

# STATE OF NEW YORK

2705

2019-2020 Regular Sessions

## IN ASSEMBLY

January 25, 2019

Introduced by M. of A. LENTOL -- read once and referred to the Committee on Corporations, Authorities and Commissions

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 § 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  
22 and shall re-submit the plan to the commission within thirty days of  
23 receiving notice of the disapproval. The commission shall review the

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

LBD04640-01-9

1 resubmitted plan and notify the telephone corporation of approval or  
2 disapproval within fifteen days of receiving the revised plan.

3 3. Each emergency response plan shall include, at a minimum, the  
4 following:

5 (a) the name, address and contact information for each customer who  
6 has provided written or online documentation of his or her need for  
7 telephone service for medical needs during outages;

8 (b) outreach plans to communicate with each customer who has provided  
9 written or online documentation of his or her need for telephone service  
10 for medical needs during outages;

11 (c) procedures to practice the emergency response plan; and

12 (d) such other additional information as the commission may require.

13 4. Every telephone corporation subject to the provisions of this arti-  
14 cle shall:

15 (a) send annually to each residence it serves a form that may be used  
16 to notify the telephone corporation that a person living in the resi-  
17 dence suffers from life threatening medical conditions which require a  
18 medical alert system or the constant use of communications technology to  
19 remotely monitor and transmit critical medical data to treating physi-  
20 cians; and

21 (b) provide on its website, an easily accessible link for use by its  
22 customers for the purpose of notifying the telephone corporation that a  
23 person living in the residence suffers from life threatening medical  
24 conditions which require a medical alert system or the constant use of  
25 communications technology to remotely monitor and transmit critical  
26 medical data to treating physicians.

27 5. Notification of the telephone corporation that a person living in a  
28 residence suffers from life threatening medical conditions which require  
29 a medical alert system or the constant use of communications technology  
30 to remotely monitor and transmit critical medical data to treating  
31 physicians shall be voluntary. No customer shall be required to provide  
32 notification to a telephone corporation unless he or she opts to do so.

33 6. Each telephone corporation shall maintain a current list of its  
34 customers who have provided notification to the telephone corporation as  
35 provided in subdivision four of this section, and shall include the list  
36 in such telephone corporation's emergency response plan. The names,  
37 addresses and contact information of customers who provide notification  
38 to the telephone corporation as provided in subdivision four of this  
39 section shall be added to the list within three business days of the  
40 date the telephone corporation receives notice from the customer, either  
41 in writing or online. Each customer on the list shall be responsible for  
42 notifying the telephone corporation of any changes in the customer's  
43 name, address or contact information.

44 7. No telephone corporation shall assign or transfer liability for its  
45 obligations under this section to any other person or corporation or  
46 contract for any other person or corporation to perform the telephone  
47 corporation's duties under this section without the prior written  
48 consent of the commission.

49 8. The commission shall supervise, and ensure compliance with the  
50 provisions of this section, and shall promulgate rules and regulations  
51 it deems necessary to ensure such compliance by telephone corporations  
52 with the provisions of this section.

53 9. As used in this section: (a) "telephone corporation" means a tele-  
54 phone corporation as defined in section two of this chapter, and also  
55 includes providers of internet and cell phone service; and

1     **(b) "outage" refers to any disruption in or compromise of telephone**  
2     **service regardless of the reason for such disruption or compromise.**

3     § 2. This act shall take effect on the one hundred eightieth day after  
4     it shall have become law; provided, however, that the public service  
5     commission is immediately authorized and directed to take any and all  
6     actions necessary to fully implement the provisions of this act on or  
7     before its effective date.