

**438.284 New contracts for personal emergency response system services --
Components -- Existing contracts.**

- (1) Effective January 1, 2009, all new contracts between a personal emergency response system provider and a customer shall be in accordance with the following:
 - (a) The customer shall designate in the contract the order in which responders are to be contacted in the event the personal emergency response system provider receives an emergency alarm from the customer;
 - (b) The customer may designate in the contract that, in response to receiving a customer's alarm, the first and primary contact for the dispatch of aid shall be from the personal emergency response system provider to a 911 center, public safety answering point, or communications center in the jurisdiction from which the alarm was received;
 - (c) The customer may designate in the contract that if, in response to receiving a customer's alarm, the personal emergency response system provider is not able to solicit a verbal response from the customer, then the personal emergency response system provider shall call the customer's 911 center, public safety answering point, or communications center before contacting the customer's designated responders;
 - (d) If the customer does not designate in the contract a 911 center, public safety answering point, or communications center as the primary responder, then the customer's 911 center, public safety answering point, or communications center shall become the default secondary responder after the personal emergency response system provider has attempted, without success, to notify all other responders designated by the customer;
 - (e) The personal emergency response system provider shall provide a disclosure statement to the customer that clearly states that the customer has the option to designate in the contract a 911 center, public safety answering point, or communications center as the primary responder. The customer shall acknowledge that he or she has read the disclosure statement by initialing, signing, or checking a box on the disclosure statement;
 - (f) If a 911 center, public safety answering point, or communications center is designated as a responder by the customer pursuant to this section, the personal emergency response system provider shall provide that responder with the name of the customer, the location from which the customer's alarm was received, and such other information as may be requested by the 911 center, public safety answering point, or communications center; and
 - (g) Following any notification to the 911 center, public safety answering point, or communications center, the personal emergency response system provider shall attempt to notify the responders on the customer's calling list in accordance with the voice-to-voice request of the customer or, if no instructions are received from the customer, to the responders specified on the calling list in the order specified by prior written instructions of the customer.
- (2) For contracts existing between a personal emergency response system provider and

a customer prior to January 1, 2009:

- (a) A personal emergency response system provider shall, by January 1, 2009:
 - 1. Mail a notice to each customer giving the customer the option of adding a 911 center, public safety answering point, or communications center as the primary responder as provided in this section; and
 - 2. Provide the customer with a toll-free number by which to contact the personal emergency response system provider in order to establish a modified protocol for the customer; and
- (b) If the customer does not contact the personal emergency response system provider to change his or her protocol, the existing protocol shall remain in place between the customer and the personal emergency response system provider.

Effective: July 15, 2008

History: Created 2008 Ky. Acts ch. 102, sec. 3, effective July 15, 2008.