



Governor's Advisory Council for Exceptional Citizens (GACEC) 516 West Loockerman St., Dover, DE 19904
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MEMORANDUM

DATE: March 26, 2012

TO: The Honorable Members of the Delaware General Assembly

FROM: Robert D. Overmiller, Acting Chairperson
GACEC

RE: **House Bill No. 246 (Yellow Dot Medical Information Alert Program)**

The Governor's Advisory Council for Exceptional Citizens (GACEC) has reviewed House Bill No. 246 which would direct the Division of Public Health to create a "Yellow Dot" medical alert program. There is no fiscal note. The Division would make available "yellow dot folders" with information that individuals could keep in their glove compartment. The individual would choose the scope of information to include. The "menu" includes name, address, photo, emergency contact phone number, medical history, allergies, prescriptions and dosage, and physician name and phone number. The individual can then attach a yellow dot sticker in the lower left corner of the rear window of the vehicle to alert emergency responders that the information of the driver and/or frequent passengers is in the glove compartment. This is an entirely voluntary program which individuals can tailor to their needs. It could be a "life saver" in many circumstances. For example, if an individual needs a blood transfusion, the blood type would typically be listed in the folder. If presenting symptoms could be correlated with multiple causes (e.g. drugs or seizure), the folder would help a responder determine that the symptoms are more likely the result of an underlying seizure disorder. If a person is allergic to a particular medicine, the responders would know not to administer that medicine which could otherwise result in adverse reaction or death. In the context of a traumatic brain injury caused by an accident, a quick response is critical to lessening the effects of the injury.

The Committee Report expressed two (2) reservations: 1) identity theft; and 2) liability of first responders. Two amendments have been added to the bill to clarify that the scope of information listed in the folder is completely voluntary and individually determined by the participant and that responders are exempt from liability in the absence of gross negligence.

Several other states have this program. For example, the Paoli Hospital in Pennsylvania, a trauma center, adopted a similar program in September, 2011. The May 24, 2011 USA Today article indicates that the first “yellow dot” program was adopted in Connecticut in 2002 and has spread to counties in at least eight (8) other states (Kansas; Illinois; Iowa; Minnesota; Massachusetts; Virginia; Alabama; and New York). First responders have generally endorsed the program which provides quick access to medical information. The photo helps link the information to the person in need of treatment. It is recommended that participants fill in information in pencil for updating as medications, physician information, and etc. may change. Social Security numbers and dates of birth are omitted to reduce prospects for identity theft.

The GACEC **endorses** this program with one proposed amendment. Title 21 Del.C. §4309 bars driving a vehicle with any “nontransparent material” on the rear window of a vehicle. The yellow dot could technically violate that statute. The sponsors could consult DMV and consider the following options: 1) ensuring that the yellow dots will be “transparent”; 2) amending the new §9706 to clarify that the yellow dot is an authorized exception to §4309; or 3) amending §4309 to clarify that the yellow dot is an exception to the general ban. According to the October 10, 2010 Huntsville Times article, there is no uniform yellow dot (“each participating state has a different logo”). The article contains an Alabama logo which includes the following text: “fire and rescue, emergency medical services, senior groups, and law enforcement”.

Thank you for your time and consideration of position, observations and recommendations. Please feel free to contact me or Wendy Strauss should you have any questions.

CC: Dr. Karyl Rattay, Division of Public Health
Jennifer Cohan, Division of Motor Vehicles
Debbie Gottschalk, Delaware Health and Social Services
Sharon Summers, Division of Social Services