the communication impairment symbol, they may assume the individual needs sign language or an interpreter that they don't have on staff. This may result in discrimination and denial of access to the establishment.

A registry housed within the readily available systems that the Nevada Department of Motor Vehicles and other emergency personnel currently uses, such as SCOPE and other programs alike, would be the most appropriate place for this information to be housed. This allows those that need access to this information, the ability to view this privately. In an emergency or during a traffic stop, police officers and other emergency personnel, would have immediate access to this information without having to ask for their Identification. Particularly this information could be available before approaching the vehicle.

Without comprehensive training, the potential for legal concerns increases. Training on identifying and interacting with someone with a communication impairment is vital to ensuring success of this intended change.

By allowing this information to be given by consent and on a need-to-know basis, you will be protecting this person's personal health information, thus creating the safest environment for the individual with a disability.