

HOUSE BILL REPORT

ESSB 5346

As Reported by House Committee On: Public Safety

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

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).

Brief History:

Committee Activity:

Public Safety: 3/25/15, 3/26/15 [DP].

Brief Summary of Engrossed Substitute Bill

- Requires personal emergency response service companies, upon request by a first responder during an emergency, to provide the name, address, and any other information necessary for the first responder to contact their subscribers.
- Provides that information received by a first responder is confidential and exempt from public disclosure.
- Defines an emergency as an occurrence that renders the personal emergency response services system inoperable for a period of 24 or more continuous hours, and that requires the attention of first responders acting within the scope of their official duties.

HOUSE COMMITTEE ON PUBLIC SAFETY

Majority Report: Do pass. Signed by 9 members: Representatives Goodman, Chair; Orwall, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton, Griffey, Moscoso, Pettigrew and Wilson.

Staff: Yvonne Walker (786-7841).

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.

Background:

Personal emergency response systems (also known as emergency alarms, fall alarms, or medical alert systems) are electronic devices which allow the user to send an instant call for help in case of an emergency to a monitoring center which can dispatch appropriate assistance.

Although personal emergency response systems vary, typical systems have a wireless pendant or transmitter that can be activated in an emergency. Other systems include a console that connects to a telephone and an emergency response center that monitors calls. When the medical alarm is activated, the signal is transmitted to the monitoring company's call center, another emergency agency, or other programmed phone numbers. Once the alarm is activated, many emergency response service providers are able to view the user's location and personal medical history and risks. Depending on the situation, medical personnel are then dispatched to the site where the alarm was activated. Many private companies offer personal emergency response systems, such as Life Alert or Lifeline.

Summary of Bill:

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.

A first responder is defined to include firefighters, law enforcement officers, and emergency medical personnel, as licensed or certificated by the State of Washington. An emergency means an occurrence that renders the personal emergency response services system inoperable for a period of 24 or more continuous hours, and that requires the attention of first responders acting within the scope of their official duties.

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 such information at the end of the emergency.

It is not a violation if a personal emergency response service 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 incurred in establishing the defense.

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.

The act does not require a personal emergency response service company to: (1) provide first responders with subscriber contact information in nonemergency situations; or (2) provide subscriber contact information to entities other than first responders. "Personal emergency response services" means a service provided for profit that allows persons in need of emergency assistance to contact a call center by activating a wearable device, such as a pendant or bracelet.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) In 2013 a wire was severed in San Juan County that created a total outage of all communications for approximately 10 days. This resulted in no Internet, no 9-1-1, and no phones for about 18,000 people.

The fire chief organized its first responders to go around knocking on doors to check on the vulnerable citizens in the area to make sure they were alright. The fire chief reached out to the personal emergency response service companies requesting that they share their subscriber data as people who generally have a first alert system are normally quite vulnerable. The fire chief wanted to visit the vulnerable citizens first. However, the companies did not provide that data. In the meantime, one woman was found injured on her kitchen floor where she had been for over two days. Another man was found in a serious condition in his house and, although he was finally medevacked to a hospital, he ended up dying the next day. The problem in the end was a communications breakdown.

When there is an emergency such as this one, especially in the rural communities which there is a lack of multiple cables going into the community, then this bill will help avoid these tragic situations in the future. This bill is a result of a work group that met over the summer.

(Opposed) None.

(Other) A health impact review was done on this bill draft as first introduced. A health impact review is an objective analysis of a legislative or budgetary proposal to determine its impact on health and health disparities. The review was completed on this bill and it was found that this bill has the potential to improve health outcomes for personal emergency response system customers who are often at increased risk of illness, injury, or death during a disaster.

Persons Testifying: (In support) Senator Ranker, prime sponsor.

(Other) Sierra Rotakhina, Washington State Board of Health.

Persons Signed In To Testify But Not Testifying: None.