



# Introducing the Premise Alert Program

by Joseph Miller III, Ottosen Britz Kelly Cooper & Gilbert, Ltd.

In the world of HIPAA, many emergency medical providers and first responders have struggled to answer the question of how to acquire confidential information which would be helpful in providing emergency response treatment. Recently, the Illinois General Assembly passed legislation which attempts to answer this question. Governor Quinn signed the Illinois Premise Alert Program Act (the Act) into law on August 28, 2009. This program is designed to provide first responders with vital information for people with disabilities or special needs.

Specifically, the Act requires "Public Safety Agencies" such as fire and police departments to provide a venue for maintaining information on individuals with disabilities and special needs within their coverage area. Using this information, public safety agencies must maintain a database to be used to provide information to emergency medical providers and police responders.

The Act defines a disability as a physical or mental impairment that substantially limits an individual's major life activities. Special needs individuals are defined as "individuals who have or are at increased risk for a chronic physical, developmental, behavioral, or emotional condition and who also require health and related services of a type or amount beyond that required by individuals generally." Under the Act, individuals, family members, caregivers, or guardians can voluntarily register information into the public safety agency's program. The type of information registered should include the person's name, disability, residential address, place of employment, school, and type of disability or special need. Theoretically, first responders who have this information will be able to handle situations involving registered

individuals more effectively. For example, if a fire department is responding to the home of a paralyzed subject, they can make preparations for a more complicated rescue.

The Act, however, places some requirements on first responder agencies implementing a program. Initially, the agencies must take steps to publicize the creation of the database pursuant to the Act. The Act specifically notes the use of pamphlets and websites as acceptable methods of informing the public. Further, the first responder agencies must obtain parental or guardian approval prior to entering a minor's information in the database. In addition, the agencies must verify any information entered into their databases. Verification can be done by receipt of a statement from the individual, family member, friend, caretaker or medical person familiar with the person's condition. Information received in error by a database must be forwarded to the correct agency. Finally, all information in the database must be updated every two years.

Dispatch centers also have guidelines to follow under the Act. Dispatch centers with multiple first responder contracts are allowed to share the information received among the first responders. Also, dispatchers must orally relay the information in the database to responding personnel. Further, the information provided can only be shared to provide additional assistance to first responders. The information gathered as part of the Act will remain confidential and

dispatch centers and first responders must develop rules and regulations to control the information stored in the database.

In many ways, the Act serves as an exception to HIPAA. So long as the first responder agency has taken the correct steps in obtaining parental or guardian approval for a minor or a signed completed form from an adult, there is no violation for releasing this type of Protected Health Information. As a means of protection, first responder agencies should have all registrants into their premise alert program sign and complete a form authorizing participation in the program. It is important to note, however, that the information contained in the form can only be used and released for two years. After two years, the information received about the person's disability or special need can no longer be publicized. As a protective measure, each agency with a premise alert program should set up a system which notifies them of the need to update or remove the participant's information.

Additionally, the Act also provides immunity to public service agencies relating to their duties pursuant to the Act. In spite of this immunity, first responder agencies would be wise to institute employee training focusing on the importance of confidentiality. The implementation of these small steps should prevent any violations of the Act or HIPAA and keep an agency out of the courtroom. ■

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