

# **WEST VIRGINIA LEGISLATURE**

## **2020 REGULAR SESSION**

**Introduced**

### **House Bill 4893**

BY DELEGATE CAMPBELL

[Introduced February 11, 2020; Referred to the  
Committee on Fire Departments and Emergency  
Medical Services then the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,  
 2 designated §15-3E-1, §15-3E-2, §15-3E-3, §15-3E-4, all §15-3E-5, all relating to  
 3 establishing a Special Needs Registry; providing a short title; stating findings and  
 4 declarations; establishing a Special Needs Registry program for emergency management  
 5 agencies to better assist persons with physical, mental and cognitive impairments, or  
 6 sensory disabilities; authorizing promulgation of rules; affirming the confidentiality of  
 7 information and providing penalties for improper use of information; and providing  
 8 immunity from civil or criminal liability.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 3E. CREATION OF A STATEWIDE SPECIAL NEEDS REGISTRY.**

**§15-3E-1. Short title.**

1 This article shall be known and may be cited as “Special Needs Registry”.

**§15-3E-2. Findings and declarations relative to “Special Needs Registry”.**

1 (a) The Legislature finds that:

2 (1) Approximately three-fourths of Medicaid enrollees in West Virginia are children and  
 3 adults and two-thirds of the state’s Medicaid spending is for the elderly and people with disabilities;

4 (2) Approximately 53 percent of all children in West Virginia are covered by Medicaid  
 5 including 56 percent of children with healthcare needs;

6 (3) By establishing a statewide “Special Needs Registry,” emergency services personnel,  
 7 first responders, and local emergency management agencies in West Virginia will have access to  
 8 valuable information to prepare for disasters or other emergencies and to assist this state’s most  
 9 vulnerable populations;

10 (4) A “Special Needs Registry” would allow for a more efficient dissemination of  
 11 information and allocation of resources to protect this state’s most vulnerable populations in the  
 12 event of a disaster or other emergency; and

13 (5) The Legislature declares that creating a “Special Needs Registry” would help prevent

14 tragedies and ensure that West Virginia's most vulnerable populations receive increased  
15 assistance during an emergency.

**§15-3E-3. Establishment of "Special Needs Registry"; development of registry plan and protocols; promulgation of rules; identification of persons with special needs.**

1 (a) The Secretary of the Department of Military Affairs and Public Safety, in coordination  
2 with the local emergency management agency, shall establish a "Special Needs Registry"  
3 Program in order to meet the special needs of persons who would need assistance during  
4 emergencies because of physical, mental, cognitive impairment or sensory disabilities. The  
5 secretary and the local emergency management agency shall maintain a registry of persons with  
6 special needs located within the jurisdiction of the local agency. The registry shall identify those  
7 persons in need of assistance and plan for resource allocation to meet those identified needs.  
8 The registry shall be a voluntary, cooperative effort between emergency management personnel  
9 and persons with special needs, their legal guardians or representatives.

10 (b) In order to ensure that all persons with special needs may register, the Secretary of  
11 the Department of Military Affairs and Public Safety shall develop and maintain a special needs  
12 registration program. The registration program must be developed by July 1, 2020, and fully  
13 implemented by July 1, 2021.

14 (c) The registration program shall include, at a minimum, a uniform electronic registration  
15 form and a database for uploading and storing submitted registration forms that may be accessed  
16 by the appropriate local emergency management agency. The electronic registration form should  
17 request, at a minimum, the following information for a registrant with special needs: name;  
18 physical address; date of birth; emergency contact; physical and/or mental conditions that should  
19 be considered for purposes of providing emergency assistance; and other information useful for  
20 first responders such as adaptive equipment needs, medications, etc. The link to the registration  
21 form shall be easily accessible on each local emergency management agency's website. Upon  
22 receipt of a paper registration form, the local emergency management agency shall enter the

23 person's registration information into the database.

24 (d) The secretary shall submit a plan to the Joint Committee on Government and Finance  
25 no later than December 1, 2020. The plan shall include "Special Needs Registry" protocols,  
26 evaluation of first responder training requirements and needs as related to persons with special  
27 needs, coordination and use of established programs, and analysis of fiscal impact. The secretary  
28 shall also make recommendations for any additional legislation or actions necessary to further  
29 facilitate the implementation of the "Special Needs Registry".

30 (e) The Secretary of the Department of Military Affairs and Public Safety shall prescribe  
31 and promulgate reasonable rules to fulfill the requirements of this article no later than July 1, 2021.

32 (f) To assist in identifying persons with special needs, the Department of Health and  
33 Human Services, the Bureau for Behavioral Health, the Department of Education and the West  
34 Virginia Department of Aging and Elder Services shall, and home health agencies, hospices,  
35 home medical equipment providers and any physician, nurse and pharmacy licensed in this state  
36 may, annually provide registration information to all of their special needs clients or their  
37 caregivers. The secretary shall develop a brochure that provides information regarding special  
38 needs registration procedures. The brochure must be easily accessible on the secretary's  
39 website. All appropriate agencies shall, and community-based service providers, and any  
40 physician, nurse and pharmacy licensed in this state may, assist local emergency management  
41 agencies by annually registering persons with special needs, collecting registration information  
42 for persons with special needs as part of the program intake process, and establishing programs  
43 to educate clients about the registration process and disaster preparedness safety procedures.

44 (g) The Secretary of the Department of Military Affairs and Public Safety, in coordination  
45 with the local emergency management agency, shall be the designated lead agency responsible  
46 for community education and outreach to the public, including special need clients, regarding  
47 registration.

**§15-3E-4. Confidentiality of information in Special Needs Registry; improper use of**

**information; penalties.**

1       (a) All records, data, information, correspondence and communications relating to the  
2 registration of person with special needs as provided in section three of this article are confidential  
3 and exempt from §29B-1-1, et seq. of this code, except that such information shall be available  
4 to other emergency response agencies, as determined by the local emergency management  
5 director. Local law-enforcement agencies shall be given special needs registration roster  
6 information upon request, with the approval of the local emergency management director.

7       (b) No person shall copy, disseminate, transmit, share or otherwise improperly use any  
8 information from the special needs registry, or interfere with the discharge of the secretary’s  
9 purpose regarding special needs registrants pursuant to this article.

10       (c) Any person who violates any provision of this section of this article shall be guilty of a  
11 misdemeanor and, upon conviction thereof, shall be sentenced to confinement in jail for a period  
12 not to exceed one year or by a fine of an amount not to exceed \$500 or by both such confinement  
13 and fine in the discretion of the court.

**§15-3E-5. Assistance to person included in Special Needs Registry; immunity from civil or**  
**criminal liability.**

1       No person, employee, agent or entity who, in good faith, follows and abides by the  
2 provisions of this article is liable for any civil or criminal penalty as the result of any act or omission  
3 in the furtherance thereof.

NOTE: The purpose of this bill is to establish a statewide “Special Needs Registry” to allow emergency services personnel, first responders and local emergency management agencies in West Virginia to have access to valuable information to prepare for disasters and other emergencies and to assist our most vulnerable populations. The bill provides a short title, states findings and declarations, and establishes a Special Needs Registry program. It provides for the development of a plan and protocols and the promulgation of rules. It also provides for confidentiality of information and penalties for improper use of information and provides for immunity from civil or criminal liability for good faith acts pursuant to this article.

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.