

# FCC Clarifies New Medical Telemetry Rules, Finalizes MBAN Coordinator Selection Process

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Late last week, on August 21, 2014, the Federal Communications Commission ("FCC") released an [Order on Reconsideration and Second Report and Order](#) regarding the authorization of Medical Body Area Networks ("MBANs") on a secondary basis in the 2360-2400 MHz band to enhance patient safety, care and comfort, as well as protect against interference to primary aeronautical mobile telemetry ("AMT") flight testing operations in the 2360-2390 MHz band. When deployed, MBANs are expected to permit a network of multiple body-worn sensors to measure and record patient information, as well as provide a diagnostic and therapeutic function, which is currently primarily done with physically connected, *i.e.*, wired, sensors.

The Order on Reconsideration addressed two petitions for reconsideration of the First Report and Order in the proceeding, and provided MBAN users with additional flexibility to enable the implementation of technical standards being developed for MBAN devices, and clarified and modified portions of the rules to facilitate the coordination, deployment, and use of MBAN systems on a secondary basis with primary operations. More specifically, among other things, the FCC revised the definition of "health care facilities," the group of eligibles that can utilize the 2360-2390 MHz band for MBANs, to limit the term to facilities that provide medical treatment for patient stays of at least 24 hours. Other, non-qualifying medical facilities will be limited to use of the 2390-2400 MHz band. The FCC also agreed to permit MBANs to operate with a programmer/control transmitter and as little as one body worn device, allowed body-worn devices to communicate with each other for the purpose of ensuring effective communications, and will permit programmer/control transmitters to communicate with each other for purposes of interference avoidance. Either type of device will now be permitted to act as a coordinator node in an MBAN system. The FCC also revised its rules to confirm that all MBAN devices must cease operation in the 2360-2390 MHz band in the absence of a control message. The Order on Reconsideration clarified that only program/control transmitters need be registered, not each MBAN device, reducing the administrative burdens for health care facilities.

In the Second Report and Order, the FCC finalized the process for selecting a MBAN Coordinator. The FCC determined that the Wireless Telecommunications Bureau ("WTB") will designate a single coordinator for a ten-year term based on the qualification criteria established in the order. The WTB will release a Public Notice and invite applications for consideration. The MBAN Coordinator will be permitted to set the user fees necessary to meet its costs as well as those for any third party technical consultants and the AMT Coordinator but not to make a profit. The MBAN Coordinator is expected to reach a coordination agreement with the AMT coordinator in the band, AFTRCC, within six months after selection of the Coordinator, but the Commission declined to make certification of

the MBAN Coordinator contingent on finalization of that agreement. Finally, the WTB has the authority to remove the MBAN coordinator and to require protections in the Memorandum of Understanding with the eventual coordinator that will be signed.