

FINAL BILL REPORT

ESSB 5346

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Synopsis as Enacted

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

Sponsors: Senate Committee on Health Care (originally sponsored by Senators Ranker, Mullet, Darneille, Liias, Conway, McAuliffe, Keiser and Chase).

Senate Committee on Health Care
House Committee on Public Safety

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 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.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The Health Impact Review of this legislation 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: When requested by first responders during an emergency, employees of companies providing personal emergency response 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. Emergency means an occurrence that renders the personal emergency response services system inoperable for a period of 24 hours or more, and that requires the attention of first responders.

Companies providing personal emergency response services may adopt policies to respond to requests from first responders that may include procedures to verify that the requester is a first responder and to verify the request is related to an emergency.

Information received by a first responder is confidential and exempt from public disclosure. The information may be used only in responding to the emergency that prompted the request for information. First responders receiving information must destroy it at the end of the emergency.

It is not a violation if a personal emergency response 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.

Votes on Final Passage:

Senate	49	0
House	97	0

Effective: July 24, 2015