

5508--A

2015-2016 Regular Sessions

I N S E N A T E

May 14, 2015

Introduced by Sen. SQUADRON -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public service law, in relation to requiring a phone company to restore service promptly when phone service goes down for someone who uses a medical alert system or a device that transmits medical data

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 Section 1. The public service law is amended by adding a new section
2 91-b to read as follows:
3 S 91-B. SERVICE RESTORATION FOR CONSUMERS USING A MEDICAL ALERT SYSTEM
4 OR A DEVICE THAT TRANSMITS MEDICAL DATA. 1. EVERY TELEPHONE CORPORATION
5 SUBJECT TO THE PROVISIONS OF THIS ARTICLE SHALL DEVELOP AND IMPLEMENT AN
6 EMERGENCY RESPONSE PLAN ENSURING THE REASONABLY PROMPT RESTORATION OF
7 TELEPHONE SERVICES IN THE EVENT OF AN OUTAGE FOR CUSTOMERS WHO UTILIZE A
8 MEDICAL ALERT SYSTEM OR COMMUNICATIONS EQUIPMENT, IN CONJUNCTION WITH
9 MEDICAL DEVICES, TO MONITOR AND TRANSMIT MEDICAL DATA TO THEIR TREATING
10 PHYSICIANS' MEDICAL SITES.
11 2. (A) EACH EMERGENCY RESPONSE PLAN DESCRIBED IN SUBDIVISION ONE OF
12 THIS SECTION SHALL BE SUBMITTED BY THE TELEPHONE CORPORATION TO THE
13 COMMISSION FOR REVIEW AND APPROVAL. ALL SUCH PLANS SHALL BE SUBMITTED
14 ANNUALLY, ON OR BEFORE DECEMBER FIFTEENTH.
15 (B) THE COMMISSION SHALL REVIEW THE EMERGENCY RESPONSE PLAN AND NOTIFY
16 THE TELEPHONE CORPORATION OF APPROVAL OR DISAPPROVAL OF THE PLAN WITHIN
17 THIRTY DAYS OF RECEIVING THE PLAN. IF THE PLAN IS DISAPPROVED, THE
18 COMMISSION SHALL PROVIDE THE TELEPHONE CORPORATION WITH WRITTEN NOTIFI-
19 CATION OF THE REASONS FOR THE DISAPPROVAL AT THE TIME IT NOTIFIES THE
20 TELEPHONE CORPORATION OF THE DISAPPROVAL OF THE PLAN. THE TELEPHONE
21 CORPORATION SHALL REVISE THE PLAN TO ADDRESS THE REASONS FOR DISAPPROVAL

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD10952-04-5

1 AND SHALL RE-SUBMIT THE PLAN TO THE COMMISSION WITHIN THIRTY DAYS OF
2 RECEIVING NOTICE OF THE DISAPPROVAL. THE COMMISSION SHALL REVIEW THE
3 RESUBMITTED PLAN AND NOTIFY THE TELEPHONE CORPORATION OF APPROVAL OR
4 DISAPPROVAL WITHIN FIFTEEN DAYS OF RECEIVING THE REVISED PLAN.

5 3. EACH EMERGENCY RESPONSE PLAN SHALL INCLUDE, AT A MINIMUM, THE
6 FOLLOWING:

7 (A) THE NAME, ADDRESS AND CONTACT INFORMATION FOR EACH CUSTOMER WHO
8 HAS PROVIDED WRITTEN OR ONLINE DOCUMENTATION OF HIS OR HER NEED FOR
9 TELEPHONE SERVICE FOR MEDICAL NEEDS DURING OUTAGES;

10 (B) OUTREACH PLANS TO COMMUNICATE WITH EACH CUSTOMER WHO HAS PROVIDED
11 WRITTEN OR ONLINE DOCUMENTATION OF HIS OR HER NEED FOR TELEPHONE SERVICE
12 FOR MEDICAL NEEDS DURING OUTAGES;

13 (C) PROCEDURES TO PRACTICE THE EMERGENCY RESPONSE PLAN; AND

14 (D) SUCH OTHER ADDITIONAL INFORMATION AS THE COMMISSION MAY REQUIRE.

15 4. EVERY TELEPHONE CORPORATION SUBJECT TO THE PROVISIONS OF THIS ARTI-
16 CLE SHALL:

17 (A) SEND ANNUALLY TO EACH RESIDENCE IT SERVES A FORM THAT MAY BE USED
18 TO NOTIFY THE TELEPHONE CORPORATION THAT A PERSON LIVING IN THE RESI-
19 DENCE SUFFERS FROM LIFE THREATENING MEDICAL CONDITIONS WHICH REQUIRE A
20 MEDICAL ALERT SYSTEM OR THE CONSTANT USE OF COMMUNICATIONS TECHNOLOGY TO
21 REMOTELY MONITOR AND TRANSMIT CRITICAL MEDICAL DATA TO TREATING PHYSI-
22 CIANS; AND

23 (B) PROVIDE ON ITS WEBSITE, AN EASILY ACCESSIBLE LINK FOR USE BY ITS
24 CUSTOMERS FOR THE PURPOSE OF NOTIFYING THE TELEPHONE CORPORATION THAT A
25 PERSON LIVING IN THE RESIDENCE SUFFERS FROM LIFE THREATENING MEDICAL
26 CONDITIONS WHICH REQUIRE A MEDICAL ALERT SYSTEM OR THE CONSTANT USE OF
27 COMMUNICATIONS TECHNOLOGY TO REMOTELY MONITOR AND TRANSMIT CRITICAL
28 MEDICAL DATA TO TREATING PHYSICIANS.

29 5. NOTIFICATION OF THE TELEPHONE CORPORATION THAT A PERSON LIVING IN A
30 RESIDENCE SUFFERS FROM LIFE THREATENING MEDICAL CONDITIONS WHICH REQUIRE
31 A MEDICAL ALERT SYSTEM OR THE CONSTANT USE OF COMMUNICATIONS TECHNOLOGY
32 TO REMOTELY MONITOR AND TRANSMIT CRITICAL MEDICAL DATA TO TREATING
33 PHYSICIANS SHALL BE VOLUNTARY. NO CUSTOMER SHALL BE REQUIRED TO PROVIDE
34 NOTIFICATION TO A TELEPHONE CORPORATION UNLESS HE OR SHE OPTS TO DO SO.

35 6. EACH TELEPHONE CORPORATION SHALL MAINTAIN A CURRENT LIST OF ITS
36 CUSTOMERS WHO HAVE PROVIDED NOTIFICATION TO THE TELEPHONE CORPORATION AS
37 PROVIDED IN SUBDIVISION FOUR OF THIS SECTION, AND SHALL INCLUDE THE LIST
38 IN SUCH TELEPHONE CORPORATION'S EMERGENCY RESPONSE PLAN. THE NAMES,
39 ADDRESSES AND CONTACT INFORMATION OF CUSTOMERS WHO PROVIDE NOTIFICATION
40 TO THE TELEPHONE CORPORATION AS PROVIDED IN SUBDIVISION FOUR OF THIS
41 SECTION SHALL BE ADDED TO THE LIST WITHIN THREE BUSINESS DAYS OF THE
42 DATE THE TELEPHONE CORPORATION RECEIVES NOTICE FROM THE CUSTOMER, EITHER
43 IN WRITING OR ONLINE. EACH CUSTOMER ON THE LIST SHALL BE RESPONSIBLE FOR
44 NOTIFYING THE TELEPHONE CORPORATION OF ANY CHANGES IN THE CUSTOMER'S
45 NAME, ADDRESS OR CONTACT INFORMATION.

46 7. NO TELEPHONE CORPORATION SHALL ASSIGN OR TRANSFER LIABILITY FOR ITS
47 OBLIGATIONS UNDER THIS SECTION TO ANY OTHER PERSON OR CORPORATION OR
48 CONTRACT FOR ANY OTHER PERSON OR CORPORATION TO PERFORM THE TELEPHONE
49 CORPORATION'S DUTIES UNDER THIS SECTION WITHOUT THE PRIOR WRITTEN
50 CONSENT OF THE COMMISSION.

51 8. THE COMMISSION SHALL SUPERVISE, AND ENSURE COMPLIANCE WITH THE
52 PROVISIONS OF THIS SECTION, AND SHALL PROMULGATE RULES AND REGULATIONS
53 IT DEEMS NECESSARY TO ENSURE SUCH COMPLIANCE BY TELEPHONE CORPORATIONS
54 WITH THE PROVISIONS OF THIS SECTION.

1 9. AS USED IN THIS SECTION: (A) "TELEPHONE CORPORATION" MEANS A TELE-
2 PHONE CORPORATION AS DEFINED IN SECTION TWO OF THIS CHAPTER, AND ALSO
3 INCLUDES PROVIDERS OF INTERNET AND CELL PHONE SERVICE; AND
4 (B) "OUTAGE" REFERS TO ANY DISRUPTION IN OR COMPROMISE OF TELEPHONE
5 SERVICE REGARDLESS OF THE REASON FOR SUCH DISRUPTION OR COMPROMISE.
6 S 2. This act shall take effect on the one hundred eightieth day after
7 it shall have become law; provided, however, that the public service
8 commission is immediately authorized and directed to take any and all
9 actions necessary to fully implement the provisions of this act on or
10 before its effective date.