

ENTERPRISE COMMUNICATION TOOLS CREATE NEW OBLIGATION FOR E911 COMPLIANCE

Effective January 6, 2022, the Federal Communications Commission (“FCC”) implemented phase two of its multi-line telephone systems (“MLTS”) E911 regulations. On a prospective basis, communication systems that interface with the public switched telephone network (*i.e.*, technologies that permit a user to place an out-bound telephone call) must generally comply with the enhanced 911 calling requirements under **Kari’s Law Act of 2017** (“Kari’s Law”) and **RAY BAUM’S Act** (collectively, “E911 Laws”). The E911 Laws generally require that:

- MLTS devices be configured to reach the public safety answer point (“PSAP”) by dialing 911;
- The 911 call provides notice of the call to an MLTS operator designee; and
- The MLTS system relay location information based on the actual location of the individual placing the call, rather than the address associated with the MLTS.

The interconnected nature of remote work tools and clinical communication tools can present unique challenges to health care providers’ operating systems subject to these new regulatory obligations.

BACKGROUND ON 911 LAWS

E911 Laws define MLTS as “a system comprised of common control units, telephone sets, control hardware and software and adjunct systems, including network and premises-based systems” which would include employer-provided computers, laptops or phones with capabilities or software to place phone calls, including fixed telephony, interconnected Voice over Internet Protocol (“VoIP”) services, Internet-based Telecommunications Relay Services, and mobile text service.

Kari’s Law generally provides that an MLTS should be configured to reach 911 directly (*e.g.*, dialing without the need to enter an additional digit, prefix or code, such as “9”), and to automatically notify a central location (such as building security), on-site or off-site, where someone is likely to see or hear the notification. Such notifications must include: (1) the fact that a 911 call has been made; (2) a valid callback number; and (3) the information about the caller’s location that the MLTS conveys to the PSAP with the call to 911; provided, however, that the notification does not have to include a callback number or location information if it is technically infeasible to provide this information.

Section 506 of RAY BAUM’S Act required the FCC to adopt rules to ensure that the dispatchable location is conveyed with a 911 call *regardless of the technological platform used*. Pursuant to RAY BAUM’S Act, the FCC generally requires that a 911 call through an MLTS system should provide reasonably accurate location information (*i.e.*, cubical information or room numbers, rather than simply the building address). If the foregoing is not technically feasible, the device must provide either dispatchable location based on an end-user manual update or location information that is sufficient to identify the caller’s address and approximate in-building location (including floor level). This obligation extends to off-premises devices connected to the MLTS as well. The foregoing location information required to be provided to a PSAP may be coordinate-based.

APPLICATION OF THE NEW E911 RULES

The FCC issued a **Report and Order** in August of 2019 with two compliance dates and information on the implementation requirements of Kari’s Law and RAY BAUM’S Act. The first compliance deadline was January 6, 2021 and applied the E911 Laws only to MLTS on-premises, fixed devices (such as wired desk phones). The second compliance deadline was January 6, 2022, and applied the E911 Laws to MLTS on-premises, non-fixed devices (such as a cordless office phone or other wireless communication devices carried by on-site personnel) and off-premises devices associated with an MLTS (such as laptops) and off-premises VOIP devices.

The second compliance date is of particular importance because, for the first time, the E911 Laws apply to employer-issued, non-fixed devices carried by on-site staff and off-premises devices connected to the MLTS system. The rapid deployment of remote work tools creates the possibility that MLTS operators may not be aware of the associated regulatory obligations associated with “over the top” communication tools when extending functionality for placing calls, including Microsoft Teams or Zoom Phone.

The E911 Laws apply prospectively to MLTS that are manufactured, imported, offered for first sale or lease, first sold or leased, or installed after February 16, 2020. Through a [FAQ](#), the FCC has also indicated that an upgrade to core MLTS software or hardware functions on or after February 17, 2020, could be considered of a sufficient magnitude to bring an MLTS within the scope of the new 911 calling rules.

Failure to comply with the FCC's new MLTS 911 calling requirements may result in penalties, including fines, under the Communications Acts of 1934.

PRACTICAL TAKEAWAYS

- E911 Laws apply only to MLTS installed after February 16, 2020. However, if the MLTS receives an upgrade to the core MLTS software or hardware functions, then such an update could bring the previously grandfathered MLTS within the scope of E911 Laws as indicated by the FCC.
- Some states may have their own state law requirements that apply to existing MLTS not otherwise covered by federal E911 Laws. Therefore, it is important to review any state-specific requirements regarding an MLTS.
- For MLTS not covered by E911 Laws, the FCC strongly encourages entities to include labels or warnings regarding the 911 dialing capabilities of legacy MLTS devices that are not functioning in accordance with Kari's Law and RAY BAUM'S Act.
- With the increased use of non-fixed and off-premises devices by both on-site and remote workforce, many service providers offer telephone services that are likely compliant with the FCC's new 911 calling requirements. However, health systems and other businesses will need to ensure they have the systems and policies in place to comply with federal E911 Laws and mitigate risk for MLTS not within the scope of the E911 Laws.

For more information on or assistance with navigating the FCC's E911 Laws, please contact:

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Special thanks to Neema Patel, law clerk, for the assistance in preparing this article.

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