

SENATE BILL REPORT

SB 5346

As of March 30, 2015

Title: An act relating to providing first responders with contact information for subscribers of life alert services during an emergency.

Brief Description: Providing first responders with contact information for subscribers of life alert services during an emergency.

Sponsors: Senators Ranker, Mullet, Darneille, Liias, Conway, McAuliffe, Keiser and Chase.

Brief History:

Committee Activity: Health Care: 2/16/15.

SENATE COMMITTEE ON HEALTH CARE

Staff: Mich'l Needham (786-7442)

Background: Personal emergency response systems, or medical emergency response systems, let a person call for help in an emergency by pushing a button in a small transmitter that can be worn around a person's neck, on a wristband or belt, or in a pocket. Many private companies offer personal emergency response systems, such as Life Alert or Lifeline. Most systems are programmed to telephone an emergency response center when activated.

The 2014 Legislative budget directed the Department of Social and Health Services (DSHS) to contract with the Area Agencies on Aging to convene a workgroup of first responders and companies providing personal emergency response services to develop a proposal to share information with first responders in the event of a long-term power or telecommunications outage. The workgroup provided a report to the Legislature in November. The analysis concluded that there were no concerns related to the federal Health Insurance Portability and Accountability Act (HIPAA), and any liability concerns could be addressed with language related to the public duty doctrine. DSHS has modified contracts for the 9000 individuals that receive personal response systems through Medicaid that require the companies to provide basic information to first responders in the event of an emergency.

The State Board of Health recently completed a health impact review of a proposal to require companies providing life alert services to provide the location and known medical conditions of their customers when requested by first responders during an emergency. The research indicates a majority of customers using a personal emergency response system are vulnerable

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or at-risk and more likely to experience negative health outcomes during an emergency. The research indicated a proposal to share the customer information to inform emergency responses would likely have positive health impacts on customers.

A Health Impact Review of this legislation was requested and is available at the Washington State Board of Health's website: sboh.wa.gov/Portals/7/Doc/HealthImpactReviews/HIR-2015-04-SB5346-esum.pdf.

Summary of Bill: The bill as referred to committee not considered.

Summary of Bill (Proposed Substitute): When requested by first responders during an emergency, employees of companies providing life alert services must provide the name, address, and any other information necessary for the first responder to contact their subscribers. First responders mean firefighters, law enforcement officers, and emergency medical personnel.

Information received by a first responder is confidential and exempt from public disclosure. First responders must safeguard the information in the same manner as other confidential information obtained as part of their official duties.

A violation of these requirements is a class 1 civil infraction. It is not a violation if a life alert services company or employee makes a good faith effort to comply. The company or employee is immune from civil liability for a good faith effort to comply. Should a company or employee prevail in defense, the company or employee is entitled to recover expenses and reasonable attorneys' fees.

First responders and their employing jurisdictions are not liable for failing to request the information. This act does not create a private right of action nor any civil liability on the part of the state or any political subdivision.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: It is important to help our residents during an emergency and we think this bill will help us monitor our vulnerable residents. When we had an extended power outage we had residents that were unable to make any calls or use their personal device and we experienced a delay in getting service to individuals. All our fire departments support this bill as a way to help our vulnerable populations when the systems are down.

OTHER: The State Board of Health completed a health impact review at the request of Senator Ranker and the review indicates an approach like this bill will likely assist at-risk or vulnerable populations. Phillips Lifeline is the leader in personal response systems and while

we support the intent of the bill we have concerns that we need to be able to verify the first responders are legitimate, that the emergency should be an extended emergency with on-going outage, and we would like the first responders to destroy the data after the use.

Persons Testifying: PRO: Wayne Senter, WA Fire Chiefs; Miiklos Preysz, Orcas Island Fire and Rescue.

OTHER: Sierra Rotakhina, WA State Board of Health, the Governor's Interagency Council on Health Disparities; Daniel Felton, Philips Healthcare.