

SENATE BILL REPORT

SB 5346

As Reported by Senate Committee On:
Health Care, February 19, 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. [**Revised for 1st Substitute:** Providing first responders with contact information for subscribers of personal emergency response services during an emergency.]

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

Brief History:

Committee Activity: Health Care: 2/16/15, 2/19/15 [DPS, DNP].

SENATE COMMITTEE ON HEALTH CARE

Majority Report: That Substitute Senate Bill No. 5346 be substituted therefor, and the substitute bill do pass.

Signed by Senators Becker, Chair; Dammeier, Vice Chair; Frockt, Ranking Minority Member; Bailey, Brown, Cleveland, Conway, Jayapal, Keiser, Parlette and Rivers.

Minority Report: Do not pass.

Signed by Senator Angel.

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

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.

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.

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 (Recommended Substitute): 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.

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. First responders receiving information must destroy it at the end of the emergency. A failure to destroy the information 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.

EFFECT OF CHANGES MADE BY HEALTH CARE COMMITTEE (Recommended Substitute):

- Changes references to life alert services to personal emergency response services;

- Requires first responders receiving information to destroy it at the end of the emergency. Failure to destroy the information is a class 1 civil infraction;
- The definition of emergency is modified to mean an occurrence that renders the personal emergency response services system inoperable for 24 hours or more;
- The definition of personal emergency response services is modified to include activating a wearable device, such as a pendant or bracelet; and
- Removes the class 1 civil infraction if there is a violation of the entire section – ties to the destruction of information above.

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 on Proposed Substitute as Heard in Committee:

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.